

CHARITIES, WAR TERRORISM AND THE LAW

- Most Mosques and Islamic Centres in the United Kingdom are registered charities whose charitable status is defined by and subject to the law governing charities. The law governing charities does not permit a charity to have political purposes but it does permit charities to be involved in some but not all political activities.
- Most Muslims who regularly attend Mosques and Islamic Centres to worship Allah have supported neither Saddam Hussein nor the invasion of Iraq. They have been just as disgusted by the excesses of the Ba'athist regime as they have been by the terrifying laser precision damage to property, injuries and loss of life inflicted on civilian populations in Chechniya, Afghanistan, Iraq and Palestine in the name of exchanging democracy for tyranny as an integral part of the continuing Zionist offensive against Islam and Muslims.
- Operation Enduring Freedom – also recognised as the next phase in Operation Greater Eretz – not only condones and involves Israel's persistent and consistent refusal to abide by some 69 United Nations Security Council Resolutions spanning a period of some 30 years, its stockpiling of nuclear weapons and other sinister weapons of mass destruction, the systematic theft of Palestinian land and water, the systematic destruction of Palestinian villages crops, homes and lives – but also includes in its mildest form the refusal to give any Palestinian living in Israel even that most basic of democratic rights, the vote.
- Although United Kingdom domestic human rights law recognises – subject to certain reasonable limitations – the freedom of speech, the freedom of belief, the freedom to put that belief into practice either individually or collectively, and the freedom to educate one's children in accordance with that belief, most Directors and Imams¹ of Mosques and Islamic Centres are justifiably concerned as to precisely what words and actions on charity premises are permitted or prohibited by the law governing charities, whether in the name of the charity or by those utilising charity facilities and premises, especially when a single directive from Washington can result in a full scale inquiry and the freezing of charity assets.
- Although it is inevitable that the law governing what is permitted or prohibited will be applied selectively and variably, depending on a combination of public and private policy, local context and national and international situations, the following guidelines indicate approximately where the boundaries which should not be crossed lie :

1. The Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001

Any form of support (vocal, financial or active) for a proscribed organisation is an offence under these Acts – even if the proscribed organisation is fighting in self-defence against a home-based tyrant or foreign invaders. Every Director and Imam should know which organisations are on the blacklist.

2. Criminal Law

Any form of incitement to damage property or to cause injury to people – or to plan or carry out such actions – is an offence, even if it is in response to unlawful damage to property or unlawful injury to people inflicted by a home-based tyrant or foreign invaders.

By both Shari'a² and English law you are not allowed to take the law into your own hands. If you do, you are committing an offence, however justified your response may seem to you. The settlement of any dispute or imposition of any penalty must be in accordance with the judgement of a duly appointed and authorised qadi³ or judge.

3. Human Rights Law

Although English law recognises – within reasonable limits – the freedom of speech and the freedom of religion, if you use these freedoms to incite racial hatred or to incite damage to property or injury to people, the law does not permit this. At the moment it is not an offence to incite religious hatred, although this inconsistency in the law is in the process of being reviewed. Recent case law has established that it is not necessarily a defence to state that you were simply quoting from the Qur'an⁴ or from the Hadith.⁵ Depending on how you quote them and in what context, you may find that in the eyes of the law you were exercising your freedom of speech in such a way that an offence has been committed, or the government is entitled to revoke your British nationality, even if what you said is completely true.

4. Charity Law

Charities are not permitted to have political purposes but may engage in some but not all political activities. The basic rule is that if a particular political activity will assist in furthering a charitable object of a charity, then subject to certain conditions the charity can engage in that activity.

The Charity Commission Publication *CC9 - Political Activities and Campaigning by Charities* (<http://www.charitycommission.gov.uk/publications/ccpubs3.asp>) provides some guidance as to what is or is not permitted, but its criteria and list of examples are not exhaustive and are subject to change at any time.

