

Essentials of Sharia from "Reliance of the Traveller"

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One of the great difficulties Westerners have when trying to understand Islam is in seeing that Islam is not a religion as Westerners define the term. While we normally think of religion as a combination of beliefs, philosophies, and historical narratives contained within a set of holy books, Islam is, as any practicing Muslim will tell you, "a complete way of life."

In other words, Islam is a totalitarian system that specifically requires, recommends, permits, discourages, or forbids virtually every activity a person can imagine.

The compilation of laws through which Islam's totalitarian system touches mankind is called Sharia, and while different Islamic sects practice competing versions of Sharia, each version of Sharia is comprehensive for that particular sect.

Islamic scholars look to the Quran and hadiths as primary sources when they codify Sharia, and because they believe the Quran to be the perfect and eternal word of Allah himself, and because they believe that Muhammad led an ideal and exemplary life, they believe that **Sharia represents Allah's own will** for our lives.

Sharia's totalitarian nature is why it sets each sect of Muslims into direct conflict with all others. To see how this happens, consider the case of Sunnis versus Shiites. The Shiite version of Sharia permits "temporary marriage," also known as "pleasure marriage," which operates as a form of prostitution where the woman's guardian (husband, father, brother, or other male relative) plays the role of pimp. Sunnis, on the other hand, see "temporary marriage" as either fornication or adultery, punishable by 80 whiplashes in the first case and death by stoning in the latter. This is one of the great unspoken reasons why Sunnis and Shiites despise each other and are so ready to wage war against each other. What's at stake is the question of whose version of Sharia will ultimately rule the world.

Despite these conflicts in Sharia, there are also many laws that are universal for *all* Islamic sects, due to the fact that they are spelled out unambiguously in the Quran and hadiths. These laws are our current focus, particularly the ones that conflict directly with Western values.

All versions of Sharia attempt to recreate the legal code by which Muhammad ruled. Because of this, they reflect the internal coherence of Muhammad's own mind and the political philosophy that drove his actions. **Therefore, it is more accurate to think of Islam as a political ideology that Muslims choose for religious reasons rather than as a Western-style religion.** We would understand Islam better if we contrasted it with other political ideologies, such as Communism, Fascism, and Representative Democracy, instead of other religions, such as Christianity, Judaism, Hinduism, and Buddhism.

During Muhammad's reign, he ruled over both Muslims and non-Muslims; this is why Sharia doesn't apply only to Muslims but to *all* people. This is why devout Muslims seek to impose Sharia on *everyone* regardless of whether they are Muslim or not. When we see fatwas being issued by imams against non-Muslim cartoonists for committing blasphemy, we are seeing Sharia's *universal* death penalty for blasphemy being imposed.

Sharia's *universal application* is what separates Islam from other religions whose legal codes only apply to believers...if they exist at all. Moreover, any member of a non-Muslim religious community can liberate him- or herself from such laws by simply converting to another religion. With Islam, such liberties do not exist because Sharia penalizes apostasy with death. Sharia's

legal code, together with the impossibility of escaping its reach, is what turns Sharia into a universal legal system instead of a mere code of conduct for a faith community that lives contentedly under secular governance.

Now that it is clear that Islamists are competing to impose their versions of Sharia over the entire world, and that there are basic Sharia laws that are common to *all* versions of Sharia, we're ready to inspect an authoritative version of Sharia to see how its basic laws affect us.

Al Azhar University is the oldest and most respected university in the Sunni world, with an authority akin to Harvard and the Vatican *combined* (see Wikipedia, https://en.wikipedia.org/wiki/Al-Azhar_University). This is why President Obama chose it as the site of his 2009 Address to the Muslim World.

One of the compilations of Sharia considered authoritative by Al Azhar University is the classic book, *Reliance of the Traveller* (see Wikipedia, http://en.wikipedia.org/wiki/Umdat_al-Salik_wa_Uddat_al-Nasik). You can view *Reliance of the Traveller* for yourself at http://www.islamicbulletin.org/free_downloads/resources/reliance2_complete.pdf.

One of the major points that Wikipedia's article on *Reliance of the Traveller* makes is that the person who translated this classic book ignored the section on slavery because he considered it irrelevant to modern society. **This implies that the portions he *did* translate are relevant to modern society.**

While there may be portions of Sharia law that are commendable, there are also parts that militate against the ideas of justice that we have in the West. You can read some of the most troubling portions below.

One of the key points to recognize is that these laws align with the reports of injustices against non-Muslims and women that we hear about every day in the news. They are not relics; they are in active use, and they cannot be modernized because doing so would repudiate both the Quran and hadiths.

- **E4.0 THE BODY**

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e4.3 **Circumcision is obligatory (...for both men and women.** For men it consists of removing the prepuce from the penis, and **for women, removing the prepuce...**of the clitoris (...not the clitoris itself, as some mistakenly assert). (...Hanbalis hold that circumcision of women is not obligatory but sunna, while Hanafis consider it a mere courtesy to the husband.)

