

Al-Hakimiyah Wa Siyadah Ash-Shar'i

Committee for the Defence of Legitimate Rights

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First Edition: 1423 H /2002 CE

Dedication:

To the sincere workers and patient Mujahidin who have spent and continue to spend their years and have sacrificed and continue to sacrifice their lives, those who have emigrated or been forced to emigrate from their lands, and to those who have been hunted by the world and have been labelled with “terrorism”; not for any crime they have perpetrated apart from their saying “Our Lord is Allah!”.

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وَمِمَّنْ خَلَقْنَا أُمَّةً يَهْدُونَ بِالْحَقِّ وَبِهِ يَعْدِلُونَ ﴿١٨١﴾ وَالَّذِينَ كَذَّبُوا بِآيَاتِنَا سَنَسْتَدْرِجُهُم مِّنْ حَيْثُ لَا يَعْلَمُونَ
﴿١٨٢﴾ وَأُمْلِي لَهُمْ إِنَّ كَيْدِي مَتِينٌ

And among those We created is a community which guides by truth and thereby establishes justice. (181) But those who deny Our signs - We will progressively lead them [to destruction] from where they do not know. (182) And I will give them time. Indeed, my plan is firm (Al-Aa'raf: 181-183).

Introduction:

In the name of Allah Ar-Rahman Ar-Rahim

All praise belongs to Allah, we praise Him, seek His help and forgiveness. We seek refuge in Allah from the evil of our inner selves and from the bad deeds from our acts. Whomsoever Allah guides none can lead him astray and whomever Allah leads astray none can guide him. I bear witness that there is no deity other than Allah alone, who has no partner, and I bear witness that Muhammad is His slave and Messenger; His cherished and beloved, chosen specially from all His creation.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

O you who have believed, fear Allah as He should be feared and do not die except as Muslims [in submission to Him] (Aali 'Imran: 102).

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً ۚ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ ۚ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

O mankind! Fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed, Allah is ever, over you, an Observer (An-Nisa': 1).

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴿٧٠﴾ يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَمَنْ يُطِيعِ اللَّهَ

وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا

O you who have believed, fear Allah and speak words of appropriate justice. (70) He will [then] rectify for you your deeds and forgive you your sins. And whoever obeys Allah and His Messenger has certainly attained a great success (Al-Ahzab: 70).

“Verily, the best speech is the Book of Allah, the best guidance is the guidance brought by Muhammad (saw) and the worst of matters are the newly invented matters and every innovation is misguidance”.

And the most perfect and complete prayers and peace be upon our Prophet; Muhammad, and upon his righteous and pure family and his sincere and striving companions.

To Proceed:

Many problematic matters have arisen in our current time concerning the reality of Tawhid, its categories and its encompassing of the issues of **“Al-Hakimiyah”** (The right of Legislation), **“Siyadat ush-Shar’i”** (The sovereignty of the Islamic law) and **“Al-Muwaalaah and Al-Mu’aadaah”**

(Alliance/loyalty and animosity/hostility). This has particularly been the case following the abolishment of the last Khilafah state, which could have been called Islamic, although only if we employ a lenient and forgiving definition of Islamic. The result was that the whole world transformed into the status of Dar Kufr (Land/home of disbelief). These problematic matters were the consequence of points of weakness and shortcomings in respect to the traditional categorization of the areas of **“Tawhid”** into **“Tawhid Rubuwiyyah”**, **“Tawhid Uluhiyyah”** and **“Tawhid Asma’ Wa Siffat”**. We have previously discussed and dealt with most of that in our book **“At-Tawhid: Asl ul-Islam Wa Haqiqat ut-Tawhid”** (At-Tawhid: The origin of Islam and the (true) reality of Tawhid). Within that, we demonstrated, with evidence, the weakness and shortcomings, indeed the contradictions, within the traditional categorization, in addition to the obligation to cast it aside and replace it with what we presented in detail in the book. And to Allah belongs all the praise and favour.

Although, a study was undertaken of the fundamentals of **“Tawhid At-Tashree’ and Al-Hakimiyah”** in the aforementioned book, there nevertheless remained important related issues which required expansion and further detailing, or an exhaustive exposition of the various related opinions and views. That is to purge the false from among them and to thoroughly and completely cover the subject area, which has now been undertaken, in a manner that was not possible within the general introductory book. As such, we have dedicated and specified it for this special paper entitled: **“Al-Hakimiyah Wa Siyadat ush-Shar’i”**.

The pressing need to focus solely on these subject areas in an independent paper has been exasperated by the following matters:

1) The jurists aligned to the rulers, the inheritors of the rabbis and priests, the killers of the Prophets (may Allah curse them), have participated and shared in amplifying this problem and misguiding the general public and indeed even those who are not directly from them (e.g., students of knowledge). They have done that in service to their masters from the leaders of disbelief and tyranny, who have replaced the Islamic legislations, become allies to the enemies of Allah and made war against the **Awliya’** of Allah (i.e., His righteous servants). They did that in exchange for a paltry price, a limited number of coins and a Dunya that is temporary and sure to vanish. They betrayed the trust and violated the covenant:

وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلَا تَكْتُمُونَهُ فَنَبَذُوهُ وَرَاءَ ظُهُورِهِمْ وَاشْتَرَوْا بِهِ ثَمَنًا قَلِيلًا ۖ فَبَيَّنَّ مَا يَشْتَرُونَ

And [mention, O Muhammad], when Allah took a covenant from those who were given the Scripture, [saying], "You must make it clear to the people and not conceal it." But they threw it away behind their backs and exchanged it for a small price. And wretched is that which they purchased (Aali ‘Imran: 187).

2) Some of the contemporary Islamic activists including those whose sincerity is not questioned, due to their involvement in blatant violations of the Shar’iyah rulings, for example participation in ruling within Kufr (un-Islamic) systems/regimes, indulgence in Machiavellianism under the pretext of political shrewdness and using the principle of **“the ends justify the means”** with the claim that it serves the Islamic Da’wah. Consequently, they greatly abused Islam and its systems, in addition to

falling into disobedience to Allah, which leads to failure and loss, may refuge be sought in Allah from that.

3) The family of Saud have promoted a fabricated, distorted and mutilated **“dead”** version of **“Tawhid”** that has no existence within the practical sphere of life. It revolves around **“the dead”**, the domed shrines, trees, rocks, sand and graves. They did this in order to preserve their authority and deceive the masses. Their scholars (Mashayikh) are either paid traitors to Allah and His Messenger or from those who are living in the dark with compounded ignorance. They only discuss the **“Shirk of the graves”** which is representative of an innovated lie, a matter which we fully explained in our book **“At-Tawhid: Asl ul-Islam Wa Haqiqat ut-Tawhid”**. That is whilst they belittle the **“Tawhid”** of **“Legislation and Hakimiyah”** which has been established upon hundreds of certain evidences from the Kitab and the Sunnah and leads to the disbelief of the one who denies it and takes out of the fold of Islam the one who renounces it.

The family of Saud have been at the forefront of substituting the Islamic legislation and befriending the disbelievers. Indeed, they have outstripped all of their brothers from the rulers, tyrants and oppressors who have gained control over the necks of the Muslims, in respect to consolidating and strengthening the forces of disbelief, in terms of the occupation of the Arabian Peninsula **“The base of Islam”**, the embargo of Muslim Iraq and the extermination and degrading of its people. They have the greatest share and precedence, along with their clique of Mashayikh (scholars), in respect to this major deception and great lie!

The truth is that they have killed **“Tawhid”** and made it enter the **“graves”**. They then went about making circumambulation around this grave whilst dedicating praise to this **“dead object”** and glorifying it.

The ruling system of this family of Saud is itself a system of Shirk and disbelief. In addition, it is a satanic rotten system, a regime of a filthy criminal **“mafia”** gang. It was not merely content with robbing the wealth of the Muslims and misappropriating the public treasury in a historically unprecedented manner, but rather its greed and voracity went even beyond that in to involvement in the drug, alcohol and prostitution trades, in addition to weapons smuggling and money laundering.

If you are in any doubt about that, then listen to the statements of their Mashayikh (scholars) and reflect upon the names of the parties and groups defending them **“The Association of Ahl us-Sunnah and Hadith”**, **“Ansar (supporters of) As-Sunnah Al-Muhammadiyah”** and **“The troops of the Sahabah”**. You can also view the books that they distribute for free **“The Obedience of Ar-Rahman (Allah) in the obedience of the Sultan (i.e. the one in authority)”**, **“The Qutbiyah (i.e. thoughts of Sayyid Qutb) are Fitnah (source of evil and dissension) so become aware of it”**, **“Al-Hakimiyah and the Fitnah of Takfir (declaring disbelief)”**.

أَلَا فِي الْفِتْنَةِ سَقَطُوا وَإِنَّ جَهَنَّمَ لَمُحِيطَةٌ بِالْكَافِرِينَ

Unquestionably, into Fitnah they have fallen. And indeed, Hell will encompass the disbelievers! (At-Tawbah: 49)

We ask Allah, the Almighty, to make this paper beneficial and all our acts sincere to Him alone, verily He is capable over all matters.

And prayers and blessings upon His slave and messenger Muhammad, his righteous and pure family, his sincere and striving companions. Peace and salutations upon him until the Day of Judgement and all praise belongs to Allah the Lord of the worlds.

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Monday 6th Rabi' Thani 1423 H

Corresponding to: 17th June 2002 CE.

Chapter: Tawhid: Its definition and its categories

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We have studied the evidences of Tawhid, its pillars and categories in the form of a detailed study in our book: **"At-Tawhid: Asl ul-Islam Wa Haqiqat ut-Tawhid"** which dispenses with the need to repeat that in detail here. Therefore, we find it sufficient to summarize what we detailed in that book in brief points in a style resembling that of telegrams (or cables).

- Section: What is the "Deen"?!

Our (the Muslim community's) understanding of the Deen is that it means a complete methodology for life, i.e. a specific way of living, established upon the basis of a comprehensive Aqeedah (belief) concerning the universe, the human being and life; their relationship with what is prior to them (and that is Allah, Glorified be He, the Most High) and their relationship with what is after them (and that is the Last Day and what it comprises in terms of being held to account and recompense). It does not only represent the organisation of the relationship of the human with his Creator (as is the understanding in the disbelieving paganistic western civilisational culture) but rather it represents a comprehensive organisation of the life of the human being and all his relationships:

- 1) The relationship of the human with his Lord: "In respect to Aqa'id (beliefs) and the rituals of worship.
- 2) The relationship of the human with himself: "In respect to knowledge, belief, Iman, intention and the rest of the actions of the heart. In respect to the Akhlaq (morals) and Adab (manners) and in respect to what is eaten in terms of foodstuffs and what is worn in terms of clothing. Indeed, this also includes beautification and adornment.
- 3) The relationship of the human with other humans, which encompasses:
 - a) The family relationship in terms of marriage, relations and inheritance (i.e., related to the social system).
 - b) The private relationships i.e., what they have named "civil" legislations. This refers to the relationships among the individuals in respect to contracts, transactions, industry and agriculture, in addition to the exchange of material benefits via trade, contractors, institutions and companies.
 - c) The public relationships i.e., the relationship between the ruler and the ruled. This refers to the constitutional relationships and the relationships with the public authority. This relates to the ruling system (i.e., the state constitution), the judicial and legal evidences, rules of reparation and punishments, the legislations related to public funds in terms of the Kharaj, the Fay', taxes, customs and the funds of the public and state properties.
 - d) That is also in addition to international relations, i.e. the relationship that collectives, nations and states have between each other. This includes the rulings of treaties, Jihad, emissaries and embassies.
- 4) In addition, it also includes the relationship of the human with other creatures:

- a) Animals
- b) Vegetation
- c) Inanimate objects
- d) The knowledge encompassing the description of the environment i.e. in its description as a composite whole.

Although the specialized natural sciences like physics, chemistry and botany among other sciences, which are studies of the attributes of the sensed world, by way of experimentation, observation, sensation and the intellect, along with their application in the areas of engineering, agriculture and medicine, are all from the matters of the Dunya (temporal matters), just like the skills, professions and disciplines connected to them, like navigation, blacksmithing and architecture among others, in addition to the manner of bringing wealth into being and increasing it, by way of grazing, fishing, farming, manufacturing and trade, and the knowledge related to the circulation of wealth and currency and the nature of markets (i.e., what is known as economic science), are all from the affairs of the **“Dunya”** (temporal matters) and not from the matters of the **“Deen”**, the Shar’iyah causes for the acquisition of wealth, the Shar’iyah limits for its disposal and the manner by which it is distributed in the society (i.e. what is known as **“The Economic System”**), are nevertheless not considered to be from the matters of the Dunya. Rather, they are from the matters of the Deen as they are decisively connected to the viewpoint in life i.e. the comprehensive Aqeedah (belief) concerning the universe, the human being and life and their relationship with what is prior to them and what is after them. Allah (swt) has revealed Shar’iyah rulings in relation to them which are obligatory to be implemented and are compulsory to be followed. Man will be held to account in respect to them on the Day of Judgement and then the consequence will either be everlasting happiness through the pleasure of Allah and perpetual delights, or continuous misery through the anger of Allah and painful torment.

“Al-Madaniyah” (material civilization), which represents the host of material manifestations of human activity, encompasses:

- **Scientific and observational sciences:** Like physics, botany, geology and astronomy for instance.
- **The applicational sciences built upon these:** Like electrical engineering, agriculture, mining and medicine.
- **The skills, professions and arts that are connected to them:** Like navigation, carpentry, blacksmithing and architecture, in addition to what arose from these in terms of machinery, equipment, roads, installations and agricultural products.

Based upon this, we know that **“Madaniyah”** (material civilisation), according to this **constant definition**, in terms of the origin and ideological basis, is universal, general and impartial. It has no relationship in terms of ideological basis to the viewpoint in life and as such, it is similar among all nations regardless of their beliefs and cultures. It is therefore permissible for the Muslim to adopt it from any place and to apply it as he wishes, as long as it does not oppose a specific Shar’i text. That is whilst employing constant caution and continual alertness to the possibility that it has been polluted by a specific culture or that it is partial or attached to a particular belief.

There also exists **“Specific Madaniyah”** which is connected to and influenced by the viewpoint in life. This is specific to every nation or people and it is not permissible for Muslims to adopt it or to acquire it from others. That is like the arts of dancing, image making, sculpturing, acting, theatre and what is similar to that. That also includes some professions like massaging and prostitution, may

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Allah's refuge be sought. Just as it includes some physical sporting, recreational and amusement activities like bull and cockerel fighting, for example.

As for **"Al-Hadarah"** (Cultural civilisation) then it represents a way of life or, in other words, it is a host of beliefs, concepts, morals and criteria about life and what is connected to them in terms of **"Thaqafah"** (culture).

It is true that we often find these terms (i.e. Madaniyah and Hadarah) being used in a manner where they are intermingled with each other. That is when the term **"Hadarah"** is used with the meaning of the term **"Madaniyah"** or when their understandings are mixed or confused with each other. The result is the mixing of their understandings, their intermingling, muddling from the clear creedal conception and consequently leading to difficulty in respect to adopting a sound Fiqhi (legal juristic) position. For that reason, great care needs to be taken in order to be precise with the understandings and to make sure that the terms conform to the meaning of the concept, whilst removing the possibility of them being entangled or confused. Otherwise, the creedal, intellectual and then practical consequences, would be disastrous.

"Thaqafah" refers to the host of sciences, areas of knowledge and expertise which the Aqeedah (belief) of that Hadarah is the cause for their study and their origin, or it is the areas of knowledge which influence the mind and its **"value"** based judgment upon things and matters. That includes legislation, economy, history, language and other similar matters.

This **"Hadarah"** and that **"Thaqafah"** which is a part of it, is by necessity, partial, prejudiced and specific. Every nation or people are connected to it by a creedal basis which that nation believes in. For that reason, Islam has its own special Hadarah, **"The Islamic Hadarah"**, which encompasses its distinct Thaqafah (culture) **"The Islamic Thaqafah"**, which (in turn) encompasses the sciences of the Arabic language and the sciences of the Islamic Deen, with its various branches. It filled the Dunya (world) with light, knowledge and guidance and it is the most complete and richest of all cultures in the Dunyaa, in terms of books and produced written literature.

As for that which the westerners laud and call **"Human civilisation"**, then this is only a deceptive forged name for their own **"Hadarah"** (Cultural civilisation). It is a disbelieving cultural civilisation established fundamentally and essentially upon Greek Roman paganism with slight touches of the distorted and misguided Christianity, which had become corrupted some centuries following its inception, transforming into a hateful and malicious crusade, in addition to tinges of cursed and racist Judaism, the Judaism of the sinful rabbis and priests and killers of the Prophets. It is a purely localised western cultural civilisation and has no relationship to the beliefs, concepts, convictions and customs of the remaining people of the world.

This nation (i.e. the west) chose this name, which gives the impression of **"humanity"** and **"universality"**, to deceive the people of the world and particularly the Muslims. That is in order to take them away from their Deen by utilising this underhanded and scheming method. It is so that they embrace this western Hadarah (cultural civilisation) which has fraudulently and falsely been depicted as being **"human"**. Living in accordance to it inevitably means leaving the Deen of Islam and falling into disbelief' disbelief in Allah, His angels, Books, Messengers and the Day of Judgement. This misguidance is far-reaching and refuge is sought in Allah, the Most High.

This naming also represents a strong indication of the racial prejudice of the west, its arrogance and its view of superiority over the rest of mankind. What originated from the west, according to their

claim, was “human” and “universal” and what existed among other nations and peoples was just local or regional. It was limited, backward, barbaric and was not entitled to be called “human”. In the best of cases, it was considered to be limited, local and impossible to be universal or global!

In the previous introduction it was made clear that the matters of the Deen are not just ritual worships, beliefs of the unseen and nice morals and manners, as is depicted by the western understanding, but rather all facultative human actions are subject to the Hukm Shar’iy (i.e. Islamic rulings).

That is whether:

- a) Pure worship and gaining closeness to Allah is sought from the actions, meaning the realisation of the aim or value of “**worship**”, which includes: “The purely ritual acts of worship like the Salah, Dhikr and Du’a”.
- b) Or the “**moral**” value that is sought to be realised from them, which includes: “The morals like honesty, fulfilling trusts, generosity and even the kind treatment of animals”.
- c) Or the “**human**” value that is sought to be achieved by them, which includes actions like: “Rescuing the one in need and saving the drowning person, regardless of his colour, religion, nationality and gender”.
- d) Or what the human being intends by them from a “**non-material**” or “**moral**” gain, like: “The attainment of glory, pride or praise”.
- e) Or whether he wants to obtain a benefit or a “**material**” value, like: “Money via trade and what resembles that”.

All of these actions fall under the remit of Hukm Shar’iy whilst **adherence to Hukm Shar’iy represents the spiritual worshipping aspect in respect to them**. Consequently, if the human realises that he is worshipping Allah in all of his circumstances and situations (in the case where worshipping here means the acceptance, submission, contentment and obedience to the command of Allah, based upon the glorification of Allah and love for Him), and abides by Hukm Shar’iy in all of his actions, he would become a spiritual worshipper and deserving of reward and commendation for this spiritual worshipping aspect. It is for this reason that some of the ‘Ulamaa’ (Scholars of Islam) stated: “**The customs or norms transform into acts of worship if the intention has been made correct**”. This statement however is not precise because the customs and norms or more accurately the permissible (Mubahat) do not transform into the recommended (Mandubat) or the obligatory (Wajibat). Rather, it is the presence of a particular “**consciousness**” or “**Niyah**” (intention) that can make the human entitled to reward, or indeed punishment. It is not due upon the action itself, in the case of it being a mere action, which remains Mubah (permissible) with no reward or punishment attached to its doer.

The “**Deen**” is therefore a specific manner or way of living or a system of life i.e., a general followed Sharee’ah (law); regardless of whether it is true or false. It is not merely a host of beliefs about the unseen, rituals of worship and nice morals and manners, as reflected in the western conception of the Deen which, for example, they call “**religion**” in the English language. Rather, it encompasses the organisation of all of the (human) relationships as we have previously stated. That is due to the

innumerable decisive evidences which must be known from the Deen by necessity. These include the following:

* That the Prophet (saw), following the incident related to the pollination of the trees at the beginning of the Madinah period, specified the matters of the Deen to his noble self, whilst he transferred all the affairs of the Dunyaa to the remit of the people. He also reiterated that again at a later time. It has been confirmed by decisive reports (Tawatur) and known by necessity from history, just as it has been acknowledged by every Muslim and disbeliever, that he (saw) commanded and forbade, informed and intervened in innumerable matters related to societal transactions, punishments, rulings related to governance, international relations, war and peace, and security and fear among other matters, which decisively fall outside of the scope of beliefs related to unseen matters, rituals of worship and nice morals and manners. It is therefore decisively evident that these are all matters of the **“Deen”**.

* Allah, the Most High, obligated the lashing of the fornicators and obliged that a party of the believers witness its implementation. This was followed by the statement:

وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ

Let not pity withhold you regarding them, in respect to the Deen of Allah (An-Nur: 2).

This is a decisive text indicating that the prohibition of fornication (Zina) and the punishment imposed for it in this Dunya in accordance to a prescribed fixed punishment (Hadd) does not accept being pardoned and that lenience is not permissible regarding it under the pretext of pity or mercy. The specification of a particular number to witness it and the attendance of its implementation by a party, likewise, is all from the **“Deen”**, the Deen of Allah.

* The plan that Allah, the Most High, devised for Yusuf to enable him to detain his brother. That was through the application of the punishment for theft which had been prescribed in the Sharee’ah of Ya’qub (as), which was to enslave the thief, instead of the application of the punishment prescribed in the Sharee’ah (law) of the king. Allah Ta’aalaa then stated:

كَذَلِكَ كِدْنَا لِيُوسُفَ ۖ مَا كَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ

In this way did We plan for Yusuf. He would not have been able to take his brother by the law (Deen) of the king (as a slave) (Yusuf: 76).

It is known for certainty, that the speech here does not relate to the beliefs of the unseen, ritual acts of worship nor nice morals and manners. Rather, it relates to the crime of theft and its punishment according to the law (Sharee’ah) of Ya’qub (as) or the law of the King, which was expressed as the **“Deen”** of the king by the Quranic text i.e., his Sharee’ah (law) and system and not his belief concerning the unseen, or his ritual acts of worship or the manners and morals that he deemed to be good or bad. That is because the speech here is not connected to this and has no relationship to it.

Specifying the **“Wahy”** (divinely inspired revelation) to the **“Deen”** does not at all mean that the Wahy has not come addressing any matter from the matters of the Dunya. Rather it has come in relation to some of the matters of the Dunya affairs or indeed to many of them. That is as:

اللَّهُ يَحْكُمُ لَا مُعَقِّبَ حُكْمِهِ

And Allah judges, there is none to reverse His Judgement (Ar-Ra'd: 41)

And He:

يَفْعَلُ مَا يَشَاءُ

He does as He wills (Aali 'Imran: 40).

And:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, whilst they will be questioned (Al-Anbiya: 23).

Nuh (as) knew how to build the ship via the Wahy (revelation), Dawud knew how to make armour and war clothing, Sulaiman knew the speech of birds and some of the Prophets had knowledge of medicine and treatments. All of these are certainly from the matters of the Dunya. Some of them came in the form of custom, grace and favour whilst others came as miracles or as special favours for the Prophets and Allah's Awliyaa'.

In addition, Allah (swt) has informed about many realities of this sensed universe. That included teaching and guidance, miracles for Prophets and clear proofs for their truthfulness and for what they conveyed from Him, just as it included other matters. Despite that, the fundamental role of the **"Wahy"** (divine revelation) remains the matters of the **"Deen"**, i.e., Allah informing His will, His command and forbiddance, about Himself, the unseen and the Last Day.

As we have previously stated, this represents the primary and most important Shar'iy meaning for the term **"Deen"** which is a particular way of life, a system of life and a general Sharee'ah that is followed. Therefore, Islam is a Deen. It is the Deen of truth and Allah will not accept other than it on the Day of Judgement. Similarly, secularism or more accurately termed **"Dunyawiyah"** (i.e., focused on and revolving around the Dunya) is a Deen; a false Deen. Western liberal democracy is also another Deen from among the Deens of falsehood and disbelief, whilst materialist socialism represents a third Deen from among the Deens of disbelief and misguidance.

As for the second meaning for the usage of the term **"Deen"** in the Shar'a, then it refers to the being held to account and the recompense, like in the manner it came in the statement of Allah (swt):

مَالِكِ يَوْمِ الدِّينِ

The owner of the Day of the Deen (Al-Fatihah: 4).

This is where the Deen refers to the Day of being held to account and being recompensed.

And similarly, as found in His statement related to the speech of the disbelievers:

إِذَا مِتْنَا وَكُنَّا تُرَابًا وَعِظَامًا أَإِنَّا لَمَدِينُونَ

"(That) when we die and become dust and bones, shall we indeed (be raised up) to receive reward or punishment (according to our deeds)?" (As-Saffat: 53).

Where "مَدِينُونَ" (Madeenun derived from Deen) means that we will be held to account and recompensed.

As for the linguistic meaning then the word "Deen" is a Masdar (root noun) from the verb: "دَانَ - يَدِينُ - دَيْنًا - دِيَانَةً" (Daana – Yadeenu – Dainan -Diyaanah).

It is the name for all that by which Allah is worshipped, in addition to the Millah, the Seera, the custom ('Aadah), the affair (Sha'n), the account (Hisaab), the kingdom or dominion (Mulk), the authority (Sultan), the Hukm (rule/judgement), the judiciary (Qadaa') and management (Tadbeer). "Daana" means: He surrendered, submitted and obeyed.

"Daana with something" means: To take it as a Deen and worshipped it.

"Someone Daana someone" means: He held him to account, he recompensed him and governed him.

The Islamic Deen is therefore not a spiritual Deen, upon which a moral system or code is established and to which a set of ritual acts of worship are attached i.e., it is not merely a "Deen" that fits with the western conception of "religion". Rather, in addition to those matters it is a "Mabda'" (basic principle), meaning that it is an Aqeedah (belief) from which a system emanates. In the English language this is referred to as an "ideology".

The Islamic Aqeedah is a rational Aqeedah because it is based upon the mind. This means that it is established upon the principle of "Sufficient reason" which compels the generation of an explanation for the existence of this universe: Why does it exist in origin? It is unacceptable to move forward except after settling this primary fundamental issue which, for the human, represents the number one issue or the issue of all issues. The truth of our statement that the Islamic Aqeedah is a rational Aqeedah and that it alone is the correct Aqeedah, will become apparent, albeit in a general manner, within the course of this book.

The Islamic Aqeedah is a spiritual Aqeedah because it is based:

Firstly, upon the decisive belief and firm certainty in the existence of Allah (swt) and that the "Khalq and Amr" (Creation and command) belong to Him alone. That is in contrast and complete contradiction to the materialistic and atheistic schools of thought.

Secondly, upon the obligation of realising the connection with Allah, the obligation of its affirmation, submission to its necessary dictates and making it the basis for all relationships, systems and legislation. That is in contrast and complete contradiction to the secular, Dunyawiyah (worldly), liberal and agnostic schools of thought.

The Islamic Aqeedah is a "political" Aqeedah as its system encompasses every legislation for life. That includes the relationships between the ruler and the ruled, the fostering of the general public affairs, and the relationship of the Ummah (nation), the Jama'ah (collective) and the state with other nations, collectives and states in the world.

Materialist socialism is also an **“ideology”** as it is a belief from which emanates a system. It is therefore a **“Deen”** according to the meaning clarified above. The fundamental Aqeedah (belief) upon which socialism is established is **“materialism”** or more specifically **“dialectic materialism”**. **“Materialism”**, with its variety of detailed schools of thought, is not a rational belief, even if it is claimed to be. That is because it is based upon **“submission”** to the notion of the eternity of material with its fundamental attributes, meaning that it is established upon the notion of **“aseity”** (i.e. exists in and of itself), without providing any proof for that, apart from mere and baseless claims. The aim of the adherents of materialism is to attempt to cast doubt upon and discredit the proofs which affirm and prove the existence of Allah.

This belief is simply a materialist belief. It is impossible to be a spiritual belief as it denies the existence of anything outside of matter and consequently, by greater reason, it denies the exist of Allah.

Liberal capitalist secularism is currently also an **“ideology”** i.e. an Aqeedah from which emanates a system. It is therefore a **“Deen”** according to the meaning clarified earlier. Its fundamental belief is **“The middle or compromise solution”** which in origin was a compromise made to end the horrific conflict that took place between the clergy and church on one side and the kings, statesmen and thinkers on the other side. It then developed at the hands of the philosophers and thinkers until it became a **“thought”** which claimed that the **“existence of Allah”** is not an evidential issue. Consequently, it is man who lays down his system by himself and for himself and all freedoms must necessarily be let loose so that the human is enabled to undertake that in the best way.

Secularism, at its inception was merely **“a middle or compromise solution”** manifested in a host of proceedings and agreements, with no cohesion between them, in order to resolve the raging conflict taking place within those western societies. This did not fulfil the description of an **“ideology”** but rather it developed to become an ideology a long time after that.

The secular belief (Aqeedah), even after the completion of its development is not a rational belief. That is because it is impossible for Allah (swt) to be existent and non-existent at the same time. In addition, it is impossible for this fundamental issue to be non-evidential. Fleeing from proof is not a proof, just as scepticism and raising doubt about an evidence does not equate to being a proof or evidence.

As the existence of Allah is not taken into consideration here, it is impossible for the secular Aqeedah to be a spiritual Aqeedah.

- Section: The definition of Islam

Islam: It is the Deen revealed from Allah (swt) upon the seal of Prophets and Messengers; our master Muhammad, peace and blessings be upon him and his family.

It is the last and final Deen, through which Allah has completely and conclusively abrogated all previous Deens, with what it brought in terms of Haqq (truth) and Batil (falsehood). Allah no longer accepts other than it and none will be saved in the hereafter except by it.