Most Mosques and Islamic Centres have as one or more of their charitable objects:

- (i) establishing the deen⁶ of Islam by living it and by calling the general public to it;
- (ii) educating both Muslims and the general public about Islam and about other useful general knowledge;
- (iii) relieving the poor, the ill and the needy, including victims of disasters both natural and man-made; and
- (iv) various other recreational and cultural objects which do not fall directly within the ambit of the first three objects but which have been recognised as being exclusively charitable either by the courts or by the Charity Commission.

Fulfilment of the first two objects especially are essential to the exercise of a Muslim's religious human rights to freedom of belief in, practice of and education in the teachings of Islam – which are concerned with every aspect of life.

Fulfilment of the third object usually involves the collection and distribution of zakat which is a religious duty and accordingly essential to the exercise of a Muslim's religious human rights.

It is legally permitted for charities to assist civilian victims of war by providing medical aid, food, shelter, clothing and financial assistance – but not combatants.

If a political activity would assist in furthering any of these charitable objects, then it is permitted for a charity to be involved in it – provided of course that the object in question is stated in the charity's governing instrument.

If certain government policies or certain laws are preventing a charity from fulfilling its objects then it is legitimate for that charity to oppose such policies and laws – in a reasoned and articulate manner, not in an emotionally rhetorical one, because if as a result of this campaign such policies or laws are changed so as to be less discriminatory against Muslims, then this will enable the charity in particular to fulfil its objects as well as assisting Muslims in general to exercise their basic religious human rights.

On the other hand, if certain government policies or certain laws assist a charity in fulfilling its objects, then it is legitimate for that charity to actively support such policies and laws – in a reasoned and articulate manner, not in an emotionally rhetorical one, since they enable the charity in particular to fulfil its objects as well as assisting Muslims in general to exercise their basic religious human rights.

Since the Charity Commission publication on *Political Activities and Campaigning by Charities* is expressed in general terms and was not drafted with the specific needs of Muslims in mind, examples of how its criteria may be applied to Muslim charities follow – although it should always be remembered that the manner in which the law is applied will always be subject to policies which will always be subject to change.

4.1 Anti-War Marches

Whenever non-muslim forces have attacked Muslims whether in the UK or abroad, Muslims in the UK, Europe and America have experienced an increase in the number of criminal offences and acts of religious discrimination perpetrated against them, ranging from physical assault, to verbal abuse, to summary dismissal from employment, to refusal of employment. This is partly due to the way events are selectively portrayed in the media combined with the promotion of misleading stereotypes both in the media and via the blockbuster film industry. This seriously affects the exercise by Muslims of their basic human rights and it seriously affects the furtherance of the charitable objects of Muslim charities.

It follows that any anti-war march – which seeks to persuade in a peaceful manner non-muslim forces not to attack Muslims whether in the UK or abroad – will, even if only partially successful, assist in furthering the charitable objects of most Mosques and Islamic Centres, particularly when the protesters, both Muslim and non-muslim, are calling on their governments not to flout the rule of law when it seems politically expedient to do so, and especially when it is innocent civilians who suffer the most loss of life, physical injury and damage to property as a result of foreign high-tec invasions.

It is one of the signs of the end times that people kill people without knowing whom they have killed – or why, and that the people who are killed do not know who killed them – or why.

It is legitimate therefore for charities to assist their members in participating in anti-war marches, provided that the necessary permission to conduct the march has been granted and provided that the march is conducted in a peaceful manner.

4.2 Supporting Political Parties

A charity is not permitted to support any political party in particular.

It has become permitted by practice established during the last twenty years for political leaders or their representatives from the different political parties to visit Mosques and Islamic Centres prior to local or general elections in order to woo the increasingly significant Muslim block vote. As long as a charity provides all political parties with an equal opportunity to talk to its members (usually before or after the jumu'a⁷ prayer) this is not construed as 'political activity' by the Charity Commission.

It follows from this that a charity would be entitled to organise a meeting of its members to consider which of the political parties' policies were most Muslim friendly, because it might be expected that a Muslim block vote in favour of the most Muslim friendly party would enable the charity in particular to fulfil its objects as well as assisting its members in general to exercise their basic religious human rights.

It should be pointed out however that this might prove to be a fruitless exercise, since most political parties have a private agenda which never actually forms part of their public manifesto – but which is unfailingly implemented once elected.

