

ISLAM CAME TO PROTECT  
SOCIETY FROM CRIMINALS



AND NOT TO PROTECT  
**CRIMINALS** AT THE  
EXPENSE  
OF THE SOCIETY

**ISLAM CAME TO PROTECT SOCIETY FROM  
CRIMINALS AND NOT TO PROTECT CRIMINALS  
AT THE EXPENSE OF SOCIETY  
THE RIGHTS OF SOCIETY VERSUS THE “RIGHTS” OF  
THE CRIMINAL<sup>1</sup>**

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﴿لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ﴾

“We sent Our Messengers with clear signs and sent down with them the Book and the Measure in order to establish justice among the people...”<sup>2</sup>

﴿ Part 1 ﴾

**THERE IS NO NEWS LIKE BAD NEWS**

On December 4<sup>th</sup> 2015, the BBC website released an article titled “**Saudi Arabia carrying out 'unprecedented wave' of executions**”. The article started by informing us that “**Saudi Arabia's use of the death penalty has sparked international alarm**”, and that “**the country's human rights record has been back in the news since January, when liberal blogger Raif Badawi was flogged after being convicted of insulting Islam**”. The two key terms in the aforementioned quotes are “**human rights**” and “**liberal**” because through the lens of liberalism we get a particular brand of human rights that fuels western contempt for Saudis’/Islam’s legal punishments. However, before a robust appeal can be made to either of these two terms, it first

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<sup>1</sup> Written by Abu Ameenah, AbdurRahman Bennett.

<sup>2</sup> [Al Hadid 25]

needs to be established who and what gets to define the particularities of human rights to begin with. Another interesting part of this BBC piece is the **“unprecedented wave' of executions”**. This quote is interesting because it has two possible interpretations:

1. **The obvious interpretation:** There has been an **“unprecedented wave' of executions”** because there has been an influx of criminal cases, which demonstrates nothing more than cause and effect.
2. **The not so obvious interpretation:** There has been an **“unprecedented wave' of executions”** because Saudi's implementation of its legal punishments are simply barbaric, bloodthirsty and despotic.<sup>3</sup>

We will go out on a limb and opt for the second option because (1) it is the purpose of this paper to investigate western attitudes towards Saudi's legal punishments and (2) given the current climate, Saudi's legal punishments are ripe for the annual kicking!

The article then goes on to state,

**So far this year, more than 150 people have been executed - the highest figure recorded by human rights groups for 20 years.<sup>4</sup> Dozens of them were convicted of**

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<sup>3</sup> If the second interpretation is the correct one then why is the rule of thumb not applied to China? **“A report [released last month](#) (2013) by the human rights group Amnesty International said that, as in previous years, China executed more people last year than the rest of the world combined.”** Another interesting fact about China is that **“there are 46 criminal offences that are eligible for the [death penalty](#). Many of these offences are non-violent and economic criminal offences.”**  
[https://en.wikipedia.org/wiki/Capital\\_offences\\_in\\_China](https://en.wikipedia.org/wiki/Capital_offences_in_China)

<sup>4</sup> Not only is this yellow journalism, it is also simply not true according to Amnesty International, who make it their business to globally observe human rights standards. Amnesty International states regarding the top executioners China: **“China again carried out more executions than the rest of the world put together. Amnesty International believes thousands are executed and sentenced to death there every year, but with numbers kept a state secret the true figure is impossible to determine.”** Amnesty International goes on to state, **“The other countries making up the world's top five executioners in 2014 were Iran (289 officially announced and at least 454 more that were not acknowledged by the authorities), Saudi Arabia (at least 90), Iraq (at least 61) and the USA (35).”**

**non-violent crimes, including drug offences.<sup>5</sup> Human rights activists say many of the trials were unfair.<sup>6</sup>**

Back in the '90s, the British national newspaper, the Guardian, released an advert<sup>7</sup> that visually reminded us to factor in all points of view so that we can develop for ourselves the whole picture before passing judgement. This is a good piece of journalistic advice that all news outlets should endeavour to employ. If we go back to the BBC quote at the top of our paper, we will see many usages of the passive voice: **“So far this year, more than 150 people have been executed”** and **“Dozens of them were convicted of non-violent crimes”**. Sometimes we use the passive voice to psychologically distance ourselves from disturbing things; on other occasions, we use it to mentally herd the masses to an abstract place. The two above examples place more emphasis on the idea of punishment than they do on the reasons and justifications that led to the punishment. When you remove causation from the equation, punishment (when isolated) is always going to seem disproportionate and excessive. If you walked in the room just as a parent smacked their child, this action, in the absence of its reason, is always going to illicit a negative and an emotional response. Actually, the way the society is heading, even if you come to know the possible vindicating reason, it could still illicit an emotional and reprimanding response!<sup>8</sup>

It is obvious from the tone of the article, which is shaped by the current global climate, that the BBC is opportunistically finding fault with Saudi's legal punishment system. However, what is not so obvious, and thus taken for granted, is this highly contemptuous and cynical view of Saudi's legal punishments is shaped by western constructs of human rights and liberal notions of justice. It is a natural by-product of human behaviour and social conditioning to defend and fight for the ideals and constructs that we were raised or have chosen to believe in. However, due to the incidental elements involved in social conditioning that shape our ideals, there is no given

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<sup>5</sup> In *The World report of violence and health*, it describes violence as three types **“1) Self-directed violence; including suicidal behavior and self-abuse. 2) Interpersonal violence; family and partner or community violence; acquaintance or stranger. 3) Collective violence; social, political and economic.”**

<sup>6</sup> <http://www.bbc.co.uk/news/world-middle-east-34982154>

<sup>7</sup> <https://www.youtube.com/watch?v=M3bfO1rE7Yg>

<sup>8</sup> <http://news.sky.com/story/1524569/un-tells-britain-to-ban-smacking-kids-at-home>

guarantee that the our ideals and constructs represent the truth. Objectively speaking, what makes western notions of justice and human rights superior to eastern notions of justice and human rights? Is it “advancement” that provides the voice of superiority, when advancement (crudely put) is nothing more than the motion of moving forward? I am sure we all know that not every advancement is necessarily a case of progression; on the contrary, it could be a case of regression. Obviously, advancement is a necessary component of technology and science, but why must it be a necessary component of legal punishments which are predicated on moral rights and wrongs and social deterrents which have existed since time immemorial? Is it the default to change moral rights and wrongs merely because we are moving forward in time? Granted, technology and science progress with time; however, our developments, including technology, have ironically also enabled us to regress with time.

