

Reply to the Stereotype “Sharia (Islamic Law) is too Harsh”

1. There are two kinds of laws regarding the source of the law. What are they?
It is either man made laws or God made laws. No third alternative.
2. Manmade laws made to be biased towards few? Explain the favored people in Capitalism and Communism.
 - Manmade laws. Made to be biased towards few.
 - In capitalism, the laws are written to favor the few who own the capital, as follows:
 - You need 100M to campaign to become the president of U.S.
 - They have money to change laws by lobbying and finance the campaign of presidential campaigns in exchange of supporting their special interests. For example, [the AIPAC](#) finances the campaign of the ones who would support the special interests of Israel and at the same time campaign against the candidates that do not support Israel.
 - People are slaves of the laws. Few rich dictate the laws and the majority of the society are slaves of these laws.
 - In communism, the laws are written to favor the dictators who run the country. They are free to do anything they want without any kind of checks and balances.
 - In a caste system, such as India, it is written to favor the people on the top of the system’s pyramid.
3. Why Sharia is not biased to the favor of anyone?
Because it is made by Allah and Allah is not biased towards anyone.
4. When the name of the Islamic Law (Sharia) is mentioned, people think about the law of punishment for criminals, why? Isn’t Sharia much more than that? Explain.
People think about the criminal laws in the Sharia because of the media that attacks the harsh side of Sharia, but Sharia’a is much more than that. The overall objectives of the Islamic Sharia are:
 - (1) Protection of religion: No one is persecuted to change their religion.
 - (2) Protection of human life:
 - (3) Protection of intellect.
 - (4) Protection of progeny.
 - (5) Protection of wealth.

Part of Sharia is the responsibility of the government and part is the responsibility of the people.

5. If we assume that what was meant by Sharia is the law of punishment for criminals, then

a. Why they say that Sharia is harsh. Mention the punishments of the examples given in class and you can add your own as well.

They say Sharia is harsh because: Kill the killers, cut the hands of thieves, stone married adulterers, death punishment for those who denounce and insult Islam publicly (3 days to undo), 100 lashes for unmarried adulterers and death penalty, by stoning, the married ones, 80 lashes for those who drink alcoholic beverages. Sever punishment (up to death penalty) for the homosexuals and rapists

b. Is Sharia really harsh on criminals? Why?

Yes, Sharia'a is very harsh on criminals and very kind to victims. It decreases future criminals and crimes. It decrease the number of victims.

c. Justice to the favor of criminals (easy punishment) versus justice to the favor of victims (harsh punishment). Explain how and why Sharia is kind to victims.

Since Shari3ah is very harsh on criminals, it reduces the number of criminals because thieves and other people are scared to commit a crime, lest they get caught, and their hand gets cut off. If no Shari3ah law, more victims, meaning more criminals.

d. How does Sharia reduce the total number of victims and criminals?

Since Shari3ah is very harsh on criminals, it reduces the number of criminals because thieves and other people are scared to commit a crime, lest they get caught, and their hand gets cut off. If no Shari3ah law, more victims, meaning more criminals.

e. Explain the benefit from a crime / cost of punishment ratio, i.e., the worth of a crime. Explain how Islam keeps this ratio low? Give some numerical examples to explain the point like the table below?

Benefit to cost analysis (B/C) of crimes. Sharia aims to make the cost of the crime so high that the B/C ratio is very low.

Worth of a crime = (100% - Chances of getting away) × amount of stolen money

Say your risk of getting caught is 30%. And the risk of not getting caught is 70%. The loot you are going to bag is worth \$100,000. So you multiply the loot by the risk of not getting caught. Your benefit is \$70,000. Is it

really worth it to risk cutting off your hand for \$70,000? It's probably not worth it, so you cancel the heist. That way less crimes are committed when people have the risk of being punished by their hand getting cut off.

