

Religious Militancy in Islamic Perspective

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ABSTRACT

Militancy starts from anomalous drastic thinking's shaping into extremism becomes revamped into militancy and finally develops into terrorism and rather complicates when religion is prefixed to it. The notion of militancy is not new to the politics of the world but it has a very deep historical background in the past though the nature and draft of the problem has remained diverse in connections with the chronology of time and region. Historically, every state has experienced it in different contours though the nature, relevantly, remained different depending on regional scenario. It has so many types with different nomenclature in the modern World Politics and some of them are internationally legitimized with the alternative name of freedom movement in different areas of the world. Some illegitimate forms are legitimized from the backing Super Power. In modern World Politics the religion is often prefixed with it and the religion of Islam is regularly charged blameworthy for religious militancy globally. Islam is the religion of peace and has no connection with any type of militancy having any nomenclature in the world. It has deep historical orientation with richly explained Religious Data for its cultural and political development. Although some of its Religious Accounts are misinterpreted by a cluster schemers for gaining their self-tailored ideological goals spreading terror and agitation in the world claiming it as an Islamic perception. The Divine Sources of Islam like that of Quran and Holy Traditions of the Prophet Muhammad (PBUH) has its own specific mode of interpretation for its Texts and Contexts but a tiny collection of plotters misinterpret Islam separating the Text from the Context of the Divine Book and Holy Traditions of the Prophet (PBUH). This irrational and unrestricted interpretation of the Holy Quran and Holy Traditions of the Prophet Muhammad (PBUH) has created a gigantic turbulence in the world and the religion of Islam is termed as blameworthy for it though it has no a far beyond connection with it in any aspect. The perception of Jihad (Holy War) is far different from religious militancy. Simply, Jihad is a religious struggle to fight against coercion in the world in different ways either physically or any other possible way. The research approach is contributive effort for the liberation of Islam from the charge of religious militancy.

Keywords: Religious Militancy, Radical thinking's, Assessments, Critical Overview, Militancy Arguments, Proscription, Militancy Arguments.

INTRODUCTION

Militancy, today, is not a simple but rather a very complex problem globally and that is why the gigantic problem of militancy has its diffusion throughout the world.¹The nature of the problem, to some extent, always remains the same but the militants employ diverse tactics respective to the region in which it is in operation. The operatives, engaged in militancy, have their own respective goals and interests. Sometimes, the operatives are not aware of their engagements in militant activities but an effective conspiracy is always in function behind them directing the operation to the targeted objectives. The prefix of religion to militancy rather escalates the problem and makes it more aggressive and offensive. Militancy exists anywhere in the world but Islamic militancy is mostly criticized all over the world. Islam does not allow the present composition of militancy with the exception of freedom movements in the world. The religious militants and extremists are using the same tactics irrespective of their nationality and ethnicity.² The Islamic religious militants have their organized structure. In the wary states of Syria, Iraq, Afghanistan, Lebanon, Philistine, Kashmir and Yemen etc. are different from those of the non-wary states of the world. Their activities there in those countries are justified by some scholars but there are many other scholars who do not support them in anyway.³

All the religious militants use resembling arguments for the approval of their militant operations inside in an Islamic state or outside it. All of them develop their arguments from the holy Quran and Sunnah of the prophet (PBUH). Quran and Sunnah of the prophet are the major sources for the legitimization of their militant activities elsewhere either the militants of Al-Qaeda or TTP, mostly they have similar religious arguments. So, therefore this research

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study will examine their testimonials as a whole irrespective of their regional existence or nature of groupings. The theoretical framework of arguments will be applicable to all militants using the prefix of religion elsewhere in Pakistan.⁴The hypothetical outline of this research is limited but evidential arguments, actually, will equally cover the whole of Pakistan.

