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"Hudud" Law *Continued*

Let us quote the Quran for the use of this word:

"Divorce may be retracted twice. The divorced woman shall be allowed to live in the same home amicably, or leave it amicably. It is not lawful to take back anything you have given her, unless the couple fears that they may transgress God's laws. If there is fear that they may transgress God's laws, they commit no sin if the wife willingly gives anything back. These are God's laws; do not transgress them. Those who transgress God's laws are unjust." (2:229) (Bold words are translation of "hudud'illah").

We should note carefully that the passage refers to laws of divorce. It does not refer to any crime. One can wonder without end how those brilliant jurists of old tell us that it refers to crimes.

Let us look out at another passage, the punishment for adultery:

"The adulteress and the adulterer you shall whip each of them a hundred lashes. Do not be swayed by kindness from carrying out God's law, if you truly believe in God and the Last Day... However, if they repent afterwards, and reform, then God is Forgiver, Most Merciful." (24:2-6)

We should note three things in this passage. First, the punishment applies equally to both married and unmarried offenders, while the "hudud" laws promulgated by the jurists make a distinction between married and unmarried offenders; death by stoning for the married, and a hundred lashes for the unmarried. Sec-

ond, the difference between the "hudud" punishment and the Quranic punishment. Third, again, consistently, the Quranic law provides a merciful way out for repenters and reformers.

To climax the discussion, let us look at the famous law for apostasy. The "hudud" law stipulates death, whereas the Quran unambiguously proclaims and establishes absolute freedom of belief. Let us quote the Quran:

"There is no compulsion in religion; the right way is indeed clearly distinct from error." (2:256)

"If your Lord had pleased, all those on earth would have believed, all of them. Will you then force men till they are believers?" (10:99)

The many Quranic pronouncements on this momentous matter are so clear that they do not need any elaboration. However, the upholders of the death punishment for apostasy argue that the above verses were abrogated by those verses that command believers to fight and killed the disbelievers.

However, this argument is self-negating, because it is preposterous to suggest that God changed His mind halfway through Quran! The verses they refer to are those that came down in times when the Muslims were at war with the disbelievers: naturally the enemy was to be killed for being the enemy, and not for their disbelief.

Disbelief, whether occurring from the beginning or later, will only be punished by God after the Day of Judgment. This is because no man can sit in judgment on another's belief.

With these three examples, the reader should be able to see for himself the vast differences

between the punishments mentioned in the Quran and the "hudud" punishments. How do we account for the differences? We leave it to our religious scholars to explain to us.

So the predicament faced by the Federal Government over this "hudud" law, (which incidentally is not PAS' law, but that of our ancient jurists) is resolved by simply applying the two golden rules of punishments given in the Quran.

We can be absolutely sure that Prophet Muhammad applied the laws of the Quran closely during his time. As to large discrepancies found between the Quran and the accounts of what he was supposed to have done in terms of punishments, I am content to leave to our scholars to answer. As they say, history is often written by the victors. Maybe it is, in this case!

As to question whether solving the "hudud" dilemma by recourse to the Quran, and therefore, defeating PAS in its own game, so to speak, makes Malaysia an "Islamic" country, the answer is: does it matter? Islam as a universal systems giving justice to all our citizens is surely welcome. But this Islam must be freed from its theocratic shackles. Our religiously-enlightened Prime Minister, among all our leaders, is best placed to achieve this.

We hope he will do it.