Crime Worth?	Chances of getting away?	Benefit?	Cost?	Worth it?
\$100	60%	\$40	Their hand	NO
\$1,000	60%	\$400	Their hand	NO
\$100,000	60%	\$40,000	Their hand	MAYBE

6. Does the Shari3a demand that the punishment to be done in public or private? Why?

Criminals must be punished in public to scare other criminals that are not caught yet or thinking about committing a crime.

7. According to Surat Al-Maeda ([Maeda 5:44-45](#)), the laws of life for a life ...etc. were mentioned in which book? What is the meaning of this law?

(Verse 44) Surely We have sent down the Torah, in which there was guidance and light by which the prophets, who submitted themselves to Allah, used to judge for the Jews, and (so did) the Men of Allah and the Men of knowledge, because they were ordained to protect the Book of Allah, and they stood guard over it. So, (O Jews of today,) do not fear people. Fear Me, and do not take a paltry price for My verses. Those who do not judge according to what Allah has sent down are the disbelievers.

(Verse 45) We prescribed for them therein: A life for a life, an eye for an eye, a nose for a nose, an ear for an ear and a tooth for a tooth; and for wounds, an equal retaliation. 31 Then, if one forgives it, that will be expiation for him. Those who do not judge according to what Allah has sent down, they are the unjust.

8. What is the meaning of the Ayat ([Shura 42:39-43](#)) and how is it related to the subject?

(Verse 39) And those who, when they are subjected to aggression, defend themselves.

(Verse 40) The recompense of evil is evil like it. Then the one who forgives and opts for compromise has his reward undertaken by Allah. Surely, He does not like the unjust.

(Verse 41) The one who defends himself after having been wronged, there is no blame on such people.

(Verse 42) Blame, in fact, is upon those who wrong people and make mischief on earth unjustly. For such people there is a painful punishment.

(Verse 43) And if one observes patience and forgives, it is, of course, one of the courageous conducts.

8. The Ayah in ([Shura 42:40](#)) talks about justice in punishment. It says that the punishment is equal to the offense. Explain how? Hint: talk about is equal means the same? If someone raped a victim, then would the punishment be a reverse rape?

- The recompense of evil is evil like it. Then the one who forgives and opts for compromise has his reward undertaken by Allah. Surely, He does not like the unjust. ([Shura 42:40](#))
- Equal punishment doesn't mean equal rape or theft. It means equivalent in pain and losses.
- Sharia offers the following choices to the victim:
 - (1) Seek Justice
 - (2) Accept blood money or compensation
 - (3) Be Kind and forgive.

9. Is Sharia intended to protect the public space or the private space?

- Shari3ah law is intended to protect the public space, not the private space, as if you do something bad in a private place, like your home, it is only between you and Allah, no one else should know about it. For example, getting drunk in privacy is not caught by Shari3a and it is between you and Allah. But if it is done in public, this is when Shari3a catches you.
- For example, to prove adultery, four witnesses who witnessed the sexual act are required. This doesn't happen unless it is done in public or, for example, you kept the bedroom window open while doing it.
- If someone accuses someone else of committing adultery without having three other witnesses, it is considered a slander and he get punished by 80 lashes.
- Victims of rape are not required to provide four witnesses.
- If a man is accusing his wife of adultery, four witnesses are not required.
- If you are caught by Shari3a and repent after being caught, then the punishment would still have to be applied.

10. Does Sharia allow spying on the people in their private places? Mention the story of Umar and the drunk people.

No, Shari3ah does not allow spying on other people's lives. Once, Omar R heard people laughing raucously when he was walking down the street. He spied on them and saw that they were drinking alcohol. Getting mad, he leaped from the walls and said that they were going to be punished. The people said that in essence, Omar himself did three mistakes. He didn't say salaam to the people. He entered the house from a way other than the main door. Also, he spied on them, all of which were not good. So they were not punished because the men were in the privacy of their home, not in the public.