- **Book H: ZAKAT**

...

THOSE FIGHTING FOR ALLAH

h8.17 **The seventh category is those fighting for Allah, meaning people engaged in Islamic military operations** for whom no salary has been allotted in the army roster (...but who are volunteers for jihad without remuneration). They are given enough to suffice them for the operation, even if affluent; of weapons, mounts, clothing, and expenses (...for the duration of the journey, round trip, and the time they spend there, even if prolonged. Though nothing has been mentioned here of the expense involved in supporting such people's families during this period, it seems clear that they should also be given it).

- **n11.0 CHARGING ONE'S WIFE WITH ADULTERY**

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PUBLIC IMPRECACTION (LI'AN)

n11.3 Public imprecation consists of the Islamic magistrate (...or his equivalent) telling the husband to repeat four times, "I testify by Allah that I am truthful in charging her with adultery"...; and if there is a child, "and that this child (..or if absent, "the child she gave birth to from adultery"] is not from me." The fifth time, after the magistrate warns him, enjoins him to fear Allah (...reminding him that the punishment of the hereafter is worse than punishment in the present life), and after he has put his hand in front of the husband's mouth, the husband adds, "And may the curse of Allah be upon me if I am lying."

n11.4 When the husband has done this, he is no longer liable to be punished for accusing another of adultery without witnesses, he has denied paternity of the child, and his wife is divorced from him and unlawful for him to marry, be alone with, or look at, forever. She is now liable to be punished for adultery.

- **o1.2 The following are not subject to retaliation (that is, there is no punishment)**

(1)..."

(2) **a Muslim for killing a non-Muslim**

(3) **a Jewish or Christian subject of the Islamic state for killing an apostate from Islam (O: because a subject of the state is under its protection, while killing an apostate from Islam is without consequences);**

(4) **a father or mother (or their fathers or mothers) for killing their offspring, or offspring's offspring;**

- **05.0 THE EXPIATION TO ALLAH FOR TAKING A HUMAN LIFE**

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o5.4 (...There is no expiation for killing someone who has left Islam, a highwayman..., or a convicted married adulterer, even when someone besides the caliph kills him.)

- **o8.0 APOSTASY FROM ISLAM (RIDDA)**

...Leaving Islam is the ugliest form of unbelief (kufr) and the worst.

o8.1 When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed.

- **o9.0 JIHAD**

...Jihad means to war against non-Muslims, and is etymologically derived from the word mujahada, signifying warfare to establish the religion...

The scriptural basis for jihad, prior to scholarly consensus...is such Quranic verses as:

(1) "Fighting is prescribed for you" (Quran 2:216);

(2) "Slay them wherever you find them" (Quran 4:89);

(3) "Fight the idolaters utterly" (Quran 9.36);

and such hadiths as the one related by Bukhari and Muslim that the prophet (Allah

bless him and give him peace) said:

"I have been commanded to fight people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah, and perform the prayer, and pay zakat. If they say it, they have saved their blood and possessions from me, except for the rights of Islam over them. And their final reckoning is with Allah". and the hadith reported by Muslim

"To go forth in the morning or evening to fight in the path of Allah is better than the whole world and everything in it."

THE OBLIGATORY CHARACTER OF JIHAD

o9.1 Jihad is a communal obligation...

"He who provides the equipment for a soldier in jihad has himself performed jihad,"

and Allah Most High having said: "Those of the believers who are unhurt but sit behind are not equal to those who fight in Allah's path with their property and lives. Allah has preferred those who fight with their property and lives a whole degree above those who sit behind. And to each, Allah has promised great good" (Quran 4:95).

If none of those concerned perform jihad, and it does not happen at all, then everyone who is aware that it is obligatory is guilty of sin,...

- **THE OBJECTIVES OF JIHAD**

o9.8 The caliph...makes war upon Jews, Christians, and Zoroastrians (...provided he has first invited them to enter Islam in faith and practice, and if they will not, then invited them to enter the social order of Islam by paying the non-Muslim poll tax (jizya...) - which is the significance of their paying it, not the money itself -- while remaining in their ancestral religions) (...and the war continues) until they become Muslim or else pay the non-Muslim poll tax (...In accordance with the word of Allah Most High.