The meaning of “Islam” linguistically is surrender and submission. Islam therefore is: **“The absolute surrender to Allah by way of Tawhid and complete submission to Him through obedience, based upon love and glorification, accompanied by the complete eradication of Kufr (disbelief) and Shirk (association of partners) and disassociation of its adherents, in addition to disbelief in all other partners and every Taghut (false God or source of following and obedience)”**.

Allah (swt) said:

إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ

Verily, the Deen with Allah is Islam (Aali ‘Imran: 19).

And He (swt) said:

وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا

And we have chosen for you Islam as your Deen (Al-Ma’idah: 3).

And:

وَأَنِيبُوا إِلَىٰ رَبِّكُمْ وَأَسْلِمُوا لَهُ مِن قَبْلِ أَن يَأْتِيَكُمُ الْعَذَابُ ثُمَّ لَا تُنصَرُونَ

And return in repentance to your Lord and submit to Him before the punishment comes upon you; then you will not be helped (Az-Zumar: 54).

And:

فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

So, do not die except that you are Muslims (Al-Baqarah: 132).

And:

وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

And do not die except that you are Muslims (Aali ‘Imran: 102).

And He (swt) said:

وَقُلْ لِلَّذِينَ أُوتُوا الْكِتَابَ وَالْأُمِّيِّينَ ۖ أَاسْلَمْتُمْ ۖ فَإِنْ أَاسَلَمْتُمْ ۖ فَقَدْ اهْتَدَوْا ۖ وَإِنْ تَوَلَّوْا فَإِنَّمَا عَلَيْكَ الْبَلَاءُ ۖ وَاللَّهُ بَصِيرٌ
بِالْعِبَادِ

And say to those who were given the Scripture and [to] the unlearned, "Have you submitted yourselves?" And if they submit [in Islam], they are rightly guided; but if they turn away - then upon you is only the [duty of] conveyance. And Allah is All-Seeing of [His] servants (Aali ‘Imran: 20).

And:

وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

And whoever desires other than Islam as a Deen, never will it be accepted from him, and in the Hereafter, he will be among the losers (Aali 'Imran: 85).

The term “Islam” and “Muslims” has also been applied to previous nations and Deens, like in the speech of Allah:

... يَحْكُمُ بِمَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا

The prophets who submitted (Aslamoo) [to Allah] judged by it for the Jews ... (Al-Ma'idah: 44).

And His speech concerning Ya'qub and his sons (as):

يَا بَنِيَّ إِنَّ اللَّهَ اصْطَفَىٰ لَكُمُ الدِّينَ فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ

O my sons, indeed Allah has chosen for you the Deen, so do not die except that you are Muslims (Al-Baqarah: 132).

And His statement:

أَفَعَرِبَ دِينَ اللَّهِ يَبْعُونَ وَلَهُ أَسْلَمَ مَنْ فِي السَّمَاوَاتِ وَالْأَرْضِ طَوْعًا وَكَرْهًا وَإِلَيْهِ يُرْجَعُونَ

So, is it other than the Deen of Allah they desire, while to Him have submitted [all] those within the heavens and earth, willingly or by compulsion, and to Him they will be returned? (Aali 'Imran: 83).

In these Ayat (verses) and those similar to them, the original linguistic meaning is intended and that is surrender and submission, in other words, the meaning mentioned above: “**The absolute surrender to Allah by way of Tawhid and complete submission to Him through obedience, based upon love and glorification, accompanied by the complete riddance of Kufr (disbelief) and Shirk (association of partners) and disassociation of its adherents**”.

Section: The meaning of “La Ilaha Illallah” (There is no deity other than Allah)

It means: That none are deserving to be loved, glorified, sanctified, humbled before, submitted to the command of, obeyed, in respect to that which is from His essence/being in terms of the attributes of perfection, and that which He possesses in terms of independent power and ability over harm and benefit, apart from Allah.

In other words: There is none that is rightfully worshipped other than Allah and if other than Allah is worshipped, then it is Batil (false or invalid).

This means that none enjoy the attributes of “**Uluhiyah**” i.e. the attributes of “**The entitlement to worship**” in terms of al “**Qayumiyah**” (standing and existing by oneself) referring to the “indispensable existence” i.e. self-existence and free of need of any other. In addition to its attribute of absolute **independent** innate power and capability, free from any restriction or condition. That relates to creation from nothing, shaping, forming, subjection, management and the possession of

the command (Al-Amr) and the forbiddance (An-Nahy). None are attributed with that except for Allah. If any of that has been attributed to other than Him, then it is a lie, fabricated falsehood and false imagination or delusion, in addition to being in opposition to the reality and truth.

If you like you could say that: None deserve to be obeyed due to their being, so that the command is received with acceptance, contentment, submission, love, respect, glorification and obedience, other than Allah. Other than him are only obeyed through the command of Allah, whilst the command of Allah is not known except through the decisive and certain proof or evidence!

One could also say as our Lord has said:

أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ

Unquestionably, His is the creation and the command (Al-A'araf: 54).

Or as our Lord said when He informs us of the all-encompassing statement of Yusuf (peace and blessings be upon Him, his fathers and forefathers):

إِنِ الْحُكْمُ إِلَّا لِلَّهِ ۚ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ

The ruling (or judgement) is for none but Allah. He has commanded that you worship none but Him (Yusuf: 40)

Allah (swt) said:

ذَٰلِكَ بِأَنَّ اللَّهَ هُوَ الْحَقُّ وَأَنَّ مَا يَدْعُونَ مِن دُونِهِ هُوَ الْبَاطِلُ وَأَنَّ اللَّهَ هُوَ الْعَلِيُّ الْكَبِيرُ

That is because Allah He is the Truth (the only True God of all that exists, Who has no partners or rivals with Him), and what they (the polytheists) invoke besides Him, it is Batil (falsehood) And verily, Allah He is the Most High, the Most Great (Al-Hajj: 62).

And He (swt) said:

ذَٰلِكَ بِأَنَّ اللَّهَ هُوَ الْحَقُّ وَأَنَّ مَا يَدْعُونَ مِن دُونِهِ الْبَاطِلُ وَأَنَّ اللَّهَ هُوَ الْعَلِيُّ الْكَبِيرُ

That is because Allah, He is the Truth, and that which they invoke besides Him is Al-Batil (false), and Allah, He is the Most High, the Most Great (Luqman: 30)

And:

فَاعْلَمْ أَنَّهُ لَا إِلَهَ إِلَّا اللَّهُ

So, know (O Muhammad) that La ilaha illallah (There is no deity other than Allah) (Muhammad: 19).

This Shahadah (testimony) therefore has two pillars:

Firstly: Negating the Uluhiyah, as a whole, from other than Allah, in a decisive, absolute and categorical manner! Therefore, it is first necessary to disbelieve in every other “**Ma’bud**” (worshipped thing or entity), i.e., every “**Ilah**” (deity) or “**Rabb**”, other than Allah and to completely disavow and reject it.

Secondly: Affirming all attributes of Uluhiyah and the attributes of perfection, beauty and sublimity to Allah (swt), including what that entails in terms of the acts of creation, formation, disposal, management, benefit and harm, the command and prohibition. Similarly, ‘Ilm (knowledge), Mashi’ah (will) and Taqdeer (determination) all belong to Allah alone whilst He has no partner. #

Allah (swt) said:

فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ

So, whoever disbelieves in Taghut and believes in Allah, then he has grasped the most trustworthy handhold that will never break. And Allah is All-Hearing, All-Knowing (Al-Baqarah: 256).

Allah (swt) also said when informing us of the speech of Ibrahim (as):

إِنِّي بَرَاءٌ مِّمَّا تَعْبُدُونَ ﴿٢٦﴾ إِلَّا الَّذِي فَطَرَنِي

"Verily, I am disassociated from that which you worship (26) Except for He who created me" (Az-Zukhruf (26-27).

It has been reported in the Saheeh from the Prophet (saw), that he said:

مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ وَكَفَرَ بِمَا يُعْبَدُ مِنْ دُونِ اللَّهِ حُرِّمَ مَالُهُ وَدَمُهُ وَحِسَابُهُ عَلَى اللَّهِ

Whoever said “La Ilaha Illallah” and disbelieved in what is worshipped besides Allah, his property and blood are inviolable, and his account rests with Allah (Muslim).

The Shahadah is therefore a negation and affirmation, in the case where the negation proceeds the affirmation. It is therefore necessary to first disbelieve in every Taghut and all that is worshipped besides Allah. Otherwise, there is no tying to Islam and consequently no salvation in the hereafter.

- Section: The meaning of Muhammad is the Messenger (Rasool) of Allah:

Muhammad is the one who conveys from Allah in an infallible manner, with no omission, addition, error, lie or forgetfulness.

He (saw) does not forget but can be made to forget, in order to establish for his Ummah the rulings related to forgetfulness. That is because he is the best example and greatest model.

And he (saw), does not pronounce from his desire and does not speak other than the truth. He does not speak except by knowledge from Allah and he does not precede his Lord when he is asked about a new matter. Rather, he remains silent and waits until the Wahy (divine revelation) comes to him with the Hukm (judgement) of Allah. That is because he is only the conveyer from Allah. Consequently, he does not undertake Ijtihad, does not need to do so and indeed it is not fitting for him to do so. Allah has freed and raised him above Ijtihad but has honoured his Ummah and bestowed His mercy upon it by rewarding every Mujtahid, whether he was correct or erred in his Ijtihad. If he is correct, he attains two rewards, or more, whilst if he errs, he will attain a single reward!

The meaning of “**Muhammad is the Messenger of Allah**” is therefore: There is no one who is rightfully followed except for the Messenger of Allah (saw), whilst other than the Messenger of Allah (saw) are not followed or obeyed, unless it is by the command of Allah and His Messenger which is established by the decisive evidence from them. The one who follows that which has no evidence or proof for it, has followed the way of Batil (falsehood).

Even following in the “**Mubahat**” (permissible matters) requires evidence because Ibahah (permissibility) is a Hukm Shar’iy by way of Taklif (legally charged responsibility). Following in the Mubah (permissible) is just like following in other than it in terms of the Wajib, Mandub, Makruh, Haram, Sabab, Rukhsah, ‘Azimah, Sihhah, Butlan and Fasad. They are all equally and without difference related to the elective actions of the servants, the Hukm Shar’iy (Islamic ruling), which are not known without a Shar’iy Dalil (evidence).

As for what the people did by their own volition and choice during the period prior to the coming of the message and the establishment of a clear proof, then it represents the “**absence of Taklif**” (Legally charged responsibility) and not the Mubah (permissible). That is because Ibahah (permissibility) is a Hukm Shar’iy **based upon Taklif** and it is unknown until the Shar’a states it or after the Taklif comes for it, as has been made evident in this paper of ours: “**Al-Hakimiyah Wa Siyadat ush-Shar’i**”.

Allah (swt) said:

اتَّبِعُوا مَا أُنْزِلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِن دُونِهِ أَوْلِيَاءَ ۚ قَلِيلًا مَّا تَذَكَّرُونَ

Follow, [O mankind], what has been revealed to you from your Lord and do not follow other than Him any allies. Little do you remember (Al-A’araf: 3).

He (swt) said:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisa’: 65).

He (swt) said:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ

ضَلَّ ضَلَالًا مُبِينًا

It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error (Al-Ahzab: 36).

He (swt) said:

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ

He who obeys the Messenger has obeyed Allah (An-Nisaa': 80).

He (swt) said:

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ

And We did not send any messenger except to be obeyed by permission of Allah (An-Nisaa': 64).

He (swt) said:

وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَإِنَّ لَهُ نَارَ جَهَنَّمَ خَالِدًا فِيهَا أَبَدًا

And whoever disobeys Allah and His Messenger, then indeed, for him is the fire of Hell; they will abide therein forever (Al-Jinn: 23).

And He (swt) said:

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ

These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment. (13) And whoever disobeys Allah and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment (An-Nisaa': 13-14).

Section: The legitimacy of the use of the term "Tawhid" and its definition

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“Tawhid” (التَّوْحِيد) is the Masdar (root noun) from the verb “Wahhada” (وَحَّدَ) with a Shadda (ّ) on the middle Haa’. It can mean one of two things:

Firstly: The combining or unifying of many separate or divided things and make them whole. So, we would say for example: “That a certain leader came to divided tribes and entities and unified them into a single entity”.

Secondly: The realisation of the single thing or it being unified or its oneness and affirmation of that. So, it would be said: “I made Tawhid of Allah” i.e. I realised that He is one and I have affirmed that. This second meaning is the one that concerns us here.

Allah (swt) said:

وَإِذَا ذَكَرْتَ رَبَّكَ فِي الْقُرْآنِ وَحْدَهُ وَلَوَّا عَلَىٰ أَدْبَارِهِمْ نُفُورًا

And when you mention your Lord **alone** in the Qur'an, they turn back in aversion (Al-Israa: 46).

He (swt) said:

وَإِذَا ذُكِرَ اللَّهُ وَحْدَهُ اشْمَأَزَّتْ قُلُوبُ الَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ وَإِذَا ذُكِرَ الَّذِينَ مِنْ دُونِهِ إِذَا هُمْ يَسْتَبْشِرُونَ

And when Allah is mentioned **alone**, the hearts of those who do not believe in the Hereafter shrink with aversion, but when those [worshipped] other than Him are mentioned, immediately they rejoice (Az-Zumar: 45).

And He (swt) said:

ذَلِكُمْ بِأَنَّهُ إِذَا دُعِيَ اللَّهُ وَحْدَهُ كَفَرْتُمْ ۖ وَإِنْ يُشْرَكَ بِهِ تُؤْمِنُوا ۚ فَالْحُكْمُ لِلَّهِ الْعَلِيِّ الْكَبِيرِ

(It will be said): "This is because, when Allah **Alone** was invoked (in worship, etc.) you disbelieved, but when partners were joined to Him, you believed! So, the judgement is only with Allah, the Most High, the Most Great!" (Al-Ghafir: 12).

Ibn ‘Abbas (ra) related:

إِنَّكَ تَقْدُمُ عَلَى قَوْمٍ مِنْ أَهْلِ الْكِتَابِ فَلْيَكُنْ أَوَّلَ مَا تَدْعُوهُمْ إِلَيْهِ أَنْ يُوَحِّدُوا اللَّهَ تَعَالَى

That the Messenger of Allah (saw) dispatched Mu’adh to Yemen and said to him: “You will come to a people from the People of the Book and so let the first (thing) that you invite them to be that they make **Tawhid** of Allah, the Most high)” (The text of Al-Bukhari. Also recorded in Muslim, At-Tirmidhi, An-Nasa’i, Abu Dawud, Ibn Majah, Ahmad and others).

Abu Abdullah bin Tariq bin Ashyam (May Allah be pleased with him) said: I heard the Messenger of Allah (saw) saying:

مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ وَكَفَرَ بِمَا يُعْبَدُ مِنْ دُونِ اللَّهِ حَزَمَ مَالَهُ وَدَمُهُ وَحِسَابُهُ عَلَى اللَّهِ

Whoever says La Ilaha Illallah and disbelieves in what is worshipped besides Allah, his property and blood are inviolable and his account is to Allah (Muslim and Ahmad).

Ibn ‘Umar (ra) related from the Prophet (saw) that he said:

”بُنِيَ الْإِسْلَامُ عَلَى خَمْسَةٍ عَلَى أَنْ يُوحَّدَ اللَّهُ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ وَصِيَامِ رَمَضَانَ وَالْحَجِّ

“Islam is built upon five: Making **Tawhid** of Allah, the establishment of the Salah, the giving of the Zakah, the fasting of Ramadan and the Hajj of the House (Muslim)”

In a long Hadith related by Jabir bin Abdullah (ra) in the context of the farewell pilgrimage, he stated:

فَأَهْلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالتَّوْحِيدِ

“The Messenger of Allah (saw) then began raising his voice with Tawhid (the Oneness of Allah) ...”
(Muslim, Abu Dawud, Ibn Majah, Ahmad, Abd bin Humaid and others).

These texts contain decisive evidence that the term “**Tawhid**” is a Shar’iy term and that it is equivalent to the two Shahadah’s. There is therefore no difference between his statement “**To make Allah one**” (يُوحَّدُ اللَّهُ) and his statement: “**Shahadah (testimony) that La Ilaha Illallah, and that Muhammad is the Messenger of Allah**”.

- Section: The Arkan (pillars) of Iman

From what has preceded and similarly what has been detailed in the book “**At-Tawhid: The Origin of Islam and the (true) Reality of Tawhid**”, it is evident that Tawhid has two core pillars:

Firstly: Singling out and specifying Allah with the ‘Ibadah (worship) i.e. in terms of surrender, obedience and submission based upon the greatest of love, reverence and glorification.

Allah (swt) said:

الرَّ كِتَابٌ أُخْكِمْتُ آيَاتُهُ ثُمَّ فَصَّلْتُ مِنْ لَدُنْ حَكِيمٍ خَبِيرٍ ﴿١﴾ أَلَّا تَعْبُدُوا إِلَّا اللَّهَ ۚ إِنِّي لَكُمْ مِنْهُ نَذِيرٌ وَبَشِيرٌ

Alif, Lam, Ra. [This is] a Book whose verses are perfected and then presented in detail from [one who is] Wise and Acquainted. (1) That you do not worship except Allah. Indeed, I am to you from Him a warner and a bringer of good tidings” (Hud: 1-2).

He (swt) said:

وَلَقَدْ أَرْسَلْنَا نُوحًا إِلَىٰ قَوْمِهِ إِنِّي لَكُمْ نَذِيرٌ مُبِينٌ ﴿٢٥﴾ أَنْ لَا تَعْبُدُوا إِلَّا اللَّهَ ۚ إِنِّي أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمِ آلِيمٍ

And We had certainly sent Nuh to his people, [saying]: “Indeed, I am to you a clear warner (25) That you do not worship except Allah. Indeed, I fear for you the punishment of a painful day” (Hud: 24-25).

And He (swt) said:

وَاذْكُرْ أَخَا عَادٍ إِذْ أَنْذَرَ قَوْمَهُ بِالْأَحْقَافِ وَقَدْ خَلَتْ النُّذُرُ مِنْ بَيْنِ يَدَيْهِ وَمِنْ خَلْفِهِ أَلَّا تَعْبُدُوا إِلَّا اللَّهَ إِنِّي أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمٍ عَظِيمٍ

And mention, the brother of 'Aad, when he warned his people in the [region of] al-Ahqaf, whilst warners had already passed on before him and after him, [saying]: “Do not worship except Allah. Indeed, I fear for you the punishment of a terrible day” (Al-Ahqaf: 21).

Secondly: Singling out specifying His Messenger Muhammad bin Abdullah (saw) to be followed. Just as we do not worship other than Allah, we do not follow other than the Messenger of Allah (saw).

Allah (swt) said:

”قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَاللَّهُ غَفُورٌ رَحِيمٌ

Say: “If you should love Allah, then follow me; Allah will love you and forgive you your sins. And Allah is Forgiving and Merciful” (Aali ‘Imran: 31).

He (swt) said:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And whatever the Messenger has given you, take it and whatever he has forbidden you, refrain from it. And fear Allah, verily, Allah is severe in punishment (Al-Hashr: 7).

And He (swt) said:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisaa’: 65).

Section: The Categories of Tawhid

Tawhid is divided into a number of categories:

- (1) **Tawhid of Adh-Dhaat** (of the self/essence): “Al-Asmaa’ and As-Siffat” (Names and attributes). And there are branches falling under it.
- (2) **Tawhid of Al-Khalq** (creation), **At-Takwin** (Formation) and bringing into being from nothing.
- (3) **Tawhid of At-Tadbir** (management) and **At-Tassaruf** (disposal).
- (4) **Tawhid of Al-Hakimiyah** (ruling and judgement) and **At-Tashree’** (legislation).

These four types of Tawhid are all related to Ma’rifah (knowledge), ‘Ilm (knowledge), Qawl (statement/speech) and I’tiqad (belief). They are therefore all from the Tawhid (oneness) of “**‘Ilm and I’tiqad**” (knowledge and belief). We would also not be far off if we considered them also to be from the categories of “**Tawhid Al-Uluhiyah and Ar-Rububiyah**” which is one single category according to its correct definition.

- (5) **Tawhid of ‘Ibadah and Taqdis** (sanctification or deification).
- (6) **Tawhid of Ta’ah and Ittiba’** (obedience and following).
- (7) **Tawhid of Al-Mahabbah and Al-Wala’** (love and loyalty).

These three types of Tawhid relate to the apparent and unapparent actions of the slave (‘Abd). They are therefore categories of the Tawhid of “**Al-Qasd** (intention/purpose), **Al-Iradah** (will/volition) and **At-Talab** (pursuit/demand)”. We would not be far off if we considered them to be also from the categories of “**Tawhid Al-Ubudiyyah**” and it represents another category equivalent to “**Tawhid Al-Uluhiyah and Ar-Rububiyah**” according to its correct definition.

It could be asked: What happened to the three well-known divisions or categories: “**Tawhid Ar-Rububiyah**”, “**Tawhid Al-Uluhiyyah**” and “**Tawhid Al-Asma’ Wa s-Siffat**”?

We say that this division is deficient as:

- (1) It is incorrect due to the lack of conformity of its purport or content to the meanings of its worded expressions in accordance to the Arabic language and Shar’iy custom.
- (2) It is not Mundabit (disciplined or precisely organised) due to the overlapping of its divisions or categorisations.
- (3) It is not restrictive due to the departure of some important categories of Tawhid from it.
- (4) Due to what results from it in terms of **an unlimited problematic matters – RH – multiple problematic issues?**

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This becomes completely evident if we were to examine the meanings of the two words “**Rabb**” (lord) and “**Ilah**” (deity) as they have come stated in the Qur’an and how they were used by the pure Arabs at the time of the revelation of the Qur’an, which was revealed in their language.

As for “**Rabb**” (Lord), then it is a worded expression that has come in the Arabic language with two meanings:

- (1) The ‘Sayyid’ (master) i.e. the one who disposes and manages, the one who commands and forbids and the legislating Hakim (judge/ruler).
- (2) The ‘Malik’ i.e. the one who owns the object, property or thing in a manner of ownership that gives him the right of disposal in respect to it, by consuming it, like the eating of bread or meat of a sheep after its slaughter, or by enjoying its benefit, like the riding of an animal. It also includes the right to selling, gifting and leasing the object or its benefit.

“**Rabb**” is more far-reaching in its indicative meaning and more powerful than “**Sayyid**” despite being synonymous to it in the general meanings. The “**Rabb**” or the “**Sayyid**” is by necessity the one who commands and forbids, otherwise he would not be the Malik (owner), disposer and manager. This is known by necessity from the language of the Arabs and from the Deen of Islam and its texts. That is like the statement of Allah (swt) concerning the speech of Yusuf (as) to his two companions in prison:

أَمَّا أَحَدُكُمَا فَيَسْقِي رَبَّهُ خَمْرًا

As for one of you, he will serve his master (**Rabb**) wine to drink (Yusuf: 41).

It refers to his Sayyid (master) or his Malik (owner) or the one possessing authority over him but it does not necessarily refer to his object of worship i.e. the one to whom he undertakes the ritual acts of worship. This is the same meaning that came in His statement (swt) in the same Surah, also in relation to the speech of Yusuf (as):

وَقَالَ لِلَّذِي ظَنَّ أَنَّهُ نَاجٍ مِّنْهُمَا اذْكُرْنِي عِنْدَ رَبِّكَ

And he said to the one whom he knew would go free: “Make mention of me before your master (**Rabb**)” (Yusuf: 42).

And again, on a third occasion:

فَلَمَّا جَاءَهُ الرَّسُولُ قَالَ ارْجِعْ إِلَىٰ رَبِّكَ فَاسْأَلْهُ مَا بَالُ النِّسْوَةِ اللَّاتِي قَطَّعْنَ أَيْدِيَهُنَّ

Then, when the messenger came to him, he (Yusuf) said: “Return to your master (**Rabb**) and ask him concerning the situation of the women who cut their hands (Yusuf: 50).

This is the same meaning intended in His statement (swt) concerning the rabbis and monks:

اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ

They (Jews and Christians) took their rabbis and their monks to be their lords (**Arbab**) besides Allah and (they also took as their Lord) Messiah, son of Maryam (Mary) (At-Taubah: 31).

This means that they were Sayyids (masters, chiefs) who legislated and were obeyed, as will shortly be elaborated in detail in its place. That is as it is known necessarily from the historical transmissions and by witnessing the current reality, that they did not perform ritual acts of worship to them, meaning the rabbis and monks. They did not prostrate and bow to them, just as they did not offer them sacrifices or offerings. As for Al-Masih, the son of Maryam, the most complete and perfect blessings and peace be upon him and his mother, then, in contrast, he was taken as a Rabb (Lord) and Ilah (deity) with full divinity being ascribed to him. Worship was undertaken to him and closeness was sought to him through rituals, offerings and good deeds.

This meaning (i.e. of Sayyid) had also been in circulation in the language of the Arabs, in the case where one of them would say: “Rabb ul-Bait” or “Rabbat ul-Bait” (The male or female master of the house).

The Shar’iy text has come forbidding the owned slave from saying to his owner: “My Rabb or my Rabbah” and instead: “My Sayyid or Sayyidah” should be said. It has also forbidden the owner to say: “My ‘Abd (slave) or my Ammah (female slave). Rather, he should exchange that with the words: “My Fatah (boy) or my Fatat (girl)”. That is to be respectful in respect to Allah (swt), in the case where the use of the word “**Rabb**” (Lord) is exclusive to Allah (swt), just as is the case in respect to the vast majority of the Ayat of the Qur’an Al-‘Aziz; in close to one thousand occurrences.

Consequently, the command and forbiddance, the ruling or judgement and legislation all come under the meaning of “**Rabb**”, just as disposal and management fall under it. As for the creation, design, fashioning, bringing into being, Rizq (sustenance) and giving, unrestricted harm and benefit, then these do not fall under it, contrary to the claims of Sheikh ul-Islam Abu l-‘Abbas Ahmad bin Taymiyah who placed all of that within the understanding of what he called “Tawhid Ar-Rububiyah”. In doing so he exceeded the linguistic origin without a compelling reason to do so and in doing that he opened a door to endless problems. Every human in the world necessarily knows that the one who made the house (i.e. the builder) differs from the “**Rabb**” of the house (i.e. the one who owns it), or from the one who possesses the right to command and forbid inside of it, or the one who has the temporary right of disposal in respect to it through a rental contract.

As for the wording “إِلَه” (Ilah), it is close to “إِل” (IL) in the Arabic language, and similarly, it is close to the wording “إِيل” (Eel) found in other Semitic languages like Hebrew, Aramaic Syriac and other than them, from which names have been composed like: Isra’eel, Israfeel, Mika’eel, Jibra’eel, ‘Azra’eel, ‘Amanu’eel, ‘Azazeel and others. As for the “Lafzh Al-Jalalah” (The expression of majesty) “الله” (Allah), then in Aramaic it is derived, according to what is preponderant, from “الْإِلَه” (Al-Ilah) with Alif and Laam (آل) attached. This then came to be widely circulated upon the tongues until it became the name for the revered deity, the most majestic the exalted, the Ilah of Ibrahim, Isma’il, Ishaq, Ya’qub and the Prophets of Bani Isra’eel. There is also within the Arabic language the verb “يَتَلَّه” (Yata’llahu) with the meaning of extolling rituals or worshipping, which is also its form (Wazn). What is apparent is that this has been derived from the three-letter root “أ ل ه” (Alif Laam Haa’) which is a Jamid (inflexible) expression and doesn’t have a three-letter verbal form within the Arabic language.

This in respect to the wording (Lafzh) however it is the meaning that is important. This, and all praise belongs to Allah, has been clarified in the Kitab Al-‘Azeez (Qur’an) in numerous places. The One whose names are glorified said:

قُلْ أَرَأَيْتُمْ إِنْ أَخَذَ اللَّهُ سَمْعَكُمْ وَأَبْصَارَكُمْ وَخَتَمَ عَلَى قُلُوبِكُمْ مَنْ إِلَهٌ غَيْرُ اللَّهِ يَأْتِيَكُمْ بِهِ

Say (to the disbelievers): “Have you observed, if Allah took away your hearing and your sight, and sealed up your hearts, who is an **Ilah** (a god) other than Allah who could restore them to you?” (Al-An’am: 46).

The “Ilah” is therefore the one who is capable to restore the hearing and sight by his own autonomous power, whether worshipped or not worshipped.

And He (swt) said:

مَا اتَّخَذَ اللَّهُ مِنْ وَلَدٍ وَمَا كَانَ مَعَهُ مِنْ إِلَهٍ ۚ إِذَا لَذَهَبَ كُلُّ إِلَهٍ بِمَا خَلَقَ وَلَعَلَّ بَعْضُهُمْ عَلَىٰ بَعْضٍ

Allah has not taken any son, nor has there ever been with Him any Ilah (deity). [If there had been], then each Ilah (deity) would have taken what it created, and some of them would have sought to gain ascendancy over others (Al-Mu'minun: 91).

The Ilah therefore is the One that creates by His own power, ascends over others and subjugates. He is not competed with and not subjugated due to his own autonomous power, whether worshipped or not worshipped.

He (swt) said:

أَمَرْنَا خَلْقَ السَّمَاوَاتِ وَالْأَرْضِ وَأَنْزَلْنَا لَكُمْ مِنَ السَّمَاءِ مَاءً فَأَنْبَتْنَا بِهِ حَدَائِقَ ذَاتَ بَهْجَةٍ مَّا كَانَ لَكُمْ أَنْ تُنبِتُوا
شَجَرَهَا ۚ أَلَيْسَ مَعَ اللَّهِ ۚ بَلْ هُمْ قَوْمٌ يَعْلَمُونَ

Is not He (better) Who created the heavens and the earth, and sends down for you water (rain) from the sky, whereby We cause to grow wonderful gardens full of beauty and delight? It is not in your ability to cause the growth of their trees. Is there any Ilah (deity) with Allah? Nay, they are a people who ascribe equals (to Him)! (Naml: 60).