11. Difference between the rich thieves and the poor thieves in terms of how harsh the punishment in both cases?

When a rich person is stealing just to get something he/she does not have, their hand gets cut off, because it is a want not need. But when a poor person is stealing because they haven't eaten for a few days, and it is a matter of life and death to them, their punishment is reduced because what they are stealing is a necessity; without it, they will die.

12. When did Omar^{RAA} stop cutting the hands of the poor thieves?

Omar R (The second Khalifa after the Prophet died) stopped cutting the hands of the poor thieves when it was a year of famine.

13. In the Islamic law, what is the value of a bottle of Alcohol?

Zero value because it is illegal. The government can destroy the inventory of a liquor store without any compensation. The alcohol merchant is punished.

14. Explain how the Sharia allows the freedom of Halal but not the freedom of Haram.

In doing business, you can have different business strategies that doesn't conflict with Sharia, which are no monopoly, no cheating and no interest (Riba).

15. What are the five objectives of Sharia? Briefly explain each one with examples. [Use this link](#).

Five objectives of Sharia

1) Protection of religion.

Religion is what differentiates human being from the other creations of Allah. It is part of the honor that Allah gives to humanity. Therefore, it has to be protected. First, Shari3ah protects religion by establishing the ruling that {There is no compulsion in religion.} (Al-Baqarah 2: 256)

2) Protection of human life

The Shari3ah makes the life of a single human being so valuable and Allah in the Qur'an said that killing one person is equivalent to killing the whole of humanity and saving the life of one person is as if the life of all humanity is saved (Al-Ma'idah 5:32). Shari3ah forbids killing and dictates the most severe punishment for it in this life and in the hereafter. It also prohibits injuring people, harming them physically or even symbolically. It allows and encourages people to live honorably, gives them the right to move, think, and speak freely and responsibly.

3) Protection of intellect

Sharia promotes education for all and makes it a right for everyone. Shari3ah also states that if the intellect gets corrupted, it becomes harmful to the individual and to the society and Shari3ah fights strongly against such corruption. One of the main reasons behind the impermissibility of intoxicants is that they have a strong influence on corrupting the intellect.

4) Protection of progeny

Every child has the right to grow amongst a family. This family is obligated to take care of the children and develop them. Marriage is very valuable in Islam and it has a big share in Islamic Shari3ah teachings and rulings. Sexual relations other than in marriage are impermissible and same-sex marriage is strictly forbidden.

Marriage is protected by law from the abuse of either of the spouses, or the abuse of people outside the family. Accusing someone, especially women, of having unlawful sexual relations deserves a strong punishment since spreading such rumors demolishes marriages and is dishonorable. Men and women in society are obligated to protect their chastity, lower their gaze, and deal with one another professionally and in a brotherly fashion. All these teachings are to make sure healthy families are established and children grow up in healthy families.

Divorce, although allowed, is discouraged by demanding spouses to endure patience. Divorce is a final resort to fix an unsuccessful family. Resolving marriage conflicts as stated in the Qur'an, is another example of how Shari3ah pays extra attention to the family.

An orphan is very valuable, and taking care of an orphan has a reward no less than the company of the Prophet in Paradise. One cannot consider his children

as a burden, and cannot kill them out of fear of poverty or dishonor (as people used to do).

Mothers are given a special care especially when they are pregnant or nursing for they are the ones who nurture the next generation. Shari3ah's teachings, when followed, guarantees the righteous upbringing of new generations and the real protection of progeny.

5) Protection of wealth

People have the right to own and protect their property. Shari3ah aims to protect people's wealth and property. Theft is strictly prohibited and punished by the law. Shari3ah also regulates transactions between people, and states clearly that it has to be built on complete freedom and willingness. Shari3ah also encourages us to increase our wealth and it ensures that wealth does not reach the hands of those who waste it. The poor have rights in the wealth of the rich through charity. Usury is forbidden as it is a cause of wasting wealth and putting it in the hands of a few rich people.