For argument’s sake, let us say right now that even if Saudi’s legal punishments were barbaric and socially unfit for the 21<sup>st</sup> century, would that be a technical knockout for western notions of justice and human rights, proving that such concepts stand supreme? What if we could bring examples to demonstrate that certain western justice systems have completely missed the mark when it comes to justice and human rights? What if we could bring a catalogue of legal cases to show how the west is more concerned with the rights of the criminal than the rights of the victim and the society in general? Granted, such an argument would not prove the Saudi or the Islamic position as right, but it would definitely suggest that western models of human rights and justice are at least equally problematic, albeit for different reasons.

### **CASE IN POINT...**

In 2002, Michael Wheatley, aka “the Skull Cracker”, was sentenced to 13 life sentences at the Old Bailey for a string of vicious armed raids on banks and building societies. He notoriously earned his nickname “the Skull Cracker” thanks to a firearm he would use to pistol-whip his victims around the head with. One of these victims was a 73 year-old woman. However, the year 2002 was not the year when Wheatley decided to embark on his brutal criminal spree. Rather, Wheatley had been terrorising the public and robbing banks since the 1980s. In the mid ‘80s, Wheatley was sentenced to nine years for a raid on a post office. However, in 1988, whilst still incarcerated, he absconded from a hospital and committed nine armed robberies while at large. When he was finally apprehended, he was sentenced to a further 16-year sentence to add to his previous sentence of nine years, but the legal system decided to reduce his sentence to eleven years on appeal!

You would think at this point that the criminal system and prison authorities would have learnt a valuable lesson, but for some reason, unbeknownst to us (and perhaps them), they remarkably decided to let Wheatley visit an outside optician. Once again, Wheatley performed one of his Houdini acts and escaped to carry out eight armed robberies. When Wheatley was finally apprehended (once again), a further seven years was handed down to him on top of the twenty he had left to serve. Now, you might have to read the second part of this compounded sentence twice to stave off denial, but in 2001, Wheatley, the career criminal, was released on parole! In a matter of weeks, Wheatley, who once proudly announced to the judge his profession as “a bank robber”, was holding up banks and brutally bashing victims with a blank-firing semi-automatic pistol. Once again, you would think that when the judge passed down 13 life sentences in 2002 that Wheatley would never again see the light of day. The ‘justice system’, in its wisdom, decided to give Wheatley a minimum tariff of just eight years! This catalogue of errors, which spanned three decades, culminated in the justice system placing Wheatley in an *open prison* that enabled him to start his violent version of Groundhog Day all over again!

One could quite easily use this case and many other cases to argue that certain western justice systems are not only woefully negligent in their application of their legal punishments but, more importantly, are **(a)** woefully negligent in protecting the rights of citizens and **(b)** fail miserably as deterrents. If this much is true, then it would go a long way in explaining why the west has such a harsh view of Saudi’s legal punishments because **negligence** has a tendency to view **vigilance** as severe and unforgiving, just as a **negligent** parent views a **vigilant** parent as severe and unforgiving. This could be no more than one extreme judging another perceived extreme. Think about it, if someone is ‘ultra-liberal’ in his or her ways then the mildest form of conservatism could be easily perceived as extremism.

In any case, this is nothing more than a game of tit for tat, and at best, it proves little more than a double standard but does not prove the opposing argument as right. This stalemate leaves us little recourse but to explore the frontiers of human rights and concepts of justice in the framework of life and its purpose.<sup>9</sup>

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<sup>9</sup> Another western example of an extreme laxity in law is personified by the notorious Mexican drug kingpin Joaquin “El Chapo” Guzman. This piece of trash, who boasted and bragged about being “**the world's leading supplier of heroin, methamphetamine, cocaine and marijuana**” in an interview conducted after he had escaped from prison

## ISLAM AND ITS LEGAL-BASED OBJECTIVES

Before we delve into the rights to universally define who or what decides human rights, let us first familiarise ourselves with the Islamic position on the sanctity of life and the legal contingencies it has put in place for taking life. Like any religion, Islam has legal-based objectives that are set in place for the well-being of humans and to protect them from the harms of this world and, more importantly, the harms of the hereafter. These legal-based objectives in Islam are outlined in the following verse:

يَأْتِيهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يُبَايِعُنَكَ عَلَىٰ أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ  
وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا  
يَعْصِيَنَّكَ فِي مَعْرُوفٍ فَبَايِعُهُنَّ وَاسْتَغْفِرْ لَهُنَّ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ١٢

**O Prophet! when believing women come to you giving you a pledge that they will not associate aught with Allah, and will not steal, and will not commit fornication, and will not kill their children, and will not bring a calumny which they have forged of themselves, and will not disobey you in what is good, accept their pledge, and ask forgiveness for them from Allah; surely Allah is Forgiving, Merciful.**

[Al Mumtahanah12]

The statement, **“that they will not associate aught with Allah”** demonstrates the preservation of religion because giving Allah His right to be worshipped alone is the essence of preservation of religion in Islam. The statement **“and will not steal”** demonstrates the protection of wealth

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on two occasions! This is the second time that this biohazardous villain, who was named **“Public Enemy Number One by the Chicago Crime Commission in 2013”**, has escaped from captivity to resume his wicked way of life. How many thousands of people have lost their lives in his hedonistic and narcissistic pursuit of power and money? However, let us not blame it all on “El Chapo” because this monster requires a particular environment to thrive therein. “El-Chapo” is just a symptom of an incurable cancer that is engrained in western culture and society. Pop culture Magazines, like *Rolling Stone*, provide rock-star exposure to dehumanised scum like “El Chapo” which is not only indicative of the debased state of media but it is also indicative, due to supply and demand, of what humans consider as news-worthy. It will not be too long before “El-Chapo” is selling his perverted biographical rights to the highest bidder in Hollywood, and masses of people will be queuing in cinemas to celebrate his villainous lifestyle collectively. Only in a depraved and highly corrupt society can a convicted monster prosper both financially and egotistically.

because nothing stands in opposition to the protection of wealth more than stealing. The statement “**and will not commit fornication**” demonstrates the safeguarding of lineage because nothing erodes at the values of lineage and the family structure quite like fornication, adultery and any other form of sexual immorality. The statement “**and will not kill their children**” demonstrates the sanctity of life. As for the fifth legal objective in Islam then it is intellect which does not exist outside of the preservation of human life because intellect is an integral quality of a human.

