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SHARIA LAW

CHAPTER 23

4:59 Believers! Obey Allah and obey His Messenger and those among you with authority. If you have a disagreement about anything, refer it to Allah and His Messenger if you believe in Allah and the Last Day. This is the best and fairest way to settle a dispute.

Islam is a complete political, cultural, legal, and religious system. Muslims believe the system came directly from Allah, so it is perfect and eternal. The political goal of Islam is for every constitution and every form of government to be replaced by the sacred form of government, the Sharia. All governments of the non-Muslims are offensive to Allah. They are man-made and, therefore, not divine. It is historically inevitable that they will be replaced by the Sharia; it is simply a matter of time since it is the will of Allah.

The Sharia is the practical conclusion of political Islam. It is also a way for the non-Muslim to see how the Trilogy forms the basis not only for a religion but also for the most powerful political system in history. The Trilogy is both a political theory and a complete, detailed code of law that covers contract law, banking, family law, insurance, criminal law, and foreign policy.

The following is from a thirteen-hundred-year-old classic text, *The Reliance of the Traveller*.¹ Due to the fact that the Koran is considered to be unchangingly perfect and final, it is still used today. Once you have read the Koran and the Hadith, you will recognize all of these laws. They are nothing more than a codified summary of both texts. The Sharia is the fruit of the doctrine of political Islam.

JIHAD

Jihad is war against non-Muslims. The scriptural basis for jihad, prior to scholarly consensus, is such Koranic verses as:

1. Ahmad Ibn Naqib Al-Misri, *The Reliance of the Traveller, A Classic Manual of Islamic Sacred Law* (Amana Publications, 1994).

2:216 *You are commanded to fight although you dislike it. You may hate something that is good for you, and love something that is bad for you. Allah knows and you do not.*

4:89... *But if they turn back, find them and kill them wherever they are.*

9:36... *Do not be unjust to yourselves regarding them, but fight the unbelievers as they fight you altogether.*

and hadiths:

B2,23,483 *"I have been commanded to fight people until they testify that there is no god but Allah and that Mohammad 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";*

M041,7015 *"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 details of jihad are found in the Sira. Mohammed personally led twenty-seven expeditions; he fought in eight of them, killing only one person at the battle of Uhud. He sent others out on forty-seven expeditions. [This was over a period of nine years, or the average of one violent event every six weeks.]

THE OBLIGATORY CHARACTER OF JIHAD

Jihad is a communal obligation. The Prophet's saying, "He who provides the equipment for a soldier in jihad has himself performed jihad,"

4:95 *Believers who stay at home in safety, other than those who are disabled, are not equal to those who fight with their wealth and their lives for Allah's cause [jihad]. Allah has ranked those who fight earnestly with their wealth and lives above those who stay at home. Allah has promised good things to all, but those who fight for Him will receive a far greater reward than those who have not.*

Jihad is personally obligatory upon all those present in the battle lines and to flee is a great wrong. Only if a soldier is ill, wounded, or without a weapon may he leave a battle. He may also leave if the opposing non-Muslim army is more than twice the size of the Muslim force.

Jihad is also obligatory for everyone when non-Muslim forces enter Muslim lands. The unbelievers must be repelled by every possible means.

Every able-bodied man who has reached puberty and is sane is called upon to serve in jihad.

THE OBJECTIVES OF JIHAD

Before declaring war upon Jews, Christians, and Zoroastrians they must first invite them to submit to Islam, and if they will not, then invite them to be dhimmis and pay the non-Muslim poll tax (jizya).

9:29 Make war on those who have received the Scriptures [Jews and Christians] but do not believe in Allah or in the Last Day. They do not forbid what Allah and His Messenger have forbidden. The Christians and Jews do not follow the religion of truth until they submit and pay the poll tax [jizya], and they are humiliated.

FLEEING FROM COMBAT IN JIHAD

Allah Most High says,

8:16 Anyone who turns his back on them, unless it is for a tactical advantage or to join another company, will incur Allah's wrath and Hell will be his home, truly a tortuous end

THE RULES OF WARFARE

It is not permissible in jihad to kill women or children unless they are fighting against the Muslims. It is permissible to kill old men and monks.