"Fight those who do not believe in Allah and the Last Day and who forbid not what Allah and His messenger have forbidden -- who do not practice the religion of truth, being of those who have been given the Book -- until they pay the poll tax out of hand and are humbled" (Quran 9.29),

The time and place for which is before the final descent of Jesus (upon whom be peace). After his final coming, nothing but Islam will be accepted from them, for taking the poll tax is only effective until Jesus' descent (upon him and our Prophet be peace), which is the divinely revealed law of Muhammad. The coming of Jesus does not entail a separate divinely revealed law, for he will rule by the law of Muhammad. As for the Prophet's saying (Allah bless him and give him peace),

"I am the last, there will be no prophet after me,"

this does not contradict the final coming of Jesus (upon whom be peace), since he will not rule according to the Evangel, but as a follower of our Prophet (Allah bless him and give him peace)).

o9.9 **The caliph fights all other peoples until they become Muslim** (...because they are not a people with a Book, nor honored as such, and are not permitted to settle with paying the poll tax (jizya)) (...though according to the Hanafi school, **peoples of all other religions, even idol worshippers, are permitted to live under the protection of the Islamic state if they either become Muslim or agree to pay the poll tax, the sole exceptions to which are apostates from Islam and idol worshippers who are Arabs, neither of whom has any choice but becoming Muslim.**

RULES OF WARFARE

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o9.13 **When a child or woman is taken captive, they become slaves by the fact of capture, and the woman's previous marriage is immediately annulled.**

o9.14 **When an adult male is taken captive, the caliph...considers the Interests (...of Islam and the Muslims) and decides between the prisoner's death, slavery, release without paying anything, or ransoming himself in exchange for money or for a Muslim captive held by the enemy.**

- **THE NON-MUSLIM POLL TAX**

o11.4 **The minimum non-Muslim poll tax is one dinar (...4.235 grams of gold) per person (...per year).** The maximum is whatever both sides agree upon...

o11.5 **Such non-Muslim subjects are obliged to comply with Islamic rules that pertain to the safety and indemnity of life, reputation, and property. In addition, they:**

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(2) **are distinguished from Muslims in dress, wearing a wide cloth belt (zunnar);**

(3) **are not greeted with "as-Salamu 'alaykum";**

(4) **must keep to the side of the street;**

(5) **may not build higher than or as high as the Muslims' buildings...**

(6) **are forbidden to openly display wine or pork, (...to ring church bells or display crosses,) recite the Torah or Evangel aloud, or make public display of their funerals and feast days;**

(7) **and are forbidden to build new churches.**

o11.6 **they are forbidden to reside in the Hijaz, meaning the area and towns around Mecca, Medina, and Yamama, for more than three days when the caliph allows them to enter there for something they need).**

o11.7 **A non-Muslim may not enter the Meccan Sacred Precinct (Haram) under any circumstances...**

o12.0 **THE PENALTY FOR FORNICATION OR SODOMY**

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o12.2 **If the offender is someone with the capacity to remain chaste, then he or she is stoned to death ...**

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o12.6 **If the penalty is stoning, the offender is stoned even in severe heat or cold, and even if he has an illness from which he is expected to recover. A pregnant woman is not stoned until she gives birth and the child can suffice with the milk of another.**

- **o13.0 THE PENALTY FOR ACCUSING A PERSON OF ADULTERY WITHOUT PROOF**

o13.1 **When a person (who has reached puberty and is sane) voluntarily:**

(a) accuses another person of adultery or sodomy, whether the accusation is in plain words or allusive words intended as an accusation;
(b) and the accused is someone who could be chaste...and is not the offspring of the accuser; then the accuser is subject to the penalty for accusing a person of adultery without four witnesses.

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o13.3 The penalty for making such an accusation without witnesses is to be scourged...eighty lashes.

- **o24 WITNESSING AND TESTIFYING**

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o24.2 Legal testimony is only acceptable from a witness who:

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(e) is religious (...meaning upright...) (...and Muslim)...

o24.7 The testimony of the following is legally acceptable when it concerns cases involving property, or transactions dealing with property, such as sales:

(1) **two men;**

(2) **two women and a man; (*That is, a woman's testimony is NEVER admissible in itself – D.B.*)**

(3) **or a male witness together with the oath of the plaintiff.**

o24.8 If testimony does not concern property, such as a marriage or prescribed legal penalties, then only two male witnesses may testify (...though the Hanifi school holds that two women and a man may also testify for marriage).

o24.9 If testimony concerns fornication or sodomy, then it requires four male witnesses (...who testify, in the case of fornication, that they have seen the offender insert the head of his penis into her vagina).

o24.10 If testimony concerns things which men do not typically see (...but women do), such as childbirth, then it is sufficient to have two male witnesses, a man and two women, or four women.

- **p17.0 SODOMY AND LESBIANISM**

p17.1 In more than one place in the Holy Quran, Allah recounts to us the story of Lot's people, and how He destroyed them for their wicked practice. There is consensus among both Muslims and the followers of all other religions that sodomy is an enormity. It is even viler and uglier than adultery.

p17.2 Allah Most High says:

"Do you approach the males of humanity, leaving the wives Allah has created for you? But you are a people who transgress" (Quran 26:165-166).

p17.3 **The Prophet (Allah bless him and give him peace) said:**

(1) **"Kill the one who sodomizes and the one who lets it be done to him."**

(2) **"May Allah curse him who does what Lot's people did."**

(3) **"Lesbianism by women is adultery between them."**

- **SPEAKING WITHOUT NEED TO A MEMBER OF THE OPPOSITE SEX**

r32.6 It is offensive for a male to speak without need to a young woman who is not a member of his unmarriageable kin