Shaykh al-Islam ibn Taymiyyah made this statement before introducing these legal-based objectives:

**إن الشريعة الإسلامية جاءت بتحصيل المصالح وتكميلها وتعطيل المفاسد وتقليلها، وترجيح خير الخيرين إذا لم يمكن أن يجتمعا، ودفح شر الشرين إذا لم يمكن أن يندفعا. ومن مقاصد الشريعة الإسلامية المحافظة على الكليات الخمس التي تواترت رسل الله تعالى على وجوب المحافظة عليها، وهي الدين، والنفس، والعقل، والنسب، والمال، والعرض، ومنها اليسر ورفع الحرج والمشقة.**

Indeed, the Islamic shari’ah has come to achieve and complete all things that serve an interest for the well-being [of people] and to repel and reduce all things that are detrimental [to their well-being], and to choose the greater good if both cannot be achieved and to repel the greater evil if both cannot be deterred. And from the legal-based Islamic objectives is preservation of the five universal maxims which all of the messengers of Allah have an unbroken tradition of upholding [and enforcing]. They are religion, life, intellect, lineage, wealth, honour and from them is ease in times of hardship.<sup>10</sup>

An interesting part of the above quote is “**to choose the greater good if both cannot be achieved and to repel the greater evil if both cannot be deterred**” because this is where western law falls head first into a social dilemma when faced with deciding between lessening the greater evil and choosing the greater good. The Michael Wheatley disaster is indicative of the dilemma that western law is regularly confronted with which results in a failure to project its

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<sup>10</sup> *Minhaj as-Sunnah an-Nabawiyyah* (147).

citizens or deter them from criminal behaviour. A symptom of this social dilemma is a self-absorbed outlook on human rights (in the interests of maintaining an overly liberal outlook on life) which consequently fails in many cases to positively discriminate between criminals and victims.<sup>11</sup> Islam does not have an overly liberal or even a liberal outlook on life because in Islam there is nothing that requires reform in the name of progress and enlightenment. Thus, what was good for the Muslims 1400 years ago is good for the Muslims today because Muslims believe that Islam is the religion of God who has the divine attribute of omniscience.

Islam is so in tune to blocking the means to a greater evil that the west could learn a lesson or two. For example, the 'right' to offend others (no matter how provocative) in celebration of the freedom of expression,<sup>12</sup> which is merely an amendment to the right to do as one pleases. The Qur'an states to the Muslim believers

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ ۗ

**And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge.**

[Al An'am 108]

Ibn Taymiyyah states regarding this verse

**Allah the Almighty has prohibited insulting false deities—despite the fact that doing so is an act of worship—as this could be a means for them to insult Almighty Allāh. The benefit of not reviling false deities has more in its favour than that of our reviling them.**<sup>13</sup>

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<sup>11</sup> <http://news.nationalpost.com/news/canada/man-faces-jail-after-protecting-home-from-masked-attackers>

<http://www.telegraph.co.uk/news/uknews/1461346/Five-years-in-prison-for-acting-in-self-defence.html>

<sup>12</sup> The Charlie Hebdo likes to see itself as a victim of upholding the freedom of expression when in reality it was a victim of the senseless right to express anything no matter how provocative or offensive to the sensibilities of others it may be. This is not only extremely naive and completely irresponsible it is also arrogance with a self-centred attitude that you would only expect from an adolescent person.

<sup>13</sup> *Bayān Ad-Daleel 'alā Butlān at-Tableel.*

With regard to these legal-based Islamic objectives, (namely, **religion, life, intellect, lineage, wealth and honour**), it is safe to say that not many people (in their right minds) would disagree with the legality of these objectives in Islam, and most would accept that they are legal objectives shared by all present and past nations.<sup>14</sup> However, with the swift rise of secularism in the west and the demise of religion, many would definitely dispute the order of these objectives, especially the ranking of religion before life. So let us get straight to it and ask the question: **“why religion before life?”** Well, before we can even answer that question, we must firstly qualify the word ‘religion’<sup>15</sup> from an Islamic perspective.

## THE MEANING OF RELIGION IN ISLAM

وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ حُنَفَاءَ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ

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<sup>14</sup> Imām ash-Shātibi said, “The [Muslim] nation, rather all nations are in agreement that legal systems place down laws for the preservation of the five essentials, and they are religion, life, lineage, wealth and intellect.”

<sup>15</sup> The word ‘religion’ is seen in various religions, such as Islam, Judaism, and in various parts of the world as inclusive of life in its entirety. In fact, [as Karen Armstrong argues](#): “The Oxford Classical Dictionary firmly states: “No word in either Greek or Latin corresponds to the English ‘religion’ or ‘religious’.” Armstrong further argues:

**Before the modern period, religion was not a separate activity, hermetically sealed off from all others; rather, it permeated all human undertakings, including economics, state-building, politics and warfare. Before 1700, it would have been impossible for people to say where, for example, “politics” ended and “religion” began.**

Of course, part of the reason for the ubiquitous western notion of religion **“as a purely private pursuit, essentially separate from all other human activities, and especially distinct from politics”** is that secularism *requires* such a notion. Armstrong argues that secularism has been cast as **“so natural to us that we assume it emerged organically, as a necessary condition of any society’s progress into modernity”** as opposed to being **“a distinct creation, which arose as a result of a peculiar concatenation of historical circumstances”**. Moreover, the fairly recently creation of secular institutions and states **“required the development of an entirely different understanding of religion, one that was unique to the modern west.”** Ironically, this innovated understanding of religion, which the advent of secularisation required, was given by the German Christian theologian, Martin Luther (1483-1546) who famously rejected Catholicism and helped initiate the Protestant Reformation. **Luther developed an understanding of religion “as an essentially subjective and private quest over which the state had no jurisdiction [an understanding which] would be the foundation of the modern secular ideal”**. Luther became, in the words of Armstrong, **“the first European to propose the separation of church and state”**. Unsurprisingly, **“the only tradition that satisfies the modern western criterion of religion as a purely private pursuit is Protestant Christianity, which, like our western view of “religion”, was also a creation of the early modern period.”**