Therefore, the Ilah is the One capable of creation, of making water descend from the sky and making gardens of delight grow. The Ayat (verses) continue listing the attributes of the Ilah, through which an Ilah is deserving of its title of being an Ilah. These include: The creation of the earth with its mountains, rivers and making it suitable place for living and life, answering the one in distress when he supplicates, removal of bad or evil (misfortune), granting the succession of man upon the earth, guidance in the darkness of the land and sea, sending of winds with rain, beginning of creation and its restoration and so on, whether the Ilah is worshiped or not worshiped.

Allah (swt) said in Surah Al-Qasas:

مَنْ إِلَهٌ غَيْرُ اللَّهِ يَأْتِيكُمْ بَضِيَاءٌ ۖ أَفَلَا تَسْمَعُونَ

Who is an Ilah (deity) besides Allah who could bring light to you? Will you not then hear? (Al-Qasas: 71).

It is therefore the Ilah who is capable of bringing the light. The Ayat (verses) continue and state that the Ilah is the one who comes with the night and day, whether the Ilah is worshipped or not worshipped.

The Ilah is the Sayyid that has complete and perfected Siyadah (sovereignty) and the Rabb is the one obeyed with unrestricted or absolute obedience. This is in line with what Fir'awn said when threatening Musa (as):

قَالَ لَئِنْ أَخَذْتُ إِلَٰهًا غَيْرِي لَأَجْعَلَنَّكَ مِنَ الْمَسْجُونِينَ

He (Fir'awn) said: "If you take an Ilah (god/deity) other than me, I will certainly put you among the prisoners" (Ash-Shu'ara': 29).

And the Ilah is that which is not afflicted by harm or damage or loss. Protection is sought from Allah and it doesn't decrease or diminish anything from His protection and His Shafa'ah (intercession) is not rejected

أَمْ لَهُمْ آلِهَةٌ تَمْنَعُهُمْ مِنْ دُونِنَا لَا يَسْتَطِيعُونَ نَصْرَ أَنْفُسِهِمْ وَلَا هُمْ مِنَّا يُصْحَبُونَ

Or have they Aliha (gods/deities) who can guard them from Us? They have no power to help themselves, nor can they be protected from Us (Al-Anbiya: 43).

And Allah (swt) said in Surah Ya-Sin:

أَتَتَّخِذُ مِنْ دُونِهِ آلِهَةً إِنْ يُرْذِنِ الرَّحْمَنُ يَضْرِبْ لَكَ تُغْنٍ عَنِّي شَفَاعَتُهُمْ شَيْئًا وَلَا يُنْقِذُونَ

"Shall I take besides Him Aliha (gods), if the Most Beneficent (Allah) intends me any harm, their intercession will be of no use to me whatsoever, nor can they save me? (Ya-Sin: 23).

The Ilah is the One who gives life to the dead and brings them forth to be resurrected and raised.

Allah (swt) said:

أَمْ اتَّخَذُوا آلِهَةً مِنَ الْأَرْضِ هُمْ يُنشِرُونَ

Or have they taken (for worship) Aliha (gods/deities) from the earth who resurrect the dead? (Al-Anbiya: 21).

The like of this is repeated in many places, mentioning specific attributes making that which is characterised by them worthy and deserved of being an Ilah. It can then be conceived that closeness be sought to Him and that He be worshipped and glorified. That being 'Ibadah (worship) and sanctification is a consequence of Him being an Ilah i.e., characterised by specific attributes, just as has been explained in detail in our book: **"Tawhid: The Origin of Islam and the Reality of Tawhid"** which can be referred back to.

In any case, we will avoid using the three categorizations as they have become ambiguous, where their intended meaning is not precisely known. Is it the first category: **"Tawhid of 'Ilm (knowledge) and I'tiqad (belief)"** which is an actualisation of **"Tawhid Ar-Rububiyah and Al-Uluhiyah"** or the second category **"Al-Qasd (intention/purpose), Al-Iradah (will/volition) and At-Talab (pursuit/demand)"** which is an actualisation of **"Tawhid Al-'Ubudiyah (of worship)"**?

What must be ascertained and strongly reinforced is that these categorisations or divisions all represent terminology which the Shar'iy text has not come with. They are all innovated and were

not utilised at all by the eminent first three generations. Indeed, these terminologies did not arise until after the passing of more than ten generations during the seventh Hijri century via an Ijtihad from Imam Sheikh ul-Islam Ibn Taymiyah (rh), which came to treat and deal with issues which concerned him in the age that he lived. Even with that, his student Sheikh ul-Islam Ibn Qayyim Al-Jawziyah did not reconcile them and did not find peace with them. He rather inclined towards the well-ordered (precise) dual terminology: The Tawhid of “**Al-Ilm and Al-I’tiqad**” (Knowledge and belief) and the Tawhid of “**Al-Qasd, Al-Iradah and At-Talab**” (intention/purpose, will/volition and pursuit/demand).

As such, there is no place for the Fatwa of “**The Council of Senior Scholars**” based in what has been named “Saudi Arabia”, which “**Al-Hady Al-Nabawi**” magazine published on pages 25-26 of its seventh edition. It was an answer to a question presented by “Dr. Suhaib Hasan”. The question was as follows:

Question: “Some people, from the Du’at, have begun to be concerned with mentioning the Tawhid of Al-Hakimiyah, in addition to the three well-known categories of Tawhid. Does this fourth category fall under one of the three categories or does it not fall under them, for us to make it an independent fourth category, making it obligatory for us to be concerned with? It is said that Sheikh Muhammad bin Abdul Wahab was concerned mostly with the Tawhid of Uluhiyah at his time as he saw that the people were falling short in this aspect, whilst Imam Ahmad, at his time, was concerned with the Tawhid of Al-Asma’ and As-Sifat (Names and attributes), as he saw the people being deficient in respect to Tawhid in this aspect. As for now, then the people have begun to be deficient in respect to the Tawhid of Al-Hakimiyah, and as such we should concern ourselves with it. How correct is this view?” [End].

Answer: “The types of Tawhid are three: Tawhid Ar-Rububiyah, Tawhid Al-Uluhiyah and Tawhid Al-Asma’ Wa s-Sifat and there is no fourth category of Tawhid. Ruling by what Allah has revealed falls under the Tawhid of Uluhiyah. Making the Hakimiyah an independent category from among the categories of Tawhid is an **act of innovation** which none of the Imams have stated, according to our knowledge. However, there are from them those who have summarised and made Tawhid two categories: The Tawhid of Al-Ma’rifah (knowledge) and Al-Ithbat (affirmation), which refers to the Tawhid Ar-Rububiyah and Al-Asma’ Wa s-Sifat, and the Tawhid related to At-Talab and Al-Qasd, which refers to Tawhid Al-Uluhiyah. And from them (i.e. the Imams) there are those who went into detail and made Tawhid three categories, as mentioned previously. And Allah knows best. It is obligatory to be concerned with Tawhid Al-Uluhiyah as a whole. That begins with the forbiddance of Shirk because it is the greatest of sins, invalidates all acts and its perpetrator is in the fire of hell forever. All of the Prophets began with the command to worship Allah and forbidding Shirk. Allah has commanded us to follow their path and to proceed upon their methodology in the Da’wah and in other than from the matters of the Deen. Being concerned with Tawhid with its three categories is obligatory in every time because Shirk and the negation of the Asma’ and Sifat (Names and attributes) are still present and indeed occurs on a large scale. Its danger intensifies at the ends of times and its matter is hidden from many Muslims whilst those calling to it are many and active. The occurrence of Shirk is not restricted to the time of Sheikh Muhammad bin Abdul Wahab and the negation of the Asma’ and Sifat is not restricted to the time Imam Ahmad (rh), as was mentioned in the question. Indeed, its danger has increased and its occurrence has multiplied within the Muslim societies today. The Muslims are therefore in dire need of someone to forbid its occurrence amongst them and to explain its danger, with knowledge that upholding compliance to the commands of Allah, leaving what He has forbidden and making

judgement by His Sharee'ah, that all of that is included in the realisation of Tawheed and being safe from Shirk. And prayers and blessing be upon our Prophet, Muhammad, his family and companions" [End].

The one who contemplates this ingenious "**answer**" finds no trace of 'Ilm (knowledge) within it, aside from a little. That is because it includes:

1) Falsification and duplicity, if it wasn't deliberate deception, in respect to the description of the latter categorization describing it as "**an act of innovation**", thus deluding the reader or simple listener, that it represents a Bid'ah (innovation) from the Shar'iy perspective. That is because all of the categorizations mentioned, including our categorization in this book, are all contrived and innovative in any case. They all represent terminologies and there is no indisputability in respect to them, even if accuracy and conformity to their reality is required, without which they would be worthless, low in benefit and indeed turn out to be harmful. Our book will establish the proof that the categorisation of Ibn ul-Qayyim, the dual categorisation, which the "**Senior Scholars!**" have described, in sum, as being a misrepresentation and falsity, is in fact an accurate representation, especially if it is branched into its dual categorisations, as will come mentioned in the remainder of this paper!

This dismay of ours is not an accusation based on bad opinion and it is not "**suspicion**". Rather, it represents a true reality, in the case where Ibn Othaimen, who was a member of this "**Senior Council of Scholars**", stated that this opinion is innovated, invented, a Munkar, a Bid'ah and misguidance, as will be revealed shortly!

2) Falsification and duplicity in respect to attributing the two categories to its people. That is because the dual categorisation returns to Ibn ul-Qayyim, the student of Ibn Taymiyah who as is known, collated his knowledge and revised his Madh'hab. If that had been mentioned, the reader would have questioned the soundness of the triple categorisation; how convincing it is and how much it fulfils what is intended. They would have questioned why the student of his revered Sheikh would disagree with him in respect to that, especially due to what is known of his esteem for him, his support for his opinions and his recording of them?!

3) Insistence upon the triple categorisation despite its inherent shortcomings and being used as a pretext by the jurists of the rulers, to remove their masters and leaders (from among the wicked impudent rulers) from the mire of Shirk and stain of Kufr (disbelief). And despite its being subjected to objective criticism over the course of half of the last century.

4) From another angle there is an indication to "**The Hukm (ruling) by what Allah has revealed**" presented in a casual and weak manner, absent of any worth!

5) Complete ignorance of the reality of the people today and what takes place in their gatherings in terms of discussions and debates. You could barely find anyone in this world delving into the details of the "Asma' and Siffat" (names and attributes), with the exception of the ignorant Hanbalis who claim the title of "**Salafiyah**" for themselves alone, like the question "Suhaib Hasan", the 'Saudi' "Council of Senior Scholars", those who imitate, follow and join them from the ignorant innovators. As for the talk of the people, then it concerns the legislation and ruling, human rights, the treachery of the rulers to the Ummah, their allegiance and alliance to the disbelievers, the rights of women, and protests and demonstrations happening in this or that country. As for the insinuations related to

the “Creation of the Qur’an” and what Bishr Al-Marisi and others said and what they raised in terms of “Is the Prophet literally light or is it metaphorical?”, then nobody talks about this apart from those who are obsessed from among the claimants to “**Salafiyah**”, the “**Ahbash**” (note: movement focused on Aqeedah debates) and those similar to them, in addition to the murderous criminals of the “**Criminal armed group**” in Algeria and the enemies of Allah, His Messenger and his companions, who call themselves falsely and fraudulently “**Jaish Muhammad**” (The Army of Muhammad) in Pakistan. It also includes those that follow their path and live in the darknesses of the “**past**” or in other imaginary worlds, that have no connection or linkage to the reality of contemporary life and the world of the people today.

6) Indeed, there is a humiliating ignorance concerning the reality of the Da’wah of the Prophets, in the case where it appears that the members of the “**Council**” believe that the Prophets used to call the people to worship Allah without ascribing a partner to Him, according to a superficial and naive meaning which comprises of: Standing and sitting, prostration, slaughtering sacrifices, lighting candles and what is similar to that. This represents a flagrant lie against the honourable, purified and infallible Prophets of Allah. To refute that it is sufficient to refer to the Da’wah of Lut (as). Where was the prostration and the bowing?” His Da’wah, was rather primarily focused upon calling to the abandonment of making evil and lewd acts permissible. There was no mention at all of an image, idol or deity which was prostrated to, besides Allah or from which help and refuge was sought. Indeed, if someone claimed that they did not view the Uluhiyah of other than Allah according to the limited meaning understood by the “**Council**”, he would not be far from the truth. As for us, then we seek refuge in Allah from giving any opinion that has no proof for it and we do not have sufficient knowledge concerning the people of Lut to know whether they were idol worshipers or not?!

This then represents the understanding of the “(Saudi) Council of Senior Scholars”. What a shallow and trivial understanding this is and how declined and obtuse is the thinking. How miserable is a “**Ilm**” (knowledge) when this represents the extent of the level of the “**Senior Representatives**” calling to it!

All of this provokes doubt in the “**Council**” and its members, whilst it is preponderant that they, or some of them, are from the authority’s jurists (Fuqaha’ As-Salateen). That is especially the case when we consider their suspicious silence over their state, the state of the family of Saud, which their senior scholar Bin Baz described as being “**Blessed**”, turning to the disbelievers and enabling them to occupy the Arabian Peninsula, blockade Iraq and other Muslim lands, to starve the Muslims and subjugate them, indeed, to commit genocide against them and wipe them out. All of that is accompanied by the replacement of the Islamic law and setting systems subservient to the disbelieving Saudi national identity. That is in addition to providing licences to usurious banks, fighting the sincere and aware Islamic Da’wah, whilst describing it as terrorism, deviation, innovation and excessiveness, membership of disbelieving international organisations like the UN, Arabic League and Gulf Cooperation Council, among other organisations, and other than that in terms of disbelieving acts and atrocities, which would, by Allah cause a newly born child to turn grey.

If the Fatwa (decree) mentioned above from the “**Council of Senior Scholars**” did not contain a trace of knowledge, then the following Fatwa of a member of the same body “Ash-Sheikh” As-Salih Al-Uthaimeen, is not fit to be described with anything other than being disgraceful, deprived and scandalous.

In meeting number “150” from the open weekly meeting, which is recorded on a cassette the Sheikh said:

To the question posed by “**Al-Alma’iy**”: “What do you say, may Allah pardon you, in respect to the one who adds a fourth category to Tawhid and has named it Tawhid Al-Hakimiyah?”

The “**ingenious**” reply was: “We say that he is misguided and that he is ignorant! That is because the Tawhid Al-Hakimiyah is the Tawhid of Allah ‘Azza Wa Jalla. That is as the Hakim (judge) is Allah ‘Azza Wa Jalla! If you said that Tawhid was three categories just as the ‘Ulama’ (scholars) have said. Tawhid of Rububiyah, the Tawhid of Al-Hakimiyah is contained within the Rububiyah, because the Tawhid Ar-Rububiyah is the Tawhid of Al-Hukm (judgement/rule), Al-Khalq (creation) and At-Tadbir (management), to Allah ‘Azza Wa Jalla!

This represents an innovated and Munkar opinion! How does the Tawhid of Al-Hakimiyah work? What can make the Hakimiyah one? Is its meaning that the Hakim (ruler) of the life of this entire world is one or what?!

As such, this view is innovated, invented and a Munkar (a denounceable act) which the one stating it is denounced for. It is said to him: If you intend the Hukm (rule/judgement), then the Hukm is to Allah alone and this falls within the Tawhid Ar-Rububiyah. That is because the Rabb (Lord) is the Khaliq (creator), Malik (owner and sovereign) and the Mudabbir (manager) of all matters! This view is therefore Bid’ah (an innovation) and Dalalah (misguidance”).

Did you observe this laughable babble and nonsense? We are not talking here about the feebleness of the style or weakness of language as that is expected in oral recordings such as this. Ibn Othaimeen is not from those who are not known for their precision and ability to present their deductions well. Indeed, he is known to possess that and whoever reads his studies and Fatawa (verdicts) in the precise details of Fiqh like those related to “**Menstruation and post-natal bleeding**” and “**The natural blood of women**” knows that. No, by Allah, this answer represents nothing more than flattery and sycophancy to the Salateen (rulers in authority) who rule by other than what Allah has revealed!

Thereafter, is it not the Hukm Ash-Shar’iy (Islamic ruling) that the Muslims be one single Ummah, with one Dhimmah (protection), where their war is one, their peace is one, their security is one, their state is one and their Imam (leader), the supreme Imam or Khalifah, is one? Is that not the case?! Is not the ideal and required situation according to the Shar’a that: Islam is carried to the entirety of mankind until they enter it or submit to its system, under a single authority?! So where is the strangeness or oddity in the unification of the Muslims within one entity and one ruler and especially as this represents a Shar’iy obligation?! What is detestable or wrong about unifying the entire Dunyaa, when the capability exists, under the complete and just authority of Islam, where the believer will rejoice and the disbeliever will be at peace?! Ibn Othaimeen knows all of this with certainty and it is impossible for him to be heedless of that. So why then the ridicule and mockery?! Does Ibn Othaimeen not fear that the Angels will reprimand him at the time of death:

قُلْ أَلِلَّهِ وَأَيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِئُونَ ﴿٦٥﴾ لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ

Say, "Is it Allah and His verses and His Messenger that you were mocking?" (65) Make no excuse; you have disbelieved after your belief (At-Tawba: 64-65).

It is also worth contemplating the vast difference between the babble and nonsense from Ibn Othaimeen, in addition to what was stated by the senior “**Scholars**” and the statement of the great Imam Ibn Qayyim Al-Jawziyah:

The following came mentioned within “Madarij As-Salikeen” (volume:3, page:182):

[And many people seek other than Him as a judge, to go to for judgement, to bring disputes to and being content with His judgement. These three areas represent the Arkan (pillars) of Tawhid: That none other than Him are taken as a Rabb (Lord), nor Ilah (deity) **and none other than him (is taken) as a judge (Hakam)**] [End of quote]. Here, he made the Hakimiyah, which is to take Allah alone as the Hakam (judge) with no partner and not accepting other than Him as a judge, as being a pillar from the pillars of Tawhid.

However, the Messenger of Allah (saw) spoke the truth when he said:

إِنَّ اللَّهَ لَا يَقْبِضُ الْعِلْمَ انْتِزَاعًا يَنْتَزِعُهُ مِنَ النَّاسِ وَلَكِنْ يَقْبِضُ الْعِلْمَ بِقَبْضِ الْعُلَمَاءِ حَتَّى إِذَا لَمْ يَبْقَ عَالِمًا اتَّخَذَ النَّاسُ رُءُوسًا جُهَالًا فَسُئِلُوا فَأَمَّتُوا بَعِيرَ عِلْمٍ فَضَلُّوا وَأَضَلُّوا

Verily, Allah does not take away knowledge by snatching it from the people but He takes away knowledge by taking away the scholars, so that when He leaves no learned person, people turn to the ignorant as their leaders; then they are asked to deliver religious verdicts and they deliver them without knowledge, they go astray, and lead others astray.

- Ahmad recorded it: [Yahya related from Hisham who related it to us saying: My father related: I heard Abdullah bin ‘Amr ... saying: I heard the Messenger of Allah (saw) saying the exact same thing]. This (Hadith) is from the most Sahih (authentic) chains of transmission of the Dunya. It is a continuous chain in narration (Tahdeeth) and relation (Imla’) from Ahmad. Ahmad also said: [Wakee; related to us from Hisham, from his father, from Abdullah ibn ‘Amr who said: The Messenger of Allah (saw) said: The (aforementioned) Hadeeth].

- Imam Al-Bukhari recorded it in his “**Sahih**”: [Isma’il bin Abu Uwais related it from Malik, from Hisham bin ‘Urwa, from his father, from ‘Abdullah bin ‘Amr bin Al-‘Aas: He said: I heard the Messenger of Allah saying: The aforementioned Hadith]. Al-Bukhari said: [Al-Farbari said that ‘Abbas related to us who said: Qutaiba related to us from Jarir bin Hisham: The same Hadith].

- Imam Muslim also recorded it in his “**Sahih**”: [Qutaiba bin Sa’id related it to us from Jarir, from Hisham bin ‘Urwa, from his father, who said: I heard Abdullah bin ‘Amr bin Al-‘Aas saying: I heard the Messenger of Allah (saw) saying: The aforementioned Hadith]. Muslim said: [Abu Ar-Rabi’ Al-‘Ataki related it to us from Hammad, meaning Ibn Zaid, and Yahya bin Yahya related it to us from ‘Abbad bin ‘Abbad and Abu Mu’awiyah, and Abu Bakr bin Abi Shaiba and Zuhair related it to us from Waki’, and Abu Kuraib related it to us from Ibn Idris, Abu Usamah, Ibn Numair and ‘Abdah, and Ibn Abi ‘Umar related it to us from Sufyan, and Muhammad bin Hatim related it to me from Yahya bin Sa’id, and Abu Bakr bin Nafi’ related it from ‘Umar bin ‘Ali, and ‘Abd bin Humaid related it to us from Yazid bin Harun from Shu’bah bin Al-Hajjaj: And all of them related it from Hisham bin ‘Urwa from his father from Abdullah bin ‘Amr from the Prophet (saw): The same as the Hadith of Jarir.

The following addition was in the Hadith of ‘Umar bin ‘Ali: [Then I met Abdullah bin ‘Amr at the beginning of the year and I asked him (about it). He then repeated to us the Hadith as it had been related: He said: I heard the Messenger of Allah (saw) saying it]. Imam Muslim also said: [Muhammad bin Al-Muthanna related it from Abdullah bin Hamran, from Abdul Hamid bin Ja’far, from Abu Ja’far, from ‘Amr bin al-Hakam, from Abdullah bin ‘Amr bin Al-‘Aas, from the Prophet (saw): The same Hadith related by Hisham bin ‘Urwa].

- Imam At-Tirmidhi recorded it: [Harun bin Ishaq Al-Hamdani related it to us from ‘Abdah bin Sulaiman, from Hisham bin ‘Urwa, from his father, from Abdullah bin ‘Amr bin Al-‘Aas who narrated it]. Abu ‘Iesa said: [And in the chapter **category – should that be categorically?** from ‘A’isha and Ziyad bin Labid. This Hadith is Hasan Sahih and Az-Zuhri related this Hadith from ‘Urwa, from Abdullah bin ‘Amr, from ‘Urwa from ‘A’isha, from the Prophet (saw): The Hadith].

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- Imam Ibn Majah recorded it: [Abu Kuraib related it to us from Abdullah bin Idris, ‘Abda, Abu Mu’awiyah, Abdullah bin Numair and Muhammad bin Bishr, and Suwaid bin Sa’id related it to us from ‘Ali bin Mus’hir, Malik bin Anas, Hafs bin Maisara and Shu’aib bin Ishaq from Hisham bin ‘Urwah, from his father, from Abdullah bin ‘Amr bin Al-‘Aas: That the Messenger of Allah (saw) said it].

- Imam Ad-Darimi recorded it: [Ja’far bin ‘Awn related it to us from Hisham, from his father, from ‘Abdullah bin ‘Amr who said: The Messenger of Allah (saw) said: The Hadith].

* Imam Al-Bukhari also related it in his **“Sahih”** via another path from a rare angle: [Sa’id bin Taleed related from Ibn Wahab, from Abdur Rahman bin Shuraih, from Abu I-Aswad, from ‘Urwa who said: Abdullah bin ‘Amr came to us for Hajj and I heard him say: I heard the Prophet (saw) saying it. I then related it to ‘A’isha the wife of the Prophet (saw). Then Abdullah bin ‘Amr was still at Hajj and so she said: “O cousin, go to Abdullah bin ‘Amr and gain affirmation for me from him for that which you related from him”. So I came to him and asked him. He then related the same as what he had previously related. I then went to ‘A’isha and informed her. She marvelled and then said: “By Allah, Abdullah bin ‘Amr has **preserved! – it?**”].

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- This was recorded by Imam Muslim in his **“Sahih”**. He said: [Harmala bin Yahya At-Tujibi related to us from Abdullah bin Wahb, from Shuraih that Abu I-Aswad related to him from ‘Urwah, from Az-Zubair similar to it, with some additions].

We do not wish to waste time in discussing this nonsense and rambling from the likes of the “Council of Senior Scholars” in what has been called **“Saudi”** or its leading personalities like Muhammad As-Salih bin Othaimeen, as time and life is more precious than that, and so returning to our main subject area is more befitting and of greater priority. What then is the **“Tahwid of Tahsree’ (legislation) and Al-Hakimiyah (ruling)”** which Ibn Othaimeen mocked and which represents the main subject of our study?!

Chapter: Tawhid of At-Tashree’ (legislation) and Al-Hakimiyah (ruling)

“Tawhid of At-Tashree’ (legislation) and Al-Hakimiyah (ruling)” means: The decisive belief (Al-I’tiqad Al-Jazim) that to Allah alone without partner belongs the right of legislating in origin and independently, the authority of commanding and forbidding, and the right of obedience. None other than Him have the right to command and forbid and are not entitled to obedience except by His permission, where the presence of such a permission is established through a decisive Shar’iy evidence. That is because the Hukm (rule) belongs to Allah alone and there is no Hukm other than His.

Therefore, it is He alone, as dictated by His being the One single Ilah and Rabb possessing the Rububiyah and Siyadah, who determines the Haram and the Halal, the Husn (good/right) and the Qabih (bad/wrong) and who sets the scales of morals and values.

He is the possessor of the supreme Rububiyah and absolute Siyadah (sovereignty). There is no authority above His authority and no point of reference after His; not from the mind nor any other source. That is because:

اللَّهُ يَحْكُمُ لَا مُعَقِّبَ لِحُكْمِهِ

Allah judges, there is none to reverse His Judgement (Ar-Ra’d: 41)

And:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, whilst they will be questioned (Al-Anbiya: 23).

This reality is sometimes expressed by the wording **“Tawhid Al-Hakimiyah”**, meaning that the right of the Hukm (ruling) and Tashree’ (legislating) belongs to Allah (swt) singularly and alone without partner. It is possible to also express it by the principle of **“Siyadat ush-Shar’i”** (Sovereignty of the Islamic legislation) meaning that the Shar’ revealed from Allah (swt) holds absolute sovereignty and the supreme control over all behaviours (and acts) of the ‘Ibaad (slaves i.e. humans).

This second expression **“Siyadat ush-Shar’i”** (Sovereignty of the Islamic legislation) is better from the practical aspect because it explains the **“practical manner of how”** to accomplish this category of Tawhid, which is: To refer to the Wahi (divine revelation) i.e. the revealed Shar’, represented in the Kitab and the Sunnah and what they guide to in terms of affiliated detailed branched evidences, such as Ijma’ (consensus) and Qiyas (analogy) based upon a Shar’i ‘Illah (reason) i.e. an ‘Illah (reason) mentioned within the text or deduced from the texts.

The root article **“ح ك م”** (Ha Ka Ma) comes in the Arabic language, and within the Kitab and the Sunnah, with a number of meanings:

1) Placing matters in their (correct) places. That is **“Hikmah”** (wisdom) and the one who does that is **“Hakim”** (wise).

2) Perfecting the action and the act reaching its objective. It is “**Ihkam**” and the doer is “**Muhkim**” and “**Hakim**”.

3) The Hukm (judgement) upon the actions of the people on the Day of Judgement and settling all of their disputes in a final and everlasting manner.

4) Issuing of a Fatwa (verdict) and the expression of an opinion which the one stating believes to be correct i.e. passing judgement upon the issues of the Deen and those which are sensed, rational, related to beauty and morals, among other such issues. As such, we pass judgement (**Hukm**) upon the invalidity of reincarnation, the invalidity of the belief of trinity and the Qubh (ugliness) of lying according to the mind and its prohibition (Hurmah) according to the Shar’; except in some circumstances mentioned within the texts etc. An example of this is the statement of Allah (swt):

أَفَنَجْعَلُ الْمُسْلِمِينَ كَالْمُجْرِمِينَ ﴿٣٥﴾ مَا لَكُمْ كَيْفَ تَحْكُمُونَ

Then should We deal with the Muslims like the criminals? (35) What is [the matter] with you? How do you judge? (Al-Qalam: 35-36).

5) Settling conflicts and resolving disputes by way of compulsion i.e. judiciary (Al-Qadaa’). It represents one of the main authorities of the state (The legislative authority, the executive authority and the judicial authority. The Qadi (judge) is also called a “**Hakim**” and what he pronounces is a “**Hukm**” (ruling/judgement/verdict).

6) Fostering the affairs, administration and implementation i.e. the executive authority within the state. The one who is responsible for undertaking that is the “**Hakim**” (ruler) just as he can be called a “**Wali**”, “**Wali Amr**” or “**Sultan**”. In recent contemporary times the term “**Hukumah**” (government) has been used for the high executive authority. This refers to the council of ministers and also to the ruling apparatus within the state.

7) The legislating and setting of constitutions, laws, systems and statutes i.e. referring to what the legislative authority in the state undertakes.

Even setting the foundations of morals, conducts, manners and societal customs falls under this, as this, in its reality, reflects legislation and the setting of values. Although the authorities do not practise this usually, the people could practise it as a collective whole in their capacity as a society i.e. as a collective which establishes permanent relationships between its individuals.

These meanings or these four last types are what concern us in this study: Al-Fitya (issuing of a Fatwa), Al-Qadaa’ (judiciary), At-Tanfidh (execution) and At-Tashree’ (legislation). These are also the meanings according to which all Shar’iyah texts should be understood, unless there is a specifying Qareena (connotation) to indicate otherwise. Therefore, when the Messenger of Allah (saw) said “**If the Hakim makes Ijtihad and is correct, then he attains two rewards etc**”, it is not permissible to say that this is specific to the Qadi (Judge) or the Wali Amr. Rather it is general applying to everyone who seeks the Hukm of Allah in an issue to know it alone, like the Mujtahid or the Mufti, as each is a Hakim, or to apply it in respect to a dispute, like the Qadi, who is also a Hakim, or to foster the affairs (of the people), like the Imam, either in the form of execution in a specified circumstance or in the form of legislation i.e. as an adoption of a Hukm Shar’i in a matter of dispute or difference and

setting it as a general statute or ruling which all must comply with. According to this description he is also a Hakim.