Many Muslims, for example, voted for the Labour party in 1997, on the basis of its public manifesto promise to incorporate the *European Convention on Human Rights* into domestic English law, thereby enhancing the exercise by UK Muslims of their basic religious and educational human rights. After Prime Minister Tony Blair's landslide victory, the *Human Rights Act 1998* duly followed as promised – but it failed to make any provision to secure these rights, either in the Act or by means of secondary legislation. This means, 6 years later, that if a Muslim's basic religious human rights are violated, he or she has no legal remedy or right to compensation in any court of law. This gaping hole in the provision of justice is in the process of being remedied, but only in the sphere of employment.

Similarly, it was the Muslims' block vote in America – based on promises made – which ensured that the Republican party somehow managed to win the election in 2000. Since President George Bush's inauguration and the destruction of the twin towers, Muslims have been systematically profiled and persecuted by the American government and non-Muslims as never before – and far more blatantly than in the United Kingdom and Europe.

4.3 Khutbas

Whatever happens is by the decree of Allah. People who reflect are always concerned with perceiving the meaning of whatever is happening. One of the Prophet Muhammad's du'as,⁸ may Allah bless him and grant him peace, was : "O Allah, teach me to see things as they are." This is one of the purposes of a khutba.⁹ Another purpose is to forbid what is wrong and to call to what is right, as defined by Allah and His Messenger in the Qur'an and the Hadith. The Muslims are one community in spite of all attempts to make them view themselves as a series of separate nations. If one Muslim is attacked or harmed or killed without just cause, every Muslim feels it.

The Prophet Muhammad said, may Allah bless him and grant him peace, that if you see an injustice, put it right – or if you are unable to do so, then speak out against it

– or if you are unable to do so, then reject it inwardly in your heart – and this is the least you can do.

It follows that as well as glorifying Allah and asking Him to grant blessings and peace on the Prophet Muhammad, may Allah bless him and grant him peace, the khatib¹⁰ is obliged to talk about the situation of the Muslims, whether it be the Muslims in the local community or the Muslims in the country, or the Muslims further afield, with a view to giving good advice and putting things right in a manner which is pleasing to Allah. This is done by applying what Allah and His Messenger say to the situation.

It is clear that this is first and foremost a religious duty, not a political activity, but it is important to fulfil this duty with wisdom and not with excess. If an Imam's words are capable of being viewed as incitement to racial hatred or incitement to commit any kind of criminal offence, then he would lay himself open to criminal prosecution.

It is therefore prudent for Imams to explore the meaning of what is happening and to give sound advice as to what action is best in a calm and balanced manner. Imams should be aware of the context in which they are quoting from the Qur'an and the Hadith – of their interpretation and application of these words – and they should be aware of the possible effects of their words on their listeners. If an Imam is too specific as regards their application to certain individuals or groups of people, he might find himself being charged with an offence, even if what he has said is completely true.

4.4 Talks

Most Mosques and Islamic Centres arrange educational talks. It is permissible for a speaker to apply what Allah and His Messenger say to any situation, whether it be the courtesies of the prayer and fasting, or the obligations to rule in accordance with the Shari'a and the Sunna,¹¹ or the necessity of avoiding riba¹² in financial transactions.

Since the teachings of Islam are concerned with all aspects of life – including what is expected of a trader, as well as what is expected of a ruler, as well as what is expected of a worshipper – it follows that an educational lecture concerned with explaining what these duties are and how they can be fulfilled in a modern context, falls well within the religious and educational objects of most Muslim charities.

Such a lecture could, for example, include assessments in the light of the teachings of Islam of present day rulers. A religious scholar would be entitled to observe that neither Saddam Hussein, nor Tony Blair, nor George Bush – nor the people who have authority over them, nor the people under their authority – have been governing in accordance with the teachings of Islam, which might explain why their forces are presently busy destroying each other, especially since Allah says in the Qur'an that those who do not follow prophetic guidance destroy themselves. This is a conclusion arrived at by applying specific religious criteria – not a political activity.