All the Muslims, at this moment, are often criticized for their involvement in terrorist activities throughout the world and to some extent their claims could be easily be justified. The non-Muslims are claiming that the religion of Islam is responsible for these misconducts to humanity. But the fact is not so because they have no in-depth knowledge of Islam. They derive their arguments from the deeds of open Muslims.⁵ They think that Islam is what that the ordinary Muslims are practicing in their routine life. The Muslims of the day are doing what the non-Muslims are doing. There is no difference among Muslims and non-Muslims in their practical lives. Rather, the non-Muslims are more compassionate and emphatic to humanity from that of the Muslims. It is said that Dr. Iqbal on coming back from London had replied to a person on his question about life in London that he (Iqbal) had seen full Islam in London but no Muslim and sees Muslims here but no Islam in the Sub-Continent. His argument was true at that time and the truest nowadays. Actually, the mendacity lies in Muslims not in Islam.⁶

Islam is a religion of peace and invites the humanity to universal peace and global prosperity. The world “Islam” in its real sense means “peace” and that is the reality in its nature too, in the broader sense of the word Islam. It is obligatory on all Muslim men and women to say “Assalam-o-Alaikum” meaning that “you should be in peace or peace be upon you” when they meet the other men or women and the other person should reply the same as “Wa, Alaikum Assalam” meaning that “ you also should be in peace or and peace also be upon you”. This the day-today obligatory practice of all Muslims without any gender differences. Similar is the case of other injunctions in the religion of Islam.⁷ On a certain occasion when someone asked about the characters of a true Muslim from the Prophet (PBUH) he replied that a true Muslim is that from whom hands and tongue the other Muslims remain safe. The prophet (PBUH) has prohibited making grapples among animals and has termed that a sin. The prophet (PBUH) has forbidden the hunting or slaughtering of birds and other lawful animal for idle play purposes. He has told that if you do not eat the hunted animals then do not prey them for recreation purposes. It is the true concept of Islam and its ideology towards other humanity. Let there be universal peace everywhere in the world without any gender, race, colour, region, language, caste, profession, sectarian and tribal differences were the last directions of the holy prophet (PBUH) in his final address to the thousands of his companions during his last pilgrimage in Makkah.⁸

The religion of Islam extends complete executive protection to all the humanity in its actual philosophy. Things differ and legalities change when existing circumstances are disturbed by force or intentionally. Islam has a broaden conception of peace and human development on national and international echelon. Every injunction and religious obligation has a logical background behind it. The Islamic philosophy of Ibadaat (worship) is the psychological methodology for the control of corporal delinquency. In the holy Quran the offering of prayers (Namaz) has been described as that will prohibit you from doing obscene, flout and rebellious deeds and that is why the offering of five times prayers has been made compulsory on each adult men and women so that they may be controlled from doing sins by this spiritual practice. Similar is the case with other obligatory offerings like Fasting, Hajj, Zakat and Zikr.⁹ If a person does not take sense of control with these tools then they should be given sermons about the fear of God to do these acts with the normal technique of Da,awa but not by force. In the holy Quran there are broadly two groups of human beings; the Muslims and the Non-Muslims. The Muslims have been further categorized as Munafiqeen, Fasiqeen, Fajireen and ordinary Sinners. In the same way the non-Muslims are also have been classified in Ahli-Kitab (Jews and Christians), Idolaters, Fire-worshippers and many few others who do not believe in religion. In Islamic Sharia there are different set of laws and regulations for dealing with each of them.¹⁰

The Concept of Darul-Islam and Darul-Harb in Islam

The Islamic Sharia has divided the political world set-ups into two main blocks as Darul-Islam and Darul-Harb accordingly. The previous concept of Darul-Islam (Home of Islam; Islamic state) is for more different from that of this era and the same is the case with the Darul-Harb (Home of War; the non-Muslim state on war with Muslims) the early scholars of Islam from that of the present scholarly concept. There are two religious scholastic groups on the definition of Darul-Islam.¹¹ The first cluster of scholars, mostly Hanafites, believe in the Territorial Principle of Islam which means that every Muslim state has its own respective limited jurisdictional territory and that one Muslim state must not has any jurisdictional interference in another Muslim state’s affairs at any cost what may occur. According to this view the caliph or the president of different Muslim states can be different with their relevant territorial jurisdiction.¹²