Al-Ihtikam or At-Tahakum means: Seeking the Hukm from any of its types, including: The Fitya (provision of a Fatwa/verdict), Qadaa' (judiciary), Tanfeedh (execution) or Tashree' (legislation).

The **"Shirk of At-Tashree' and Al-Hakimiyah"** is therefore naturally every statement or belief that is contrary to the **"Tawhid of AT-Tashree' and Al-Hakimiyah"**.

This Shirk, meaning the **"Shirk of At-Tashree' and Al-Hakimiyah"**, is the most widespread in the western world today due to its adoption of **"Ad-Dunyuwiyah" (secularism)** which has wrongly been called **"Ilmaniyah" (secularism)** and which provides the right of legislation to man and the Siyadah (sovereignty), according to its claim, to the people.

In the case where the western world, in our current age, is the most advanced in the technical and scientific fields, has control over the development and fate of nations and peoples, and where its civilisation and culture are dominant and considered to represent the standard for all civilisations and cultures, on the one hand. And on the other hand, in the case where the Islamic world has fallen from its position of leadership intellectually, in terms of civilisation and politically, over many centuries, until it reached rock bottom with the demolition of the last of the Islamic Khilafah states in Istanbul, and where the masses of the Muslims and **even their people of impact – people of influence or army?** were terribly defeated mentally and emotionally before the western advance. In light of all of this, this thought based upon Shirk and Kufr, spread amongst the Muslims and especially amongst those who had been cultured and educated with the western culture. Consequently, many of them turned away from Islam, rejected their own civilisation and culture and became disbelievers and apostates; people of **"no Deen"**, **"Dunuyuwen"** and **"Ilmaniyeen"** (secularists).

When we say that "many of the educated from amongst the Muslims turned away (apostatized) from Islam", then we are not saying that metaphorically or to exaggerate for the purposes of making a point by utilising Arabic tools of eloquence and rhetoric. No, by Allah, rather we mean its specifically defined Shar'iy meaning, which is real apostasy from Islam where they became disbelievers and polytheists, who had departed from the Millah (i.e. Deen of Islam) and abandoned the Ummah.

In the face of this blind apostacy and fatal danger, accompanied by the special significance of the principle of **"As-Siyadat ush-Shar'i"** from the angle of the belief of every Muslim, and from the angle of the constitutionality of the Jama'ah (collective), referring to the Islamic Ummah and state, it has become incumbent upon us to thoroughly go through the matter and refute the specious arguments which the enemies of Allah, from among the treacherous jurists of the rulers, have raised, in a final and complete manner. This will all be accomplished with the praise of Allah, His favour and the success that He provides, within this book of ours, chapter after chapter, and section after section.

Section: The Concept of "Siyadah"

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The word “Siyadah” (sovereignty) is a western term. The intended meaning of it within the reality as deduced from an examination of the points of view of the people of man-made law is: The one who exercises will and its director, in respect to all the relationships and even in respect to things.

From this basis, a more precise expression describing the reality of Siyadah according to this understanding, from the viewpoint of Islam, is that it is: **“The absolute highest authority which has the sole right to issue the ruling upon things and actions”** or in other words it is: **“The primary, absolute, general, single and unrestricted authority that has supremacy or control over the individuals and collectives”**. The intended meaning of “Siyadat ul-Ummah” (Sovereignty of the nation/people), for example, is that the Ummah alone has the right to exercise the will and direct it in respect to passing judgement over things and actions, in the shape of setting the laws to regulate life, according to what the mind dictates.

Whatever legal or juristic debate exists concerning the definition of sovereignty, it can nevertheless be conceded that there exists a host of characteristics and attributes which everyone agrees must be met within the meaning of sovereignty and these represent a common denominator between them all in respect to their view towards sovereignty.

“Siyadah” (sovereignty) is therefore: The supreme will, distinguished by characteristics which are not present in other forms of will or volition. The sum of these characteristics is that they represent the will which sets and determines itself by itself. It is therefore not possible for the possessor of sovereignty to be bound to a particular manner of behaviour by a foreign or external will. As such, it is not compelled with a particular manner of behaviour unless it itself has willed it. This means that this authority is absolute. If this was not the case, then it would rely upon another will that determines it, which is incompatible with what has been established in respect to it in terms of it being a primary or original authority. This means that it does not receive this characteristic from a will that precedes it or from a higher will. It is distinguished by the following characteristics:

- **Absoluteness:** The possessor of Siyadah does not have law imposed upon it. Rather, the law is the expression of its will. A will external to it does not compel it with any behaviour upon a particular manner as there is no will vying with it or equal to it. Its will commands always and nothing has rights before it. Its relationship with others is that of the relationship of a master with the slave, or the follower with the followed, and the slave or follower must execute the orders it issues, not because of the content of the commands, but rather because they have been issued from a will which by nature is higher than their will.

- **Highness or eminence:** In its areas represents a will that is elevated above all of the wills and an authority higher than all the authorities. There is no authority higher than it or equal to it in respect to what it regulates and organises in terms of relationships.

- **Oneness and singleness:** There can only be one single Siyadah over a single area. If two Siyadahs existed over one area, its circumstances would become ruined or corrupted. An example of that would be if any of them was to issue a task or command contradicting that issued by the other, then such a matter would not be free of any of the following possible circumstances:

- 1) The two tasks or commands would be implemented together, which is impossible.
- 2) Refraining from both together which would invalidate or negate the Siyadah of each together.

3) The task of one would be implemented only and hence the one who issued it would be the most entitled to the Siyadah and the Siyadah of other than it would be invalidated.

- **Authenticity or originality:** It stands by itself and did not receive this supremacy or highness from a will that precedes it or from a will that is higher than it.

- **Infallibility from error:** The theory of Siyadah adopts regarding the will of the Sayyid (master) as a legitimate will and the law is regraded to be in conformity to the principles of truth and justice, for no other reason except that they are issued from the will of the master. As such this theory attributes the characteristic of being infallible from mistake to the master.

This is the Siyadah, a supreme commanding authority:

- It is alone and peerless in respect to the ruling (Al-Hukm) and it does not share its rule with anyone or anything. Its will is the law and its directions represent the binding Sharee'ah.
- It is alone and peerless in supremacy. No other authority is known that is higher than it or is equal to it.
- It is standing by itself and as such does not acquire its authority from another will.
- Its rights are sacred. It does not except concessions and the passing of time does not invalidate it.
- It is infallible from error and as such, everything that is issued from it, is the truth (Haqq) and justice ('Adl).

Does any Muslim then, have any doubt, that these characteristics and attributes are not befitting of anyone in origin, apart from Allah (swt)?

The majority of Islamic thinkers from the scholars of Usool (principles of jurisprudence) and others, have explicitly stated that the Siyadah is completely, absolutely and exclusively restricted to the Shar' alone.

Similarly, some have stated that there exists no Hukm (ruling) before the Shar'a has mentioned it and that the 'Aql (mind or intellect) does not possess the Hukm absolutely. This is the truth which definite proofs have been established upon and as such it is not permissible to believe in other than it. Those scholars include: Ibn Hazm, Al-Amidi, Abu Bakr (ibn ul-Arabi), Al-Esnawy, Ash-Shawkani, Ibn ul-Qayyim and from the contemporary thinkers: Taqi ud-Din An-Nabhani (Refer to: Al-Ihkam Fee Usool il-Ahkam" by the great Imam Ibn Hazm and "Ash-Shakhsyah Al-Islamiah, volume three" by Sheikh Taqi ud-Din An-Nabhani).

Section: The evidences for the Tawhid of At-Tashree', Al-Hakimiyah and the Siyadah (sovereignty) belonging to the Shar'a

▲ The decisive (Qat'iy) evidences from Qur'an, Sunnah, Ijma' (consensus) of the Sahabah and even the 'Aql (mind), have established that the Siyadah is absolutely to the Shar' alone. In the Qur'an there are many evidences indicating that the Shar' alone is the possessor of the absolute Siyadah (sovereignty) in respect to the universe (i.e. all creation), life and mankind. These texts include:

The One whose names are glorified and His attributes venerated, said when relating the infallible, encompassing and restricting (Jaami' Wa Maani') statement of Yusuf:

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مَا تَعْبُدُونَ مِنْ دُونِهِ إِلَّا أَسْمَاءٌ سَمَّيْتُمُوهَا أَنْتُمْ وَآبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ ؕ إِنَّ الْحُكْمَ إِلَّا لِلَّهِ ؕ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ؕ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

You do not worship besides Him except [mere] names you have named them with, you and your fathers, for which Allah has sent down no authority. The Hukm (ruling, legislation), legislation) is for none but Allah. He has commanded that you worship not except Him. That is the correct Deen, but most of the people do not know (Yusuf: 40).

If the intended meaning of ‘Ibadah (worship) was its narrow meaning, relating to ritual acts of worship, which is expected to have been the basic and limited understanding of the companions of Yusuf in prison, in other words just a host of actions like bowing, prostration, prayer, fasting, erecting places for prayer, offering slaughter and sacrifices, lighting candles, heating coals and letting off of smoke, giving charity and offering oaths among other such acts, then these are not directed except to Allah alone without partner and they are not directed to any other than Him. That is because he commanded that, in His capacity as being alone in respect to the Hukm (ruling) or in His capacity as being the possessor of the Siyadah and being alone in that:

أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ

He has commanded that you worship not except Him.

Consequently, ‘Ibadah undertaken to Him, according to this narrow meaning, where those rituals and acts of worship are directed to Him and attributing Tawhid (oneness) to Him, where those actions are restricted to Him, does not represent the origin, but rather a branch of His oneness and being unrivalled in respect to the Siyadah (sovereignty) and Hukm (rule). If He had commanded that some of those actions be directed to other than Him, it would be obligatory to obey Him.

That is because the obedience represents the origin, whilst the actions of worship or which have been named as such, and singling out Allah alone in respect to them, represents a branch. Directing those acts to Him and singling Him out with them is not due to a sensed or rational necessity but rather represents obedience to the command. Had the command for that not been issued, none of it would have been obligatory, just as none of that would have been prohibited. This is the truth which the ayah (verse) has indicated to and it is absolutely not possible to understand other than that from it, just as we have explained in detail in our book about “At-Tawhid”.

If the intended meaning of ‘Ibadah was its comprehensive and broad meaning which is submission with obedience and following, submissiveness and veneration, accompanied by love and loyalty, then the statement “**He has commanded that you worship not except Him**” would represent a branching, application and explanation of the practical dimension of the statement: “**The Hukm (ruling, legislation) is for none but Allah**”, which represents the knowledge-based or theoretical aspect.

The absolute and supreme original truth is the singularity and unrivalled status of the Rabb, glorified is His Majesty, in respect to the Hukm (ruling, judgement, legislation) and His singularity and

unrivalled status in respect to Siyadah (sovereignty). Consequential to that, by necessity of sensation and the mind, every slave who is certain of that and affirmed it must single Him out for 'Ibadah (worship) according to its comprehensive meaning i.e. to single Him out for submission and surrender, built upon love, esteem and glorification. That is because this represents the main foundation of 'Ubudiyah (worshipping), its essence and the true reality of its meaning.

'Ibadah according to its broad meaning, which is submissiveness and veneration, submission accompanied by obedience and following, and with love and loyalty, all returns back to its foundation and origin: Obedience, submission and surrender, built upon love and glorification. This, in turn, represents the single natural, acceptable and rational manifestation from the created slave towards the Lord Creator i.e. towards the supreme absolute existential truth of **"The Hukm is for none but Allah"**, or if we wished we could say, of **"La Ilaha Illallah"**. There is no difference between these two statements as each is synonymous with the other, explaining one another, whilst each is a consequence of the other based on decisive rational and sensed necessity.

- Allah (swt) said:

إِنَّ الْحُكْمَ إِلَّا لِلَّهِ يَفْصِلُ الْحَقَّ وَهُوَ خَيْرُ الْفَاصِلِينَ

The Hukm (judgement) is for none but Allah. He narrates the truth and He is the best of judges (Al-An'am: 57).

This has come in the form of restriction or exclusivity (Seeghat ul-Hasr). The Hukm therefore exclusively belongs to Him alone without partner. Concerning the second informative part (Khabar) of the verse, then it is just as it is in respect to His stories; it is the Haqq (truth) conforming to the reality with certainty. Furthermore, it is He who settles every dispute and rules upon every disagreement, in a decisive and final manner, with no revision and no questioning upon that. That is in the Dunya (life of this world) by declaring the Halal and the Haram, the good and the bad and determining the moral and ethical values, and in the hereafter, by providing the final, absolute and just settlement between the slaves. There is also no good, justice or truth except in His Hukm (judgement and ruling), there is no Ilah other than Him and no Rabb except Him.

Observe that the Ayah (verse) made the "Hukm belong to Allah exclusively, without a rival or partner", however it is possible for the true story or report to come from other than Him. That is because informing the truth and truthfulness is not restricted to Allah, glorified be His majesty, but can rather also come from other than Him. Obviously, what comes from other than Him in terms of truth and truthfulness is limited, originating from limited acquired knowledge by creation, which is contrary to the absolute and intrinsic knowledge of the Allah. There is therefore a vast difference between one truthful report and another, and between one knowledge and the other.

In confirmation of what we have mentioned above, Allah (swt) says:

أَلَا لَهُ الْحُكْمُ وَهُوَ أَسْرَعُ الْحَاسِبِينَ

Surely, His is the Hukm (judgement) and He is the Swiftest in taking account (Al-An'am: 62).

This is another form of restricting and exclusivity, as the expression “**Al-Hukm**” came affixed with “أل” (Alif Lam) and as such encompasses the category of the Hukm (as a whole) i.e. it encompasses every Hukm. His specialness and unrivalled status in respect to that have been reiterated through the advancing of the Shibh Al-Jumla al-Khabariyah (i.e. the informative part of the sentence) which is “له” over the Muftad’a (subject of sentence), and also through the utilisation of the tool of reinforcement “إلا” (surely, indeed).

- Allah (swt) said:

أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ ۚ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ

surely, His is the Creation and Commandment. Blessed be Allah, the Lord of the worlds (Al-A’raf: 54).

This is also in a form of restriction and establishing exclusivity. Just as He alone is the Creator (Al-Khaliq) and Sustainer (Ar-Raziq), He alone is the Commander and Forbidder i.e. He alone is the unrivalled and singular Sayyid (master) in respect to the Hukm.

- And Allah (swt) said:

وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ ۖ ذَلِكُمُ اللَّهُ رَبِّي عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أُنِيبُ

And in whatsoever you have differed upon, its Hukm (ruling) is [to be referred] to Allah. [Say]: “That is Allah, my Lord; upon Him I have relied, and to Him I turn (in repentance)” (Ash-Shura: 10).

This is not only exclusive to precedence of Allah only in respect to judging or ruling upon that which the people have disagreed or differed upon. Rather, He is the Hakim (Judge) absolutely. The people have only agreed upon the primary rational necessities and these have been implanted in the nature of the ‘Aql (mind) and its structure. It could be said that it is part of the ‘Aql (mind) in its capacity as a mind. It is Allah (swt) who has created it like that after decreeing and ruling that it be like that. There is therefore nothing beyond Allah. Indeed, He is the First (Al-Awwal) and the Last (Al-Akhir), the Outward (Azh-Zahir) and Inward (Al-Batin), and to Him is the end or final goal of everything!!

- Allah (swt) says:

فَاحْكُم بِلِلَّهِ الْعِلْمِ الْكَبِيرِ

So the Hukm (judgement) is with Allah, the Most High, the Greatest (Al-Ghafir: 12).

- He (swt) said:

وَاللَّهُ يَحْكُمُ لَا مُعَقِّبَ لِحُكْمِهِ ۖ وَهُوَ سَرِيعُ الْحِسَابِ

And Allah judges, there is none to reverse His Judgement and He is Swift at reckoning (Ar-Ra’d: 41).

How it could be conceived that there exists one that can revise or put back His Hukm (judgement)?! Is He not the First (Al-Awwal) and the Last (Al-Akhir)?! Is the starting point not from Him and does not the end point belong to Him?!

If someone was to object to the Hukm of Allah based on the claim that it is in opposition to the 'Aql (mind), it is said to him:

Did you not release and comprehend by way of the mind that you are limited and not unlimited, your existence is possible but is not obligatory or necessitated, that you are an occurrence and not eternal, that your mind is from the creation of Allah and is not an unrestricted mind without bounds, that your knowledge is acquired, incidental and limited, and is not intrinsic, absolute, eternal and unlimited?!

What belongs to Allah in terms of absolute inherent 'Ilm (knowledge), the complete encompassment in His essence and of His creations and comprehensive power of realisation and judgement, makes His Hukm (judgement/ruling) a necessity that has precedence over your judgement.

As such, your assumption that the Hukm of Allah is contrary to the 'Aql (mind) is an invalid assumption and it falls under the **"Deception of mental perception"** exactly like the **"Deception or trick of the eye or sight"**. Unavoidably, the sight remains tricked no matter how many times the looking is repeated, even though you realise by rational evidence and its testimony that it is nothing but a deception and delusion.

Consequently, in this case, the 'Aql (mind) must pass judgement that this assumption is false and invalid and that it is a delusion, as contrary to that is impossible. This **"Deception of mental perception"** is from the whispers of Shaitan (the devil). That is because Shaitan, Allah's curse upon him, knows perfectly that you are limited and that you possess the propensity to be deceived. As such, he goes ahead with his game hoping to get away with his crime.

The origin of your mind is from Allah in terms of creation, being brought into existence and composition. How then can the branch come to invalidate the origin?! That is because, if the origin is false, everything that branches from it is consequently false. You would then have invalidated yourself and your mind and there would be no confidence in it at all. How then can you accept its judgment which has been built upon the **"Deception of mental perception"** in the first place?!

It is just like the foolish person who was sitting on a branch of a high and lofty tree, then a passer-by commanded that the trunk of that tree be cut and so the branch fell with it and his neck was crushed. How is it possible for the branch to remain, if the origin has gone?!

- Allah (swt) said:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, but they will be questioned (Al-Anbiya': 23).

Questioning means following up and revising and we have proven previously that it is impossible for there to be a follow up or revision to the Hukm of Allah, because that leads to the collapse of the

mind itself, its breakdown, the invalidity of its judgements and the impossibility of speech and languages. Whoever reaches this “**pathological or diseased**” stage, the case of unrestricted sophistry (use of seemingly clever but false arguments based on deception), will need to persevere until the affliction passes, because it cannot go on. Otherwise, he can die, provide relief to others and himself!

- Allah (swt) said:

مَا لَهُمْ مِنْ دُونِهِ مِنْ وَلِيٍّ وَلَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا

They have not besides Him any protector, and He shares not His legislation with anyone (Al-Kahf: 26).

Therefore, He does not possess the Hukm and Siyadah intrinsically alone as dictated by His being “**Necessarily existent**” (Wajib Al-Wujud), eternal without a beginning and everlasting with no end. Rather, in addition to that, He does not provide permission absolutely and at all to other than Him to share with Him in the Hukm (judgement/rule) and Tashree’ (legislation).

This Ayah (verse) by itself provides the most emphatic refutation to the false claims of “**secularism**” which attribute the “**Khalq**” (creation) to Allah, whilst denying that He has the command. He, whose names are sacred and standing Most exalted, does not have anyone sharing in His Hukm, Amr (command) and Nahy (forbidding). This in accordance to the Qira’ah (reading) of the Ayah by the majority, whilst Ibn ‘Amir Ash-Shami recited the Aayah in the command form (Seeghat ul-Amr):

وَلَا تُشْرِكْ فِي حُكْمِهِ أَحَدًا

And do not associate anyone in His Hukm.

Meaning, do not attribute to Allah a partner in respect to the Hukm.

The truth is that most of the secularists, especially their leaders, only say that for political reasons, out of hypocrisy and to deceive the masses. That is whilst most of them are atheists who deny the existence of the creator or doubt it or refrain from taking any position in respect to it. However, they are too cowardly to declare that openly and to call to that explicitly, fearing the wrath of the simple masses who believe in the existence of Allah and out of wariness of its outrage.

- Allah (swt) said:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

Or do they have partners with Allah (false gods), who have legislated for them a Deen which Allah has not given permission for (Ash-Shura: 21).

It is from the known matters that the Mushrikeen (polytheists), who believe in the Uluhiyah being present within that which they worship of idols, meaning that they ascribed other deities with Allah,

believe that those deities (Aliha), by necessity, possess the right of commanding and forbidding, even if only in relation some matters. It is not possible for this to be the only intended meaning of the verse, because it would be tautology (needless repetition), whilst Allah's speech is free of such a void style of speech. The Ayah then represents a questioning indicating disapproval, condemning them for the fact that they accepted the legislation in respect to the Deen from other than Allah, thus making them partners. That is even if they didn't believe in them in other than this partial aspect at all and even if they vehemently and heatedly denied that they had made them partners to Allah, in view of their basic mentalities and due to their limited perspective. A model example for that will later be presented within the story of 'Adi bin Hatim, may Allah be pleased with him.

The Tashree' (legislation) from other than Allah is Shirk and the one who does that is contesting Allah in respect to His Rububiyah; appointing himself as a Rabb (lord), rival, Ilah (deity worthy of worship), partner and judge, besides Allah. That is by inevitable necessity, regardless of how much he attempts to dodge that or defend himself.

Consequently, whoever legislates anything from the Deen from himself has made himself a partner to Allah (swt). In such a case, he has transgressed his bounds and become a Taghut, rebelling against Allah in respect to His Rububiyah and His Hakimiyah and contesting Him in His Majesty and Exaltedness.

We move on quickly whilst reiterating and reminding that the Deen is a general Sharee'ah, meaning that it is a particular way of living, comprising Hadarah (civilisation) and Thaqafah (culture), as we have previously stated, and that it is not just spiritualities, rituals and morals.

- Allah (swt) said:

اَتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ

They (Jews and Christians) took their rabbis and their monks to be their lords besides Allah (At-Tawbah: 31).

The following came in respect to the Tafsir (explanation) of this Ayah (verse), from 'Adi bin Hatim, may Allah be pleased with him:

[I came to the Prophet (saw) while I had a gold cross around my neck. He said: **"O 'Adi! Remove this idol from you neck!"** He said: So I cast it off. I stood by him and he recited from Surah Bara'ah (i.e. At-Tawbah): **"They took their rabbis and monks as lords besides Allah (9:31)"**. He ('Adi) said: I said: O Messenger of Allah, we did not worship them". He said: **"Did they not make Haram what Allah made Halal and then as a consequence you made it Haram. And they made Halal what Allah made Haram, and then as a consequence you made it Halal?"** I replied: "Indeed, we did". He responded: **"Then that was their Ibadah (worshipping) of them"**.

In another narration he (saw) said: **[That is true, however they used to make Halal what Allah had made Haram and so they (the people) made it Halal. They made Haram what Allah made Halal, and then they made it Haram]**.

It was related by At-Tabari in his "Tafsir" and this is the wording from one of the paths. He also had other paths for it in full-length and in summarized form, just as At-Tabarani related it in his "Al-Kabir", Al-Baihaqi in his "Sunan" and At-Tirmidhi in his "Sunan". He (At-Tirmidhi) said: [This Hadith is

Ghareeb. We do not know it except from the Hadith of Abdus Salam bin Harb and Ghatif bin A'ayun, who is not well-known in respect to the Hadith]. Al-Bukhari also recorded it in his "At-Tarikh Al-Kabir" in addition to Ibn Hazm who judged it to be Sahih (authentic), in spite of his known high-level of scrutiny.

The truth is that this Isnad (chain) is Hasan in itself and the Matn (content of text) is clean and sound. That Hadith is therefore Hasan and proof is established by it, a matter which we have detailed in the appendix. In any case, it is Sahih upon the conditionality of Ibn Hibban and it is definitely Sahih due to the following linked evidences:

- At-Tabari in his "Tafsir" related with an Isnad (chain of narration) which is of the utmost strength and authenticity from Hudhaifa bin Al-Yaman, may Allah be pleased with him, that he was asked concerning the statement of Allah (swt):

اَتَّخَذُوا اَحْبَابَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُونِ اللّٰهِ

They (Jews and Christians) took their rabbis and their monks to be their lords besides Allah (At-Tawbah: 31).

"Did they use to worship them?" He said: "No (and in a relation: As for the fact that they did not use to fast for them and pray to them, however), they, when they (i.e. Rabbis and Monks) made matters Halal for them, they (the people) made it Halal, and when they made a matter Haram for them, they made it Haram".

At-Tabari related it in full length from numerous Sahih and Hasan paths from Habib bin Abi Thabit and Al-Baihaqi related similar to it. At-Tabari also related it from another path from Hudhaifa in a summarized form with the wording: [They did not worship them, rather they obeyed them in Ma'asiy (acts of disobedience)].

- At-Tabari related with its chain from Ibn 'Abbas in the Tafsir of the Ayah. He said: [They adorned for them their obedience].

- It was recorded with another Sanad (chain) from As-Sadi who said: [Abdullah bin 'Abbas said: "They did not command them to prostrate to themselves, however they commanded them with the disobedience of Allah and then they obeyed them, and so due to that Allah named them Arbab (Lords; plural of Rabb)"].

- He related it with its Sanad (chain) from Al-Hasan Al-Basriy in his Tafsir and said: [In relates to obedience].

- He related it with its Sanad (chain) from Ar-Rabi bin Anas from Abu Al-'Aliyah in the Tafsir of this Ayah. He said: [I asked Abu Al-'Aliyah: "How was the Rububiyah that was existing among the Bani (children of) Isra'eel?" He said: They did not revile our Rabbis with anything that passed; what they commanded us with, we followed them in and what they forbade us, we refrained from it due to what they said. That was whilst they found in the book of Allah what they had been commanded with and what they had been forbidden from. So, they sought guidance from men and cast the book of Allah behind their backs!"].

And ‘Adi (bin Hatim), may Allah be pleased with him, understood ‘Ibadah (worship), in this instance, according to its basic narrow meaning i.e. submissiveness, submission and ritual acts of sanctification in terms of bowing, prostration, prayer, fasting, erecting prayer niches, lighting candles, releasing fumes and offering charity and oaths! And so the Prophet (saw) taught him that affirming the right of legislating to the rabbis and monks, thus making them Lord (Arbab) possessing the Siyadah (sovereignty), meanings worshipping them, according to the broader meaning of ‘Ibadah (worship). That is where ‘Ibadah according to its broader meaning means: Submissiveness, reverence and submission with obedience and following, love and loyalty. The main elements and origin of which are: Obedience, submission and surrender (Ta’ah, Khudoo’ and Tasleem).

If you were to ask the rabbis and monks: Are you Arbab (Lords) beside Allah? They would leap in alarm, deny that vehemently and accuse you of spreading **bad sayings/slander** against them, deceiving the masses and driving them away from their religious leadership.

That however is not worth anything because via their contestation of Allah in respect to the Tashree’ (legislation) and Hukm (rule) in reality, they set themselves up as Arbab (lords) beside Allah. Consequently, they became disbelieving Tawaghit and enemies of Allah. It became obligatory to disbelieve in them and their organs, regardless of how much they lamented, apologised and objected. Whoever gave them this right is a Mushrik (polytheist) and Kafir (disbeliever), regardless of how much he apologised or justified. That is because the issue is not one of names, titles and terms but rather one related to the true reality of statements and the essence of conceptions and beliefs.

This understanding is definitely the correct one and this is the same understanding held by Hudhaifa, may Allah be pleased with him, for this Ayah (verse). It is also the Tafsir (explanation) of Ibn ‘Abbas, Al-Hasan Al-Basri and Abu Al-‘Aliyah. For that reason, Al-Alousi said in his Tafsir: [The majority of the scholars of Tafsir said: “The intended meaning of Arbab (lords) is not that they believed that they were Aliha (deities) of the world. Rather, its intended meaning is that they obeyed them in respect to their commands and prohibitions”].

That is also like what the following Ayah evidences:

- Allah (swt) says:

وَمِنَ النَّاسِ مَن يَتَّخِذُ مِن دُونِ اللَّهِ أَندَادًا يُحِبُّوهُمْ كَحُبِّ اللَّهِ

And of mankind are some who take (for worship) others besides Allah as rivals (to Allah). They love them as they love Allah (Al-Baqarah: 165).

Ibn Al-‘Abbas and As-Sadi said: [Al-Andad (rivals) are the heads/leaders who are followed. They (the people) follow them in acts of disobedience to Allah]. As such, this Ayah is not far away in meaning from the preceding one. As we have mentioned previously, the issue is not merely obedience, but rather it is surrendering and subservience to them in the right of legislation, where, based upon that, the right of obedience would belong to them.

- And His statement (swt):

وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ ۚ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

And indeed do the devils inspire their allies [among men] to dispute with you. And if you were to obey them, indeed, you would be associators of others with Him (Mushrikun) (Al-An'am: 121).

This means, if you **obeyed them and followed them** in respect to making the Maita (carrion) Halal, you would have become disbelievers in Allah, affirming to other than Him the Haqq (right) of the Siyadah, Hakimiyah and Tashree' (legislation). This Ayah is Makkiyah (revealed prior to the Hijra) by consensus at a time where Shirk (association with Allah) was not said except for the Shirk of Kufr (disbelief), Ash-Shirk Al-Akbar (the greatest or major Shirk), which takes one outside of the Millah (i.e. the Deen) and is completely contrary to Islam. Ash-Shirk Al-Asghar (minor Shirk), Ash-Shirk Al-Khafi (i.e. related to the Niyah [intention]) and the practical manners related to Tawhid, such as the prohibition of swearing oaths by the fathers and the prohibition of saying "What Allah willed and what I will", among other similar matters, were only revealed in Al-Madinah, without disagreement.