However, as with the khutba, anyone giving an educational talk should ensure that his or her words are not capable of being viewed as incitement to racial hatred or incitement to commit any kind of criminal offence, since this would lay him or her open to criminal prosecution.

It is also important for anyone giving an educational talk to consider and assess different points of view, both Muslim and non-Muslim, since charity law makes a distinction between what is educational and what amounts to no more than the inculcation of political propaganda – which is not regarded as being ‘educational’.

Everything is a matter of degree. Some kinds of meetings would probably be viewed by the authorities as political rather than religious or educational. If, for example, the trustees of a charity were to organise a meeting in order to encourage the attendees to call on the government of the day to abide by international law instead of simply ignoring it when political expediency indicates it should be ignored and oil revenues beckon – and not to vote for Labour in the next election because its promise to ‘bring human rights home’ has not only remained unfulfilled after 6 years but has also been rendered meaningless by its violation of human rights abroad – then such a meeting might well be viewed as a ‘political activity’ which the Charity Commission might well take steps to end.

4.5 Du‘as

The muminun¹³ know that Allah has power over everything. There is no strength and no power except from Allah. What Allah wants happens. When Allah wants something to happen, He says, “Be!” and it is.

It is only natural for those who know this with certainty and who trust in Allah without doubt to always ask Allah for help, success and victory :

When Allah’s help and victory have arrived,
and you have seen people entering Allah’s deen in droves,
then glorify your Lord’s praise and ask His forgiveness.
He is the Ever-Returning. (Qur’an : 110. 1-3)

Supplicating to Allah is not a political activity – it is a recognition of and a turning to the Source of power, decree and destiny Who determines everything that happens in the heavens and the earth, both in the Seen and in the Unseen.

Praying to God to guide the so-called leaders of the world – and whoever tells them what to do and whomever they tell what to do – and to help and protect those who are being destroyed by mechanised bomb-droppers who cannot even see whom they are killing (and whose ‘smart bombs’ do not even have sufficient artificial intelligence to avoid murdering women and children trying to sleep in their beds) – is a religious activity, not a political activity.

However, as with the khutba, anyone making a du‘a should ensure that his or her words are not capable of being viewed as incitement to racial hatred or incitement to commit any kind of criminal offence, since this would lay him or her open to criminal prosecution.

If the one delivering a khutba, or giving a talk, or making a du‘a does not recognise the manifestation of the Divine attributes of majesty and power in what is happening, then his or her response to the cynical slaughter of innocent people may well be angry and emotional – in which case his or her words might be viewed by the authorities as ‘political’ or as an ‘incitement’ to commit a criminal offence.

It is always important to remember that the mumin¹³ who is killed suddenly and unexpectedly – for example by a collapsing building destroyed by a bomb dropped from a great height – dies shahid¹⁴ and is guaranteed a place in the Garden, while whoever is responsible for killing a mumin without just cause – and by Shari'a this includes whoever plans it, whoever gives the order and whoever carries out the order – is guaranteed a painful punishment in the Fire.

It is therefore prudent for Imams not to be too specific when delivering khutbas and giving talks and making du'as in public – and sufficient to ask Allah to give the kafirun¹⁵ what He has promised them and to grant the muminun what He has promised them, in the dunya¹⁶ and in the akhira,¹⁷ knowing that on the Last Day everyone will meet the punishment or reward which is their due with absolute justice.

We therefore pray that the current offensive in the Middle East will be a purification for all the Muslims – as well as marking the start of a new Islamic civilisation in both Europe and the Americas. As the Prophet Muhammad said, may Allah bless him and grant him peace, “Allah spreads the deen of Islam through the enemies of Islam.”

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12th Safar 1424

14th April 2003

La ilaha il'Allah

sayyiduna Muhammadun rasulu'llah

There is no god except Allah

Our master Muhammad is the Messenger of Allah.

May Allah bless him and his family and grant them peace. O Lord, make us firm by its recital, oh Mawlana,¹⁸ give us results from its invocation. Let us enter into the fortress of its protection – let us be among its people – and let us say it and know it at the time of death. Gather us into the company of our lord and master Muhammad, may Allah bless him and his family and grant them peace, and his Companions and all the believing slaves of Allah.