وَذَلِكَ دِينُ الْقَيِّمَةِ ۝

**And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth, and to establish prayer and to give zakah. And that is the correct religion.**

[Al Bayyinah 5]

The word ‘religion’ in Islam does not refer to the preservation or free flourishing of all religions known to man because that would be counter-intuitive and productive to the purpose of a religion that is supposed to serve as the path that leads to the one true God. If God is one,<sup>16</sup> then it stands to reason that His religion is one, and if His religion is one then all other religions besides God’s religion are not only false but are obstacles in the path of God’s one religion. We can hear the dissenting voices of the atheists saying, **“Wait a minute, what if we don’t believe in God? Doesn’t that undermine the very premise of your argument?”** If right now we were arguing for the existence of God then yes, but as of now, we are simply attempting to build a bridge of understanding during times when bridges are being burnt. The goal here is to enable a western mindset to appreciate things from a Muslim’s way of thinking. A Muslim thinks that if someone has complete conviction in something being a universal and indisputable truth, namely Islam, why would he allow the propagation and dissemination of anything that can divert the masses away from said universal truth? Honestly, what would that say about his ‘conviction’ in what he holds as truth? We believe the only way to circumvent the undeniable logic in the above question is by pulling the rug from under the claim of it being universal or being the truth.

Islam is very emphatic and unequivocal when it comes to spelling out to humans their purpose in

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<sup>16</sup> Some might argue that the premise of this argument starts with two unsubstantiated assumptions: that (1) God exists and (2) God is one. The first of the two assumptions does not have to be proven to substantiate the logical incoherency of a plurality of gods. The Qur’an address the fanciful notion of there being more than one God:

**No son did Allah beget, nor is there any god along with Him: (if there were many gods), behold, each god would have taken away what he had created, and some would have lorded it over others! Glory to Allah! (He is free) from the (sort of) things they attribute to Him! (23:91)**

A plurality of gods would allow for chaos. Indeed, if there were two all-powerful beings then either one could overpower the other (hence only one Being can be All-Powerful), or neither being could overpower the other (hence no being would be all-powerful). So the idea of a plurality of gods is either inherently incoherent or it leads to the negation of an attribute which is a required in defining God, namely omnipotence.

life. The Qur'an states,

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ ٥٦

**And I have not created the jinn<sup>17</sup> and mankind except to worship<sup>18</sup> Me.**

[Adh Dhāriyāt 56]

Thus, it stands to reason that if God created us to worship Him then He would reveal to us (through prophets and messengers) how to worship Him, and right there we have a convincing reason for why religion is the number one legal objective of Islam and why all other objectives play a collective role in serving this objective that establishes the right of God over His creation and the right of man over his Creator. The Prophet (صلى الله عليه وسلم) said to one of his companions, Mu'adh ibn Jabal,

يَا مُعَاذُ أَتَدْرِي مَا حَقُّ اللَّهِ عَلَى الْعِبَادِ . قَالَ اللَّهُ وَرَسُولُهُ أَعْلَمُ . قَالَ أَنْ يَعْْبُدُوهُ وَلَا يُشْرِكُوا بِهِ شَيْئًا ، أَتَدْرِي مَا حَقُّهُمْ عَلَيْهِ . قَالَ اللَّهُ وَرَسُولُهُ أَعْلَمُ . قَالَ أَنْ لَا يُعَذِّبَهُمْ .

O Mu'adh, do you know what Allah's right over His slaves is? I said, 'Allah and His Messenger know best.' The Prophet said, "To worship Him alone and to join none in worship with Him. "Do you know what their right over Him is?" I replied, "Allah and His Messenger know best." The Prophet said, "Not to punish them (if they do so)."<sup>19</sup>

The right of God in Islam is that He be worshipped alone, and the right of humanity is that they are provided the utmost right to fulfil God's divine right so as to avoid violating His right and suffering the consequences. With all this in mind, it should become clear why religion, namely Islam, sits at the summit of all Islamic objectives because a Muslim's purpose in life is not just to live for the self-designated purpose of gaining wealth, status or honour. Rather, he lives to worship

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<sup>17</sup> <http://www.islamawareness.net/Jinn/jinn.html>

<sup>18</sup> The term 'worship' in Islam contains a very comprehensive descriptive meaning. Shaykh al-Islam ibn Taymiyyah said when defining the general meaning of the term 'worship', "Submission to Allah out of love and veneration by doing His commands and avoiding His prohibitions in a manner that is prescribed by the shari'ah."

<sup>19</sup> Sahih al-Bukhāri.

and serve the One who gave him the gift of precious life, which in turn gives noble purpose to life, honour and wealth and lineage. It states in the Qur'an,

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ<sup>١٣</sup>

**O you mankind, surely We have created you of a male and a female, and made you tribes and families that you may know each other. Truly, the most honourable of you with Allah is the one among you most careful (of his duty); surely Allah is Knowing, Aware.**

[Al Hujurat 13]

When we contrast the Islamic position with the right to practice religion from a secular or democratic point of view, we will see that this right is not in recognition of God's right because God's divine right is to be worshiped alone and not that anything can be worshipped as god. Rather the democratic, liberal right to practice any religion and worship any god is a tenet of secularism which serves as an extension of man's 'right' to do as he pleases.<sup>20</sup> In Islam, religion

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<sup>20</sup> This leads us to a popular argument which religionists, secularists and even atheists try to use against Islam. This specious, but popular, argument goes something like this: **"We in our tolerant (permissive) western societies allow the Muslims to build masjids and practice their religion openly but the Muslims do not extend the same courtesy to us when we wish to build churches in Saudi and therefore this proves how intolerant Muslims are!"** Is this really a case of intolerance or a case of mistaken expectations? Islam is theocratic not democratic, so why are we expecting an equal portion of tolerance when both are founded on different ideologies? If Muslim countries, like Saudi, were founded on western principles, such as democracy, liberalism and secularism, then the above argument would not only establish Saudi as democratically intolerant but it would also question the very existence of democracy in these Muslim countries! Secular liberalism, by definition and nature, can accommodate for virtually anything, but that is not the case for a conservative theocracy that only recognises one God and one religion. You cannot argue a double standard if a 'standard' is not promoted by both!

