

**His Eminence *Sheikh* Ghunaim
Ibn Mubaarak Ghunaim**

**Interviewed by Muhammad ibn
Abdullah Al-Miqrin**

Our guest in this issue is a leading judge who was born in Al-Hilaaliyyah village in Qaseem, Saudi Arabia. He received his early education in Makkah and then joined Dar At-Tawheed School and thereafter the *Sharee'ah* College. He studied under leading scholars in his time, worked as judge and chief justice and then as member in the Supreme Judicial Council. *Sheikh Ghunaim ibn Mubaarak Aal Ghunaim* welcomed us warmly as we conducted the current interview with him.

Your Eminence, we would like you to tell us about your birth and the first stages of your education.

I was born in Al-Hilaaliyyah village in Qaseem. In 1357 AH (1936 AD), we moved to Makkah as my father (*rahimahullaah*) was an *imam* who worked for the Saudi Arabian Army that was settled in Jroul. He taught me the Qur'an. Next to our home was a mosque whose *imam* taught children the Qur'an in the traditional manner by writing the portion to be memorised on a wooden slab. I joined the group of students who attended the study circle in the mosque. In 1362 AH (1941 AD), I joined Al Al-Hilaaliyyah Primary School in Makkah but I completed my primary education in Ta'if. After graduation, I joined Dar At-Tawheed School, then the *Sharee'ah* College from which I graduated in 1376 AH (1955 AD).

Your Eminence, you must have been influenced by the method employed by some of the scholars from whom you received knowledge. Who were these scholars and what did you learn from them?

Amongst those who taught me in Dar At-Tawheed School was *Sheikh Abdullah As-Saalih Al-Khleefee* who was a judge in Madeenah in 1346 AH (1925 AD) and then in Ta'if in the 1360s of the past century. These scholars also include, amongst others, *Sheikh Abdul-Qadir 'Afeefee*, *Sheikh Abdullateef Sarhaan* and his brother *Sheikh Abdus-Salaam*, *Sheikh Abdul-Mu'izz Abdus-Sattaar*, *Sheikh Muhammad Al-Qitt* and *Sheikh Muhammad Mutawallee Ash-Sha'raawee*. In fact, *Sheikh Ash-Sha'raawee* was amongst those scholars who had been carefully selected by *Sheikh Muhammad ibn*

Maani' (*rahimahullaah*) to teach in the Kingdom. They represented a scholarly elite that combined erudition and training and experience in teaching. *Sheikh* Ali Al-Hindee taught us *fiqh* (jurisprudence). He would come up with tricky questions relating to juristic issues and discuss them with students. He would also show them how to extract juristic matters from the sources where they are presumably to be found. May Allah have mercy on all of them all. At the beginning of the 1360s, *Sheikh* Abdullah Al-Khleefee was appointed judge in Ta'if, he would gather students around him to teach them religious knowledge. In fact, I studied *Sheikh* Muhammad ibn Abdul-Wahhab's *The Three Fundamentals* under him!

Your Eminence, while seeking knowledge, you certainly met some individuals with whom you developed very close relationships. Who were some of your closed friends who rose to the level of erudition and benefited others?

Numerous scholars, intellectuals and renowned authors, ministers, judges and teachers have been graduating from Dar At-Tawheed School and the *Sharee'ah* College since 1372 AH (1951 AD) and have risen to outstanding positions in this blessed country. In fact, they are the blooming 'seedlings' planted by the founder of this country, the late King Abdul-Azeez (*rahimahullaah*) after making huge efforts in this regard. Some of these were even reluctant to go to school, but the end result was that they still pray for his soul, seeking forgiveness and mercy for him, because he brought them from ignorance into knowledge and from poverty into affluence and self-esteem. Amongst my close friends who graduated from the *Sharee'ah* College in 1372 AH (1951 AD) were Sa'd Al-Husain who was amongst the early graduates of the college and a prolific writer for *Da'wah* Magazine; the renowned writer *Sheikh* Abdullah Al-Husain; and Dr Jabir At-Tayyib (*rahimahullaah*) who was a judge in Beeshah and was then transferred to the Supreme Court in Makkah; in fact, Dr Jabir At-Tayyib contributed numerous programmes to the Qur'an Radio Channel and would give talks and lessons in the Grand Mosque in Makkah. It is worth mentioning that the number of students who graduated from this college in that year did not exceed

sixteen students! The huge difference between then and now – with hundreds, and even thousands of students graduating from Saudi universities – is due, first and foremost to Almighty Allah, and then to the efforts made by those in charge of authority in this country who attach much importance to education and strive hard to educate their subjects and raise them to the level of developed nations with a view to keeping abreast of the latest developments in all field of human endeavour. To these we express our love and appreciation.