In the case where Shirk, the Shirk of Kufr (disbelief), the major Shirk which is completely incompatible with Islam and takes the one who had previously entered the Islamic Millah (i.e. Deen) out of it, means exclusively: **"To make or ascribe with Allah another Ilah (deity)"**, just as Abu Bakr As-Siddiq, may Allah be pleased with him said in the presence of the Prophet (saw): **"And is Shirk except the one who made with Allah, another Ilah?!"**

And in the case where **"the one who obeys"** in respect to the making of Halal and Haram is a Mushrik, engaging in Shirk Al-Akbar (major) which takes one outside of the Millah, the one **"who is obeyed"** must by necessity be a Rabb and Ilah, besides Allah, just as for example, the story of 'Adi bin Hatim clarifies and makes plainly evident!

As for the amazing statement of Abu Bakr As-Siddiq, may Allah be pleased with him, then it was recorded by Al-Bukhari with a Sahih chain in his "Al-Adab Al-Mufrad" from Ma'qil Bin Yasir, who said: [I set off with Abu Bakr, may Allah be pleased with him, to the Prophet (saw), and then he said: "O Abu Bakr! Shirk among you is more hidden than the crawling of an ant". Abu Bakr then said: **"And is Shirk except the one who made with Allah, another Ilah?!"**. Then the Prophet (saw) said: "By the One in whose hand is my soul, Shirk has that which is more hidden than the crawling of the ant. Should I not guide you to something that if you did it, its small and large amount would be removed?!" He said (continuing): "Say: O Allah, I seek refuge in you from associating with you, whilst I am aware, and I seek forgiveness from you for that which I am not aware of".

As such, the statement of Abu Bakr As-Siddiq, may Allah be pleased with him, who was a Quraishi Arab pure in its language, in the beginning **"And is Shirk except the one who made with Allah, another Ilah?!"** is encompassing. That is, as it has no other meaning for Shirk at all formulated in his mind other than taking (or associating) another Ilah with Allah i.e. to believe in the Uluhiyah of others than Allah. As for the statement of the Messenger (saw): "By the One in whose hand is my soul, Shirk has that which is more hidden than the crawling of the ant ...", then represented a new legislation and a broadening of the understanding of Shirk, in a manner that was not previously known to the Arabs until that moment. He provided actions and wills within the definition of Shirk, classified them as **"A practical or action-based Shirk"** and made them a sin and Haram which do not normally remove one from the Millah, as they do not fall under the Shirk of disbelief which is completely incompatible with Islam and takes one outside the folds of the Millah.

- Allah (swt) said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا

Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut (false judges etc.), while they were commanded to disbelieve in it; and Shaytan wishes to lead them far astray (An-Nisa': 60).

Al-Qurtubi said: [Yazid bin Zari' related from Dawud Ibn Abi Hind, from As-Sha'bi who said: There was a dispute between a man from among the hypocrites and a man from the Jews and so the Jew called the Munafiq (hypocrite) to the Prophet (saw), because he knew that he does not accept bribery. That is while the hypocrite called the Jew to their judges because he knew that they take bribery in respect to their verdicts. Then when they agreed to be judged by a judge from a priest from Juhaina, Allah (swt) revealed in relation to that:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ

Have you not seen those who claim to have believed in what was revealed to you.

This was referring to the Munafiq (hypocrite) and:

وَمَا أُنْزِلَ مِنْ قَبْلِكَ

And what was revealed before you

This was referring to the Jew.

يُرِيدُونَ أَنْ يُتَحَاكَمُوا إِلَى الطَّاغُوتِ

They wish to refer legislation to Taghut (false judges etc.) (An-Nisa' 60) ... Until the end of Ayah 65 "وَيُسَلِّمُوا تَسْلِيمًا" (Add they submit with full submission).

Ad-Dahhak said: "The Jew called the hypocrite to the Prophet (saw) (i.e. for judgement) whilst the hypocrite called the Jew to Ka'b bin Al-Ashraf and he was the 'Taghut'".

I say: These chains of narration are strong and Jaiyyid (good) until their end. However, they are Mursal and proof of evidence (Al-Hujjah) is not established by the Mursal. Rather, they are only for the purpose of consideration and no more.

Al-Kalbi related from Abu Salih, from Ibn 'Abbas, who said: [There was a dispute between a man from the hypocrites, called Bishr, and a Jew. The Jew said: "Let's go to Muhammad", whilst the hypocrite said: "Rather, let's go to Ka'b bin Al-Ashraf" and it is he whom Allah called At-Taghut i.e. the one possession Tughyan (tyranny) - RH rephrase please. The Jew refused except to go to judgment to the Messenger of Allah (saw). When the hypocrite saw that, he went with him to the

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Messenger of Allah (saw), who then judged in favour of the Jew. When they left the hypocrite said: "I am not content (with the judgement). Let's go to Abu Bakr. He then judged in favour of the Jew and he (the hypocrite) was not pleased. He then said: "Let's go to 'Umar". They both approached 'Umar and the Jew said: "Indeed, we gave gone to the Messenger of Allah (saw) and then to Abu Bakr, but he (i.e. the hypocrite) was not content (i.e. with their judgement)". 'Umar then asked the hypocrite: "Is that so?" He replied: "Yes". He (umar) then said: "Wait a little while until I come to you". So, he entered, took his sword and then struck the hypocrite until he was dead. He said: "This is how I pass judgement upon the one who is not content with the judgement of Allah and the judgement of His Messenger". The Jew then fled and the Ayah was revealed. The Messenger (saw) then said: "You are Al-Farooq". Jibril descended and said: "Verily, 'Umar differentiated between the Haqq (truth) and Batil (falsehood)" and was consequently called Al-Farooq. In relation to that the Ayat were revealed until "وَيُسَلِّمُوا تَسْلِيمًا" (Add they submit with full submission) (i.e. from 60 to 65 of An-Nisa').

I say: This story is fabricated and rejected. If it had happened, it would have been famous and reliable trustworthy narrators would have related it. Indeed, it would have been transmitted from the masses to masses.

Al-Kalbi relating from Abu Salih is from the weakest chains of the Dunya, indeed it represents a lie itself. That is as it has been established by a Sahih (authentic) chain of transmission from Imam Sufyan Ath-Thawri and he, and Allah knows best, is reliable and trustworthy, that Al-Kalbi said to him: Abu Salih said to me: "All that I related from Ibn 'Abbas is a lie and so do not relate it". If Al-Kalbi was truthful, Abu Salih was a liar, and if Al-Kalbi is lying and fabricating against Abu Salih, then he, by Allah, is a fabricator and liar, who is first to be left and cast aside. In all circumstances, this Isnad (chain of transmission) from Al-Kalbi from Abu Salih, is null, void, not permissible to be used as proof and evidence, and not permissible to relate it unless it is for the purpose of establishing its lie or expressing astonishment!

Ibn Kathir said: [This represents a renunciation from Allah ('Azza Wa Jalla) upon the one who claims Iman (belief) in what Allah has revealed upon His Messenger and upon His Prophets from before, but despite that, wants to go to judgement in respect to resolving disputes, to other than the Book of Allah and the Sunnah of His Messenger. In addition, it has been mentioned in relation to the Sabab An-Nuzool (reason/cause of revelation) of this Ayah, that it was concerning a man from the Ansar and a man from the Jews. They disputed and the Jew began to say: "Between me and you is Muhammad" whilst the other was saying: "Between me and you is Ka'b bin Ashraf". And it has been said that it was revealed in relation to a group of hypocrites from those who displayed their Islam but wanted to go to judgement to the judges of Jahiliyah. Other than this has also been said, however, the Ayah is much more general than all of that. It is a condemnation for the one who turns away from the Kitab (i.e. the Qur'an) and the Sunnah and goes to other than them from falsehood for judgement. This is the intended meaning of Taghut here. For that reason, He said:

يُرِيدُونَ أَن يُتَخَذُوا إِلَى الطَّاغُوتِ

They wish to refer legislation to Taghut (false judges etc.) (An-Nisa' 60)].

- Allah (swt) said

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ ۖ فَاحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ ۚ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ ۚ لِكُلٍّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا

And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and overriding authority over it. So, judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law (Shir'ah) and a method (Minhaj) (Al-Ma'idah: 48)

If this Blessed Kitab (i.e the Qur'an Al-Karim) overrides and abrogates what preceded it in terms of Sharaa'i (plural of Sharee'ah) whilst in origin they were from Allah, then by greater reasoning it overrides and prevails over every legislation and ruling other than it.

- Allah (swt) said:

وَلَنْ تَرْضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ ۚ قُلْ إِنَّ هُدَى اللَّهِ هُوَ الْهُدَىٰ ۗ وَلَئِنَّ آهْوَاءَهُمْ بَعْدَ الَّذِي جَاءَكَ مِنَ الْعِلْمِ ۚ مَا لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٍ

And never will the Jews or the Christians approve of you until you follow their Deen. Say, "Indeed, the guidance of Allah is the [only] guidance." If you were to follow their desires after what has come to you of knowledge, you would have against Allah no protector or helper (Al-Baqarah: 120).

- Allah (swt) said:

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا ۚ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ

The only statement of the [true] believers when they are called to Allah and His Messenger to judge between them is that they say, "We hear and we obey." And those are the successful (An-Nur: 51).

- Allah (swt) said:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا

And whoever contradicts and opposes the Messenger (Muhammad SAW) after the right path has been shown clearly to him and follows other than the believers' way. We shall keep him in the path he has chosen and burn him in Hell; what an evil destination (An-Nisa': 115).

- Allah (swt) said:

فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ

And let those who oppose his (the Messenger's) command beware, lest some Fitnah (disbelief, trials, afflictions) befall them or a painful torment be inflicted on them (An-Nur: 63).

Ibn 'Abbas said: [You will be on the verge of having stones descend down upon you from the sky. I say: The Messenger of Allah (saw) said, whilst you lot say: Abu Bakr and 'Umar said?!]. Imam Ahmad said: [I am amazed at the people, who have known the Isnad (chain of transmission) and its authenticity, going to the opinion of Sufyan, whilst Allah (swt) says:

”فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ

And let those who oppose his (the Messenger's) command beware, lest some Fitnah (disbelief, trials, afflictions) befall them or a painful torment be inflicted on them (An-Nur: 63).

Do you know what the Fitnah is? The Fitnah is Shirk. It is hoped that he takes back some of what he said, lest some misguidance falls into his heart and is consequently destroyed].

- Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you are believing in Allah and the Last Day. That is the best [way] and best in result (An-Nisa': 59).

- Allah (swt) says:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisaa': 65).

- Allah (swt) says:

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ ۚ وَلَا تَكُن لِلْخَائِنِينَ خَصِيمًا

Verily, We have revealed to you, [O Muhammad], the Book in truth so that you may judge between the people by that which Allah has shown you. And do not be an advocate for the deceivers (An-Nisa': 105).

- Allah (swt) said:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error (Al-Ahzab: 36).

- Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُقَدِّمُوا بَيْنَ يَدَيِ اللَّهِ وَرَسُولِهِ ۖ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ

O you who believe! Do not put (yourselves) forward before Allah and His Messenger (SAW), and fear Allah. Verily! Allah is All-Hearing, All-Knowing (Al-Hujurat: 1).

- Allah (swt) said:

وَأَنزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ ۖ فَاحْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ ۚ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ ۚ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا

And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and overriding authority over it. So, judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law (Shir'ah) and a method (Minhaj) (Al-Ma'idah: 48)

- Allah (swt) said:

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allah for a people who have certain belief (Al-Ma'idah: 50).

- Allah (swt) said:

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ

He who obeys the Messenger (Muhammad SAW), has indeed obeyed Allah (An-Nisa': 80).

- Allah (swt) said:

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ ۗ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٣١﴾ قُلْ أَطِيعُوا اللَّهَ

Say (O Muhammad): "If you (really) love Allah then follow me, Allah will love you and forgive you of your sins. And Allah is Oft-Forgiving, Most Merciful". (31) Say (O Muhammad): "Obey Allah and the Messenger". But if they turn away, then Allah does not like the disbelievers (Aali 'Imran: 31-32).

- Allah (swt) said:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And whatever the Messenger gives you, take it, and whatsoever he forbids you from, abstain (from it), and fear Allah. Verily, Allah is severe in punishment (Al-Hashr: 7).

- Allah (swt) said:

وَمَنْ يُعْصِ اللَّهَ وَرَسُولَهُ فَإِنَّ لَهُ نَارَ جَهَنَّمَ خَالِدًا فِيهَا أَبَدًا

And whoever disobeys Allah and His Messenger - then indeed, for him is the fire of Hell; they will abide therein forever (Al-Jinn:

- Allah (swt) said:

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يُعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ

These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein and that is the great achievement (13) And whoever disobeys Allah and His Messenger and transgresses His limits, He will enter him into the fire to abide in it eternally and he will have a humiliating punishment (An-Nisa': 13-14).

- Allah (swt) says:

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ وَلَمْ تُؤْمِن قُلُوبُهُمْ ۚ وَمِنَ الَّذِينَ هَادُوا ۚ سَمَّاعُونَ لِلْكَذِبِ سَمَّاعُونَ لِقَوْمٍ آخَرِينَ لَمْ يَأْتُواكَ ۚ يَحْرِقُونَ الْكَلِمَ مِنْ بَعْدِ مَوَاضِعِهِ ۚ يَقُولُونَ إِنْ أُوتِيتُمْ هَٰذَا فَخُذُوهُ وَإِنْ لَمْ تُؤْتَوْهُ فَاحْذَرُوا ۚ وَمَنْ يُرِدِ اللَّهُ فِتْنَتَهُ فَلَنْ تَمْلِكَ لَهُ مِنَ اللَّهِ شَيْئًا ۚ أُولَٰئِكَ الَّذِينَ لَمْ يُرِدِ اللَّهُ أَنْ يُطَهِّر قُلُوبَهُمْ ۚ لَهُمْ فِي الدُّنْيَا خِزْيٌ ۚ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ سَمَّاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلْسُّخْتِ ۚ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۚ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا ۚ وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٤٢﴾ وَكَتَبَ يُحْكُمُونَكَ وَعِنْدَهُمُ التَّوْرَةُ فِيهَا حُكْمُ اللَّهِ ثُمَّ يَتَوَلَّوْنَ مِنْ بَعْدِ ذَٰلِكَ ۚ وَمَا أُولَٰئِكَ بِالْمُؤْمِنِينَ ﴿٤٣﴾ إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ ۚ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّاتِيُّونَ

وَالْأَخْبَارُ بِمَا اسْتُخْفِطُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ ۚ فَلَا تَخْشَوُا النَّاسَ وَاحْشَوْنَ اللَّهَ وَلَا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا ۚ
وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾ وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ
وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ ۚ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ ۚ وَمَنْ لَّمْ يَحْكَمْ بِمَا
أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ

O Messenger, let them not grieve you who hasten into disbelief from those who say: “We believe” with their mouths, but their hearts believe not, and from among those who are Jews. [They are] avid listeners to falsehood, listening to another people who have not come to you. They distort words beyond their [proper] usages, saying “If you are given this, take it; but if you are not given it, then beware”. But he for whom Allah intends to place into Fitnah, never will you possess [power to do] for him a thing against Allah. Those are the ones for whom Allah does not intend to purify their hearts. For them in this world is disgrace, and for them in the Hereafter is a great punishment (41) [They are] avid listeners to falsehood, devourers of [what is] unlawful. So if they come to you, [O Muhammad], judge between them or turn away from them. And if you turn away from them, never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly (42) But how is it that they come to you for judgement while they have the Torah, in which is the judgement of Allah? Then they turn away, [even] after that; but those are not [in fact] believers. (43) Indeed, We sent down the Torah, in which was guidance and light. The Prophets who submitted [to Allah] judged by it for the Jews, as did the rabbis and scholars by that with which they were entrusted of the Scripture of Allah, and they were witnesses thereto. So do not fear the people but fear Me, and do not exchange My verses for a small price. And whoever does not judge by what Allah has revealed, then those are the disbelievers (44) And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him. And whoever does not judge by what Allah has revealed, then it is those who are the transgressors (5: 41-45).

These are the well-known verses related to “**Al-Hukm**” (ruling) from Surah Al-Ma’idah. A number of Ahadeeth have been related in respect to the reason or cause of their revelation (Asbab An-Nuzool), in addition to reports (Aathaar) related to its understanding. The meaning of the term “**Al-Kafirun**” (disbelievers) found within them requires a thorough discussion which we will delay until the chapter entitled: “**Raised doubts (Shubuhaat) concerning the Takfir (declaration of disbelief) for the one who does not rule by what Allah has revealed**”, which we will come to soon by Allah’s permission.

- The following was recorded in the Musnad of Abu Ya’la: Muhammad related to me from ‘Uthman bin ‘Umar, from Fitr bin Khalifa, from Mansur bin Saalim bin Abi Al-Ju’d, from Masruq, who said: [I was in a sitting with Abdullah and a man asked him: “What is As-Suht?” He Said: “Ar-Risha (bribery)”. He asked: “In respect to the Hukm (ruling/judgement)?” He replied: “That is Al-Kufr (disbelief)”. He then recited:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma’idah: 44)].

Sheikh Hussein Asad said: [Its Isnad (chain of transmission is Sahih)]. And it is as he said as the Athar (report) from Ibn Mas'ud is affirmed and authentic for certain, especially when considering the corroborative supporting information, the paths and supportive evidences which are detailed in the appendix. These include among them:

- The speech (Qawl) and action (Fi'l) of Masruq, as was mentioned in "**At-Tabaqat Al-Kubra**": [That Masruq interceded for a man and so he gifted him with a female slave. He was angered by that and said: "If I had known that this was in yourself, I would not have spoken for it and I will not ever speak for it again! I heard Abdullah bin Mas'ud saying: "Whoever interceded for a right to be returned by it or to repel an injustice by it, and was then gifted for that, then that is Suht". They asked: "We did not regard the Suht except the deprivation of the Hukm (ruling)?!" He said: "The stripping of the Hukm is Kufr (disbelief)"!].

All of the above texts are from Al-Kitab Al-'Aziz (Al-Qur'an). As for the honoured Prophetic Sunnah:

- Abdullah bin 'Amr related from the Messenger of Allah (saw), that he said:

لَا يُؤْمِنُ أَحَدُكُمْ حَتَّىٰ يَكُونَ هَوَاهُ تَبَعًا لِمَا جِئْتُ بِهِ

None of you believes until his desires are in conformity to that which I came with.

An-Nawawi said: [It is a Sahih Hadith which we related in Kitab ul-Hujjah with a sound Isnad (chain of transmission)]. Al-Bukhari mentioned it as a report in "**Qurrat ul-'Ainaini Bi-Raf'i I-Yadain**" and said: [It has been mentioned from the Prophet (saw) ... Then he mentioned it].

- 'A'isha, may Allah be pleased with her, said: The Messenger of Allah (saw) said:

مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ

Whoever innovates something in this matter of ours, that is not from it, then it is rejected.

It is a well-known Sahih Hadith recorded by Al-Bukhari, Muslim and Abu Dawud.

- Abdullah bin Mas'ud related that the Prophet (saw) said:

سَيَلِي أُمُورُكُمْ بَعْدِي رِجَالٌ يُطْفِئُونَ السُّنَّةَ وَيَعْمَلُونَ بِالْبِدْعَةِ وَيُخْرِضُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا. فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنْ أَدْرَكْتُهُمْ كَيْفَ أَفْعَلُ؟ قَالَ: تَسْأَلُنِي يَا ابْنَ أُمِّ عَبْدِ كَيْفَ تَفْعَلُ لَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

"Your affairs after me will be governed by men who extinguish the Sunnah, act by the Bid'ah (innovation) and delay the Salah (prayer) from its set timings". I asked: "O Messenger of Allah, if I live to see them, what should I do?" He replied: "You are asking me O Ibn Umm 'Abd, what you should do?! **There is no obedience to the one who has disobeyed Allah**".

The above is the wording recorded by Ibn Majah and it was also related by Ahmad, At-Tabarani in his "Al-Kabir" and by Al-Baihaqi in his "As-Sunan Al-Kubra".

As for the wording recorded by Ahmad, it is:

إِنَّهُ سَيَلِي أَمْرَكُمْ مِنْ بَعْدِي رَجَالٌ يُطْفِئُونَ السُّنَّةَ وَيُخْدِثُونَ الْبِدْعَةَ وَيُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا قَالَ ابْنُ مَسْعُودٍ: يَا رَسُولَ اللَّهِ، كَيْفَ بِي إِنْ أَذْرَكْتُهُمْ؟ قَالَ: "لَيْسَ، يَا بَنَ أُمِّ عَبْدِ اللَّهِ، طَاعَةٌ لِمَنْ عَصَى اللَّهَ"، قالها ثلاث مرات

[“Your affair after me will be governed by men who extinguish the Sunnah, innovating the Bid’ah (innovation) and delaying the Salah (prayer) from its set timings”. Ibn Mas’ud asked: “O Messenger of Allah, how should I be if I live to see them?” He said: “O Ibn Umm ‘Abd, there is no obedience to the one who has disobeyed Allah”. He said it three times].

Abdullah bin Ahmad said: [I heard the same as it from Muhammad bin As-Sabah]. Sheikh Ahmad Shakir classified it as Sahih and Al-Baihaqi recorded like it in his “**As-Sunan Al-Kubra**” recorded its like via the path of Muhammad bin As-Sabah.

In this study here, we will not discuss the chains of transmission in detail and we will leave that to the appendix of this book under the heading of “**The study of the Asanid**”, where we have thoroughly dealt with the critique of the chains of transmission, and all praise belongs to Allah.

The Isnad of Ahmad is Jayyid (good) by itself and Hasan in itself. The Hadith is definitely Hasan Sahih with its paths, supportive evidences and corroborative information. Al-Hujjah (evidence/proof) is certainly established by it, and Allah knows best.

As for the wording related by At-Tabarani in his “**Al-Kabir**”, it is as follows:

سَيَكُونُ عَلَيْكُمْ أُمَرَاءُ يُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا، وَيُخْدِثُونَ الْبِدْعَ. قَالَ ابْنُ مَسْعُودٍ: فَكَيْفَ أَصْنَعُ؟ قَالَ: تَسْأَلُنِي يَا ابْنَ أُمِّ عَبْدِ اللَّهِ كَيْفَ تَصْنَعُ؟ لَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

[“There will be over you (in authority) leaders who delay the prayer from its set timings and innovate innovations”. Ibn Mas’ud asked: “What should I do?” He replied: “You ask me O Ibn Umm ‘Abd what you should do?! **There is no obedience to the one who disobeyed Allah**”].

Al-Baihaqi also recorded it with a similar wording.

The Isnad (chain of transmission) of At-Tabarani is also Jayyid (good), Hasan in itself, and suitable to be used as evidence, by Allah’s permission, and Allah knows best. Al-Albani said in his “Sisilah As-Sahihah”: [Its Isnad is Jayyid upon the conditionality of (Imam) Muslim]. The greater scholar Ahmad Shakir and Sheikh Nasiruddin Al-Albani authenticated it as Sahih and consequently it is definitely Sahih and Thabit (soundly established chain).

As for the statement of the Messenger of Allah (saw) in this Hadith related by Ibn Mas’ud:

لَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

“**There is no obedience to the one who disobeys Allah**”.

This is definite in meaning (Qat'iy Ad-Dalalah) in respect to the invalidation of obedience to **“the one who has disobeyed Allah”**.

That is because:

1) The wording **“طاعة” (Obedience)** is in the indefinite form (Nakirah) in the context of a prohibition that is general, by the Ijma' (consensus) of the scholars of Usul, including every kind of obedience which this wording encompasses within the Arabic language which the Qur'an revealed. It therefore means the voiding of all obedience, in respect to any obedience; whether in respect to the Ma'ruf (good) or other than it and in the major matter or the minor one, unless the Shar'iy Dalil (evidence) has come with an exception to that, as is explained in detail within its subject areas.

2) The statement **“مَنْ عَصَى اللَّهَ” (Who has disobeyed Allah)** is general applying to everyone who has disobeyed Allah. That is because it begins with the conditional **“مَنْ” (Man - who/whoever)** which represents the absolutely most evident of the forms of generality as determined by the scholars of Usul, as stated by Imam Ibn Taymiyah, may Allah's mercy be upon him, in his **“Majmoo' Al-Fatawa”**, vol: 15, p: 82 and vol: 24.

If it had not been for the definite texts which exempt the people of minor sins, from other than those who are flagrant, from being taken to account for that, and which promise them forgiveness and the expiation of their sins, as long as they avoid the major sins, if it hadn't been for these, it would have been obligatory to apply this ruling (i.e. of non-obedience) to **encompass the people of any act of disobedience –(RH – reword? Should it be compel the people to...)**, with no difference between the minor and major sins. That is in addition to the texts that indicate the acceptance of the repentance of those who repent and their consequent returning to a status of being trusted, their testimonies being accepted and the permissibility of them assuming positions of leadership and governorship. That is after they had previously been characterised with Fisq (wilful disobedience) and indeed even with Kufr (disbelief)!

The text is therefore definite in meaning in respect to indicating the cancelling of obedience to every Fasiq (wilfully disobedient person), which means by necessity, the voiding of his Wilayah (governorship). Obedience to him is not restricted to the Ma'ruf (i.e. what complies with the Sharee'ah) in accordance to what has come for example in his (saw) statement:

إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

The Ta'ah (obedience) is only in respect to the Ma'ruf (that which complies to the Sharee'ah).

Or for example, in his statement:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

There is no obedience to the created in disobedience to the creator.

That is because these Sahih Ahadeeth and those similar to them, which are Mutawatir, and some of which we will address soon, prohibit the obedience to any command to undertake an act of

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disobedience (Ma'siyah) (i.e. the Haram action) or to abandon a Wajib (obligation). That is regardless of the status or condition of the one who is commanding; whether he is a just or unjust Imam, a god-fearing or Fasiq leader, or any other consideration. Rather, it is valid and obligatory to implement in relation to the parents, the husband and similar to them, those who possess the right of being obeyed. It is prohibited to obey any of these in respect to any specific command they issue that is contrary to the "**Ma'ruf**" (i.e. the Sharee'ah). As for the Hadith we are discussing, then it makes null and void the right of obedience to the Fasiq, meaning that it invalidates the governorship (Wilayah) of the Fasiq. There is a stark difference between the two different issues, even if the "**hypocrisy of the readers**" from among the state jurists hate that!

- In his "**Musnad**" Imam Ahmad, Imam Ahmad related from Anas bin Malik who related: [That Mu'adh bin Jabal said:

يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنْ كَانَ عَلَيْنَا أُمَرَاءُ لَا يَسْتَنْوُونَ بِسُنَّتِكَ وَلَا يَأْخُذُونَ بِأَمْرِكَ فَمَا تَأْمُرُ فِي أَمْرِهِمْ؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَعَلَى آلِهِ وَسَلَّمَ: لَا طَاعَةَ لِمَنْ لَمْ يُطِيعِ اللَّهَ عَزَّ وَجَلَّ

"O Messenger of Allah, what is your view if we had leaders over us who do not comply with your Sunnah and do not follow your command. What do you command us in respect to their affair?" The Messenger of Allah (saw) said: "**There is no obedience to the one who does not obey Allah 'Azza Wa Jalla**".

Abu Ya'la related it in his "Musnad" with the same Isnad. It is an Isnad that has no problem in it, Sahih upon the conditionality of Ibn Hibban and its content is clean and stands upright. It is definitely Hasan in itself (Bi-Dhatihi) and it is Sahih via its supportive evidences and its corroborative information. In addition, Al-Albani classified it as Sahih in his "**Sahih Al-Jami' As-Saghir**".

The statement of the Messenger (saw) in the Hadith of Anas bin Malik : "**There is no obedience to the one who does not obey Allah 'Azza Wa Jalla**" is also definite in meaning (Qat'iy Ad-Dalalah) in respect to cancelling obedience to "**the one who does not obey Allah**", which means the invalidity of the governorship of the Fasiqa and the prohibition of obeying him, just like the case in respect to the Hadith of Abdullah bin Mas'ud.

- 'Ubadah bin As-Samit related from the Prophet (saw) that he said:

إِنَّهُ سَيَلِي أُمُورَكُمْ بَعْدِي ، رَجَالٌ يُعْرِفُونَكُمْ مَا تُنْكِرُونَ ، وَيُنْكِرُونَ عَلَيْكُمْ مَا تَعْرِفُونَ ، فَلَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

Your affairs will be governed after me by men who make that which you consider to be Munkar (evil – unlawful) Ma'ruf (good – lawful), and that which you consider to be Ma'ruf (good -lawful) Munkar (evil – unlawful). Then, **there is no obedience to the one who disobeyed Allah**.

This was recorded by Ahmad (and the above is his recorded wording), At-Tabarani, Al-Hakim, Ibn Abi Shaibah, Abdullah bin Ahmad, Abu Bakr Al-Bazzar, Al-'Uqaili and Ash-Shashi.

The Isnad of Imam Ahmad is Jayyid (good), Qawiy (strong) and suitable to be used as evidence, alongside its corroborative evidences, according to Abdullah bin Ahmad in his "Zawa'id" (additions),

Al-Hafizh Ash-Shashi in his “Musnad”, Al-Imam Al-Hafizh Al-Bazzar in his “Musnad” and Imam Al-Hakim in his “**Mustadrak**” from more than one path of transmission. The statement of ‘Ubadah bin As-Samit, may Allah be pleased with him, in addition to the occasion in which he related the speech of the Prophet (saw), has been reported from numerous paths, as can be seen in the appendix.

- Imam Ibn Abi Shaibah, recorded in his “Mussanaf”, from another path, independent from the previous one, from Azhar bin Abdullah who said: [‘Ubadah bin As-Samit came to Hajj from Ash-Sham (Syrian region). He came to Al-Madinah and went to ‘Uthman bin ‘Affan, saying: “O ‘Uthman! Should I not inform you of something I heard from the Messenger of Allah (saw)?” He said: “Yes, of course”. He said: “Verily, I heard the Messenger of Allah (saw) saying:

سَيَكُونُ عَلَيْكُمْ أُمَرَاءُ يَأْمُرُونَكُمْ بِمَا لَا تَعْرِفُونَ وَيَنْهَوْنَ مَا تُحِبُّونَ فَلَيْسَ لَكُمْ عَلَيْهِمْ طَاعَةٌ

There will be leaders over you who command you with what you do not recognise (i.e. in the Sharee’ah) and who do that which you consider to be Munkar. **Then, for those there is no obedience upon you.**

Al-Bukhari also related it in his “At-Tarikh Al-Kabir” with the same path of transmission, just as Al-Hakim recorded it in his “**Al-Mustadrak**”.