Whoever submits to Islam before being captured may not be killed or his property confiscated, or his young children taken captive.

When a child or a woman is taken captive, they become slaves and the woman's previous marriage is immediately annulled.

It is permissible in jihad to destroy their property and assets.

TRUCES

In Sacred Law, *truce* means a peace treaty with those hostile to Islam, involving a cessation of fighting for a specified period, whether for payment or something else.

There must be an advantage in making a truce other than mere preservation of the status quo. Allah Most High says,

47:35 Therefore, do not be weak and offer the unbelievers peace when you have the upper hand for Allah is with you and will not begrudge you the reward of your deeds.

SHARIA LAW

Interests that justify making a truce are such things as Muslim weakness due to lack of numbers or materiel, or the hope an enemy will become Muslim. If the Muslims are weak, a truce may be made for ten years if necessary, for the Prophet made a truce with the Quraysh for that long. A truce may not last longer than ten years.

THE SPOILS OF BATTLE

A free male Muslim who has reached puberty and is sane is entitled to the spoils of battle when he has participated in a battle until the end of it.

After personal spoils of war, the collective spoils of the battle are divided into five parts. The first fifth is set aside for Islam, and the remaining four-fifths are distributed to the fighters. A token payment may be given at the leader's discretion to women, children, and non-Muslim participants on the Muslim side.

A combatant only takes possession of his share of the spoils at the official division.

A fighter may carry off as much war booty from the battle as he can personally take away.

NON-MUSLIM SUBJECTS OF THE ISLAMIC STATE, THE DHIMMI

A *dhimma* is a formal agreement of protection is made with Jews and Christians. Such an agreement may not be effected with those who are idol worshippers, or those who do not have a Sacred Book or something that could have been a Book.

Such an agreement is only valid when the subject peoples follow the rules of Islam and the rules involving public behavior and dress. Only in their private lives are the subject communities to have their own laws, judges, and courts, enforcing the rules of their own religion among themselves pay the non-Muslim poll tax (*jisya*)

THE NON-MUSLIM POLL TAX

Non-Muslim subjects are obliged to comply with Islamic rules about the safety and indemnity of life, reputation, and property. In addition, they are penalized for committing adultery or theft, though not for drunkenness and are distinguished from Muslims in dress. They must always defer to a Muslim in public. The dhimmi may not build higher than or as high as the Muslims' buildings. They are forbidden to openly display wine or pork, to ring church bells or display crosses, recite the

Torah or Gospels aloud, or make public display of their funerals and feast days and are forbidden to build new churches.

They are forbidden to reside in the Hijaz, meaning the area and towns around Mecca, Medina, and Yamama, for more than three days.

A non-Muslim may not enter the Meccan Sacred Precinct (Haram) under any circumstances, or enter any other mosque without permission.

If non-Muslim subjects of the Islamic state refuse to conform to the rules of Islam or to pay the non-Muslim poll tax, then their agreement with the state has been violated.

A dhimmi may not commit adultery with a Muslim woman or marry her. Dhimmis may not conceal spies of hostile forces, nor lead a Muslim away from Islam. They cannot kill a Muslim nor mention something impermissible about Allah, the Prophet, or Islam

APOSTATES

Leaving Islam is the worst sin. When a sane person voluntarily leaves Islam, he should be killed.

There is no penalty for killing an apostate, since it is killing someone who deserves to die.

If a spouse in a consummated marriage leaves Islam, the couple are separated for a waiting period consisting of three intervals between menstruations. If the spouse does not submit to Islam the marriage is annulled.

THE PENALTY FOR FORNICATION OR SODOMY

The legal penalty is obligatorily imposed upon anyone who fornicates or commits sodomy.

An offender is not scourged in intense heat or bitter cold, or when he is ill and recovery is expected (until he recovers), or in a mosque, or when the offender is a woman who is pregnant, until she gives birth and has recovered from childbed pains. The whip used should be neither new nor old and worn-out, but something in between. The offender is not stretched out when scourged, or bound as his hands are left loose to fend off blows, or undressed, and the scourger does not lay the stripes on hard (by raising his arm, such that he draws blood). The scourger distributes the blows over various parts of the body, avoiding the vital points and the face. A man is scourged standing; a woman, sitting and covered.