Your Eminence, what are the posts you occupied in the judicial domain?

Following my graduation from the *Sharee'ah* College, I was appointed judge in Rabigh Court, after some time, I engaged in the same profession in the Supreme Court in Ta'if which was then presided over by His Eminence the late *Sheikh* Muhammad ibn Ali Al-Beez (*rahimahullaah*), who was a virtuous, sapient and forbearing judge. I also worked in the Summary Court in Ta'if for many years until I became chief justice aide in the Supreme Court, and then its chief justice. In 1392 AH (1971 AD), I moved to Riyadh where I worked as a member of the Senior Panel of Judges. I was also deputised to work in the Court of Cassation in Riyadh, and then as a member of the Permanent Commission of the Supreme Judicial Council which was successively presided over by His Eminence *Sheikh* Abdullah ibn Humaid, His Excellency *Sheikh* Muhammad ibn Jubair and finally His Excellency *Sheikh* Salih Al-Luhidan, all of whom proved excellent, sincere scholars who had dedicated a great deal of effort, knowledge and expertise to solving people's problems, administering justice, deterring the unjust and making the truth prevail. I also took up the post of president of the Commission for Settling Disputes between judges and other departments provided for in the judicial system from the time this system was promulgated until my retirement. By the way, I would like to mention that His Eminence *Sheikh* Abdullah ibn Humaid would discuss the various cases presented before the Supreme Judicial Council with its members. In fact, he was known for his great learning and high intelligence and presence of mind. One day, while we were in the

presence of *Sheikh* bn Humaid, a man came and greeted us. *Sheikh* Ibn Humaid, who was then blind, returned the greeting and mentioned the man's name. The man was rather astonished, for he had not seen him for twenty years!

Another incident which testifies to his high intelligence is that one day a case which consisted of five documents was presented before him. After I finished reading them to him, he requested me to give him a summary of these documents. I mentioned the summary of four of them, but I forgot to mention that of the fifth. He then said that I still needed to mention the summary of the fifth document, which he gave it to me himself!

Your Eminence, you experienced a time of great hardship and discomfort. Could you possibly tell us about that period and compare it with the present time?

Life in the early 1370s was rather hard, and we suffered a great deal of hardship when I was judge in Rabigh in 1377 AH (1956 AD). Rabigh at that time was a small town, and most of its termite-infested houses were roughly constructed, mainly made from hay and palm tree trunks. I rented a modest house there. One of the strange things that happened was that I once hung my *thoub* (free, flowing piece of clothing traditionally worn by Saudi men) on a peg on one of its walls, and in the morning, to my astonishment, I found that parts of it had been destroyed as the termites had gnawed away at it. This small village did not even have any potable water; the water that was available was used for other purposes as it was rather polluted and was drawn from wells near the sea, hence its rather salty taste. We used to get potable water from Jeddah with which one of the residents of Rabigh who owned a pick-up truck would supply us. There was hardly any meat at all; fish was plentiful by virtue of the village's coastal location, but there were no vegetables at all. The majority of Rabigh residents are good-hearted and deeply religious, and they barely engaged in any disputes. The districts of Khlees, Al-Kamil, Thoul, Al-Qudaimah and Masturah were all under the control of Rabigh Court. Just look at the huge difference between the olden days and the recent years in which Almighty Allah has drastically

changed the circumstances and replaced hardship with relief and ease. The country has now reached a high level of affluence; everything has become in abundance and people now lead a more comfortable way of life. Villages and cities have become more or less similar in terms of material comfort and self-sufficiency. All this is due, first and foremost, to Almighty Allah and then to our shrewd leaders who have always been concerned for the economic well-being of the country and have striven hard to cater for the various needs of their subjects since the founder of the state all through his principled and honourable sons, may Allah have mercy upon them, up to the present Custodian of the two Holy Mosques, King Abdullah, may Allah protect and support him, as well as his loyal crown prince and their rightly guided government.

Your Eminence, you witnessed different phases in your judicial career in the Kingdom; what are the significant differences between the past and the present?

The administration of justice, whether in the past or the present, is the same, and all the past judges devoted themselves to the acquisition of knowledge and reading in books of *hadeeth*, *fiqh* (jurisprudence) and *tafseer*, among other things; they always engaged in constant activity – they held study circles in mosques and in their homes, and numerous students, who studied religious knowledge under them, proved beneficial to others. Such judges issued legal formal opinions in response to people's queries, taught them their religion and devoted their time and energy to discharging their duties to the best of their abilities. In fact, legal cases at that time were very few, litigants were rare and the legal proceedings were characterised by simplicity. The then judges only sought to establish the truth. At the present time, however, legal cases have become more complicated, lawsuits have taken numerous forms and many litigants have become more covetous. We pray to Almighty Allah to guide us to the truth and help us follow it and to show us the true colours of falsehood and help us avoid it.