The second group of scholars believes in the Passive Nationality Principle. This is the very vast perception of conglomerate previous Muslim scholars including the Shafite, Hanbalite, Malikite and many other schools of thought. According to this view there is no territorial concept in Islam. In their opinion the all the Muslims are one

nation and one Millat, so there should be one caliph over them and that the entire world is one territorial unit in their Islamic insight. This concept is known as Passive Territorial Principle in politico-legal terminology. A lot of complexities are there in both the ideologies but each one provides appropriate arguments in the support of their respective views.¹³

The other category of political set-up is the conception of Darul-Kufr (the Home of Atheism; all the non-Muslim states are included in this cluster). This cluster is further divided into two subgroups i.e. the non-Muslim states on war with Muslims and the non-combating non-Muslim states. According to all the earlier and present religious scholars the first category is Darul-Harb and the second category is out of the definition of Darul-Harb. According to Islamic Sharia the citizens of Darul-Harb are the perfect enemies of Islam and during a militant encounter they should be killed when and wherever they are found and this is the very real interpretation of the Quranic verse in which the Almighty Allah has commanded the Muslims to fight and kill the atheists when and wherever they are found but the militant religious clerics generalize the verse and apply it on all non-Muslims. This category can be from Ahl-e-Kitab or may be from other non-Muslims nations. Islam is the religion of peace and it sponsors human development at all costs everywhere in the world.¹⁴

There are some other classifications of non-Muslim states or individuals in religious documentary records. The individuals or states who are in contract or any type of agreement with an individual Muslim or Muslim state. Such status of states or individuals are placed in the category of Darul-Muwadiah or Darul-Mu'ahidah (the home of agreement; with whom an individual Muslim or a state has a treaty of peace). The other category is that of the Amaan (the non-Muslim individual who formally has been in agreement with a Muslim state for entering and living in peace within an Islamic state) and the individual who seeks Amaan is called a Musta'amin. The third category in this respect is that of Ahl-e-Zimmah. They are the non-Muslim people who are the permanent citizens of a Muslim state. They will have to pay the Jizya (a tax which is received from these people for exempting them from military services). The present day scholars lift the burden of Jizya from them because they present their military services and state loyalty to the state's military.¹⁵

Islamic Perspective of Friendly Relations with Non- Muslim States

All the categories of non-Muslims except the non-Muslim citizens of a State-on-War with a particular Muslim state are non-combatants and the Islamic Shariah does not touch them in any aspect relating to the war with other combatants. Islamic Shariah provides to all of them their due rights and facilitates them for peaceful life within an Islamic state. Their lives, honors, wealth, race, religious freedom, language, freedom of speech and freedom of movement are as protected as that of the other Muslims of the respective state according to the true spirit of Islamic jurisprudence and there is no difference of opinion among the early and present religious scholars of Islam on this issue.¹⁶

In the above critical discourse it has been cleared that Islamic Sharia does not touch the individuals or states, as the case may be, who do not agitate Islamic principles. The Sharia remains calm and quiet when no one agitates it. It comes into action when the established divine regulations are deactivated by force intentionally. In the holy Quran and Sunnah of the prophet all the Muslims have been prohibited from having friendly relations with the non-Muslims. It should be kept in mind that this injunction is about the non-Muslim combatants of a State-on-War with another Muslim state. All the other categories of non-Muslims are excluded from this list. Friendly relations can be kept with them and the exchange of gifts is also legible in Islamic Shariah. In holy Quran the Almighty Allah has instructed the Muslims that they can maintain friendly relations with those non-Muslims who do not fight with them in religious matters and do not interfere in your Deen.¹⁷

Family relations can be tailored with Jews and Christians only with some exceptions. The Muslim male can take engagement with a Jewish or Christian female but not vice versa. This exception has been made only for the expecting newborns from the couple. This exception is coherently rational. If the father would be Muslim and mother a non-Muslim then the newborn child could be expected to be a Muslim. In this case the child could easily claim the inheritance and many other hereditary rights from his father side. But if the father would be a non-Muslim and mother a Muslim then in that case the child could be expected to be a non-Muslim so he could not claim the hereditary rights from mother and from father the child would be spoiled economically because the non-Muslims have no regular system of heredity. Rather if the father would be a Muslim then the mother would be safe from possible sexual abuse and if the father would be a non-Muslim then a Muslim mother's honor would be at risk if the child adopts his father's creed that is because the non-Muslims do not care for these dynamic factors. This was a brief description about the actual conception of Islamic Shariah toward the non-Muslims.¹⁸

