

Muslim Brotherhood Statement on Islamic Law and National Identity



The Muslim Brotherhood was founded for the purpose of reviving the spirit of Islam and awakening faith in the hearts of society at large, recognizing that this is the way for the nation to rise again, to restore its historical position and vital role and achieve its duty.

Hassan Al-Banna, the founder of the Muslim Brotherhood, identified the group's mission as: guiding all humanity to the good ways and enlightening teachings of Islam, without which mankind will not attain happiness. There is no doubt that Islamic Sharia is the most important component of the Egyptian personality, and the most important determinant of the Egyptian identity, since it is for Muslims the true faith and religion, and for non-Muslims it is culture and equal citizenship.

Sharia is a comprehensive way of life that seeks to create good individuals and patriotic citizens who love their homeland, are faithful to their fellow nationals, and want to offer all they could to the people around them. Sharia further aims to create a cooperative, supportive society based on equality, justice and mutual respect, and the establishment of good governance that focuses on serving the people, achieving justice between citizens, establishing balanced and independent international relations, seeking to establish peace and humanitarian cooperation, and affirming human rights – thus honoring the meaning of the Verse: “O mankind! We have created you from a male and a female, and made you into nations and tribes, so you may get to know one another. Verily, the most honorable of you, in the sight of Allah, is the most pious amongst you. Verily, Allah is All-Knowing, All-Aware.” (Quran: 49:13).

Thus Sharia awakens faith, reforms behavior, improves the general environment of the whole society, and polishes morals, through persuasion and education, with no coercion whatsoever.

To protect this civilized society, created by Sharia, the penal system is the embodiment of utmost justice and precision. No one is punished, except for a definite crime, after first preparing society to understand and accept Sharia, which would be applied in a careful gradual approach, in order to achieve its purposes indispensable to man and society: to safeguard faith, mind and soul, as well as private property and money, so as to ultimately

achieve psychological and physical security in society.

The system of Sharia is based on several fundamental principles that tell it apart from all man-made law systems.

Contrary to western rumors, Sharia is based on leniency rather than severity, putting public interest above the individual's, favoring 'averting evil' over 'bringing benefits', and achieving balance between the rights of the individual and society, as well as many other Sharia principles that are bound to guarantee security, prosperity and stability for societies, should the law be based on them.

Sharia framework calls for communication and dialogue with all cultures and nations in order to ensure the individual and society benefit from all the latest developments useful to mankind, whatever their origin, for wisdom is the goal of the believer, wherever it is. With this openness to all cultures and civilizations, society should constantly advance.

Sharia safeguards the rights of non-Muslims, granting them the full right to practice rites of their faith and referring to their own religious rules for their personal and private affairs. This made the late Pope Shenouda say: 'Copts under Sharia will be happier and safer than ever... We are eager to live by the principle 'we share the same rights and duties'.

Above all, the system of Sharia totally rejects the concept of a theocracy, religious or priestly government or sanctification of the ruler or a certain class. It also refuses to allow any party to monopolize legislative authority: people are exclusively the source of the various authorities; they freely choose or elect to create those authorities, according to Sharia principles, under no-one and no faction's custodianship. That is an integral part of the Muslim Brotherhood's concept of Islamic law or Sharia, which is the most important issue that preoccupies us and which we seek to establish in society, and for which we have offered our dear brothers for martyrdom, imprisonment and persecution over long decades. Hence, we cannot in any way compromise in demanding to apply Sharia.

Since the Constitution is the fundamental basis through which laws are made, and it includes basic principles of relations between the various authorities, and defines the rights of citizens and guarantees citizenship rights, the Muslim Brotherhood have always made sure Sharia takes its appropriate place in the Constitution, so as to help Parliament to codify Islamic laws in the most dynamic ways possible.

That is why Article 2 of the Egyptian Constitution states that the principles of Islamic Sharia are the main source of legislation. Agreement has been reached among all political parties and stakeholders to add an article in the General Provisions chapter to state that 'the principles of Islamic Sharia include general bases as well as main bases of jurisprudence and sources accepted by main Sunni scholars'.

General Bases include all instructions, rules and commandments specifically mentioned in Quran and in the authenticated traditions of the Prophet (peace be upon him).

Main Bases of Jurisprudence include rules derived from the undisputed general Islamic bases which also serve the purposes of Islamic law.

Sources Accepted by Main Sunni Scholars include the Quran, the traditions of the Prophet (PBUH), scholar consensus and analogy (comparison with precedents).

This new Article in modern post-revolution Egypt's new charter puts an end to all arguments raging on regarding the full interpretation of Sharia principles.

On family and women, article 68 states equality between men and women without prejudice to the provisions of Islamic law; so international treaties that call for violating Sharia in any way cannot achieve such purposes, like attempts to legalize homosexuality or sexual relations outside wedlock, and so on.

The draft document also includes many Sharia legal principles, like article 71 on the prohibition of all forms of human trafficking, slavery, prostitution, forced labor and human rights violations.

Additionally, there are many articles in the draft constitution to protect rights and freedoms, all of which are derived from and are compatible with the principles of Islamic Sharia.

It is quite noticeable that there is an unfair, unreasonable and relentless campaign targeting the Islamic identity of



Egypt today, trying to halt the good work of the Constituent Assembly which is endeavoring to finish drafting of the constitution without delay, so as to restore stability and rebuild the country's institutions. That dubious campaign can impede the process of democratization and the development process that we all seek to push forward.

Therefore, we call on all parties to put the higher interests of the homeland above all else, to support the Assembly's work on the completion of the constitution, which reaffirms the Islamic identity of the Egyptian state, and to submit proposals beneficial to the whole process rather than object for the sake of objecting.

We are confident of the Egyptian people's awareness and keenness to bolster freedoms, and of their positive, constructive and effective participation in the completion of this national charter.

The Muslim Brotherhood

Cairo: October 31, 2012