Your Eminence, from your lengthy experience in the judicial domain, what are some of the fundamentals which must be stressed and which judges must observe?

I worked in the judicial domain for more than forty-five years. It is a truism that administering justice is a weighty task, and it was with justice that the heavens and the earth were made to stand firm by Allah's Command; indeed, one of the noble goals the *Sharee'ah* aims to realise is justice among all people under all circumstances and at all times and places; and everyone, whether close or distant, stand equal before justice. The Qur'an says, **"And let not the hatred of others to you make you swerve to wrong and depart from justice. Be just; that is next to piety."** (*Surat Al-Maa'idah*, 5:8) Almighty Allah has made injustice forbidden and has informed us that iniquity was behind the destruction of the past nations: **"Such were the towns We destroyed when they committed iniquities; but We fixed an appointed time for their destruction."** (*Surat Al-Kahf*, 18:59)

There are numerous Prophetic traditions which call upon Muslims to establish justice and to refrain from iniquity. The Prophet (peace be upon him) said, "Fear injustice, for injustice will bring nothing but darkness upon darkness on the Day of Judgment." The judge is a human being after all, who can be right or wrong in his judgments and who is subject to forgetfulness. Despite the fact that, of all people, judges are the most concerned with diligence and the administration of justice among people, I do, however, advise them as well as myself to fear Allah, Glorious is He, to discharge their duties to the best of their abilities and not to give people a chance to disparage them or malign them as a result of any unintentional mistakes after having acted in good faith. They ought to be complaisant, humble, cheerful and always ready to lend litigants their ears. I conclude my advice with the statement of Abdullah ibn Mas'ood (may Allah be pleased with him) who said, "Whoever wants to be a follower, let him follow the good example of the Companions of the Prophet (peace be upon him), for they were, of all the Muslims without exception, the most righteous, the best knowledgeable, the furthest away from affectation, the best rightly guided and the ones who were in the best state of affairs. Allah chose them for the

companionship of His Prophet (peace be upon him) and for the establishment of His religion. Therefore, be aware of their superiority and follow in their footsteps, for they were on the straight path."

Your Eminence, judicial rulings in the Kingdom of Saudi Arabia are derived from the Islamic Law (*Sharee'ah*). What are the salient features of such distinction?

By the grace of Allah, the judicial rulings in this blessed country are derived from the *Sharee'ah* which is characterised by sublimity, comprehensiveness, perfection and permanence. Its rulings are a panacea for all ills and are applicable at all times and places without exception. It is no wonder, therefore, that people in the Kingdom travel in all directions without fear of anything; in fact, with the implementation of the *Sharee'ah*, tribal attitudes have largely dissipated, people have forsaken dissensions and feuds and the country has enjoyed peace and stability. This, in fact, is one of the distinctive features of this country.

Your Excellence, how were disputes settled, and to what extent were litigants happy with the legal rulings?

It is a known fact that courts in large cities in the Hejaz Province, such as Makkah, Madeenah and At-Taa'if, are well-organised. Court hearings have specific days and dates and litigants' words and rebuttals are carefully monitored and recorded; after the case is over, a summary of it is recorded in a document. People differed as to whether to accept or reject the ruling; the number of judges was rather small, people were completely preoccupied with earning a living, for life was extremely hard and thus people needed to do something to keep body and soul together and to support their families. In fact, very few people made their way to the court to demand their rights or cause problems despite the fact that there were local notables and intermediaries who volunteered to solve problems among people before they aggravated and led to estrangement between families.

Your eminence, what are some of the most remarkable and unforgettable incidents you encountered in your judicial career?

Man in this life goes through different stages, encounters various incidents and experiences joys and sorrows. The judge is no exception. If he starts thinking about his memories, he will remember strange incidents that happened to him in the past. Once a countrywoman appeared before the court and claimed that someone had taken her cow from her by force and that it was in his possession. The defendant denied the claim and asked her for evidence. Upon this she replied, the evidence is my cow." Despite making her understand what evidence was, she simply insisted on repeating her first statement. One of the funniest incidents that I uncounted happened when a man filed suit against another man regarding rent. After summoning the defendant on a number of occasions, he finally appeared before the court. The plaintiff, who was already deeply agitated, started talking about his lawsuit and complaining about the plaintiff's delay of paying the rent. The defendant denied the claim and stated that he did not know the plaintiff. I requested the plaintiff to look at the defendant to ascertain whether he was indeed the defendant against whom he had filed suit. The plaintiff did, and to his astonishment and deep embarrassment, realised that he was the wrong person. He then apologised to him and regretted being so hasty.