Critical Examination of Abu Baseer's (RA) Militant Activity

The militants draw an argument from the famous event of Hazrat Abu Baseer's incident at Madeena Now this effort will examine the modus operandi of the present day religious militants. The Militants are doing such like practices which are not applied on all the above categories of non-Muslims so how can one justify their actions in an Islamic state? The militants are drawing an argument from an incidental event of Hazrat Abu Baseer (RA).¹⁹ He, after becoming Muslim, ran to Makka but according to the conditional article of Sulh-Hudaibiyah he was to be sent back to Madina. Two Makkite persons were carrying him back to Makka but in the way he killed both of them and took shelter alongside a river. After this episode the every new converted Muslim was used to go straightly to the Abu Baseer Shelter alongside the river. A cluster of Muslim militants of the companions of the holy prophet (PBUH) assembled there. They started Guerilla attacks on caravans and their strength rose day by day. The revelation of holy Quran was in movement, the holy Prophet (PBUH) was present and the threat of war was possible but the Abu Baseer and his Guerilla group continued up to the time that the Atheists of Makka requested the Holy Prophet (PBUH) to cancel that article of the Hudaibiyah truce according to which the Makkan new convert was to be sent back from Madina to Makka if runs from Makka to Madina. The recent militants obtain an argument from the silence of God's revelation and the negligence of the holy prophet (PBUH) on this incidence of his (PBUH) time. The religious militants are using such type of arguments which has no weightage in the light of Shariah. Their this argument is nullified on the following grounds,²⁰

- The confrontation of Abu Baseer (RA) was sporadic and not previously planned either by him or by his other colleagues. Also the prophet (PBUH) had not told them to do so but rather, according to authentic religious reports, the prophet (PBUH) was uneasy on their tactics and militant activities.
- All the companions of the prophet (PBUH) were bound to the treaty terms of Hudaibiyah if the Abu Baseer's episode is linked with their premeditation then they go out from the limits of Shariah because the obedience of the prophet was obligatory equally on all of the companions which is not correct in the case of Abu Baseer (RA). So it was not pre-planned but accidental.
- Abu Baseer and his Guerilla camp was not in the jurisdiction of the Muslim state of Madina. They were doing all their operations from alongside their river hideout.
- Their hideout was just like a separate state just the same as the small recognized or unrecognized states of the world of this modern era. In such case they had their own territorial jurisdiction on their militant operations like the state of Israel or Kashmir of today. The case of the present religious militants is far more different from the historical case of Abu Baseer. There is no area which is out of the control of a definite state including the high seas too. The militants of today are striving to create a state within a state which could not be legitimized.
- At the time of this episode there was no clear Godly injunction concerning this event and the prophet (PBUH) was not free to do what was not clear to him from God's side. Today in this era all the injunctions of Shariah have been clearly interpreted in detail.²¹

There are no similarities between the two cases for the justification of the present day religious Militancies either within an Islamic state or in any other non-combatant non-Muslim states in the world. In this modern era of international politics all the world states are signatories of the United Nation Organization (UNO). There are many other regional organizations among different states of the world.²² They have close ties of mutual co-operation for social, scientific and political development among them. According to the teachings of holy Quran, Sunnah of the prophet and other authentic documentary sources of Islamic Shariah, the Muslim state or states, individual or individuals, community or communities as the case may be, might not harm the sovereignty, integrity, solidarity and territorial autonomy of the non-combatant un-Islamic states, individuals and communities as the case may be. Similar is the case with other states, individuals and communities whom the Muslim states have a treaty of peace and mutual co-operation.²³