*Kassim Ahmad
Penang, Malaysia*

[Excerpted from the *New Straits Times*,
Saturday, December 4, 1993]

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In the name of God, Most Gracious, Most Merciful

Submitters Perspective

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They Turn Back on Their Heels

وَاللَّهُ يَعْلَمُ مَا تُسْرُوتُ وَمَا تُعْلِنُونَ يَا أَيُّهَا الَّذِينَ يَدْعُونَ
مِنْ دُونِ اللَّهِ لَا يَخْلُقُونَ شَيْئًا وَهُمْ يُخْلَقُونَ أَلَمْ آتِمْهُمْ
أَحْسَاءً وَمَا يَشْعُرُونَ أَيَّانَ يُبْعَثُونَ إِنَّ الْكُفْرَ لَإِلَهُ وَجِدٌ
فَالَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ قُلُوبُهُمْ مُنْكَرَةٌ وَهُمْ مُسْتَكْبِرُونَ

As for the idols they set up beside GOD, they do not create anything; they themselves were created. They are dead, not alive. Moreover, they have no idea how or when they will be resurrected .

Your God is one God. As for those who do not believe in the Hereafter, their hearts are denying, and they are arrogant (16:20-22)

God Almighty commanded us to 1) worship Him alone, 2) recognize that He is the only Master and King, and 3) obey His laws and follow them accordingly. These are the primary objectives of our

creation. Everything else is secondary. Unfortunately, the human being has the tendency of always idolizing someone else beside God. For example, the overwhelming majority of Christians idolize Jesus against his will. Almost all Muslims idolize Muhammad, Jews exalt countless Rabbis and follow man-made teachings and so do the majority of the other denominations and sects. Some praise Baha'ullah, Buddha, Saint Jude, Mary, Ali, Joseph Smith, Ghulam Ahmad, Elijah Muhammad, and the list goes on. That is not surprising to the sincere students of the Quran, since God teaches us that the majority of those who believe will fall into idol worship (12:106).

Most "Muslims" do not have a clear definition of idol worship, even though the Quran gives many examples of idols, from messengers, saints, spouses and children, to business, money, ego and so on. According to them, idol worship is synonymous to worshiping statues. It

is clear from the verses at the beginning of this article that idols can be living creatures who die and who will be resurrected. The majority of idols are almost always dead prophets, messengers, rabbis, scholars or saints. One of those unfortunate groups of people who put a human being over their Creator are today's Muslims.

As we can see from the quote published below, many who call themselves "Muslims" follow something that is completely different from what the last Prophet brought and taught.

The following blasphemies appeared for three months in a row starting October 1993, in *Manar Al-Sabil*, the largest "Muslim" publication in the U.S. Upon careful reading, it becomes obvious that the corrupted "Muslims" have turned back on their heels, precisely as the Quran has prophesied in 3:144.

This is what they say:

Sunnah: The Way of Prophet Muhammad صلوة الله عليه وسلم

No system would be considered genuine and authentic unless its sources were verified as to their origin. No person would be considered trustworthy without some verification. Today banks request new applicants to present two forms of identification. Many stores accept personal checks only when accompanied with two forms of identification. Companies require resumes by recommendations from job applicants for verification.

Major Sources of Islam
Islam also rests on two major sources: the Qur'an and the Sunnah.

Qur'an and Sunnah: Indivisible

Having chosen Prophet Muhammad's (pbuh) message to be the last message, Allah in His Divine Wisdom declared it to be universal and decided to preserve this final revelation (i.e. the Qur'an and the Sunnah) for all of mankind in its original *unaltered* form. "We have" proclaims Allah, "without doubt sent down the message (i.e. the Qur'an and the Sunnah), and We will assuredly guard it (from corruption)." In this...

the Sunnah is the *message* of Allah but in the words of Prophet Muhammad (pbuh). Thus, the term *dhikr* refers to the *message* of both the Qur'an and the Sunnah. As such, when Allah declares "We have without doubt sent down the message and We will assuredly guard it (from corruption)," [15:9] it affirms, that Allah will safeguard both from any corruption. Indeed, history testifies to the tremendous hard work that our Islamic scholars put forth to protect the Qur'an and the Sunnah in its original and pristine form.

See the next page for more details.

