

When Mercy Seasons Justice

Q-News, No. 326, Dec 2000 – Ramadan 1421

God says in the Qur'an : 'And if you do judge, judge between them justly. Allah loves the just.' (*Qur'an* 5.42).

It used to be said that ignorance of the law is no excuse. Now that there are so many laws it has become such a complex matter that even a partial understanding of some of the law borders on the miraculous – and is the most to which the majority of lawyers can aspire. In such a state of affairs, anyone who wishes to judge with justice is indeed a brave spirit and to be admired and respected.

Even a brief study of the broader cycles and patterns of history reveals that when a society's laws become too complex and numerous, it collapses – outward rigidity and inward imbalance resulting in increasingly extreme forms of explosion and implosion. I remember reading *The Lathes of Heaven* by Ursula Le Guinn twenty-five years ago – a brilliant critique of the self-defeating nature of major social engineering presented as a work of fiction – little knowing at the time how many laws and rules and regulations would be passed between then and now, but already keenly aware that man-made laws are only as good as the people who make them.

Passing more and more laws does not necessarily result in a more and more just and safe society. An overdose of utilitarianism may eventually lead to tyranny by computerised bureaucracy. Morality cannot be imposed by statute. The *Human Rights Act* has not altered a general state of affairs in 'modern' society in which a rape takes place every few minutes and a theft every few seconds. The *European Convention on Human Rights* which has been incorporated into Turkish domestic law has not protected the women in Turkey who are barred from attending university and working for the government – and who are even 'tried' and imprisoned for 'treason' – if they dare cover their hair with a scarf when in public. The *Universal Declaration of Human Rights* and all its related international conventions and treaties did not prevent the IMF from financing an invading Serb army via 'monetary aid to Russia' while the UN simultaneously imposed an arms embargo on their intended victims.

In a world where contradictions such as these are so blatant and apparent, is there any other, better, source of guidance and justice which might help to improve matters? Different people with different viewpoints inevitably suggest different solutions. Muslims around the world say: "Islam is the key to the future," – with which God will do as He wants.

Even a brief study of the usual false stereotypes which are used to attack and misrepresent Islam reveals a different reality. If the way of Islam really degrades women, why are so many European and American women freely embracing Islam? If the punishments are so barbaric, why are there so few Muslims with a hand missing, why are there so few marriages destroyed by adultery, and why are there so few unwanted pregnancies terminated by abortion? If Muslims are terrorists, what are the occupying forces who try out their latest military technology and radioactive heavy-metal tipped shells with laser precision on civilian targets and who answer children's stones with bullets?

A closer study of the way of Islam – which inevitably means meeting and living with those who follow it with sincerity, not with those who have turned their backs on it – reveals a different picture and a different underlying psychology. For those who are aware that God is closer than the jugular vein – life itself! – and that after the body dies the spirit lives on, and that ultimately life on the other side of death will be spent either in the Garden or in the Fire – no cosy third option! – depending on how you lived your life on earth, then priorities are different, and actions

are informed. And for those who follow the pattern of behaviour which was how the Prophet Muhammad lived, blessings and peace be on him, which is the way of Islam, then quality of life and inward state are a delight, however poor you may be.

Part of this pattern of life necessarily involves 'legal' matters concerning, for example, social relations, commercial transactions, civil disputes and criminal excesses. Some actions are obligatory, some are permitted and some are forbidden. They therefore need to be defined, described and understood. These matters are part and parcel of the human situation and are dealt with in different ways by different cultures and societies. As regards the way of Islam, the means by which these matters are defined and dealt with is known collectively as 'the Shari'a'. Shari'a means a road. It is a clearly delineated road. On the whole it is simple to follow. It is a road which leads somewhere – through this world to the Garden. Once you know about it, ignorance of the Shari'a is no excuse – but Allah is Forgiving, Merciful.

The usual false stereotype attempts to define and condemn the Shari'a as an outdated mediaeval agrarian law. A closer study reveals that it is in fact a divinely revealed law. It therefore comes as no surprise to those who recognise this, that God – being God – got it right first time. This is why the Shari'a is not in need of constant revision and change as is the case with man-made systems of law. Those who reject outright or seek to revise and change the Shari'a have not recognised it for what it is. It is a mercy in this world and it leads to even more mercy in the next – for those who follow it.

The Shari'a permits the making of more detailed laws and rules to deal with new situations, but requires that they are in harmony with its principles and within its parameters. Even a brief study of man-made laws reveals that those laws which are in harmony with the Shari'a are most beneficial in their effects, whilst those which are in conflict with the Shari'a do most harm. Consider, for example, how much injustice has resulted during the last five centuries firstly in Europe and then in the rest of the world from the legalisation of usury (in England, by Henry VIII), which was a major, if little publicised, element of the Reformation.

It would be unrealistic to expect everyone to accept the Shari'a – just as it is not in the nature of things that everyone will believe that the Euro possesses intrinsic value – but already on a number of occasions legislators in England have considered how the Shari'a deals with certain specific situations – and have then adopted, to a greater or lesser extent, the same approach as the Shari'a when developing domestic law, for example, as regards the laws of intestacy and of adoption. This is a practice which is likely to be repeated, and which modern legislators would be well-advised to follow, since whoever is wise does not make the mistake of thinking that he or she knows better than God – and only the wise should be entrusted with making laws!

Even a brief study of life reveals that the seasons and tides change in a measured and predictable rhythm. Society is experiencing a sea change. Like next spring, Islam is coming. The old order is yielding place to new. The new world order is already out of date. Out of confusion comes fusion. The more aligned to the Shari'a the laws of our land are, the more order and justice and mercy there will be. The Prophet Muhammad, may Allah bless him and grant him peace, said: "Show mercy to whoever is on the earth, so that whoever is in the heavens will show mercy to you." I sometimes wonder if Shakespeare was aware of these words when he wrote, in *The Merchant of Venice*:

"And earthly power doth then show likest God's
When mercy seasons justice."

Ahmad Thomson