Amin. Amin. Amin.

And peace be upon the Prophets and the Messengers
– and on all the righteous ones.

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And the last of our prayer is: Praise be to Allah, the Lord of the worlds. There is no great power and no strength but through Allah, the Mighty, the Great. My help is only with Allah. In Him I have put my trust – and to Him I turn in renewal. Praise belongs to Allah for the blessing of Islam, and it is blessing enough.

(From the Wird¹⁹ of Shaykh Muhammad ibn al-Habib)

Notes:

- ¹ *Imam*: leader of Muslim congregational worship.
- ² *Shari'a*: lit. road, the legal modality of a people based on the Revelation of their Prophet. The final *Shari'a* is that of Islam. Islam can be defined briefly as: 'submission to the will of Allah, the way of life embodied by all of the Prophets, given its final form in the guidance brought by the Prophet Muhammad, may Allah bless him and grant him peace.'
- ³ *qadi*: a judge, qualified to judge all matters in accordance with the *Shari'a* and to dispense and enforce legal punishments.
- ⁴ *Qur'an*: the Holy Book, the Living Miracle, revealed from Allah as a guidance to mankind via the angel Jibril (Gabriel) to the Prophet Muhammad, may Allah bless him and grant him peace. The Revelation began in 610 and continued until shortly before the death of the Prophet in 11/632.
- ⁵ *Hadith*: reported speech of the Prophet Muhammad, may Allah bless him and grant him peace.
- ⁶ *deen*: life-transaction, religion in the broadest sense; lit. the debt between two parties, in this usage between the Creator and the created. The *deen* of Allah and the Muslim community is Islam but every society and cultural grouping have a *deen* which they follow.
- ⁷ *jumu'a*: the day of gathering, Friday, and particularly the *jumu'a* prayer which is prayed instead of *dhuhr* (the midday prayer) by those who attend it.
- ⁸ *du'a*: making supplication to Allah.
- ⁹ *khutba*: a speech, and in particular a standing speech given by the *Imam* before the *jumu'a* prayer and after the two *'Id* prayers (which occur at the end of the annual fast during the month of Ramadan and at the time of the *Hajj*, the annual pilgrimage to Makka).
- ¹⁰ *khatib*: a speaker or orator; the one who delivers the *khutba*.
- ¹¹ *Sunna*: the customary practice of a person or group of people. It has come to refer almost exclusively to the practice of the Messenger of Allah and of the first generation of Muslims.
- ¹² *riba*: usury, which is forbidden, whatever form it takes, since it involves obtaining something for nothing through exploitation.
- ¹³ *muminun*: the plural of *mumin*, a believer, someone who possesses *iman*, who trusts in Allah. *Iman* is belief, faith, acceptance in the heart of Allah and His Messenger. *Iman* consists of believing in Allah, His angels, His Books, His Messengers, the Last Day, the Garden and the Fire, and that everything, both good and bad, is by the decree of Allah.
- ¹⁴ *shahid*: a martyr who dies fighting in the Way of Allah.
- ¹⁵ *kafirun*: the plural of *kafir*, someone whose heart is veiled by *kufir*, who rejects Allah and His Messenger and the *deen* of Islam. *Kufir* is disbelief, covering up the truth, rejecting Allah and refusing to accept that Muhammad is His Messenger.
- ¹⁶ *dunya*: this world, not as cosmic phenomenon, but as experienced.
- ¹⁷ *akhira*: the Next World, what is on the other side of death.
- ¹⁸ *Mawlana*: "our Master", a term of respect.
- ¹⁹ *Wird*: a regular spiritual exercise involving recitation of a litany of *dhikr*, remembrance and invocation of Allah.

Bibliography:

THE NOBLE QUR'AN – a New Rendering of its Meaning in English by Abdalhaqq and Aisha Bewley, (Bookwork, Norwich, 1999).

A Glossary of Islamic Terms by Aisha Bewley, (Ta-Ha Publishers, London, 1998).