Proscription of Religious Militancy in UN- Signatory States

This scholarly attempt has clearly interpreted the concept of Darul-Islam and Darul-Harb in the above critical academic discourse in brief. Accordingly this discourse has reached to the point that all the Islamic states are integrated in one Darul-Islam having different autonomous wings with their respective territorial jurisdictions. All of the Muslim states recognize Islam as an established state religion and their citizens profess Islam in their routine life. The geo-political and territorial divergence of states is just like a house having multiple rooms or it can be exemplified with a person having an extended family of four wives and multiple children from them but the family remains the same belonging to the same father. All the Muslim states are tied in an international recognized treat of UNO.²⁴ The UNO is an international organization of states and the states are bound to its rules and regulations in international issues. The treaty of a state with another state is applicable to all its citizens and internal stately or non-

stately organizations respectively in Islamic Shariah. The effort validates its theory of the oneness of all Muslim states in one Darul-Islam from the Quranic quotations and after that it will enlighten the Muslim states' relations with UNO and its other organs.²⁵

Historically similar was the case in the era of Hazrat Loot and HazratIbraheem (Alaihim-Assalam). HazratIbraheem (AS) was the akin uncle of Hazrat Loot (AS) but both of them were sent to different nations with different geographical limitations according to Quranic quotations. It should be kept in mind that Hazrat Loot (AS) was in obedience to HazratIbraheem (AS) but the Almighty Allah was used to reveal His injunctions separately on Hazrat Loot (AS) as it is noticeable in the Quranic accounts concerning the history of both the Holy prophets. It is patently reflected from the religio-historical records of divinely Islamic Scriptures that there were sent more than one prophets at the same time on different regions of the world for the guidance of the different people by the almighty Allah.²⁶ The description of all the logical arguments here in this approach is made only for the purpose to prove that the concept of one global Caliphate is superior according to Islamic Shariah but actually impossible on ground reality and that the concept of one Darul-Islam does not mean that there should be one Caliph or Khaleefatul-Muslimeen in the whole world with different geographies. Ofcourse, the Muslim individuals, religious clerics, political leaders and Muslim states should work hard for the unity of all the Muslims to bond them under one Caliph. Geographies can differ for administrative purposes but all the Muslim states will be assumed as one Darul-Islam.²⁷ If a certain Muslim state is in agreement with another un-Islamic state but some other Muslim states are not in contract with the same state then the truce of the signatory state would be considered its domestic and executive matter depending on the nature of the truce and the other Muslim states would not be bound to the treaty of the signatories. There is no such case in the present world politics but the argument is given for informative purposes of the readers. At the present time, all the world states are signatories of the UNO and they shall have to abide by the principles of international law and social justice except some municipal adjudication of religious tribulations.²⁸

All the above narrations are made for the purpose to portray that the activities of all the religious militants has no validity in Islam and that they are doing it for their illegitimate supremacy over a specific area or for the accomplishment of their blatant interests. Their operations, suicide attacks, militant tactics and bombings anywhere in a Muslim or a non-Muslim state could not be justified because of the signatories of the UNO. It is another fact that the present structure of UNO is not based on sound principles of justice with the existing Veto concept of the five permanent non-Muslim members in the Security Council of UNO. But still at the present moment the Muslim states and their citizens are bound to abide by the UNO charter. There is full security for all the Muslim and non-Muslim states under UN charter and that concept are present in Islamic Sharia too with great detail.²⁹

The militants' second argument is drawn from the Hazrat Abu Bakkar's (RA) militant operation against the repudiators of Zakat during his Caliphate. Hazrat Abu Bakkar was a caliph and he had the right to do so against the belligerents. This case also does not befit on them because it is the duty of Imam (caliph; president) to deal with the rebellions with such a technique which he deems fit depending on the circumstances relevant to the strength of rebellions.³⁰ Are the militants in the position of Hazrat Abu Bakkar? If no, then what is the legitimacy of their militancy in Pakistan or elsewhere? If yes then why they could not prove their geographical identity? Where is their state and where is their caliph? They are terrorists and the terrorists have no state, no religion, no region and above all no justice so they must have no right with to be among the peaceful nations.³¹