Sunnah: The Way of Prophet Muhammad

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Major Sources of Islam

Islam also rests on two major sources: the Qur'an and the Sunnah as revealed to Prophet Muhammad (pbuh). No other personality has been so intensely critiqued and viciously maligned, despite his genuine uprightness and impeccable character. Prophet Muhammad's (pbuh) mission has enjoyed so much success despite repeated attempts to discredit it. Historically, his message has been the most successful. Scientifically the Qur'an and the Sunnah are replete with truths that science only recently has acknowledged and confirmed.

While the miracles of all other prophets (i.e. Abraham, Moses, Jesus, etc.) have been unquestioningly accepted by the masses, for some reason, the miracles of Prophet Muhammad (pbuh) are mercilessly questioned. Unfortunately, most people fail to realize that while miracles of previous prophets were buried with time, the greatest miracle of Prophet Muhammad (pbuh) - the Qur'an - lives today and will continue to do so till the Day of Judgment.

Qur'an and Sunnah: Indivisible

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Thus the Sunnah was also sent down as a revelation. Its main objective was to "explain clearly" or to further clarify the Qur'anic message.

From the above, one can clearly see that the Qur'an and the Sunnah are very closely related in that their origin is Allah. However, while the Qur'an is the message of Allah in the words of Allah,

the Sunnah is the message of Allah but in the words of Prophet Muhammad (pbuh). Thus, the term *dhikr* refers to the message of both the Qur'an and the Sunnah. As such, when Allah declares "We have without doubt sent down the message and We will assuredly guard it (from corruption)." [15:9] it affirms, that Allah will safeguard both from any corruption. Indeed, history testifies to the tremendous hard work that our Islamic scholars put forth to protect the Qur'an and the Sunnah in its original and pristine form.

Corruption of Previous Revelations

Before the coming of Prophet Muhammad (pbuh), many prophets had been commissioned by Allah to safeguard their revelation from being defiled by human opinion and judgment.

From Adam to Jesus they were required to spread the message of Islam. Part of this message described that there would eventually be a final prophet whose name would be Ahmad or Muhammad (pbuh). These prophets were to familiarize their people with his specific characteristics. Their people were respectfully asked to believe in him and help him to victory if they were alive when he would come forth.

Once the prophet of a given people passed away, the people were to take the responsibility of safeguarding the message. They were to work diligently and abide by its principles and guidelines. However, as time passed worldly pleasures began to entertain and preoccupy the people more and more.

They say:

Thus the sunnah was also sent down as a revelation. Its main objective was to "explain clearly" or further clarify the Qur'anic message.

This is what God Almighty says:

يَقُولُونَ ﴿ تِلْكَ آيَاتُ اللَّهِ تَنْزِيلًا عَلَيْكَ بِالْحَقِّ قِيَامِي حَدِيثٍ بَعْدَ آيَاتِهِ وَيُؤْمِنُونَ ﴿ وَيَلِكُلُ أَفْأَلِكِ أُنْبِيَاءَ ﴿ تَسْمَعُ آيَاتِ

These (Quranic verses) are God's revelations that we recite to you truthfully. In which Hadith (narration) other than God and His revelations do they believe? (45:6)

هُمُ الْمُفْلِحُونَ ﴿ وَمِنَ النَّاسِ مَن يَشْتَرِي لَهْوَ الْحَدِيثِ لِيُضِلَّ عَن سَبِيلِ اللَّهِ بِغَيْرِ عِلْمٍ وَيَتَّخِذَهَا هُزُوًا أُولَئِكَ لَهُمْ عَذَابٌ مُّهِينٌ ﴿ وَإِذْ أَنْتَ عَلَىٰ عِثْرَتِنَا وَإِنَّا لَمُتَّكِرُونَ ﴿

Among the people, there are those who uphold baseless Hadith (narration), and thus divert others from the path of God without knowledge, and take it in vain. These have incurred a shameful retribution (31:6).