I conclude with the following story: Once a woman appeared before the court, claiming that her husband had left her and her son from him without paying maintenance since he had married a second wife. So she demanded that he pay maintenance and take his newborn son. The husband showed readiness to pay maintenance but refused to take the baby. She also stubbornly refused to take him. Then she started wailing and screaming. Suddenly, she placed the baby on a nearby table and walked out, to everyone's astonishment. We could not do anything about this. I requested the father to keep the infant until the following day because I knew that her heart would certainly soften up and that she would regret her hasty act and would not give up her baby in this manner. Sure enough, she

showed up on the following day in floods of tears in her eyes, showing regret for leaving her baby all night. The husband also showed up, as had been agreed, and gave the baby into the care of his mother who eagerly and lovingly clasped him to her bosom. In fact, such were unforgettable moments in which tears of joy and sadness were mixed together.

Your Eminence, what are the other activities in which you engaged in addition to your judicial career?

I took up the post of *imam* and orator in King Faisal Hospital in Aziziyah, At-Taa'if, and for over fifteen years. I delivered talks and sermons there. When I moved to Riyadh in 1372 AH (1951 AD), the late *Sheikh* Abdur-Razzaq 'Afeefee (*rahimahullaah*) deputised me to give sermons on his behalf in his own mosque on Al-Kazzaan Street for quite some time. I also worked on preparing the land registration system and carried on giving it full support until it was approved following a royal decree. I also took part in preparing its regulations when I was consultant of His Highness Minister of Justice Dr Abdullah ibn Muhammad Aal Ash-Shekh, may Allah guide him to all good.

Your Eminence, you slowly worked your way up the judicial ladder and assumed the position of chief justice in the Supreme Court. How did you find the task, and how do you view the policy that ought to be followed by those who assume such a position?

Supreme courts require a judicious, knowledgeable and resolute chief justice who acts with wisdom and foresight and who is expected to successfully direct people's affairs. As people differ in their understanding and tendencies, they need a man with sagacity, great knowledge and tolerance with which he can convince the claimants in a friendly manner. Despite the fact that it is impossible to please people, a judge is required to make every effort to do only that is right, to endeavour to reach perfection even though this is next to impossible. Allah has full power and control over His affairs. If the chief justice only seeks His Lord's pleasure and fears Him as He should be feared, his Lord will undoubtedly guide his actions to all

that is right, for his intention is to establish the truth and administer justice while holding such exacting position. The Prophet (peace be upon him) is reported to have said, "Whoever seeks Allah's pleasure at the expense of people's pleasure, Allah will be pleased with him and will make people pleased with him; and whoever seeks people's pleasure at the expense of Allah's pleasure, Allah will be angry with him and will make people angry with him."

Your Eminence, does acquisition of knowledge come to an end with retirement? Also, how do you spend you normally spend your spare time?

Well, the acquisition of knowledge by no means comes to an end with retirement, and avid seekers of knowledge never retire; rather, they are required to educate themselves, especially nowadays that scientific knowledge and informational materials have become readily available in a very short period of time and with hardly much effort thanks to the modern inventions that have reduced distances, helped save time and energy and provided huge numbers of publications which are incessantly produced in all fields of human endeavour. To tell the true, I feel extremely happy when I spend the best part of my time reading books and magazines, moving from one 'meadow' of knowledge to another and from one piece of information to another so much so that I feel I do not have sufficient time to read all the products of the printing press.

Your Eminence, *Al-Adl* Journal is a new addition by the Ministry of Justice to the Islamic library. What's your evaluation of this publication?

Well, many people received the news of the publication of *Al-Adl* Journal with great joy. In fact, this publication has filled a long-awaited vacuum, and judges as well as those concerned with beneficial and serious academic researches as well as issues related to justice and its systems and directives have rejoiced at the news of its publication. To tell the truth, I am really overjoyed to see this splendid publication which emerged before us in a most dazzling appearance which hearts passionately snatched at. Indeed, this

marvellous journal would not have seen the light of day without the much-needed assistance of Almighty Allah and then the sincere efforts made by those working in the Ministry of Justice, notably His Excellence the Minister of Justice, Dr *Sheikh Abdullah ibn Muhammad Aal Ash-Sheikh*, who enjoys great administrative skills and a high level of clear-headedness and sagacity along with the cream of the crop who have showed great concern in the journal and have thus sincerely and industriously dedicated themselves to it. Such people have in fact realised the serious stage of development through the Muslim *Ummah* is going and have thus made every effort to make it come out in a most dazzling format, hence becoming one of the leading publications in many academic circles. I congratulate those who take great pains to produce it in such a splendid format, I also congratulate myself on such valuable publication, and my greetings and appreciation go to every reader of this journal. May Allah reward them abundantly for their efforts; and may Allah's peace and blessings be upon Prophet Muhammad, his family and his companions.