Islamic Outlook of Religious Militancy in Peccadillous State

After the detailed discussion about non-Muslim states and individuals in Islamic view now it is essential to throw light on the other aspect of the dilemma. Coming to the second chapter of the problem of religious militancy inside a Muslim state, the facts are far more different from that of the non-Muslims. If the activities of militants are prohibited in non-Muslim states of the above nature then how could be justified their operations inside a Muslim state? There were two groups of Muslims during the era of the holy prophet (PBUH).³² One group was Muslim and the other group was that of the Munafiqeen (hypocrites; the individuals who apparently were Muslims but secretly they had anti-Islamic mind-setup and were in relation with non-Muslims to agitate against Muslims) of Madina. Their behaviours and tactics have been clearly described in the holy Quran. The holy prophet (PBUH) was fully aware of their conspiracies and tactics as it is in Quran. But it is very strange to the scholars that the Almighty Allah had clarified their status in Madina and also instructed the prophet (PBUH) not to pray their funeral prayers, instead, during his lifetime the prophet (PBUH) had not fought with them to surrender them to true Islam. Rather, in the holy Quran, the Almighty Allah has described about their Mosque in Madina in which they used to assemble and conspire against the Muslims of Madina. But religio-historical quotations did not show any militant operation by the prophet (PBUH) against them during his life time.³³ The holy Quran is full of their blameworthy nature and the Almighty Allah has cursed them with annoyance in the holy Quran. The Almighty Allah also has given instructions

to the prophet (PBUH) also to all Muslims to curse them as the Angels are also cursing them for their mischievous activities.³⁴

The reason for the exposition of these testimonials here in this effort are given to prove that the hypocrites were present in the lifetime of the holy prophet but neither the prophet (PBUH) took any militant action against them nor any Godly injunction is present there in the holy Quran to take sadistic action against them.³⁵ It is very genuine and authentic argument against the militants of this era who claim that the present Muslim states of the world including Pakistan are governed by the hypocrites. It should be kept in mind the hypocrites of Madina were in open contact with the non-Muslims of Makka (the Qureshites of Makka and others). The prophet (PBUH) was aware of their secret dealings and conspiracies with them. In Quran the Almighty Allah has notified the prophet (PBUH) and the Muslims in numerous verses from their outlook about the prophet (PBUH).³⁶ This research is justified to derive arguments against all the religious militants acting anywhere in the world inside a Muslim or non-combatant non-Muslim state without any prejudice and bias because the holy Quran is the biggest source of legislative jurisprudence according to Islamic teachings.³⁷

If the religious militants validate their actions through this argument then they would have to verify their militant tactics from the holy Quran and Sunnah of the prophet (PBUH). In the time of Hazrat Ali (RA) some people arose against him over the murder of the ex-caliph Hazrat Usman (RA). They demanded quick execution of the murderer of Hazrat Usman (RA) which was administratively not possible at time their demand. Consequently, they held militant demonstrations against Hazrat Ali (RA) killing some followers of Ali (RA).³⁸ These people are known as Khawarij (Rebellions) in the history of Islam. They also were against the decision of the arbitrate commission for the resolution of political differences between Hazrat Ali and Hazrat Mu'awiyah (RA). They were claiming that the declarative authority of decision among people is only with Almighty Allah and that no person or commission has that right at anyway.³⁹ Their ideology is known as Tahkeem (the assignment of authority to an arbitrate commission for making decision among disputants). When they instigated combative activities against the Islamic state then the caliph Hazrat Ali (RA), officially, launched counter-rebellion militant operation against them after seeking the consultation of highly distinguished companions of the holy prophet (PBUH).⁴⁰ The Khawarij were Muslims, their demand, to some extent, was justified, they were believing in the oneness of God and finality of the prophet (PBUH), they were the followers of holy Quran and they were living in the Second Blessed Era (Quroon-e-Saniah) but the caliph Hazrat Ali (RA) countered them militarily and cooled down their movement ceaselessly.⁴¹ It is the major challenge for the present day religious militants to validate their militant tendency for the enforcement of Sharia in the country either in Pakistan or elsewhere in the world. Instead, they claim that they are doing jihad but the perception of jihad is far more different from that of their concept of jihad in Pakistan. For the legitimacy of the effective hypotheses in this attempt fetches an argument from an authentic clarification of a tradition (Hadees) of the holy prophet (PBUH) as the following:⁴²