وَلِيَرْضَوْهُ وَلِيَقْتَرِفُوا مَا هُمْ مُّقْتَرِفُونَ ﴿ أَفَعَصَىٰ اللَّهُ أَتَّبَعِي حَكْمًا وَهُوَ الَّذِي أَنْزَلَ إِلَيْكُمُ الْكِتَابَ مُفَصَّلًا ﴿ وَالَّذِينَ آمَنُوا مِنْكُمْ يُعْتَمِدُونَ أَنَّهُمْ مُّرْسَلُونَ مِنْ رَبِّكَ بِالْحَقِّ

Shall I seek other than God as a source of law, when he has revealed to you this book fully detailed? ... (6:114)

Similarly, when God gave the Muslims a clear scripture (the Quran), they ultimately say that it is not clear and it needs to be supplemented. For example, God describes how to perform ablution (wu'du) in four steps (5:6), but they added 3 to 5 extra steps depending on their sect.

3) We know that modern science acknowledged the Quran's scientific truths:

- a) The earth is egg-shaped (39:5, 79:30)
b) The earth is not standing still; it moves (27:88)
c) The sun is a source of light, while the moon reflects it (10:5, 25:61, 71:16)
d) The proportion of oxygen diminishes as we climb towards the sky (6:125)
e) The "Big Bang Theory" is confirmed (21:31)
f) The "Big Crunch" is confirmed (21:104)

(Quran). Are they the same? Praise be to GOD; most of them do not know (39:29).

While there is only one source of Quran, there are various different sources of Hadith, Sunnah, Fiqh, Ijma etc. Some are known only locally, some are regional and some are internationally known.

For example, a sunnah that is practiced in Somalia may be different from the one that is practiced in Turkey or Indonesia. The one that is practiced in Saudi Arabia may be different from the one practiced in Iran. Not to mention the Indian and Pakistani versions. Incredibly, the "Muslims" fell into the same trap in which the children of Israel had fallen. When God told the children of Israel to sacrifice a heifer, a clear and straightforward commandment, they defiantly questioned God's order (2:67-71).

Here are some points that need to be answered:

1) The only verification that we need is the Quran.

مَسْتَوْرًا ﴿ وَجَعَلْنَا عَلَىٰ قُلُوبِهِمْ أَكِنَّةً أَن يَفْقَهُوهُ وَفِي آذَانِهِمْ وَقْرًا وَإِذَا ذُكِرْتِ رَبُّكَ فِي الْقُرْآنِ وَحْدَهُ وَلَوْ عَجَلْتَ عَلَيْهِمْ نُقُورًا ﴿

And when you preach your Lord, using the Quran alone, they run away in aversion (17:46).

2) Islam rests on only one source according to our Creator.

عَزَّ وَجَلَّ عِوَجَ أَعْلَانَهُمْ يَنْقُونَ ﴿ صَرَبَ اللَّهُ مَثَلًا ذُرِّيًّا مِّثْلَ شُرَكَاءِهِمْ تَسْبُحُونَ ﴿ وَإِن كَانُوا مِن دُونِهِ يُعْتَبَرُونَ ﴿

GOD cites the example of a man who deals with disputing partners (Hadith), compared to a man who deals with only one consistent source

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g) The "Expansion of the Universe Theory" is confirmed (51:47)

h) The universe started out as a gaseous mass (41:11)

i) Evolution is a fact; within a given species, evolution is a divinely guided process (21:30, 24:45, 32:7-9, 18:37, 15:28-29)

j) The man's seminal fluid decides the baby's gender (53:45-46).

Moreover, God has provided the awe-some mathematical miracle within the fabric of the Quran (74:30) which proves that He is the sole author of the book. What are the scientific truths in Hadith and Sunnah that science has acknowledged?

4) The mathematical miracle of the Quran proves that Quran is from God,

and if all humans and jinns loan each other a hand, they can never produce anything like it (17:88). It is the perpetual miracle of Muhammad. Unfortunately, the most ardent enemies of Muhammad's miracle, those who "mercilessly questioned" it, are those who call themselves followers of prophet Muhammad!

5) Quran is the "dhikr" or the reminder and God guarantees its preservation.