SHARIA LAW

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.

In more than one place in the Koran, Allah recounts how he destroyed homosexuals. It is even more vile and ugly than adultery.

Allah Most High says:

26:165 What? Of all the creatures of the world, will you have sexual relations with men? Will you ignore your wives whom Allah has created for you? You people exceed all limits!"

The Prophet said:

Kill the one who sodomizes and the one who lets it be done to him. May Allah curse him who does what Lot's people did. Lesbianism by women is adultery between them.

MASCULINE WOMEN AND EFFEMINATE MEN

The Prophet said men are already destroyed when they obey women. The Prophet cursed effeminate men and masculine women. The Prophet cursed men who wear women's clothing and women who wear men's.

THE WIFE'S MARITAL OBLIGATIONS

4:34 Allah has made men superior to women because men spend their wealth to support them. Therefore, virtuous women are obedient, and they are to guard their unseen parts as Allah has guarded them. As for women whom you fear will rebel, admonish them first, and then send them to a separate bed, and then beat them. But if they are disobedient after that, then do nothing further; surely Allah is exalted and great!

2:223 Your women are your plowed fields: go into your fields when you like, but do some good deed beforehand and fear Allah. Keep in mind that you will meet Him. Give good news to the believers.

It is obligatory for a woman to let her husband have sex with her immediately when he asks her; at home; and she can physically endure it.

If sex will harm her she does not have to comply.

THE HUSBAND'S RIGHTS

A man has all rights to his wife's body. He is entitled to take her with him when he travels.

PERMITTING ONE'S WIFE TO LEAVE THE HOUSE

A husband may permit his wife to leave the house for religion and to see her female friends, or to go to any place in the town. A woman may not leave the city without her husband or a member of her unmarriageable kin accompanying her. All other travel is unlawful.

The husband may forbid his wife to leave the home because the Prophet said,

“It is not permissible for a woman who believes in Allah and the Last Day to allow someone into her husband’s house if he is opposed, or to go out if he is averse”.

DEALING WITH A REBELLIOUS WIFE

Examples of rebelliousness are when a wife gives a cold answer or does not submit to sex when he asks. He should not hit her but tell her, “Fear Allah concerning the rights you owe to me,”

He can explain that rebelliousness means that he does not need to support her or it could be to inform her, “Your obeying me is a religious obligation.”

If she commits rebelliousness, he may hit her but not in a way that injures her, meaning he may not bruise her, break bones, wound her, or cause blood to flow. It is unlawful to strike another’s face. He may hit her whether she is rebellious only once or whether more than once.

It is permissible for him to hit her if he believes that hitting her will bring her back to the right path, though if he does not think so, it is not permissible. *His hitting her may not be in a way that injures her*, and is his last recourse to save the family

THE CONDITIONS THAT ENTITLE A WIFE TO SUPPORT

The husband is only obliged to support his wife when she does not refuse him sex at any time of the night or day. She is not entitled to support from her husband when she does not obey him, even if for a moment or travels without his permission.

INJURIES

There is no obligatory indemnity for killing a non-Muslim at war with Muslims, someone who has left Islam, someone sentenced to death by stoning for adultery (by virtue of having been convicted in court), or those it is obligatory to kill by military action.

SHARIA LAW

4:92 A believer should never kill a Muslim unless an accident occurs. Whoever kills a fellow Muslim by accident must free one of his believing slaves and pay blood-money to the victim's family unless they give it to charity. If the victim was a believer from a people at war with you, then freeing a believing slave is enough. But if the victim was from a people with whom you have an alliance, then his family should be paid blood-money and a believing slave must be set free. For those who cannot afford to do this, they must fast for two months straight. This is the penance commanded by Allah. Allah is all-knowing and wise!

4:93 For those who intentionally kill another Muslim, Hell will be their punishment, where they will live forever.

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AND POLITICS

THE ISLAMIC
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