“The best of your rulers are those whom you like and he likes you. You pray for him and he prays for you. The worst of your rulers are those whom you dislike and he dislikes you. You are cursed by him and he is cursed by you. A companion rose from the gathering and asked the prophet (PBUH); could we not fight against them with a sword? The prophet replied; no you cannot fight against them still they offer prayers among you of course, when you see their bad concerts, dislike them but instead be obedient and docile to them”.⁴³

This narration is authentic in nature according to the scrutinization principles of the holy traditions of the prophet (PBUH) and the very interpretation of the Quranic and prophetic (PBUH) connections with Madeenite hypocrites (Munafiqeen) of that era. Madeena was the capital of Islamic state under the command and control of the holy prophet (PBUH). But no action has been taken against them as it is obvious from the history of Islam.⁴⁴ One fact is very clear in the above narration that, do not take a sword (any militant action) against your rulers up to the time you see them on offering prayers is very instrumental for the critics of militancy. It means that if there is freedom of religious practices in a state then no militant action or aggressive demonstration is allowed to general public against the ruler of an Islamic state.⁴⁵

Taxonomy of Crimes (Sins) in Islamic Shariah

After the brief description of Quranic injunctions and religio-historical quotations about the conduct of the mischievous people of early Islamic era, it is essential to inscribe some basic premises of human delinquency in their temporal life. All the humans are not the same. They have different behaviours, natures and multiple discrepancies in their daily transactions. They are like angels to be perfectly avoided from sins and transgressions. The ideology, that the human beings will become completely free of all sins is totally incorrect.⁴⁶ If it was so then, philosophically; there would have been no need of the revelation of the holy Quran or that of the Prophethood. The prophets have been sent to guide the humanity to the right path of Islam. According to the philosophy of religion the prophet is a superior human being whom the Almighty Allah selects for the guidance of other human beings. The Almighty

Allah Himself instructs him either directly like that of Hazrat Moosa (AS) or through His angels to teach and direct the humans to the right path Islam. He is in connection with God anytime and does not commit sins or any other offense in his life.⁴⁷ He interprets the instructions of God and communicates them to other human beings in their respective tongue. He elucidates the good and bad of all humanly actions. The Almighty Allah notifies him from his “Will” in certain humanly action and the prophet (PBUH) makes the people aware of the “Will of God in that humanly action. All the divine Holy Scriptures is the combination of God’s commandments and that again is the interpretation of the “Will” of God.⁴⁸ Consequently, this research reaches to the point that human society could not be made like that of angels, free of all misdemeanors. The conception of human delinquency and the design of different punishments in Quran are rational and indicate that the commitment of crimes from human beings must be occurred in their worldly lives.⁴⁹

The prophet (PBUH) was the Head of the State of Madeena. In his lifetime he (PBUH) has given different physical and mental punishments to the misdemeanors of his era in the legendary state of Madeena. The misdemeanors were the companions of the prophet (PBUH). Similarly, major punishments have also been given to the criminals by the holy prophet (PBUH) himself. The hypocrites were present in the same time in the state of Madeena but no punishment has been given to them. It was in the last period of his life that the prophet (PBUH) took an action against nook and burnt their mosque in Madeena but done nothing against the hypocrites in person by the time. It was then, when the prophet (PBUH) had got some relaxation from dealing the non-Muslims of Arabia.⁵⁰