إِذَا مَنظَرِينَ ﴿ إِنَّا نَحْنُ نُزِّلْنَا الذِّكْرَ وَإِنَّا لَمُحِيطُونَ ﴿ وَلَقَدْ أَرْسَلْنَا مِن قَبْلِكَ فِي شِعَابِ الْأَوَّلِينَ ﴿ وَمَا بَأْسَ بِهِم مِّن

Absolutely, we have revealed this message (dhikr), and absolutely, we will preserve it (15:9).

RESOLVING THE "HUDUD" LAW DILEMMA

Now that the PAS-controlled Kelantan State Assembly has passed the so-called fixed laws (hudud) of the Syariah (see S.P., Jan. 94 issue - Ed.), the Federal Government has to state whether that law is legal or not on the light of the Federal Constitution.

If it says "no," then PAS can fault the Federal Government with hindering it to carry out Islamic law. On the other hand, if the Federal Government says "yes," then the Federal Government stands accused of not carrying out Islamic law in States under its control. Thus, it seems, PAS is going to have it both ways.

The Federal Government is indeed in a dilemma. To resolve it in a principled way, it has to state clearly whether Malaysia is a secular or an "Islamic" State. We have put the word "Islamic" in inverted commas because there is no agreement on the concept of an Islamic State among Muslims.

The UMNO-led Federal Government cannot oppose Islamic laws for obvious reasons, but the UMNO leaders, being religiously more enlightened people, are not happy with rigid and

some times archaic laws promulgated by Muslim medieval jurists 1,000 years ago. However, they cannot say this out aloud. Hence, their dilemma.

While we sympathize with them, we are unable to help them, unless they are prepared to help themselves. The way out of this embarrassment is quite simple. It is to go back to the Quran, which is the only indisputable book of guidance for the Muslims. For punishments of all crimes, the Quran gives two golden rules. Firstly, punish accordingly to the severity of the crime, that is, the biblical principle of an eye for an eye, a tooth for a tooth. This is stated in many verses; one of them goes like this:

"They (the believers) encounter aggression with an equivalent response. However, those who pardon and conciliate receive a better reward from God; God is never unjust." (42:40)

This is a just principle and may also be called the principle of equivalence.

The second principle given by the Quran is higher than the principle of justice. It is higher than justice in the sense that justice requires retaliation, which is painful. The principle that forgoes punishment is none other than the principle of mercy. Now, mercy is a major attribute of God. About His mercy, God says in the Quran: "He has ordained mercy on Himself"

وَالْقُرْآنَ ذِي الذِّكْرِ ﴿ بِلِ الَّذِينَ كَفَرُوا فِي عِزَّةٍ وَشِقَاقٍ ﴿ S (Saad), and the Quran that contains the message (dhikr) (38:1).

To say that the word "dhikr" is referring to Quran and the Sunnah is a deliberate manipulation of the truth.

The Quran and Sunnah are incomparable and they come from two completely different sources. The source of the Quran is God Almighty, the source of the Hadith and Sunnah, according to the Quran, is "human and jinn devils" (6:112).

Mahmoud Abib

(6:12). So the second rules of punishment is punishment in accordance with mercy.

Again, typical of the Quran, its grand teachings are almost always repeated several times. As the reader can see, the verse cited above containing the first principle also gives the second principles.

That being so, that Islam gives two universal principles of punishment for all crimes, how is that we have this so-called fixed punishments for certain crimes?

The answer is simple. History has handed them down to us. Are we to question history? Who knows in these times of great uncertainty? But we should keep in mind the saying that history is often written by the victors.

However, we can examine the Quran for the use of this word "hudud," which is the plural form of the word "hadd" meaning "boundary" or "limit." This word is used 14 times in the Quran, and, strange to say, none of them refers to punishments, fixed or otherwise. The word refers to the general concept of limits as in the sentence, "Do not go beyond limits." The word "limits" here refers to metaphorical rather than physical boundaries.

Continued in the next page