This Hadith of ‘Ubadah bin As-Samit is Hasan Sahih and evidence is definitely established by it, with its supporting evidences and its corroborative information. Al-Albani classified it as being Sahih in his “Sahih Jami’ As-Saghir” and also in his “Silsilah Al-Ahadeeth As-Sahihah”.

This statement of the Messenger (saw) in the Hadith of ‘Ubadah bin As-Samit “**There is no obedience to the one who disobeyed Allah ‘Azza Wa Jalla**” is also definite in indicative meaning (Qat’iy Ad-Dalalah) in respect to the invalidation of obedience to the “**one who disobeyed Allah**”, thus meaning the invalidation of the governorship of the Fasiq (one who is wilfully disobedient) and the prohibition of obeying him, as we have previously mentioned and put down in another part of this book.

- It was related from ‘Ubadah bin As-Samit that he said: The Messenger of Allah (saw) said:

سَيَكُونُ أُمَرَاءُ مِنْ بَعْدِي يَأْمُرُونَكُمْ بِمَا لَا تَعْرِفُونَ وَيَنْهَوْنَ مَا تُحِبُّونَ فَلَيْسَ أُولَئِكَ عَلَيْكُمْ بِإِيمَةٍ

“There will be leaders after me who command you with that which you do not recognise as Ma’ruf and acting by that which you recognise to be a Munkar. **Those are therefore not A’immah (Imams – leaders) over you**”.

Recorded by At-Tabarani and it is a Sahih Hadith upon the conditionality of Ibn Hibban. It is also definite in indicative meaning (Qat’iy Ad-Dalalah) in respect to the invalidation of the leadership (Imamah) of the Fasiq. Indeed, this is clearer and more evident in respect to its indicative meaning than the wordings of the previous narrations!

- It was related from Abu ‘Inaba (and it has been said Abu ‘Utba) Al-Khawlani, that he said: The Messenger of Allah (saw) said:

لَا تَحْرُجُوا أُمَّتِي ثَلَاثَ مَرَاتٍ اللَّهُمَّ مَنْ أَمَرَ أُمَّتِي بِمَا لَمْ تُأْمُرْهُمْ بِهِ فَإِنَّهُمْ مِنْهُ فِي حَلٍّ

“Do not oppress or bring difficulty upon my Ummah (he repeated that three times). O Allah, whoever commands my Ummah with that which they have not been commanded with, **then they are absolved from him**”.

At-Tabarani recorded it in his “**Musnad Ash-Shamiyin**” and Al-Khatib in his “Tarikh Baghdad”. It is a Hasan Hadith upon the conditionality (Shart) of Ibn Hibban.

The statement of the Messenger (saw) “**then they are absolved from him**” is also definite in its indicated meaning in respect to the nullification of the leadership of the Fasiq because the intended meaning is that they are absolved from obedience to him or absolved from his leadership, or from his Bai’ah (pledge) or what is similar to that in meaning which cannot mean other than the nullification of his governorship. That is because the speech is connected to the Amir (leader) himself to whom the pronoun in “**from him**” (مِنْهُ) refers back to, whilst it does not refer back to the command, like it does in the like of his statement (saw):

فَإِذَا أَمَرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

“(Then) if he commands an act of disobedience, there is no hearing and no obeying”.

Which will be discussed shortly.

- Al-Hakim recorded a narration with its chain of transmission from Abdullah bin Mas’ud which is Marfu’ (i.e. goes back to the Prophet (saw)):

يَكُونُ عَلَيْكُمْ أُمَرَاءُ يَتَّبِعُونَ مِنَ السُّنَّةِ مِثْلَ هَذَا (وَأَشَارَ إِلَى أَصْلِي إِصْبَعِهِ)، وَإِنْ تَرَكْتُمُوهُمْ؛ جَاءُوا بِالطَّامَةِ الْكُبْرَى، وَإِنَّمَا لَمْ تَكُنْ أُمَّةٌ إِلَّا كَانَ أَوَّلُ مَا يَتَّبِعُونَ مِنْ دِينِهِمُ السُّنَّةَ، وَآخِرُ مَا يَدْعُونَ الصَّلَاةَ، وَلَوْلَا أَنَّهُمْ يَسْتَعْجِلُونَ مَا صَلُّوا

“There will be leaders over you who abandon from the Sunnah like this – and he indicated to the base of his finger (i.e. indicating a small amount) – And if you were to leave them they would bring the greatest calamity. And there has not been an Ummah except the first of what they abandoned from the Deen was the Sunnah and the last that they abandoned was the Salah (prayer), and had they not been embarrassed (or felt a sense of shame) they would not have even prayed”.

This Hadith is Sahih. Al-Hakim said: [It is upon the conditionality (Shart) of the two Sheikhs (i.e. Al-Bukhari and Muslim)], Adh-Dhahabi concurred and it is like they said. The content of the Hadith enjoins taking the rulers to task for the smaller deviation, where it is impermissible to leave him be and to approve of him in his governorship, otherwise there will be the greatest calamity. Indeed, only the truth comes from Allah and His Messenger. When the Ummah neglected and desisted from that it was afflicted in its past and present, a matter which is clearly witnessed with no need for a report or notice to inform us of that!

- It was narrated from Abu Sa'id Al-Khudri that the Messenger of Allah (saw) dispatched 'Alqamah bin Mujazziz at the head of a military detachment, and I was among them. When he reached the battle site, or when he was partway there, a group of the army asked permission to take a different route, and he gave them permission, and appointed 'Abdullah bin Hudhafah bin Qais As-Sahmi as their leader, and I was one of those who fought alongside with him. When we were partway there, the people lit a fire to warm themselves and cook some food. 'Abdullah, who was a man who liked to joke, said: "Do I not have the right that you should listen to me and obey?" They said: "Yes, of course". He said: "And if I command you to do something, will you not do it?" They said: "Of course." He said: "Then I command you to jump into this fire." Some people got up and got ready to jump, and when he saw that they were about to jump, he said: "Restrain yourselves, for I was joking with you." When we came to Al-Madinah, they mentioned that to the Prophet (saw), and the Messenger of Allah (saw) said:

مَنْ أَمَرَكُمْ مِنْهُمْ بِمَعْصِيَةِ اللَّهِ فَلَا تُطِيعُوهُ

"Whoever from among them commands you to do something that involves disobedience to Allah, do not obey him".

It is a Sahih Hadith recorded by Ibn Majah and Ahmad.

I say: This statement relates to the command and not to the leader or person commanding himself. That is because his statement "فَلَا تُطِيعُوهُ" (**Do not obey him**) means to not obey him in that particular act under any circumstances, regardless of his remaining in his position of authority or its nullification. This is also the meaning of the following Ahadeeth:

- It was recorded in the Sunan of Abu Dawud from 'Ali, may Allah be pleased with him, who related: [That the Messenger of Allah (saw) dispatched an army. He appointed a man as a commander over them and commanded them to listen to and obey him. He then kindled a fire and ordered them to leap into it. A group refused to enter into it and said "We have fled from the fire" whilst a group intended to enter into it. The news of that reached the Prophet (saw) and he said:

لَوْ دَخَلُوهَا أَوْ دَخَلُوا فِيهَا لَمْ يَزَالُوا فِيهَا وَقَالَ لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

"Had they entered into it, they would have remained in it" And he said: **"There is no obedience in the act of disobedience to Allah. Obedience is only in that which is the Ma'ruf** (i.e. is recognised and known to comply to the Sharee'ah)"

It is a Sahih Hadith and similar to it has been recorded by Al-Bukhari, Muslim, An-Nasa'i, Ahmad and At-Tayalisi from 'Ali, except At-Tayalisi recorded the addition: **"There is no obedience to [Bashar] (a man) in the act of disobedience to Allah".**

- Imam Ahmad related from Abdullah bin 'Umar the previous Hadith with a wording which is close to that reported by Abu Dawud from 'Ali bin Abi Talib, may Allah be pleased with him. It is Sahih in itself (Bi-Dhatihi) and is indeed of the utmost level of authenticity, when accompanied by the previous full length supportive evidences, in addition to the following summarized ones.

- Abdullah bin 'Umar, may Allah be pleased with him, related that the Messenger of Allah (saw) said:

عَلَى الْمَرْءِ الْمُسْلِمِ السَّمْعُ وَالطَّاعَةُ فِيمَا أَحَبَّ وَكَرِهَ إِلَّا أَنْ يُؤْمَرَ بِمَعْصِيَةٍ فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

It is obligatory upon the Muslim to hear and obey in that which he likes and that which he dislikes, unless he is commanded with an act of disobedience. **So, if he is commanded with an act of disobedience, there is no hearing and no obeying.**

It is a Sahih Hadith which is agreed upon, Abu Dawud and Ibn Majah recorded similar to it. And the wording of Al-Bukhari was:

فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

So, if/when he is commanded with an act of disobedience, there is no hearing and no obeying.

The following came in another Sahih narration recorded by Muslim:

لَا طَاعَةَ لِبَشَرٍ فِي مَعْصِيَةِ اللَّهِ إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ

There is no obedience to a human being in the disobedience of Allah. Obedience is only in respect to the Ma'ruf!

- Tamam recorded in his "Fawa'id" a narration related by Abu Hurairah. He said: The Messenger of Allah (saw) said:

طَاعَةُ الْإِمَامِ حَقٌّ عَلَى الْمَرْءِ الْمُسْلِمِ مَا لَمْ يَأْمُرْ بِمَعْصِيَةِ اللَّهِ عَزَّ وَجَلَّ، فَإِذَا أُمِرَ بِمَعْصِيَةِ اللَّهِ، فَلَا طَاعَةَ لَهُ

The obedience of the Imam is a right obliged upon every Muslim as long as he has not been commanded with an act of disobedience to Allah 'Azza Wa Jalla. So, if he commands disobedience to Allah, there is no obedience to him.

This Hadith is Sahih and we have thoroughly studied its Isnad in the appendix.

- It has been related that 'Imran bin Husain said to Hakam Al-Ghifari: "Do you know a day in which the Messenger of Allah (saw) said:

لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ

"There is no obedience in disobedience to Allah"?" He replied: "Yes!" 'Imran said: "Allahu Akbar! Allahu Akbar!".

It is a Sahih Hadith recorded by Al-Hakim in his "Al-Mustadrak". He classified it as Sahih and Adh-Dhahabi concurred. Ahmad also related it within a long story with a Sahih Isnad upon the Shart (conditionality) of Imam Muslim and At-Tabarani related the Marfu' part from him only. It has other

paths recorded by Ahmad, At-Tayalisi, At-Tabarani in his “Al-Kabir” and his “As-Saghir” and also by Al-Bazzar. Some of the narrations had the following wording:

لَا طَاعَةَ لِمَخْلُوقٍ (في رواية: لأحد) فِي مَعْصِيَةِ اللَّهِ تَبَارَكَ وَ

There is no obedience to a creation (in one report: to anyone) in disobedience to Allah Tabaaraka Wa Ta’aalaa.

Abu Dawud At-Tayalisi also related it and this was his wording.

- ‘Ubadah bin As-Samit, may Allah be pleased with him, related:

بَايَعْنَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْعُسْرِ وَالْيُسْرِ وَالْمُنْشِطِ وَالْمَكْرِهِ وَعَلَى أَثَرَةٍ عَلَيْنَا وَعَلَى أَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ تَعَالَى فِيهِ بَرَهَانٌ وَعَلَى أَنْ نَقُولَ بِالْحَقِّ أَيْنَمَا كُنَّا لَا نَخَافُ فِي اللَّهِ لَوْمَةً لَأَنَّهُ

We gave the Bai’ah (pledge of allegiance) to the Messenger of Allah (saw) upon hearing and obeying in (times of) ease and hardship, willingness and reluctance, when preference is given over us, and that we must not dispute or contend with the authority of its people unless you see manifest disbelief (Kufr Bawaah) for which you have a clear proof from Allah the Most High. And upon that we say the truth wherever we are, not fearing (in that) the blame of the blamers (i.e. consequences).

This Hadith is of the utmost authenticity and its authenticity is agreed upon. It has been recorded by Al-Bukhari, Muslim, Ahmad, At-Tabarani and others, via many paths, which establish definiteness and certainty.

(Meaning of) **Al-Bawah**: (That which is) apparent and evident with no hiddenness in respect to it. It comes from their (the Arabs) statement: Baaha Bi-Shay’in, Yaboohu Bihi, Bawhan, Bawaahan – meaning when he makes a thing/matter apparent, publicises it and declares or voices it openly/publicly.

In a narration recorded by At-Tabarani “كُفْرًا صَرَّاحًا” (**Kufran Saraahan**) was stated and it carries the same meaning (as Kufr Bawaah).

In other Sahih reports the following variants came stated:

إِلَّا أَنْ يَكُونَ مَعْصِيَةَ اللَّهِ بَوَاحًا

“Unless it is a Bawaah (clear and evident) disobedience of Allah” or

And:

عَمَّا لَمْ يَأْمُرْكَ بِإِثْمٍ بَوَاحًا

“As long as he does not command you with a Bawaah (clear) sin”

An-Nawawi said: [The intended meaning of Al-Kufr (the disbelief) here, is the Ma’siyah (act of disobedience). And the meaning of the Hadith is: “That you must not dispute or contend with the people in authority over the public affairs in respect to their authority and must not oppose them, unless you see from them an established (sure) Munkar which you know from the foundational principles of Islam”. Al-Hafizh (ibn Hajar) in his “Fat’h” sought to revise this during his explanation of the Hadith within the **“Book of Fitan (trials and tribulations)”** from “Al-Jami As-Sahih”. He presented other opinions related to rebelling against the ruler just as he discussed the nullification of the governorship or ruling of the Fasiq. And with all praise belonging to Allah, we thoroughly examined them within our book **“Obedience to the rulers (Uli I-Amr): Its limits and restrictions”**. We have dealt with this in a very thorough manner and to Allah belongs the praise and favour, and so the subject can be revised there!

As for the matter of contending with the ruler with weapons (i.e. by utilising material force against him), in the circumstance of the appearance of Kufr Al-Bawaah, or his abandoning of the establishment of the Salah (prayer), or his own abandonment of the prayer, then that has an independent chapter allocated for it within this book.

- Imam An-Nasa’i recorded: Mu’awiyah bin Salih Al-Ash’ari related to us from Abdullah bin Ja’far, from ‘Ubaidullah, from Zaid, from ‘Amr bin Murrah, from Abu Nadrah, from Abu Barza, who said: [Abu Bakr became very angry with a man to the point that his colour changed. I said: “O Khalifah of the Messenger of Allah! By Allah, if you were to command me, I would strike his neck!” Then (all of a sudden), it was like cold water had been poured over him as his anger against the man went away. He (Abu Bakr) then said: “May your mother be bereaved of you O Abu Barza! **This did not belong to anyone after the Messenger of Allah (saw)!”**]. However, Imam Abdur Rahman An-Nisa’i commented saying: [This is an error (i.e. in the Isnad): And the correct (Isnad) is Abu Nasr (i.e. instead of Abu Nadrah) and his name is Humain bin Hilal (although Ash-Shu’bah disagreed with him)].
I say: Even if this is correct, both Abu Nadra and Abu Nasr are both trustworthy (Thiqah) and as such the Hadith is definitely Sahih, upon every circumstance!

There are in addition other Ahadeeth but it is hoped that what we have presented is sufficient. These evidences restrict the other unrestricted (Mutlaq) texts which command the unrestricted obedience.

As such, obedience to the creation in disobedience to Allah is a major crime and great Munkar due to what it entails of destructive causes of corruption in both the worlds or (at least) one of them. The one who obeys in this case has the same ruling as the one who commands as they are partners in the sin, which could possibly reach the level of apostacy and disbelief, may Allah’s refuge be sought from that.

Has the spread of misguidance and corruption in the earth not been as a consequence of the weak following the chiefs and leaders? Those followers will remember the corruption of this blind following on the Day of Judgement and that they are themselves criminals. Allah relates their final desperate dialogue:

وَلَوْ تَرَىٰ إِذِ الظَّالِمُونَ مَوْفُوفُونَ عِنْدَ رَبِّهِمْ يَرْجِعُ بَعْضُهُمْ إِلَىٰ بَعْضٍ الْقَوْلَ يَقُولُ الَّذِينَ اسْتُضْعِفُوا لِلَّذِينَ اسْتَكْبَرُوا لَوْلَا أَنَّهُمْ لَكُنَّا مُؤْمِنِينَ قَالَ الَّذِينَ اسْتَكْبَرُوا لِلَّذِينَ اسْتُضْعِفُوا أَنَحْنُ صَدَدْنَاكُمْ عَنِ الْهُدَىٰ بَعْدَ إِذْ جَاءَكُمْ ۖ بَلْ كُنْتُمْ مُجْرِمِينَ ﴿٣٢﴾ وَقَالَ الَّذِينَ اسْتُضْعِفُوا لِلَّذِينَ اسْتَكْبَرُوا بَلْ مَكْرُ اللَّيْلِ وَالنَّهَارِ إِذْ تَأْمُرُونَنَا أَنْ نَكْفُرَ بِاللَّهِ وَنَجْعَلَ لَهُ أَنْدَادًا ۖ وَأَسْرُوا النَّدَامَةَ لَمَّا رَأَوُا الْعَذَابَ وَجَعَلْنَا الْأَغْلَالَ فِي أَعْنَاقِ الَّذِينَ كَفَرُوا ۖ هَلْ يُجْزَوْنَ إِلَّا مَا كَانُوا يَعْمَلُونَ

But if you could see when the wrongdoers are made to stand before their Lord, refuting each other's words... Those who were deemed weak will say to those who were arrogant (chiefs/leaders): "If it had not been for you, we would have been believers". Those who were arrogant will say to those who were oppressed: "Did we keep you away from guidance after it had come to you? Rather, you were criminals". (32) Those who were oppressed will say to those who were arrogant: "Rather, [it was your] conspiracy of night and day when you were ordering us to disbelieve in Allah and to attribute to Him equals". But they will [all] confide regret when they see the punishment; and We will put shackles on the necks of those who disbelieved. Will they be recompensed except for what they used to do? (Saba': 31-33).

And then the dialogue that followed the pronouncement to enter the fire:

وَبَرَزُوا لِلَّهِ جَمِيعًا فَقَالَ الضُّعَفَاءُ لِلَّذِينَ اسْتَكْبَرُوا إِنَّا كُنَّا لَكُمْ تَبَعًا فَهَلْ أَنْتُمْ مُعْتَدُونَ عَنَّا مِنْ عَذَابِ اللَّهِ مِنْ شَيْءٍ ۚ قَالُوا لَوْ هَدَانَا اللَّهُ لَهْدَيْنَاكُمْ ۖ سَوَاءٌ عَلَيْنَا أَجْرُنَا أَمْ صَبَرْنَا مَا لَنَا مِنْ مَحْصِصٍ

And they all shall appear before Allah (on the Day of Resurrection) then the weak will say to those who were arrogant (chiefs/leaders): "Verily, we were following you; can you avail us anything from Allah's Torment?" They will say: "Had Allah guided us, we would have guided you. It makes no difference to us (now) whether we rage, or bear (these torments) with patience, there is no place of refuge for us (Ibrahim: 21).

Just as Allah relates concerning them when after that they are suffering in the fire of hell:

يَوْمَ تُقَلَّبُ وُجُوهُهُمْ فِي النَّارِ يَقُولُونَ يَا لَيْتَنَّا أَطَعْنَا اللَّهَ وَأَطَعْنَا الرَّسُولَ ﴿٦٦﴾ وَقَالُوا رَبَّنَا إِنَّا أَطَعْنَا سَادَتَنَا وَكُبَرَاءَنَا فَأَضَلُّونَا السَّبِيلَ ﴿٦٧﴾ رَبَّنَا آتِهِمْ ضِعْفَيْنِ مِنَ الْعَذَابِ وَالْعَنَتُهُمْ لَعْنًا كَبِيرًا

On the Day when their faces will be turned over in the Fire, they will say: "Oh, would that we had obeyed Allah and obeyed the Messenger (Muhammad (saw))" (66) And they will say: "Our Lord! Verily, we obeyed our chiefs and our great ones, and they misled us from the (Right) Way. (67) Our Lord! give them double torment and curse them with a mighty curse!" (Al-Ahzab: 66-68).

Ash-Shawkani said in his "Fat'h ul-Qadir": [The intended meaning of As-Saada and Al-Kubaraa' is: The heads and leaders whose command they would follow in the Dunya (life of this world) and who they would submit to and obey, and in this there is a severe rebuke for Taqlid (imitation and (blind) following)].

- When the Messenger of Allah (saw) arrived in Al-Madinah he contracted an inter-state agreement with the Jews which contained within it: [What occurs in terms of incidents or quarrels among the people of this document (i.e. contracting parties), the corruption (or harm) **of which is feared, then they are referred to Allah 'Azza Wa Jalla and to Muhammad the Messenger of Allah].- needs better wording – is it in the event there is harm matters are referred to Allah and his Messenger ?**

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- When the peace treaty was concluded between the Muslims and the disbelievers on the day of Al-Hudaibiyah, it was apparent that the public opinion of the Muslims was against this treaty, because they viewed it to be humiliating for them. They expressed their objection to what the Messenger of Allah (saw) undertook. Al-Faruq 'Umar, may Allah be pleased with him, expressed the rejection of the Ummah with respect to the treaty when he leapt to his feet and went to Abu Bakr, may Allah be pleased with him, and then said: "O Abu Bakr is he not the Messenger of Allah? Are we not the Muslims? Are they not the Mushrikin (idolators)?" He replied: "Yes, of course". He said: "Then why should we accept disgrace in our Deen?" He replied: "Hold onto his stirrup wherever it is (i.e. hold fast and stick to him), for verily I bear witness that he is the Messenger of Allah?" 'Umar then said: "And I also bear witness". He then approached the Messenger of Allah (saw) and said: "O Messenger of Allah! Are we not the Muslims? And are they not the Mushrikin?" The Messenger of Allah (saw) said: "Yes, of course". He ('Umar) said: "Then why should we accept disgrace in our Deen?". He (saw) then said: **"I am the slave of Allah and His Messenger. I will never go against His command and He will never neglect me"**. This is what has been related by the collectors of the Sahih collections like Al-Bukhari, Muslim and others.

The stance of 'Umar represented the truest expression of opposition of the Ummah to the Messenger of Allah (saw) because, according to the view of the Muslims concerning what was apparent within the treaty, he had accepted humiliating conditions from the enemies of the Islamic state.

This opposition manifested practically when they did not respond to the command of the Messenger of Allah (saw) by refraining from slaughtering their sacrificial animals when he commanded them to do that. He was angered by that to the point that he complained to his wife, the mother of believers, Umm Salamah, may Allah be pleased with her. She then said to him: "O Messenger of Allah go out, undertake the sacrificial slaughter and shave your head, then they will follow you". And so he went out, made the slaughter and shaved his head. He did this alongside his statement (saw): **"I am the slave of Allah and His Messenger. I will never go against His command and He will never neglect me"**. In doing so he was confirming that the Hudaibiyah agreement was not undertaken upon the basis of permissible (Mubah) treaties which the Shar'a has provided room for the Imam to contract based upon his own Ijtihad (effort) in accordance with the Maslahah (interest) and which is undertaken with the consultation and agreement of the Ummah. Rather, it was undertaken in accordance with the command of Allah according to the divine revelation which had come specifically for it. For this reason, it is not permissible to make analogy upon it or to convene a treaty upon its like, unless there exists a Dalil (evidence) or Burhan (proof) that is taken from other than it.

We have mentioned above texts from the Kitab (Book) of Allah which are Qat'iyah Ath-Thubut (definite in transmission) and Qat'iy Ad-Dalalah (definite in meaning), leaving no room for their denial. All of them establish with absolute clarity one single statement and that is that the Siyadah (sovereignty) belongs to the Shar'a and not to the mind, and to Allah (swt) and not man.

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ

These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein and that is the great achievement (13) And whoever disobeys Allah and His Messenger and transgresses His limits, He will enter him into the fire to abide in it eternally and he will have a humiliating punishment (An-Nisa': 13-14).

It is also deduced from the Ayah of the 'Umara' (Leaders)[An-Nisa': 59]] in His statement:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ۚ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you are believing in Allah and the Last Day. That is the best [way] and best in result (An-Nisa': 59).

That is as his Qawl (statement) (swt) "أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ" (**Obey Allah and obey the Messenger**) is a command and the text contains a decisive connotation (Qarinah) directing the command to definite obligatoriness. That is by way of the severe and harsh threat of punishment mentioned above and also by linking the obedience to Iman (belief) in Allah and the Last Day, which also establishes the negation of Iman, by way of the opposite meaning, for the one who does not obey Allah and His Messenger, where it states:

إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

If you believe in Allah and the Last Day

Sayyid Qutb said: [In this short text Allah (swt) explains: The condition of Iman (belief), the unity (or singleness) of Islam, the basis (or principle) of the fundamental system in respect to the Muslim collective, the principle (or basis) of the ruling (Al-Hukm) and the source of the Sultan (authority). All of these begin and end upon the basis of receiving from Allah alone and referring to Him in respect to that which no text has been stipulated for the partialities of the life which appear in the life of humans across the generations, from that which the minds, opinions and understandings differ upon, in order for there to be a fixed and firm measure for the minds, opinions and understandings to refer to. Verily, the Hakimiyyah belongs to Allah alone within the life of humankind ... And Allah is obligatory to be obeyed and His Sharee'ah is obligatory to be implemented ... And the Iman is connected, in presence and absence, to this obedience and this implementation, in accordance to the text of the Qur'an Al-Karim:

إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

If you believe in Allah and the Last Day

The Ayah of Al-Umara' (Leaders)[An-Nisa': 59] is from the Ayat (verses) of Ahkam (rulings) relating directly to the ruling system. That is because it has also commanded obedience to the Uli l-Amr (those in positions of authority/command). The command with absolute obedience obliges by necessity the non-obedience to other than that. The obedience to Allah is not realized except by the implementation of everything that he has commanded and abstaining from everything that He has forbidden. Consequently, the Shar'a is the possessor of the sovereignty (Siyadah) in life and there is absolutely no Siyadah to other than it at all.

Concerning this Ayah which is the Qawl (statement) of Allah (swt):

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

O you who have believed, obey Allah and obey the Messenger and those in authority among you (An-Nisa': 59).

It has come with a miraculous original style, placing this obedience in its appropriate and fitting place. Concerning this Al-Alousi said in his "Ruh ul-Ma'ani": [The verb has been repeated (i.e. to obey). If the obedience of the Messenger was linked to the obedience of Allah based upon his position, it would then definitely have been **deluded deduced?** that it is not obligatory to comply with that which is not in the Qur'an Al-Karim. It represents a declaration that he (saw) has an independence in respect to obedience which is not affirmed for other than him]. Consequently, this (command to obey) was not repeated in His statement: **"And those in authority from among you"**, thus declaring that they have no independence in respect to it (i.e. the right of obedience), like the independence that has been affirmed for the Messenger (saw). As such, the obedience of those in the position of authority is dependent upon obedience to Allah and His Messenger and is not independent. As for obedience in respect to the Ma'siyah (disobedience), then the people of knowledge have agreed upon the impermissibility of obedience to the Ma'siyah. This is just as An-Nawawi mentioned in his Sharh (explanation) of Sahih Muslim when he stated that they held an Ijma' (consensus) over that.

The basis of this agreement is by the necessity of the Shar'a and the 'Aql (mind). That is because the obligatory obedience which the Ummah must adhere to is not an unrestricted obedience, but rather obedience within the limits which have been set by the Shari' (legislator) i.e. the limits of the Shar'a. The Ayah of the 'Umara (leaders) has stated the obligation of obedience to the ruler:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

O you who have believed, obey Allah and obey the Messenger and those in authority among you (An-Nisa': 59).

Obedience is a fundamental matter for the existence of discipline and order within the state and to preserve cohesion among the collective. Allah (swt) has commanded obedience, which in the first instance has the appearance to be representative of an unrestricted and absolute obedience. However, He indicates the possibility of the occurrence of disagreement and disputes and then

made clear what the source of reference should be in such a case. This obedience to those in authority is not intrinsic in respect to them but rather it is only established upon the command of Allah to obey them. It represents a branch of obedience to Allah and does not represent an origin. It is necessarily of a lower grade than obedience to Allah which represents the original, highest and absolute obedience. The Shar'i and 'Aqli necessity dictates the decisive necessity of classifying the commands of the lower branch authority under (sub-ordinate to?) the commands of the highest and original authority. If inconsistency was to occur, the command of the highest original authority would be implemented and the command of the lower branch authority would be invalidated. Otherwise, inconsistency and contradiction would occur and that is an inconceivable matter (in this regard).

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We will elaborate on this further by saying: If the highest authority said: "Obey the lower authority even if it commands you to disobey me" then in truth it would be saying: "Obey me by disobeying me, at the same time from the same authority within the same subject matter or issue", which is inconceivable. Then, if the higher authority was the absolute highest authority, meaning Allah (swt), then the inconceivability would be far greater and outrageous. That is because obedience to Allah is obligatory based upon the fundamental truths of the mind and what it necessitates. Therefore, the command from Allah "**Obey Allah**" only represents a reminder of this primary rational necessity and it is not an essential command (that needs to be stated), even if it came in the command form. If we were to permit that Allah commands us to obey other than Him, even if this other commanded the disobedience of Allah, we would have fallen into the contradiction mentioned above. Indeed, we would have demolished the principles of the necessary truths dictated by the mind, thus leading to the demolishing of the mind and its breaking. The legal responsibility would become null and void, languages would lose their meanings, though that? would become? impossible and the Sharee'ah would be destroyed, may Allah's refuge be sought from that.