Let us be more specific: why is it intolerant to allow a religion or ideology that fundamentally opposes the religion of Islam to flourish openly and freely?! Christianity teaches that Jesus, who was a man, is God or son of God, which is a doctrine that not only contradicts the very essence of Islam but also contradicts the very definition of God. The real weird thing is that a Christian Unitarian would agree with us! It seems here that the phrases **'remaining principled'** and **'loyal to one's religion'** are being conveniently replaced with the self-serving term **"intolerant"**.

Did the Americans during the Cold War have a welcoming attitude towards Communism when it was knocking at their door? Or did it view communism as a clear and present danger to the values and precepts of democracy and the American way of life? Did they not view anyone who spouted communist beliefs as an enemy of the state and who has committed the crime of high treason? Could this not be a true case of intolerance, especially given that America is meant to be "the land of the free", the land of democracy? If not, why not? No matter the why, we guarantee that the same rule of thumb can be applied to Muslim countries, like Saudi Arabia. Muslim Countries, like Saudi Arabia,

comes first because it is God's right to be worshipped alone and life comes second because life was granted in recognition of this divine right.

قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ ١٦٢

**"Say, (O Muhammad) Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds.**

[Al An'am 162]

This runs completely contrary to the motto of the freethinker and the materialist:

مَا هِيَ إِلَّا حَيَاتُنَا الدُّنْيَا نَمُوتُ وَنَحْيَا وَمَا يُهْلِكُنَا إِلَّا الدَّهْرُ وَمَا لَهُمْ بِذَلِكَ مِنْ عِلْمٍ إِنْ هُمْ إِلَّا يَظُنُّونَ ٢٤

**"There is nothing but our life in this world; we live and die and nothing destroys us but time", and they have no knowledge of that; they only conjecture. [Al Jāthiyah24]**

These two verses capture the essence of two converging world ideologies that are fundamentally incompatible.

So, does putting religion before life undermine the sanctity of life?

## THE SANCITY OF LIFE IN ISLAM

Life in Islam is sacred because preservation of it is one of Islam's legal objectives. Islam has come to protect life because life is a divine gift from God. So important is the preservation of life that the Qur'an teaches us that

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do not rule by the law of secular democracy, which in theory can accommodate for any ideology. Rather, they rule by the law of Islam which is a religion set up to recognise the rule of God and the rights of humanity. You do not have to be a Muslim or even believe in God to appreciate what is being said here. All you are required to adopt is a little bit of tolerance of thought to see things from a Muslim's way of thinking.

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا ﴿٣٢﴾

**Whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely.**

[Al Mā'idah 32]

This verse eloquently illustrates to us the sanctity of human life and the magnitude of the crime of taking just one life. This verse equates the taking of one life to all life, and this is not just a symbolic gesture. The scholars of Islam state that equating one life to all life is because when a person takes a life unjustly he has arbitrarily set a precedent to take *any* life unjustly. Since, what would be the preventing factor in not taking life when life isn't held as sacred or there is little regard for law that protects life? And in this way, a single soul becomes representative of *all* souls because all souls are intrinsically sacred, but the seal of sacredness is removed when just one life is taken unjustly.

In Islam, the taking of human life unjustly violates three rights **(1)** the right of Allah **(2)** the victim's right to live and **(3)** the right of the next of kin who suffer a terrible loss. The right of Allah is restored through sincere repentance. The right of the victim cannot be restored until the Day of Judgement, a day when all scores amongst humans are settled. The right of the victim's next of kin cannot be absolved until the murderer hands himself over to them. The law of Islam provides the victim's next of kin three legal options: (1) they can exact revenge (*qiyās*) (2) they can take blood money (*diyyah*) or (3) they can pardon him for his crime. This is how serious Islam takes the shedding of innocent blood. The Prophet (صلى الله عليه وسلم) said

لَنْ يَرَالَ الْمُؤْمِنُ فِي فُسْحَةٍ مِنْ دِينِهِ، مَا لَمْ يُصِبْ دَمًا حَرَامًا

**"A believer remains at liberty regarding his religion as long as he does not spill blood unlawfully."**<sup>21</sup>

In the absence of God, the value of life drops dramatically because nothing divine or objective gives life any intrinsic worth.<sup>22</sup> It is no coincidence that with the rise of secular godlessness, nihilism

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<sup>21</sup> Saheeh al-Bukhāri.

<sup>22</sup> Nihilism, which is the purest form of atheism, "is a philosophical doctrine that suggests the lack of belief in one or more reputedly meaningful aspects of life. Most commonly, nihilism is presented in the form of existential nihilism, which argues that life is without objective meaning, purpose, or intrinsic value."<sup>[1]</sup> Moral

and hedonism we have seen a rise in the mass slaughter of human lives<sup>23</sup> and high suicides rates.<sup>24</sup> When you detach life from its Maker, you also detach life from its designated purpose and in the absence of purpose, life loses its moral compass that points true north. It may be illegal to take life under secular law, but under religious law, it is a sin which embodies a concept much greater than illegality.

There is another verse in the Qur'an that instructs Muslims

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ (٢٣٠)

And do not kill anyone whom Allah has forbidden, except for a just cause.<sup>25</sup>

[Al Israa 33]

This connection between life and God reminds the Muslims that the crime of taking life is not just a crime against humanity, but it is also a crime against the One who gave life and forbade ending

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nihilists assert that morality does not inherently exist, and that any established moral values are abstractly contrived.” <https://en.wikipedia.org/wiki/Nihilism>

<sup>23</sup> This can be seen in the two global world wars which were not fought in religious pretexts. For instance, the First World War (1914 to 1918) saw “9 million combat deaths, and 6 million civilian deaths.” This calamity “was something new in human experience; its scale, its technological relentlessness, its “man-made” quality, were unprecedented.” This mass globalised slaughter did not have religion at its heart and was facilitated by technological progress. Moreover, history’s worst war, the Second World War (1939 to 1945) saw 50 to 80 million deaths, genocide and the mass slaughter of civilians (the genocide of the Holocaust, the genocide and the nuclear annihilation of Hiroshima and Nagasaki, the bombing of Dresden) and much, much more. These historical calamities show the fallacy of arguing that, in the words of Karen Armstrong, “there is a violent essence inherent in religion, which inevitably radicalises any conflict [where] compromise becomes impossible and cruelty knows no bounds” and that only secular liberalism can produce peace and stability.