State’s Responsibility for the Forceful Prevention of Crimes

The institution of Islamic Shariah uses different terminologies for human delinquency. In the holy Quran the terms “Ism”, “Munkar”, “Fahsh”, “Bagha”, “Zulm” and “Udwan” etc. are synonymously used for crimes and misdemeanors. There are three main categories of crimes (sins) in the holy Quran and Sunnah of the Prophet (PBUH). The first category is of those crimes from which the Almighty Allah has directly proscribed the Muslims in the holy Quran. The Almighty Allah has given clear directives to Muslims for keeping themselves away from suchlike offenses at any cost.⁵¹ Specific punishments have also been inscribed for some of them. Adultery, murdering, robbery, theft, rebellion, deviation from Islam etc. are some of those crimes. The second category is of those crimes which have been described and interpreted in the holy Sunnah of the prophet (PBUH). This category is very vast and the nature of such crimes is different from those which are explained in the holy Quran.⁵² The third category is that of diminutive offenses. This category is also very vast and no person is secured from these sins. It is the duty of a state to work for the control of crimes and punishment for them. No individual has the right to punish someone on his own will. There are some verses of Quran and some traditions of the holy prophet (PBUH) which mobilizes the individuals to inhibit the people forcefully from doing sins (crimes) and some scholars have generalized these verses to every individual but according to the high-caliber scholars of Islam forceful prohibition of crimes is the duty of a state not of an individual, accordingly.⁵³ In this connection an authentic tradition of the holy prophet (PBUH) is oftenly quoted in which the Apostle (PBUH) has instructed all of the individuals that whenever they see any type of commission of a crime or sin, then, it is their duty to avoid it by force and if they do not have the forceful preventive capacity of the crime then they should avoid it by their tongues and if they also do not have the verbal preventive capacity, then, they should have to avoid the commission of sins by their hearts (disliking and hating of the sin and the sinner). The prophet (PBUH) then told that the last attitude is the lowest category of faith and virtue and that if any individual also does not execute that then there in lowest degree of faith.⁵⁴

A large number of religious scholars and clerics develop a theory from the generalization of this valid tradition of the prophet (PBUH). But according to some other eminent interpreters of the holy traditions of the prophet (PBUH) the forceful prevention of crimes and sins are not the responsibility of individuals but, rather, it is the duty of a state. They provide many other proofs in favour of their arguments. They say that the forceful prevention of crimes will create chaos and disorder in the society. They are justified in their arguments according to the true sense of the contextual meaning of the tradition with reference to many other verses of holy Quran and Sunnah of the prophet (PBUH).⁵⁵

Psychological Methodology of Islam for the Control of Crimes

Islamic Shariah has its own system for the control of major and diminutive crimes. The Islamic Shariah seeks to control the crimes from the very base. Sadd-e-Zarai-e-Jinayat (controlling of crimes from the very basis) is the very basic formula for the inhibition of crimes in the society. Though the commission of a crime originates from human psyche so the Almighty Allah has instructed the humans not to obey the free psychic whims and wills accordingly. The philosophy of Islamic Ibadaat (worshipping practices) is that it vitalizes the human heart and mind

to avoid from sins and wrongdoings. It is the psychological methodology for the control of crimes. The offering of these obligatory practices force the human mind to keep the body away from doing offense and felonies.⁵⁶

The institution of Mosque is the leading institute built for this purpose from the start of Islamic history. This is the place where the Muslims gather for offering prayers. In the early history of Islam the prophet has used this place as a university, as a court, as an embassy, as a parliament and as a head quarter of an Islamic State in the start of Islamic culture and history. Basically, this institution has been established for the interpretation of divine injunctions of God.⁵⁷The Imam of the mosque is responsible to conform and interpret the substantive application of the holy commandments of Allah with the existing circumstance in this place. The Muslims are gathered once in a week here in this place on Friday. The Imam of the Mosque addresses the people and materializes the reality of Islamic injunctions to them. He communicates the memos of Almighty Allah to the people and frightens them from the wrath of God if they commit sins (crimes). He gives accent on the fear of god so that they may succeed in both the lives, here in this physical life and in the life after death.⁵⁸

This is the methodology of Islam for the control of crimes and delinquencies. Islam has this dignity and honour for the systematic institutional control of crimes and, perhaps, there would no other religion which has such an organized system for human development. This is the critical examination of religious militancy in Islamic perspective. The research confirms that forceful prevention of crimes and the execution of different punishments to the criminals is the responsibility of a recognized state and that no individual or organization has the authority to interfere in the affairs of the state inconveniently. The militants have made their own credo with no legal validation neither from the local municipal law nor from Islamic Shariah.⁵⁹ In the present democratic era the parliament has the legislative authority for all the delinquencies and human crimes which has no specific punishment in Quran or Sunnah of the prophet (PBUH). In the ancient history of Islam there was no formal institution for legislation but the religious high caliber scholars (Ahlul-halwalAqd) would have to give their opinion in the light of Islamic Shariah about a certain issue and the people would have to follow their judgments in letter and spirit. Nowadays the parliament has this formal legislative authority.⁶⁰

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