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It is not permissible to understand all of the Sharee'ah texts except in this manner. Therefore, if an understanding of a text is understood upon other than this premise or if its interpretation is not in line with it, it is impossible for that to be a sound or authentic transmission and such a text must be judged to be a lie and fabrication.

Section: The second principle: The absolute obligation of making the Shar'a (Islamic legislation) the source of judgement

We have previously mentioned that the article "ح ك م" (Haa Kaaf Mim) has come in the Arabic language, the Qur'an Al-Karim and the Sunnah, with numerous meanings. These include:

(1) Placing matters in their right place or context and this is "**Al-Hikmah**" (wisdom) and the one who does that is a "**Hakeem**" (wise person).

(2) Perfecting the act and the action accomplishing its objective and this is "**Ihkaam**" and the one who does that is "**Muhkim**" and "**Hakeem**".

(3) The Hukm (judgement) upon the actions of the people on the Day of Judgement and resolving their disputes in a final and everlasting manner. This belongs to Allah alone and the Ayat (verses) in respect to that are many and well-known.

(4) Al-Fitya (passing a verdict/Fatwa) and the expression of an opinion which the one stating it believes to be correct i.e. passing judgement upon the issues of the Deen and sensed, rational, aesthetic and moral issues, amongst others. So for example, we pass the judgment (Nahkumu) of invalidity (and falsity) upon the beliefs of reincarnation and the trinity, and we judge lying to be ugly rationally and to be prohibited according to the Shar'a, with the exclusion of some cases which the texts has mentioned.

Allah (swt) says:

أَفَنَجْعَلُ الْمُسْلِمِينَ كَالْمُجْرِمِينَ ﴿٣٥﴾ مَا لَكُمْ كَيْفَ تَحْكُمُونَ

Then shall We treat the Muslims like the criminals? (35) What is [the matter] with you? How do you judge? (Al-Qalam: 35-36).

(5) Resolving the conflict and settling the disputes in a binding manner. This refers to the Qadaa' (judiciary) and it is one of the main authorities of the state (the legislative authority, executive authority and judicial authority). The Qaadi (judge) is also called a "**Haakim**" and what he pronounces or passes is called a "**Hukm**" (judgement/verdict).

(6) Fostering or taking care of the affairs; the administration and implementation. This refers to the executive authority within the state and the one who undertakes the responsibility of that is called a "**Haakim**" (ruler), just as he can be called a "**Waali**" or "**Waliy ul-Amr**" or "**Sultaan**". In recent times the use of the term "**Hukoomah**" (government) has become widespread to denote the head of the executive authority i.e. the cabinet. It also carries the meaning of the ruling apparatus within the state.

(7) Legislating, enacting constitutions, laws, systems and statutes. This refers to what the legislative authority undertakes within the state. Indeed, it also includes the setting of moral and behavioural principles in addition to manners and social customs.

These meanings or primarily the last four, are what concern us in this current study: Al-Fitya (passing verdicts), Al-Qadaa' (judiciary), At-Tanfeeth (execution/implementation) and At-Tashree' (legislation). They are all also what the Sharee'ah texts must be applied upon, unless there is a Qareenah (indicative connotation) of specification. Therefore, when the Messenger (saw) said:

إِذَا اجْتَهَدَ الْحَاكِمُ فَأَصَابَ فَلَهُ أَجْرَانِ ... إلخ

When the Haakim makes Ijtihad and then gets it right, he will get two rewards ... etc.

It is not permissible to say that this is specific for the Qaadi (judge in court) or for the Waliy ul-Amr (ruler)! Rather, it is 'Aamm (general) applying to everyone who seeks the Hukm (judgement) of Allah in respect to an issue, just for the purpose of knowing it. That includes the Mujtahid and the Mufti as

this represents a “Haakim”. Or if it was sought for the purpose of applying it in a dispute, like the Qaadi, as this also represents a “Haakim”, or for the purpose of taking care of the affairs (of the people), like the Imam. That is whether it relates to implementation in a particular specified case, as he would be, in this capacity, a Haakim, or if it was related to legislating or adopting a Hukm Shar’iy for an issue in which there is disagreement, followed by enacting it as a general law which binds everyone, as he would be, in this capacity, a Haakim.

Al-Ihtikaam or At-Tahaakum means: Seeking the Hukm (judgement/ruling), regardless of its kind: Al-Fitya (passing verdicts), Al-Qadaa’ (judiciary), At-Tanfeedh (execution/implementation) and At-Tashree’ (legislation).

As for the obligation of Al-Ihtikaam to the Shar’a absolutely (i.e. going to it as the source for the judgement), then this has been established by the texts such as:

The Qawl (statement) of Allah (swt):

قُلَا وَرَبَّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحْكُمُونَكَ فِيمَا شَجَرَ بَيْنَهُمْ

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves (An-Nisa’: 65).

And His Qawl (swt):

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

And if you disagree over anything, refer it to Allah and the Messenger (An-Nisa’: 59).

And His Qawl (swt):

وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ

And in whatsoever you have differed upon, its Hukm (ruling) is [to be referred] to Allah (Ash-Shura: 10).

Concerning the first Ayah: It represents a comprehensive truth from the truths of Islam which came in the form of a certain oath, unrestricted from any restriction, which negates the Iman (belief) of the one who does not go to the Prophet (saw) for judgement. There can be no room here for delusion or ambiguity claiming that going to judgement to the Messenger of Allah (saw) means going to judgement to his noble person alone (i.e. obedience to him in person when he is living), as has been falsely claimed by some of the so-called Da’wah carriers of the Islamic “Left”! or the so-called Da’wah carriers to “secular” Islam! Rather, the Ayah means by necessity, going to judgement to his Sharee’ah and his methodology (Minhaj) and not to his honourable self in person, only, as is clearly evident without the need to think deeply about it. However, if one refused due to obstinacy and stubbornness, then he can consider the following proofs:

(1) The claim contrary to that means that there no longer remains a place for the Sharee'ah of Allah and the Sunnah of His Messenger after his death (saw). In other words, Islam died or was abrogated upon his death (saw)! That would in turn dictate that the seal of Prophethood is pointless and that he (saw) was not a mercy for mankind, Allah be glorified above such lies and foolish mockery.

If it was permitted for one ruling (Hukm) to be abrogated by his passing (saw), it would be permitted in respect to every ruling, including the prohibition of murder, assault and oppression, although they do not state that these have been abrogated. Rather, we find that the abrogation only occurs in respect to the rulings which are "annoying or troublesome" in their view and do not conform to their moods. As for what conforms to the desires then that **continues and is constant -- is that what he meant? - pls recheck!**

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(2) It is known by necessity from history that has been transmitted to us via concurrent transmission (Tawatur), that he (saw) did not carry out the Hukm (ruling), Qadaa' (judiciary) and implementation all by himself. Rather, he appointed leaders, governors, Zakah collectors and judges in Makkah, At-Ta'if, Yemen, Yamamah (Najd region) and Bahrain. These appointees would take care of the affairs and settle the cases, whilst the people would refer to them. Indeed, even the people in Al-Madinah An-Nabawiyah itself, would refer to the Sahabah in respect to the Fitya (Islamic verdicts), for passing judgement and to settle or resolve disputes. That has been expressed with certainty in the Qawl of Allah (swt):

يُحْكُمُونَ فِيمَا شَجَرَ بَيْنَهُمْ

Make you the judge concerning that over which they dispute among themselves (An-Nisa': 65).

And His Qawl (swt):

وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكِّمُوهُ إِلَى اللَّهِ

And in whatsoever you have differed upon, its Hukm (ruling) is [to be referred] to Allah (Ash-Shura: 10).

These mean the necessity of going to the Shar'a of Allah and the Shar'a of the His Messenger for judgement, and not to particular persons themselves. It cannot be argued that the legitimacy of going to those individuals for judgement only stems from the Prophet (saw) assigning them and appointing them in their areas of work and that consequently, the one whom the Prophet did not appoint by text is not permitted to be sought out for judgement. This cannot be said as it contradicts the certain texts from the Kitaab and the Sunnah which command obedience to the Uli I-Amr (rulers) as long as they are legitimate, to undertake Jihad with them until the last hour, the validity of the judiciary if it judges by what Allah has revealed, is impartial and not unjust and is consequently deserving of reward and paradise upon that, based on the statement of the Messenger (saw):

الْقُضَاءُ ثَلَاثَةٌ قَاضِيَانِ فِي النَّارِ وَقَاضٍ فِي الْجَنَّةِ

The judges are three: Two are in the hellfire and one is in Jannah.

In addition to the validity of the voluntary seeking of judgement according to His Qawl (swt):

فَاتَّبِعُوا حُكْمًا مِّنْ أَهْلِهِ وَحُكْمًا مِّنْ أَهْلِهَا

Then, send for an arbitrator from his people and an arbitrator from her people (An-Nisa': 35).

The majority (Jumhur) of the Fuqaha' (jurists) view that this is valid to be undertaken by a quarrelling husband and wife or through the intervention of their families, even if it is without the intervention of the authority or the command of the state appointed judge. If such an opinion was valid, there would have been a text for it, even if it was just one single text, from the Prophet (saw). However, as no text at all has come supporting it, we know that it does not exist and cannot be conceived to represent anything apart from an attempt to discredit his Prophethood (saw) and accusing him of betraying the message! Far removed he is of such claims! **section above, not clear what it references ie which opinion is being debunked?**

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(3) Claiming other than that (i.e. that the Sharee'ah is referred to for judgement) means denying him (saw) in respect to innumerable Ahadeeth which state, "That such and such are Haram until the Day of Judgement or that such and such remain applicable until the end of times" and denying him in respect to the Ahadeeth about the Fitna (trials and tribulations) and his warnings about the leaders of misguidance, the parties of Khawarij, the Jalawazah (the enforcers of the tyrants who lash the people with whips and take pleasure in torturing), and from the clothed women who appear as naked etc. What then is the benefit in all of that if it is not referred to for judgement; meaning that it is not referred to in the Fatwa, the judiciary, for enacting laws and for the purpose of implementation?!

(4) This view represents the denial and rejection of the Ahadeeth related to the leaders of innovation and oppressive tyranny, which in their collective are Mutawatir (concurrent), in the case where the Messenger (saw) stated that they would come after me (i.e. after his death) and that they would be in opposition to his Sunnah, in addition to explaining the manner of how they should be dealt with. We have mentioned some of these previously from the Ahadeeth of 'Ubadah bin As-Samit, Abdullah bin Mas'ud, Mu'adh bin Jabal and Abu 'Inaba Al-Khawlani, may Allah be pleased with them all.

(5) This view represents a denial and blatant rejection of the Ahadeeth which stipulate adherence to his Sunnah at all times, especially during the times of alienation and Fitnah, which are also in sum Mutawatir (concurrent transmissions) and impossible to escape from in regards to their authenticity and certainty.

Such a view therefore represents clear apostacy and disbelief. It is evil and more hideous, in terms of apostacy, than the position of the greatest apostates during the era of Abu Bakr As-Siddiq, may Allah be pleased with him, when the Sahabah agreed upon declaring them as being disbelievers and to fight against them. This has also been transmitted by way of Tawatur (concurrent reports).

The Ayah therefore negates the Iman (belief), by way of a firm binding oath, of any human who rejects going to the Shar'a for judgement and that means the Qur'an, Sunnah and what the Qur'an and Sunnah have guided to in terms of being evidence. Indeed, in addition to that, the Ayah demands that the Muslim feels no resistance or discomfort in his chest when he goes to the Shar'a for judgement, which could manifest in doubt, anger, dislike, aversion, contempt, disrespect or any

other manifestation of resistance. The Ayah is upon its apparentness and generality whilst we do not know of any specifier for it or anything that takes it away from its apparent meaning. The Iman (belief) that is negated in the Ayah refers to the Asl (origin/foundation) of the Iman which is the opposite of Kufr (disbelief) and what saves one from the fire. Consequently, whoever does not judge or rule by the Hukm of Allah and His Messenger, refer back to them, go to them for judgement and to settle disputes, in addition to the one who has the least amount of discomfort and resistance to their judgement, is a Kafir (disbeliever) and exits from the Millah (i.e. Deen of Islam) due to his fundamental disbelief. That is because he had either not entered into Islam in truth to begin with, even if he displayed that out of hypocrisy, or he was deceived considering himself to be a Muslim whilst in reality he was not, or because he had apostatised from Islam after having embraced it and gave priority to misguidance over guidance, blindness over vision and the Dunya over the hereafter, may Allah's refuge be sought from such an abandonment and failure that leads to the fire and the ~~destination home – path of to disgrace and ruin.~~

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All of this is also clearly evident in the statement of Allah (swt):

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

And if you disagree over anything, refer it to Allah and the Messenger (An-Nisa': 59).

This Ayah is Muhkam (decisive) guiding precisely to the obligation of returning back to the Ahkam (rulings) of the Shar'a found in the Qur'an and the Sunnah, in respect to every dispute. Concerning the Qawl (statement) of Allah (swt): "تَنَازَعْتُمْ فِي شَيْءٍ" (**Disagree over anything**), it is Nakirah (indefinite) in the context 'of negation, thus encompassing everything that the believers dispute over in the issues of the Deen; whether large or small, clear or obscure. And if there had not been in the Kitab (Book) of Allah and the Sunnah of His Messenger an explanation of the ruling for what they disputed amongst themselves, meaning that had all that is in the Kitab and the Sunnah not been sufficient to fulfil that, He would not have commanded referring back to it. That is because it is prohibited by the mind ('Aql) and the Shar'a for Allah (swt) to command referring back to that which does not possess the ability to settle the disputes.

In addition, the Ayah has made referring to the Ahkam of the Shar'a one of the requisites of Iman (belief), where Iman is negated when this referring back is negated. That is due to the Qawl of Allah (swt):

إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

If you believe in Allah and the Last Day

Here, the necessity of negating the matter which is obligated due to the negation of its prerequisites, takes place.

Referring back to Allah (swt) only means referring to the Shar'a, whilst referring to other than Allah (swt) only means referring to the mind ('Aql) i.e. to that which the human legislates by himself for himself, just as democracy states: "The Hukm (rule) of the people by the people" or "The Hukm (rule) of the majority". That is if we were to give it the best of evaluations, otherwise it means

referring back to mere whims and desires and tribal, national, class, factional and regional interests, whilst the mind ('Aql) has no share in it; this poor oppressed mind that is fabricated against!

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As such, the texts of the Qur'an leave no scope to doubt that the Shar'a alone possesses the Siyadah (sovereignty) and that it is the sole source of reference for enacting the constitution and laws and that it represents the final decisive Hukm (ruling/judgement) in respect to every disagreement or dispute that arises. Concerning the Qawl of Allah:

وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ

And in whatsoever you have differed upon, its Hukm (ruling) is [to be referred] to Allah (Ash-Shura: 10).

This means that it is Allah who judges among you and decisively settles the Hukm (ruling). It is therefore not permissible according to the Shar'a, under any circumstances, to go to judgement to other than the Shar'a. That is because going to judgement to other than the Shar'a is disbelief in Allah and His Messenger, and this is a matter which believers do not fall into, as Allah said in respect to them:

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا ۚ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ

The only statement of the [true] believers when they are called to Allah and His Messenger to judge between them is that they say, "We hear and we obey." And those are the successful (An-Nur: 51).

Going to the Shar'a for judgement is therefore Fard (obligatory) upon the Ummah as a whole, in its description as an Ummah, and upon every tribe, collective, block or organisation composed of our sons, and upon every individual from among their individuals.

This is from the obvious and evident matters of Islam which the A'immah (Imams) have agreed upon. Imam Al-Jassas Al-Hanafi (rh) said: [Whoever rejects something from the commands of Allah (swt) or the commands of the Messenger of Allah (saw), is outside of Islam, regardless of whether he has rejected it from the angle of having doubt in it or has done so out of abandoning the acceptance and refraining from the submission] (Ahkam Al-Qur'an: 2/214).

Ibn Taymiyyah Al-Hanbali (rh) said: [It is not for anyone to judge between anyone from the creation of Allah; not between the Muslims, disbelievers or other than that, except by the Hukm (judgement/ruling) of Allah and His Messenger, and whoever seeks other than that, His Qawl (swt) applies to him:

أَفْحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allah for a people who have certain belief (Al-Ma'idah: 50).

And His Qawl (swt):

قُلْ لَا يُؤْمِنُونَ حَتَّى يُحْكُمَوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَزْبًا مِمَّا قَضَيْتَ وَتُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisa': 65)] (Majmou' Al-Fatawa: 35/407-408).

Sheikh Muhammad bin Ibrahim Aali Ash-Sheikh (rh) said: [Making the judgement go to the Shar'a of Allah alone to the exclusion of all besides Him, is the brother of worshipping Allah alone to the exclusion of all besides Him. That is as the meaning of the Shahadatain is that Allah is the One who is worshipped alone without partner and that His Messenger is the one who is followed and judgement belongs only to what he came with. And the swords of Jihad are not drawn except for the sake of that (or its purpose), and its undertaking in terms of doing, abstaining and going to judgement at the occurrence of dispute or disagreement] (Fatwa Ash-Sheikh: 12/251).

In this instance the Sheikh means the 'Ibadah (worship) according to its narrow meaning, in other words a collection of acts and rituals of worship. Otherwise, going to the Shar'a for judgement, subservience to it with complete submission and willing open heart, represents the essence of 'Ibadah and the axle of its wheel!

Accordingly, the Shar'a alone is the possessor of the absolute and unrestricted Siyadah (sovereignty) for everything in life in terms of the relationships among the people. It is therefore impermissible to reject any part of the whole of Islam which has been established upon Daleel (evidence).

It has been related from Imam Ja'far As-Sadiq that he said: [Even if a people worshipped Allah, established the Salah (prayer), gave the Zakah, fasted the month of Ramadan and made Hajj to the house, and then said concerning a matter that the Messenger of Allah did "If only he had done other than that" or if they found in themselves Haraj (discomfort, unwillingness) in respect to that, they would be from the Mushrikin (idolators)]. That is because what the Messenger (saw) came with was only legislated from Allah (swt) and because the command to obey Allah and His Messenger is a command with the obligation to follow the Kitab and the Sunnah. It is for that reason that the creedal, Usuli and Shar'iy principle states that: "Whoever accuses or doubts in the truthfulness of the Messenger of Allah (saw) in respect to the Hukm (judgement/ruling) is a Kafir (disbeliever)".

An issue remains which disturbs the sleep of the believers in our current time, in which the Dunya (life of this world) as a whole has transformed into Dar Kufr (a land of disbelief), where the systems of disbelief prevail and are not ruled by what Allah has revealed, with the exception of some partial issues and some voluntary judgements conducted among the pious of the believers. In such a reality cases and disputes are raised to courts and systems established upon the basis of disbelief and to judges who are not appointed in a Shar'iy manner, which is especially the case when the parties to the dispute are in a land in which the population is predominantly from the disbelievers in origin, like Britain for example.

It is evident that the problematic issue here relates to going to judgement in respect to judiciary and execution. As for the Fitya (provision of a verdict or judgement) where the Hukm of Allah is sought

for an issue in a non-compelling manner, then this is not conceived to take place except through referring to what Allah has revealed, i.e. to the Kitab of Allah and the Sunnah of His Messenger. The same applies in respect to the Tashree' (legislation), referring to the enacting of statutes, systems and laws, as it is not perceivable from other than the authority (Sultan) or someone participating in the authority. It is not permissible for the Muslim person in authority except to enact what he has deduced in a correct manner from the Kitab and the Sunnah alone. Other than that is not permissible for him if he is alone in the possession of the authority. Similarly, it is not permissible, under any circumstances, for him to accept the authority upon the condition that he rules by other than what Allah has revealed. The Muslim is not permitted to participate in the rule of Kufr (disbelief) under any circumstances as will be made clear in its place later in a thorough manner, by Allah's permission 'Azza Wa Jalla.

The problematic issue is therefore: What does the Muslim who lives in Dar ul-Kufr (the land of disbelief), under the authority of disbelief or the rule of the disbelievers, do, if someone makes a judicial claim against him and seeks for him to attend a judicial hearing, or if he had a right over someone which he is not able to resolve through reconciliation, (non-binding) voluntary judgement, intercession or mediation, or if he was afflicted by injustice or transgression from the authority or any other body, which he is unable to avert through various means and nothing remains except raising the injustice to the designated judicial system or higher administrative authority? What should the Muslim do in such circumstances?

The true view as indicated to by the prior evidences is that it is permitted for the Muslim to do that upon the condition that he does not seek a right, or repel a demand or injustice except in accordance with the Shar'a of Allah, based upon what he knows certainly, either through his own Ijtihad and deduction, or by following others from the Mujtahidin according to the evidence, or in imitation to the one he trusts from the people of Ijtihad and Fitya (provision of Fatawa/verdicts).

This applies to the form and the subject as neither of these has priority over the other in terms of the necessity of going to judgement to what Allah has revealed. Therefore, for example, it is not permissible to repel a case from among the cases through the nullification of its right due to the progression of time or the passing of the set time period which exists within the disbelieving system for raising cases to the courts - convoluted. That is even if that leads to facilitating and speeding up the process of raising cases. That is because it is not permissible in the Shar'a of Allah as there is no nullification of rights by the passing of time and no set period of time for raising cases.

And if he was owed a debt from someone, it is not permissible to demand except the full capital sum without any interest-based increase which the system of disbelief may stipulate to be due, as is the case in the majority of the systems of disbelief which regard interest to be a legitimate right. It is not even permissible to demand that interest-based increase as a means of manoeuvring or "tactics" to scare the opponent and pressure him to handover the sum that is owed or to speed that up, in exchange for a "concession" in respect to that interest, for example. If judgement is passed in his favour including such an interest-based increase, it is obligatory upon him to refuse it and inform the judge of that, without accepting its receipt or taking it into his possession. As such, the believer, in all circumstances, goes to the Shar'a of Allah for judgement and not to the Taghut (Kufr sources). And if he found a Shar'iy judge who does not judge by other than the Shar'a and who had been appointed in a valid manner, he does not raise cases except to him.

Therefore, the one demanding his Shar'iy right in respect to a capital sum of money, for example, raising that to the one in authority or a disbeliever judge, or a judge who judges by the Kufr system,

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or a judge who has not been appointed in a valid Shar'iyah manner, does not go to judgment except to what Allah has revealed, and in doing so he is a Muslim and believer.

As for the judge or executor who judges in respect to his right or executes that right or acquires it for him, on the basis that it is what the law stipulates which has been enacted by the parliament which possesses the Siyadah (sovereignty) or by the owner of the “**divine**” right, or represents the inherited applied custom which the people have accepted over the course of centuries, in the case where the people represent the source of authorities, and who believes in that, then he is a Mushrik Kafir (disbelieving idolator) and from the dwellers of the fire on the Day of Judgment, if the message of Allah had reached him and the proof and evidence had been established against him.

As for the one who claims that raising such cases represents going to Taghut (Kufr sources) for judgement, then he has not examined the issue in its essence in depth and accuracy. That is because the lender's entitlement to the capital sum from the one he loaned it to, is a matter agreed upon by most legislations, if not all of them. The one who refers the matter to the command and forbiddance of Allah is the Muslim believer, whilst the one who refers that to the custom, mind, interest, command of the parliament or royal decree, is a Mushrik Kafir (idolator disbeliever). The issue is therefore one of believing in a particular source of reference and referring to it, and it is not the issue of the payment or non-payment of a capital sum. The same applies in respect to all issues and cases. The invalidity of their opinion is substantiated by the fact that in general they distinguish between raising cases to the courts and resorting to the police and executive authoritative bodies. They make the first Haram, and may even declare disbelief due to it, whilst they see no problem in the latter.

It is apparent that they viewed the “Tahakum” (going to judgement) to mean going to litigation or raising cases to the courts alone. This is also invalid as we have explained previously and represents a specification in the absence of that which has specified it. Indeed, it is true that there is a difference between the judge and the actions of the executive bodies or authorities, however “Tahakum” is “Tahakum” (going to judgement) and it means referring to a particular source of reference. It means referring back to Allah and His Messenger among the adherents of Islam, and to other than them or in partnership with other than them, among the followers of disbelief. The essence of this is not impacted or affected by the fact that what the judge does is different to what a policeman undertakes. These two however differ by necessity from the Mufti and the legislator because the issue at hand is not related to the specific attributes of their work and the limits of the powers of each of them, but rather the issue at hand is referring to Allah and His Messenger alone and being inline with Islam, Iman and Tawheed, or referring to other than them, whether alone or in partnership, in which case it would be Kufr and Shirk.

This matter is made clearer by the famous example of Ja'far bin Talib raising his matter to the Najashi (Negus) leader, may Allah be pleased with him:

- Ibn Ishaq reported in his “**Seerah An-Nabawiyah**” (2: 177) with the strongest chain of transmission existent in this Dunya:

[Muhammad bin Muslim Az-Zuhri related to me from Abu Bakr bin Abdur Rahman bin Al-Harith bin Hisham Al-Makhzumi, from Umm Salamah Bint Abu Umaiyah bin Al-Mughirah, the wife of the Messenger of Allah (saw), who said:

“When we arrived in the land of Al-Habashah (Abyssinia) we found in it’s the best of neighbours in the Najashi (Negus). He provided us with security in our Deen, we worshipped Allah, the Most High, we were not harmed and we did not hear anything that we hated. Then when the news of that reached the Quraish, they held a conference amongst themselves in order to dispatch two staunch men from among them to the Najashi in relation to us ...] She, may Allah be pleased with her, continued narrating the Hadith until she said: [When they arrived and the Najashi had invited his priests who had spread out their scriptures around him, he asked them (i.e. the Muslims) saying: “What is this Deen which has made you depart from your people and yet not enter into my Deen or the Deen of any of these religions?!” She said: The one who spoke to him was Ja’far bin Abi Talib and he said: “O King ... etc.]. The Hadith is very long and very interesting. It can be found in the Seerah of Ibn Hisham. That is so that it can be seen that Ja’far only raised his case in accordance to the Haqq (truth) and by what Allah had legislated, without compromising in respect to his Deen, whilst being indifferent to the Deen of the Najashi and his legislation.

Is it conceivable that Ja’far, who was from among the great Awliya’ of Allah, went to judgement to other than the Shar’a of Allah, and even if it had been a lapse from him here due to ignorance or through his own interpretation, would the mother of believers Umm Salamah Hind Bint Abi Umayyah bin Al-Mughirah Al-Makhzumi not have informed the Messenger of Allah (saw) of this, in the case where he was in her house and close company every nine days?!

And even if she had forgotten to inform him, did not the One whose knowledge encompasses everything know of it and thereby reveal to His Prophet a warning concerning the repetition of such an act?!

Section: The third principle: Any Shar’a other than the Shar’a of Allah is Kufr (disbelief)

The texts of the Qur’an did not stop at making evident the obligation of obeying Allah and obeying His Messenger (saw) and the prohibition of going to judgement to any law, system, statute, custom or norm, other than the Shar’a. Indeed, in addition to that the texts indicated that everything other than the Shar’a, in terms of laws which have been laid down, is flagrant Kufr (disbelief), as it is not what Allah revealed, nor from the Sunnah of His Messenger or from a source of evidence the Kitab and the Sunnah have guided to. Rather, it is the ‘Aql (mind) that legislates, if we were to give credit to such a claim, instead of saying that raw desires, whims and tyranny were the real legislators. All that the mind legislates in terms of rulings related to the actions of the human, in the case where he lives in this universe, and where praise and dispraise from Allah are assigned to his actions in the Dunya and the day of account, then reward and punishment from Allah are designated in the hereafter, only represents the Taghut which Allah has commanded the servants to disbelieve in when He stated:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا

Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut (false judges etc.), while they were commanded to disbelieve in it; and Shaytan wishes to lead them far astray (An-Nisa’: 60).

In the Tafsir of this Ayah Ibn Kathir said: [This represents disavowal from Allah 'Azza Wa Jalla to the one who claims Iman (belief) in that which Allah revealed upon His Messenger and the Prophets, in addition to the Sunnah of His Messenger, and then wants to seek judgement, in respect to resolving disputes, to other than the Kitab of Allah and the Sunnah of His Messenger. It has been mentioned in respect to the cause of revelation of this Ayah, that there was a man from the Ansar and a man from the Jews who had a dispute between them. The Jew began to say "Between you and I (i.e. to pass judgement) is Muhammad" and the other, the man from the Ansar, was saying "Between you and I (i.e. to pass judgement) is Ka'b bin Al-Ashraf". It has also been said that it was revealed in respect to a group of the Munafiqin (hypocrites) who had given the appearance of having embraced Islam but wanted to go to the rulers of Jahiliyah (pre-Islam) for judgement, just as other than that has been said in respect to it. The Ayah, however, is more general than all of that as it condemns the one who turns away from the Kitab of Allah and the Sunnah, seeking to go to judgement to other than them from sources of falsehood and that is the intended meaning of the Taghut here].

The truth is that the Taghut is broader in meaning than the Batil (falsehood) and indeed is much more repugnant than it. That is because the Taghut here is what stands opposite to ruling or judging by what Allah has revealed, meaning the Hukm (rule) of Jahiliyah (pre-Islam) which is Kufr (disbelief). This is the conclusion of Ibn ul-Qayyim when he stated: [Whoever seeks to go to judgement or to judge (rule) by other than what the Messenger brought, has ruled by the Taghut and has gone to it for judgement] (End of quote).

The Taghut of any people or nation is therefore that which they go to judgement to other than Allah (swt) and his honourable Messenger, or that which they follow without knowledge from Allah, or what they worship besides Allah; whether that means the 'Ibadah (worship) by way of supplication, submissiveness, sanctification, bowing, prostration, the offering of sacrifices and offerings, burning stones with scents and lighting candles, or the 'Ibadah which means submission, obedience and following, or the 'Ibadah of love and loyalty.