<sup>24</sup> Disturbingly, [suicide is a greater cause of death than murder](#) and [there is data](#) to suggest that “self-killing finds accepting attitudes in secular segments of societies and, hence, people consider self-killing as an option during times of personal crises” whereas “[p]eople from religious communities...seem not to accept self-killing as an option”. Interestingly, the same study showed that the religious “are more positive toward persons who have considered suicide for one reason or another”. In a history of suicide, the author, Jennifer Michael Hecht, “shows how religious prohibitions against self-killing were replaced by the Enlightenment’s insistence on the rights of the individual, even when those rights had troubling applications”. Thus, it was unsurprising to find that atheist anti-religion philosophers defended suicide. It is also interesting to note that suicide in Sweden, which is one of the most atheist countries in the world, that “is the leading cause of death among men aged 20-44”.

<sup>25</sup> Just to be clear that the rulers and those in authority are being addressed in this verse and not the general masses of Muslims.

it without just cause. Life, when linked to God, breathes objectivity into the sanctity of life which we can all share in, but life in the absence of God only makes life important because humans say so, but what happens when humans stop saying so?

### **IS PREVENTION BETTER THAN CURE OR IS CURE BETTER THAN PREVENTION EVEN WHEN THERE IS NO CURE?**

In principle, this is a silly optional question, but in practice, you may be surprised by how much the latter option is true in western societies. Let us have a look at the contents of this maxim from an Islamic perspective and then we will see how it is applied in a western environment. Islam has a three-step policy for preventing and reducing crime:

**The third step** is the external deterrent that discourages the public from criminal activity by enforcement of effective legal punishments.

**The second step** is to block the means that lead to all forms of criminal activity.

**The first step** is the internal deterrent which cultivates in the Muslim spiritual and moral awareness that inwardly polices him ideologically and ethically. The Qur'an expresses **the first step** (the desired step) a lot more eloquently:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن تَتَّقُوا اللَّهَ يَجْعَل لَّكُمْ فُرْقَانًا ۝٢٩

**O you who believe! If you obey and have taqwa of Allah, He will grant you a criterion [to judge between right and wrong].**

[Al Anfāl 29]

“Linguistically *taqwa* means forbearance, fear and abstinence, but in the Islamic terminology, *taqwa* has a distinct meaning. *Taqwa* is a high state of heart, which keeps one conscious of Allah's presence and His Knowledge, and it motivates him to perform righteous deeds and avoid those which are forbidden.”<sup>26</sup>

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<sup>26</sup> <http://www.ahya.org/amm/modules.php?name=Sections&op=viewarticle&artid=154>

The cultivation of good moral conduct is the first line of defence in combating social diseases and evils. Prayer in Islam is a spiritual means for cultivating good moral conduct that prevents one from immoral and harmful acts. The Qur'an informs us that

إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَلَذِكْرُ اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا تَصْنَعُونَ ٥٠؛

**Indeed, prayer prohibits immorality and wrongdoing, and the remembrance of Allah is greater. And Allah knows that which you do.**

[Al 'Ankabut 45]

Islam places great emphasis and importance on cultivating upright, moral individuals for the creation of a morally sound society. The Prophet Muhammad (صلى الله عليه وسلم) said, **“The best of people are those that bring most benefit to the rest of mankind.”**<sup>27</sup> Islam commands every virtue known to man and forbids every immoral quality known to man. The Prophet Muhammad (صلى الله عليه وسلم) said,

عَلَيْكُمْ بِالصُّدْقِ فَإِنَّ الصُّدْقَ يَهْدِي إِلَى الْبِرِّ وَإِنَّ الْبِرَّ يَهْدِي إِلَى الْجَنَّةِ وَمَا يَزَالُ الرَّجُلُ يُصَدِّقُ وَيَتَحَرَّى الصُّدْقَ حَتَّى يُكْتَبَ عِنْدَ اللَّهِ صِدْقًا وَإِيَّاكُمْ وَالْكَذِبَ فَإِنَّ الْكَذِبَ يَهْدِي إِلَى الْفُجُورِ وَإِنَّ الْفُجُورَ يَهْدِي إِلَى النَّارِ وَمَا يَزَالُ الرَّجُلُ يَكْذِبُ وَيَتَحَرَّى الْكَذِبَ حَتَّى يُكْتَبَ عِنْدَ اللَّهِ كَذَابًا

It is obligatory for you to tell the truth, for truth leads to virtue and virtue leads to Paradise, and the man who continues to speak the truth and endeavours to tell the truth is eventually recorded as truthful with Allah. And beware of telling of a lie for telling of a lie leads to obscenity and obscenity leads to Hell-Fire, and the person who keeps telling lies and endeavours to tell a lie is recorded as a liar with Allah.<sup>28</sup>

**The second step**, which complements the first step, is founded on the highly effective Islamic maxim **“Blocking the Means”**.<sup>29</sup> All means that are likely to lead to social or personal ills are to

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<sup>27</sup> Darqutani (Hasan).

<sup>28</sup> Sahih Muslim.

<sup>29</sup> Shaykh al-Islam ibn Taymiyyah said, "A *Dhari'ah* is anything which is used to achieve a certain end, but it has been commonly known amongst jurists to refer to anything which leads to something forbidden, and which is not considered an evil act in itself if it is not used to lead to such a forbidden end. That is why it has been stated that *dhari'ah* is the act which is apparently permissible but which leads to the commission of an act that is forbidden." <http://islamicstudies.islammesssage.com/ResearchPaper.aspx?aid=266>

be blocked for the well-being of the individual and the society. An example of this can be found by combining two verses from the Qur'an. The first one states:

وَلَا تَقْرَبُوا الزَّيْنَىٰ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا ٣٢

**And do not approach unlawful sexual intercourse. Surely, it is ever an immorality and an evil way.**

[Al Isrā 32]

The second verse states,

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ ٣٠

**Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts, etc.). That is purer for them. Verily, Allah is All-Aware of what they do.**

[An Nur 30]

If we look at the first verse carefully, we will see that it states **“And do not approach”**, which means “do not come near to this forbidden act”. The second verse provides us the method of how to stay clear of this forbidden thing by lowering the gaze that ignites the flame of sexual attraction. Islam also prohibits the free mixing of the sexes, pornography and any other social vice that can lead to what the Prophet Muhammad (صلى الله عليه وسلم) informed us of over 1400 years ago:

لَمْ تَطْهَرِ الْفَاحِشَةَ فِي قَوْمٍ قَطُّ حَتَّى يُعْلِنُوا بِهَا إِلَّا فَشَا فِيهِمُ الطَّاعُونَ وَالْأَوْجَاعُ الَّتِي لَمْ تَكُنْ مَصَّتْ فِي أَسْلَافِهِمُ الَّذِينَ مَضَوْا

**Immorality never appears among a people to such an extent that they commit it openly,<sup>30</sup> but plagues and diseases that were never known among the predecessors will spread among them.<sup>31</sup>**

Imagine, HIV<sup>32</sup> was only clinically observed in 1981 in the United States, thus being an undeniable example of what happens when promiscuity becomes rife amongst the people. I guess it is no coincidence that UNAIDS.org states that around 270,000 people are living with HIV in the Middle and North Africa region, which is an overall HIV prevalence of 0.1 percent among adults ages 15 to 49, and one of the lowest rates among world regions. Then we have to factor in this important fact that the first cases of AIDS in the Middle and North Africa were reported in the mid-1980s, and that the vast majority of these cases were linked to HIV exposure abroad and HIV-contaminated blood products or organ transplants. If this is not an exemplary example of **‘prevention is better than cure’** then we do not what is!

Let us take another example of what happens when you block the means to a rampant social evil and what happens when you do not. The Qur’an states,

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ ۖ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا ۗ

**They ask you about intoxicants and gambling. Say, “In both of them there is a great sin and means of profit for men, and their sin is greater than their profit”.**

[Al Baqarah 219]

In Islam, the crime of dealing with alcohol (harm in this world and the hereafter) is greater than

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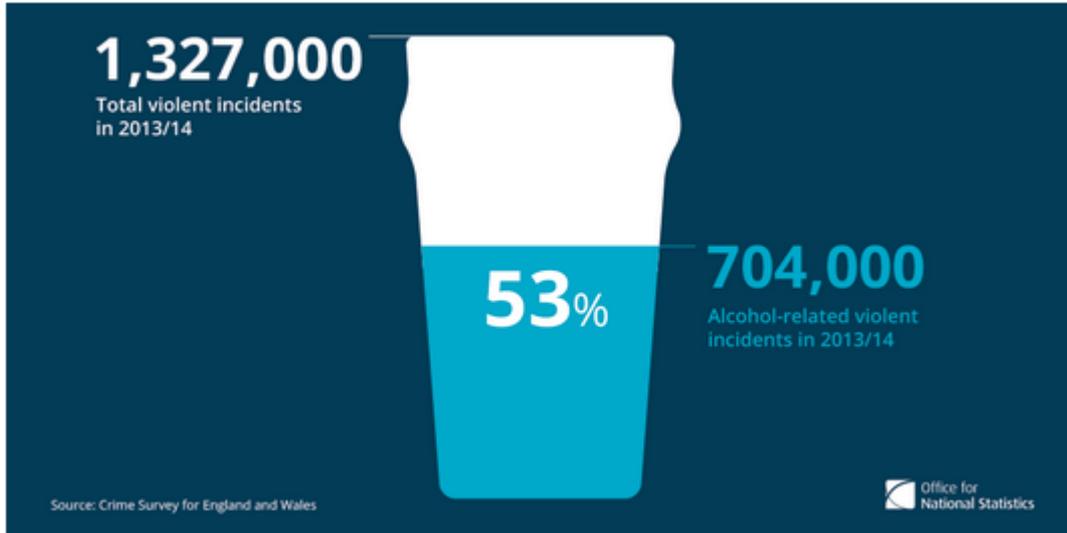
<sup>30</sup> So embedded and open is adultery in western societies that there are dating sites for married people that are ‘capitalising’ off adultery. One website, which has 33 million members, was hacked recently and its members were blacked mailed with threatening letters **“to reveal their membership to friends and family”**. The website even proudly boasts the hedonistic slogan **“Life is short. Have an affair”**. The irony here is that hacking websites is a crime, for which you are labelled a criminal, but ‘hacking’ your marriage is not, for which you are just labelled a victim!

<sup>31</sup> Sunan Ibn Mājah (5/36).

<sup>32</sup> “Since the beginning of the epidemic, almost 78 million people have been infected with the HIV virus and about 39 million people have died of HIV. Globally, 35.0 million [33.2–37.2 million] people were living with HIV at the end of 2013.” <http://www.who.int/gho/hiv/en/>

its profit, but is that the same for western countries? Do western countries place the well-being of its citizens above the immense profits that are made from the toxic consumption of alcohol? How about the fact that in the United Kingdom

**1. 53% of violent incidents involving adults were alcohol-related.**



Would you consider this a civil example of putting the public's safety first over the liberal values of self-serving freedom? So, let us get this straight: Muslim countries, like Saudi, are barbaric and backwards for their implementation of legal punishments to prevent such destructive social diseases, but the west, on the other hand, is moderate and fair despite the fact that more than half of violent incidents last year were fuelled by alcohol consumption. That sounds like a ripe case of **'take the log out of your own eye'**. Such is the destructive nature of alcohol that it has all the acid like properties to corrode every single legal objective of Islam, and because of that, Islam has put in place stringent contingences to prevent this. The Prophet Muhammad (صلى الله عليه وسلم) cursed ten types of people who dabble in this liquid poison:

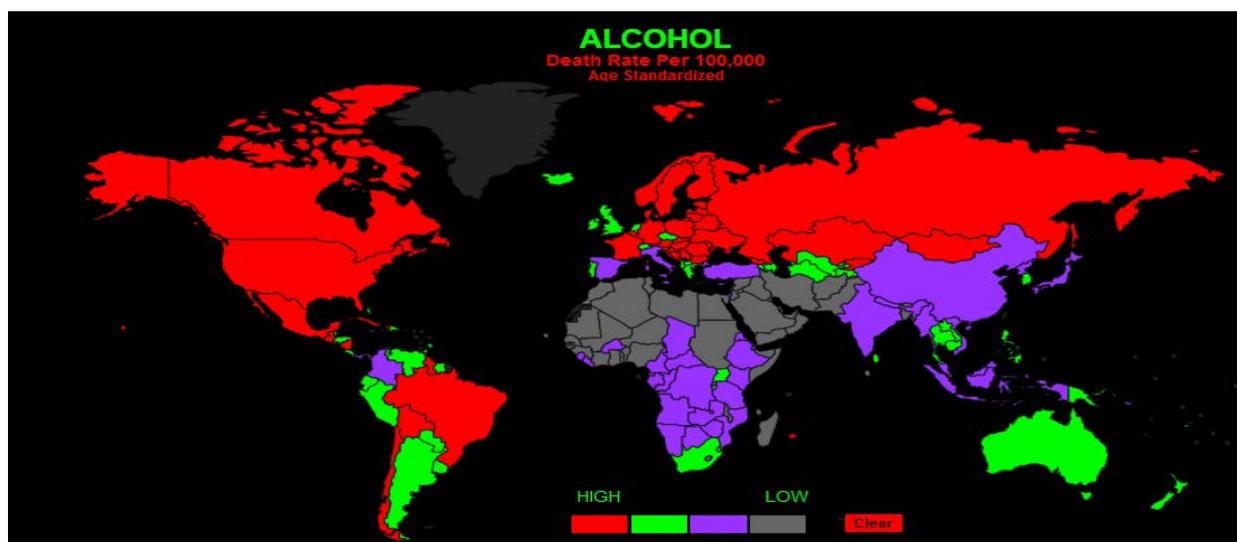
عَاصِرُهَا وَمُعْتَصِرُهَا وَشَارِبُهَا وَحَامِلُهَا وَالْمَحْمُولَةُ إِلَيْهِ وَسَاقِيهَا وَبَائِعُهَا وَآكِلُ ثَمَنِهَا وَالْمُشْتَرِي لَهَا وَالْمُشْتَرَاةَ لَهُ.

The one who presses it, the one who has it pressed, its drinker, its carrier, and the one it is carried to, its server, its seller, the consumer of its price, the one who purchases it and the one it was purchased for.<sup>33</sup>

<sup>33</sup> At-Tirmidhi.

These words of the Prophet (صلى الله عليه وسلم) serve as a real reminder of (1) Islam’s preventive attitude towards the spread of social evils and (2) how serious Islam takes the welfare and well-being of the individual and the society.

The results of Islam’s **“prevention is better than cure”** program can be seen in the following geographical chart which highlights alcohol death rates per 1000,000 around the world (red = high and grey = low):



Sometimes, we myopically look at these social diseases (e.g. alcohol and promiscuous sexual behaviour) as coexisting independently when the reality is that they thrive in each other’s environments.<sup>34</sup> So embedded and interlaced in western societies are certain social diseases that **“alcohol advertising and particularly the message that having a good time—even finding a partner of one’s dreams—go hand in hand with alcohol use.”**<sup>35</sup>

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<sup>34</sup> The World Health Organisation (WHO) in their 148-page research paper [“Alcohol Use and Sexual Risk Behaviour”](#) states, **“Key patterns of interaction between alcohol use and sexual behaviour related to the following issues:**

- 1 The construction of maleness in terms of alcohol use
- 2 A denial and neglect of risk as a way of coping with life
- 3 The use of alcohol-serving venues as contact places for sexual encounters
- 4 The use of alcohol at/during (first) sexual encounters
- 5 The promotion of alcohol use in pornographic material

<sup>35</sup> Ibid.

In the beginning of this paper, the BBC report stated nonchalantly that **“Dozens of them [people who were executed] were convicted of non-violent crimes, including drug offences”** as if there is nothing violent about drug offences. Such is the compounded violent nature of pharmaceutical and recreational drugs that not only do they cause physical and psychological harm to pregnant women but they also make addicts of the unborn human life in their wombs. Even before a new life enters the world, it is already suffering from the world it is yet to enter.<sup>36</sup> The **‘war on drugs’**<sup>37</sup> is a war that western governments are desperately losing<sup>38</sup> because liberal values do not value the sanctity of life enough to stop or even slow down this global drug epidemic.

Sometimes, social vices are so pervasive and irrepressible that, amazingly, regulating them becomes the lesser of the two evils as opposed to applying an outright ban.<sup>39</sup> Government policy, despite its zero-tolerance rhetoric, becomes so overrun by an avalanche of desires and lusts, that wealth and healthcare are buried in the aftermath. If that is not indicative of the sorry state of a society and the impotence of a government and its policy then we are surely in a state of self-induced

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<sup>36</sup> New England Journal of Medicine (US) shows that **“One baby is born every half an hour addicted to some form of painkiller or opiate in the US, new figures have revealed. Whereas in 2004, seven babies in 1,000 were born dependent on narcotics, by 2013 the figure had leapt to 27 in every 1000 by 2013”**. It also showed that **“the number of babies suffering from drug withdrawal at birth has quadrupled in the last decade.”** Dr Paul Winchester, director of St Francis Hospital in Indianapolis, said **“We had no idea that this was possible but now we do.”** A doctor at a hospital in Indiana told the Independent that **“the pharmaceutical companies ‘war on pain’ had targeted low income mothers and made them dependent on morphine and mephodrone.”**  
<http://www.independent.co.uk/news/world/americas/huge-increase-in-babies-born-addicted-to-drugs-in-us-10490262.html>

<sup>37</sup> Forty-four years after President Nixon declared "war on drugs", [four US states have now agreed to legalise the sale of marijuana](#) and most Americans support legalisation.

<sup>38</sup> **“The United Kingdom is currently fighting a war in which thousands of British people die needlessly each year. Deaths that the government, the media and the general population are guilty of turning a blind eye to. This isn’t a small war either and it is one that takes place in the North East, in fact, it has been going on in the UK for over 40 years with the death toll climbing at an alarming rate.... Last week, a report released by the Office of National Statistics on drug deaths in England and Wales made for depressing reading. Drug deaths last year totalled over 3,000 people – nearly 200 from the North East - a 17% rise on the year before, with 67% of deaths attributed to illegal substances.”**  
<http://www.chroniclive.co.uk/news/north-east-news/war-drugs-battle-united-kingdom-10021083>

<sup>39</sup> There is no greater social example of what happens when you place emphasis on the cure over prevention than the Prohibition Era in the early 20<sup>th</sup> century: **How Prohibition backfired and gave America an era of gangsters and speakeasies**  
<http://www.theguardian.com/film/2012/aug/26/lawless-prohibition-gangsters-speakeasies>

denial.

In **paper two**, we will have a closer look at the legal punishments in Islam and their effectiveness in warding off all types of criminal activity. We will also take the time to debunk the growing smear campaign that comes in the form of ‘spot the difference’ between Saudis legal punishments and ISIS’ [il]legal punishments.

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