The Taghut is also every caller of falsehood and head of misguidance. As such, Iblis (Shaytan), Allah's curse upon him, is a Taghut, indeed he is the head of the Tawaghit (Taghuts), the high priest of Taghut and the enchanter of Taghut. The ruler who rules and judges by other than what Allah has revealed is a Taghut and the one who legislates without reference to Allah is a Taghut, indeed he is from the heads and leaders of the Taghawit. That is because he calls the people to worship him; the 'Ibadah of obedience and following (subservience). Whoever calls the people to worship himself is a Taghut and is indeed from the heads of the Tawaghit. Whoever accepts to be worshipped besides Allah is a Taghut, the one who is loved for his essence besides Allah is a Taghut and the one who is obeyed because of his essence is a Taghut. As such, the number of Tawaghit are many indeed!

Allah (swt) has commanded us to steer clear from the Taghut. He (swt) said:

وَالَّذِينَ اجْتَنَبُوا الطَّاغُوتَ أَنْ يَعْبُدُوهَا

But those who have avoided Taghut, lest they worship it (Az-Zumar: 17).

Going to judgement to the Sharee'ah of the Taghut is a kind from the kinds of 'Ibadah which Allah has commanded to be dissociated from and avoided. Indeed, Allah (swt) commanded us with more

than just avoiding the Taghut, in the case where He commanded disbelief in it. This means refusing it, rejecting it, hating it, finding it contemptible, having hostility to it, and fighting and warring against it by every legally legitimate means. This is clear and evident in His statement (swt):

لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۚ وَاللَّهُ سَمِيعٌ عَلِيمٌ ۚ الَّذِينَ آمَنُوا يُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ ۚ وَالَّذِينَ كَفَرُوا أُورِثُوا مِنَ الطَّاغُوتِ يُخْرِجُوهُمْ مِّنَ النُّورِ إِلَى الظُّلُمَاتِ ۚ أُولَٰئِكَ أَصْحَابُ النَّارِ ۚ هُمْ فِيهَا خَالِدُونَ

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So, whoever disbelieves in **Taghut** and believes in Allah has grasped the most trustworthy (firmest) handhold with no break in it. And Allah is Hearing and Knowing. Allah is the ally of those who believe. He brings them out from darknesses into the light. And those who disbelieve, their allies are Taghut. They take them out of the light into darknesses. Those are the companions of the Fire; they will abide eternally therein (Al-Baqarah: 256-257).

Sheikh ul-Islam Ibn Taymiyyah said: [Therefore, whoever regards it to be lawful (or permissible) to rule between the people by what he himself views to be just without following that which Allah revealed, is a Kafir (disbeliever)] (Minhaaj As-Sunnah An-Nabawiyah: 3/22). And he said: [The human, when he makes the Haram which has been agreed upon Halal or makes the Halal which is agreed upon Haram, or changes (or exchanges) the Shar'a which has been agreed upon, he is a Murtadd (Apostate)] (Majmu' Al-Fatawa: 3/267). Observe here that he said: "Make Halal", "Make Haram" and "Change/exchange" and he did not connect that to the person's belief (I'tiqad). Sheikh Abdur Rahman bin Hasan Aali Ash-Sheikh said: [Whoever calls to going to judgement to other than Allah and His Messenger has abandoned what the Messenger (saw) came with in respect to what Allah (swt) commanded him with in His statement:

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ

And judge, [O Muhammad], between them by what Allah has revealed and do not follow their desires and beware of them, lest they tempt you away from some of what Allah has revealed to you (Al-Ma'idah: 49).

And His statement:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisa': 65)] (Fat'h ul-Majeed).

And Sheikh Muhammad bin Ibrahim Aali Ash-Sheikh (may Allah's mercy be upon him) said: [Allah has negated the Iman (belief) of the one who goes to judgement to other than what the Messenger (saw) came with, from (among) the hypocrites. That is as Allah (swt) said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا

Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut (false judges etc.), while they were commanded to disbelieve in it; and Shaytan wishes to lead them far astray (An-Nisa': 60)] (Risalah Tahkim Al-Qawanin).

And it is because the generality of the evidences guides to the obligation of following what the Messenger (saw) came with, as what he came with is alone representative of the guidance (Huda). Allah (swt) said:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۚ وَسَاءَتْ مَصِيرًا

And whoever contradicts and opposes the Messenger (Muhammad SAW) after the right path has been shown clearly to him and follows other than the believers' way. We shall keep him in the path he has chosen and burn him in Hell; what an evil destination (An-Nisa': 115).

Therefore, any Minhaj (method) other than the method of the guidance which Muhammad (saw) came with, is other than the Sabeel (path) of the believers. Every path other than that path represents Kufr (disbelief) in Allah, as disbelief in Allah and His Messenger is other than the path (Sabeel) of the believers and other than their method (Minhaj). Likewise, anyone who doubts in or casts aspersions upon the Messenger (saw) in respect to the Hukm (ruling/judgement), is a Kafir (disbeliever) because he has opposed the generality of the evidences which link Iman (belief) to the obligation of following that which Islam brought.

Imam Ash-Shatibi, may Allah's mercy be upon him, said: [Every Bid'ah (innovation), even if it is small, added or subtracted legislation, or change to the correct (or authentic) foundation (Asl), all of which could be attached to that which is Mashroo' (lawful), would represent a **defamation – should this be deformation/distortion?** of that which is lawful. If someone was to do that deliberately in respect to the Sharee'ah itself, he would have disbelieved. That is as the addition, subtraction or change, whether small or large, in respect to it, is Kufr (disbelief). There is therefore no difference between that which is small and what is large] (Al-I'tisam: 2/61).

Sheikh Muhammad bin Ibrahim said in his letter addressed to the Amir of Riyadh: [And giving consideration to anything from the laws for the ruling by them, even if in the smallest amount, no doubt represents the absence of contentment with the Hukm of Allah and His Messenger, attributing the Hukm of Allah and His Messenger to that which is deficient, not undertaking the duty in respect to resolving the dispute, not delivering the rights to their Arbab (Lords/masters), not taking the ruling of the laws towards perfection and not fulfilling the duty towards the people in respect to solving their problems. **The I'tiqad (belief) in this is Kufr removing one from the Millah (i.e. the Deen of Islam)**. It represents a major and significant matter and is not from the matters of Ijtihad] (Majmu' Fatawa Ash-Sheikh).

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This speech of Sheikh Muhammad bin Ibrahim is good however the Sheikh, may Allah have mercy upon him, tied that conclusion (i.e. of declaring disbelief) to it being representative of “absence of contentment with the Hukm of Allah and His Messenger” and “attributing the Hukm of Allah and His Messenger to that which is deficient”. Although this is predominant, it nevertheless does not represent the Manat of the Hukm (i.e. the reality upon which the Hukm is applied). That is because the mere legislation from other than Allah represents a contestation in His Rububiyah, in the case where the one engaged in that makes of himself a Rabb (Lord), Ilah (deity worthy of worship) and a Nidd (rival) besides Allah. He is therefore a Taghut Mushrik Kafir. His Kufr (disbelief) is from the most repugnant forms of disbelief, by his mere action alone, regardless of the circumstances of his heart.

Otherwise, what is the judgement (Hukm) which is to be applied upon that man in the governate (of Riyadh) who is desperate to preserve his position and authority by enacting legislation that he knows for certain is in opposition to the Shar’a of Allah? That is whilst he is certain in himself that it is in violation to the Shar’a of Allah and that the Shar’a of Allah is the Haqq (truth) and best?! Is he not a disbeliever Taghut? Is his love for the authority and Dunya an excuse for him in respect to the disbelief? If not, we would be denying what Allah has stated and absolving the family of Fir’awn (Pharaoh) concerning whom:

وَجَحَدُوا بِهَا وَاسْتَيْقَنَتْهَا أَنْفُسُهُمْ ظُلْمًا وَعُلُوًّا

And they rejected them (i.e. the signs of Allah), while their [inner] selves were convinced of them, due to injustice and arrogance (An-Naml: 14).

Yes, indeed they did that to preserve the authority and leadership and maintain the enslavement of Bani Isra’eel.

فَقَالُوا أَنْتُمْ نَبِيُّنَا لَكُمْ تَعَالَى وَالَّذِينَ كَفَرُوا بَعْضُهُمْ أَعْدَاؤُ بَعْضُهُمْ

They said: “Should we believe in two men like ourselves while their people are in servitude to us?”

These, by Allah, would then therefore be of greater entitlement to an excuse!

Sheikh Muhammad Hamid Al-Fiqqi, may Allah’s mercy be upon him, said in his comments upon “Kitab At-Tawhid, in relation to the issue of the one who goes to man-made laws for judgement: [He is no doubt a Kafir apostate if he insists upon them and does not return to the ruling by what Allah has revealed. No name that he has been given and no actions from among the apparent acts of prayer, fasting, pilgrimage and so on, will benefit him (in respect to that)] (From “Fat’h ul-Majid: Sharh (explanation) of Kitab At-Tawhid”).

In respect to going to man-made laws for judgement, Sheikh Ahmad Shakir, may Allah have mercy upon him, said in respect to going to judgement to the man-made laws: [This act represents aversion to the Hukm of Allah and to His Deen and means giving preference to the rulings of the people of disbelief over the Hukm of Allah (swt). None from among the people of the Qiblah (i.e. believers), regardless of their differences (in issues), have any doubt in respect to declaring the one who states, holds or carries this disbelief, to be a Kafir (disbeliever)] (‘Umdat ut-Tafsir: 4/157).

Allah (swt) said:

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ

And We did not send any messenger except to be obeyed by the permission of Allah (An-Nisa': 64).

This means that I have not sent any Messenger except that I obliged his obedience upon those whom I sent him to, as a legislation. Muhammad (saw) is therefore from those Messengers, indeed he is the seal of them, the best of them and most complete of them in respect to Deen. Consequently, whoever abandons obedience to him and contentment with his judgement, and goes to the Taghut for judgement has contravened My command, has abandoned my obligation and fallen into Kufr (disbelief). That is because contentment and submission to the Hukm of Allah and His Messenger is from the necessities of Iman (belief) and its pillars, where Iman ceases to exist as a whole, if it is absent. Ibn Kathir said in respect to the Tafsir (explanation) of His Qawl (swt):

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allah for a people who have certain belief (Al-Ma'idah: 50).

[Allah (swt) condemns anyone who exits from the manifest Hukm of Allah which is inclusive of all good and forbids all bad (or evil), and instead, has gone to other than it in terms of opinions, desires and conventions which men have laid down, without any proof or evidence from the Sharee'ah of Allah. It is like what the people of Jahiliyah (pre-Islam) used to judge with in terms of misguidance and ignorance which they contrived from their opinions and desires, and like what the Tatars ruled with in terms of monarchical policies they took from their king Genghis Khan who set down the "Yasiq" for them, which refers to a book containing a host of rulings, which had been extracted from various sources of legislation; from the Jews, Christians and the Islamic Millah, among others. It also included many rulings which he took merely from his own opinion and desires. It then became a followed and submitted to Shar'a for his sons (i.e. followers), which they gave priority to over the Kitab (Book) of Allah and the Sunnah of the Messenger of Allah. Whoever has done that, then he is a Kafir (disbeliever) whom it is obligatory to fight against until he returns to the Hukm of Allah and His Messenger. That is because none but Him rule (or judge), in every small or large matter. Allah (swt) says:

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ

Do they then seek the judgement of (the Days of) Ignorance?

Meaning that they seek and want it whilst they turn away from the Hukm of Allah:

وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ

And who is better in judgement than Allah for a people who have certain belief].

What misguidance is more abominable than the ruling by other than what Allah has revealed? And what desire is worse than to go to judgement to desires? And which Taghut is greater than making the created human being undertake that which belongs to the Creator to establish, by making the human mind the legislator and the Hakim (Judge and ruler)?! And which Kufr is greater in extent than that of those who are created following others who have been created like them, whilst leaving that which Allah has revealed upon His Messenger Muhammad (saw)?! The Hukm (ruling/judgement) by what Allah revealed means the following of the Shar'a, whilst the Hukm by other than what Allah has revealed means following disbelief. The Sharee'ah alone is the Haqq (truth) and there is nothing after the Haqq except Dalal (misguidance). It is therefore not permissible for the human to make other than the Shar'a a basis (or source) for the Hukm (ruling/judgement).

All that has been conjured from the desires and misguidances including what has been called socialism, capitalism, democracy, civilisational particularities, nationalistic and tribal customs and traditions, only represent the ruling by other than what Allah revealed. Nothing applies to a Hukm such as this, except His Qawl (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

That is because every law the people go to for judgement other than Islam, as has been explicitly mentioned in the Qur'an Al-Karim, is Taghut, the Jahiliyah (pre-Islamic ignorance) of the ignorant, and man's return to apostacy that will make them fall into the fire of hell. This represents the Sabeel (path) of other than the believers. As for the path of Islam, then that is the path of those who have believed and it is what provides life in the life of this world and the hereafter. Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ

O you who have believed, respond to Allah and to the Messenger when he calls you to that which gives you life (Al-Anfal: 24).

Sayyid Qutb said: [There is one Sharee'ah; it is the Sharee'ah of Islam, and everything besides it is desires:

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allah for a people who have certain belief (Al-Ma'idah: 50).

ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيعَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ

Then We have put you (O Muhammad SAW) upon a Sharee'ah of (Our) commandment. So, follow it and do not follow the desires of those who know not (Al-Jathiyah: 18)].

From the sum of these texts it is evident that the Hukm by other than the Shar'a of Allah only represents Al-Kufr Al-Bawaah As-Saraah (Explicit, flagrant disbelief), and that every statute, law, system, constitution and spiritual or moral value that does not emanate from the Islamic Aqeedah (belief) is Taghut which is obligatory to disbelieve in. That is because Islam is the Deen which Allah (swt) revealed upon His Messenger Muhammad (saw) and it is the complete and final Deen. As such no Deen other than it and no Shar'a other than its Shar'a is accepted from humanity and indeed even the Jinn.

As for western democracy, which assigns the Siyadah (sovereignty) to man, then it is a system formulated by man from his deficient mind which does not encompass all matters, not to mention its exposure to whims, desires, misguidance and its subservience to self-egoism, tribalism, nationalism, factional interests, classism and prejudice.

Even if we were to suppose, for the sake of argument, that western democracy was complete, acceptable rationally (which it is certainly not), it is still nevertheless definitely not from what Allah has legislated. It is not from Islam because Islam is what Allah legislated and not the mind or human being, regardless of the extent of its completeness, its conformity to the mind, concord with nature or the absence of all that!

Similarly, in respect to whoever did that believing that leaving the Hukm by what Allah has revealed is allowed and permitted for him, even if in this case he believed that the Shar'a of Allah is the best, most complete and has precedence.

In addition to the one who did not rule by what Allah revealed by making light of the Shar'a of Allah and deriding it or due to his dislike, aversion, antipathy, indifference towards it, or contempt for it, or due to viewing it to be inferior. All of these are disbelievers definitely with a disbelief that removes one from the Millah (i.e. the Deen of Islam) and makes all acts null and void. That is in accordance with the certain Ijma' (consensus) of the Ummah based upon the explicitly clear definite texts.

However, what is said concerning the one who "rules by other than what Allah has revealed" in his action alone whilst conceding that he is sinful and in the wrong but has followed his desire for the rule or authority or done so due to partiality towards a relative or friend, or because he was seduced by a financial interest or bribery. That is whilst he does not believe in anything from the aforementioned false beliefs: So he does not believe in the inappropriateness or unsuitability of Islam for life, nor the permissibility of ruling by other than what Allah has revealed; whether he views the Shar'a of Allah to be better than other than it or does not, or in the possibility of applying it if he does not believe in it and in the case where he does not do it due to making light of the Shar'a of Allah and deriding it or due to his dislike, aversion, antipathy, indifference towards it or contempt for it or due to viewing it to be inferior?!

There exists a difference of opinion among the 'Ulama' (scholars) in respect to this issue. Some of them said: Even though he is deserving of the three labels of Kafir (disbeliever), Zhalim (transgressor) and Fasiq (rebelliously disobedient) according to what is stated in the Qur'an Al-Karim, however, he is not removed from the Millah (i.e. Deen of Islam) because his Kufr (disbelief) is "Kufr Doon Kufr" (i.e. a lesser form of Kufr that does not remove one from the Millah), his Fisq is "Fisq Doon Fisq" (i.e. a lesser form of rebellious disobedience) and his Zhulm is "Zhulm Doon Zhulm" (i.e. a lesser form of transgression).

From the scholars there are those who said: He is only deserving of the label of the Fisq and Zhulm in general. As for the label of “**Kufr**” (**disbelief**), then he is not deserving of that, except in respect to the one who is linked to a matter that makes one a disbeliever. That is due to indications and evidences which they stated specifies the statement of Allah (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma’idah: 44)].

This opinion, in essence, does not differ from the previous one.

Also, from among the scholars are those who said: (He is) a Kafir, Fasiq and Zhalim, in accordance with what the Qur’an Al-Karim has stated, meaning that he is deserved of those Shar’iyah names and descriptions, applying to the same person at the same time. And that in its apparent meaning it removes the person from the Millah, in the case where the Fisq and the Zhulm (here) remove him from the Millah by necessity. This represents the Haqq (truth) that we follow in our Deen and we will expand our study of this in an independent chapter entitled: “**Raised doubts (Shubuhaat) concerning declaring the one who did not rule by what Allah has revealed a disbeliever**”.

At this juncture, we bring attention to some matters, which include:

Firstly: The labels of Kufr, Zhulm or Fisq (some or all them according to the differences of the scholars) are deserved as a result of the mere leaving of ruling (or judging) by what Allah revealed and even if one has not ruled (in actuality) by other than what Allah revealed. That is because Allah (swt) said:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ

And whoever did not rule by what Allah has revealed.

It should not be said that leaving the ruling by what Allah revealed dictates by necessity that the ruler is ruling by other than what Allah has revealed. That is clearly apparent in the example of the judge to whom it has become certainly evident that the Hukm of Allah in respect to a particular dispute which he is examining is such and such a ruling after reaching the completion of his examination of the case and the obligation of passing judgement in it at its time, but then refrains from passing it due to a motive based on desires, thus enabling the party of the case whom the right is demanded from, in terms of property (money) or Qisas (law of retaliation) for example, to hide the money (or property) or to flee from the grip of the authority. Or, the judge could withdraw himself from the case after the pronouncement of the verdict became obligatory. In such a scenario, the Qadi, by refraining from passing the verdict, after it became obligatory, has committed the crime of leaving the Hukm of Allah by what Allah revealed and as such in this particular case:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ

He did not rule by what Allah has revealed.

He then came to deserve the labels of Kufr, or Zhulm, or Fisq (some of them or all of them in view of the difference of opinions among the scholars,) even though he fled from passing the ruling or verdict and did not actually rule with anything at all.

It may be that such an example is what came to the mind of the one who said **"Kufr Doon Kufr"** (A disbelief that is less than disbelief) or the one who refrains from applying the naming of Kufr upon this action and found the descriptions of Fisq and Zhulm to be sufficient. That is due to the similarity of this to the other sins and acts of obedience which the Muslim perpetrates based upon his desires without seeking to make the Haram Halal, rejecting the obligation or denying Allah and the Messenger of Allah (saw).

However, from another angle, the example draws a stronger resemblance to the one who refrains from pronouncing the Kalimah of Tawhid whilst possessing the deemed capability and in absence of a compelling coercion. No Muslim has doubt in respect to this Kufr (disbelief) and the Ijma' (consensus) of the 'Ulama' (scholars) is upon that. Indeed, even the disbeliever's affirmation of Prophethood to our Sayyid Muhammad (saw) and his utterance of that **"does not enter him into Islam until he commits to the rulings (Ahkam) of Islam"** and this is what Imam Al-Hafizh Ibn Hajar Al-Asqalani said word for word in his "Fat'h" following his explanation of the abstention of Al-'Aqib and Sayyid, the two companions of Najran, from cursing the Messenger of Allah (saw), and there speech which was tantamount to an affirmation of his Prophethood. Despite that, they did not enter into Islam and did not commit (in principle) to the rulings, thus remaining upon their disbelief. That is in addition to the affirmation of some of the Jews with His Prophethood which has been narrated in more than one reliable story, whilst remaining as Jews and rejecting to follow him (saw). It is known that the only thing which prevented them was the desires of the Dunya, in terms of the love of leadership, fear of being cut off from family and loved ones and their laziness from undertaking the Hijrah, among other reasons. All of that however did not represent an excuse for them nor a way out from the disbelief. That is because there is no excuse in respect to any of that apart from the compelling coercion or **due to a the certain inability**, and nothing besides that.

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This ruling is not restricted to the testimony of Tawhid only, but rather it applies to every statement of the truth connected conclusively to the Shahadah and as such is from its necessary matters. There is no difference between the statement of the person "la Ilaha Illallah", his statement "Maryam is the daughter of 'Imran who Allah freed from corruption and preferred over all women of the world", his statement "Allah is capable (Qadir) over everything and His knowledge has encompassed everything" and his statement "This is the Hukm of Allah in this particular issue". All of these represent the uttering and informing of the Haqq (truth) which the one informing believes in and through which he follows and submits to the Deen of Allah. He must affirm such a statement, declare it, submit to it, surrender to it and take it as a Deen through which Allah is obeyed and worshipped. **The only exception is the case of the one deemed incapability or that of the compelled/coerced coercion.**

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If this example, and this example alone, contains a resemblance to the situation of the sinful and disobedient person, it also contains a greater resemblance to the case of the disbeliever who turns away in aversion, denies in rejection, or is arrogant. So, let every rational person beware for his own self!

This is also apparent, in a different way, in the example of a Muslim man who was arrested for clear drunkenness. Then this man was brought before the judge who judges by the man-made law who consequently lets him go free, without passing any judgement. That is because that man in accordance with the dictates of the man-made law had not perpetrated a crime and will never be punished with any punishment for what he did. Indeed, there would not be in origin anything that obliges a judicial examination to take place. That is while the Shar'a makes obligatory the establishment of the Hadd (prescribed punishment) for drinking alcohol upon the man, which is 40 or 80 lashes, taking into consideration the difference of opinion among the Madhahib (schools of Islamic jurisprudence).

Leaving the Hukm by what Allah has revealed in this example and what is like it, has no relationship to the matter of being overcome by desires, weakness before the whispers of Shaitan (Satan), or being siding favourably with a friend or relative. Rather, it only represents the application of a Kufr system which is completely incompatible with Islam. At its lowest level, it represents turning away from the Shar'a and indifference towards it. That is whilst aversion to the Shar'a is Kufr and removes a person from the Millah. It could be even more detestable and repugnant than that where it represents doubt in respect to the Shar'a, a denial or rejection of it, arrogance and refusal of the Shar'a (like Iblis did, may Allah's curse be upon), contempt and ridicule of the Shar'a or dislike, hatred and animosity towards the Shar'a! All of that represents disbelief in the Shar'a and is from the types of Kufr (disbelief) that remove the person from the Millah! As such, can a rational person, who has the smallest amount of Iman, in addition to exaltation and love for Allah, His Messenger and His Deen, in his heart, doubt that this judge has departed from the Millah and the covenant (Dhimmah) has been purged from him!

As for the case of a Muslim man was arrested for driving his car in a public street whilst in a state of intoxication, then the judge in the man-made judicial system would pass a judgement of imprisonment for a period of six months, for example. Here, the judge has left the Hukm Ash-Shar'iy, which is lashing, and consequently did not judge or rule by what Allah has revealed.

As for the verdict of imprisonment for six months, then it could be a discretionary (Ta'zeezi) punishment imposed for the violation of the public code by driving in a state of intoxication, which is applied upon everyone who violates it; whether Muslim or not. There is no problem with this if the one who enacted it was the Shar'iy (legal legitimate) Wali ul-Amr; meaning the ruler who rules by what Allah has revealed.

The verdict of six months imprisonment as the imposed punishment for drinking alcohol, in the case where it is drinking that which is prohibited, instead of the punishment of lashing (which is deemed barbaric as the **"civilised peoples"** reiterate!?) may not be imposed upon the non-Muslim because alcohol is Halal in his Deen and he can drink it within the scope of the public code. In such a case it would mean judgement by other than what Allah (swt) has revealed and the judge would have perpetrated, by that, two acts which make one a disbeliever and not just one. As a consequence, he is deserving, by greater reason, to be called a Kafir (disbeliever), Zhalim (transgressor) and Fasiq (rebelliously disobedient). He is no doubt worse than the other examples, entrenched deeply in disbelief and far astray from the straight path!

Close to that in terms of **badness/error/evil? (or evil) and** disbelief, is obedience to those who legislate by other than the Shar'a of Allah and those who rule by other than what Allah revealed, due to the Qawl of Allah (swt):

وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِجَادِلْكُمْ ۖ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

And certainly, the Shayatin (devils) do inspire their friends (from mankind) to dispute with you, and if you obey them, then you would indeed be Mushrikun (polytheists) (Al-An'am: 121).

This means, if you **obeyed them and followed them** in respect to making Al-Maitah (carrion) Halal, you would have become disbelievers, associating with Allah and drawing close to other than Him by providing them the right of Siyadah (sovereignty), Al-Hakimiyah and making legislation.

This Ayah is Makkiyah (revealed prior to the Hijrah) by consensus, in the case where Shirk was not said except with the meaning of the Shirk of disbelief, Ash-Shirk Al-Akbar (the major Shirk) which takes one outside of the fold of the Millah and is completely incompatible with Islam. The rulings related to Ash-Shirk Al-Asghar (lesser Shirk), Ash-Shirk Al-Khafi (the concealed or unapparent Shirk) and the Adab (manners) of Tawhid, such as forbidding making oaths by fathers and the prohibition of saying "Whatever Allah willed and what I willed", among other such rulings, were only revealed in Al-Madinah (i.e. after the Hijrah), with no difference of opinion over that. In the case where the "one who obeys" in respect to the making of Halal and Haram is a Mushrik who perpetrated the Shirk which removes one from the folds of the Millah, then the "one who is obeyed" has inevitably and by necessity been made a Rabb and Ilah other than Allah, as the story of 'Adi bin Hatim made evident and manifest in an absolutely unambiguous manner!

And even worse and evil than all that has preceded, and more heinous and deeper entrenched in Kufr and Shirk, by greater reason and without doubt or debate, is the authority that legislates the constitutions, laws, codes and statutes which are contrary to and incompatible with Islam or have not been deduced by a correct Shar'iy deduction. In addition to what has been mentioned, this represents another type of Shirk. Allah (swt) said:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ

Or have they partners with Allah (false gods), who have legislated for them a Deen which Allah has not permitted (Ash-Shura: 21).

Therefore, the legislator, by his mere undertaking of the act of legislating has become someone who contends with Allah in respect to His Siyadah and Rububiyah, contending with Al-'Aziz Al-Jabbar Al-Mutakabbir, who as His final and infallible Prophet related in a Hadith Qudsi, said:

الكبرياءُ رداي، والعظمةُ إزارِي، فمن نازعني واحدًا منهما، قدفتُهُ في النَّارِ

Pride is my cloak and greatness is my robe, and he who vies with Me in respect to either of them, I shall cast him into Hell-fire!!

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This legislator is saying, by the dictates of his act, even if it is not explicitly by his tongue, that “I am your Lord, the highest” whilst calling the people to worship him; the worship of subservience, obedience and following. By that he becomes a Taghhut, indeed from among their chiefs, and whoever affirms him in respect to that has made of him a Rabb, Ilah and Hakam (judge) besides Allah and consequently a partner to Allah (swt). So, woe to all of them for what they will be afflicted with from the crushing retribution of Al-‘Aziz Al-Jabbar!

Secondly: Most of those who advocate “**Kufr Doon Kufr**” (the lesser Kufr which does not take one outside of the Millah) or those who restrict themselves to the labels or descriptions of Fisq and Zhulm in the case of the absence of an additional dictate to declare disbelief, as we explained earlier, are apparently from among those who defend the leaders and Sultans who rule by other than what Allah has revealed and are attempting to remove them from the mire of apostacy and disbelief. They argue on their behalf with Batil (falsehood) in a desperate attempt to strengthen their thrones, establish their legitimacy and close the door in the face of any attempt to remove them. Indeed, it is true that there are a minority of sincere scholars who desire the truth, however, the majority of those fond of argumentation in our current age are from the first category; the treacherous Fuqaha’ (jurists) of the Salateen (rulers). If that is the case, then we give them tidings that this role will not benefit them in the least and that the rule of their “**masters**” and “**chiefs**” from among the Salateen (rulers) has no validity and that opposing them by the sword is legally legitimate in any case, regardless of the view of “**Kufr Doon Kufr**” or the labels of “Fisq” and “Zhulm” being warranted alone. That is because Allah, glorified be His names, has sufficed us with provision, in the case where His Prophet Muhammad (saw) has uttered the decisively determining speech in this matter. That was when he instructed his companions to not dispute the authority of Uli l-Amr (rulers):

مِلًّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ

“Unless you see Kufr Bawah (manifest disbelief), in respect to which you have a Burhan (clear proof/evidence) from Allah”.

And he (saw) said:

لَا، مَا صَلُّوا

“No, as long as they pray”.

And:

لَا، مَا أَقَامُوا فِيكُمْ الصَّلَاةَ

“No, as long as they establish the prayer”.

This represents a declaration from Allah via the tongue of the clearest in language from among the creation of Allah, the one who was made infallible by Allah and who was provided with the “Jawami’ Al-Kalim” (words which are concise and comprehensive). However, this requires detail and a thorough discussion which seeks insight from all of the (related) texts of the two sources of Wahi

(divine revelation); the Kitab and Sunnah, without distorting the speech from its context or making the Qur'an detached parts, or even worse than that; believing some and disbelieving in some, which is the methodology of the wretched Fuqaha' (jurists) of the Salateen (rulers). This elaborate discussion requires an independent chapter, entitled **"Opposing the Rulers"**, and can be referenced there!

The texts of the Qur'an Al-Karim, in respect to those **"Who do not rule by what Allah has revealed"**, has employed the names of the **"Kafir"**, **"Zhalim"** and **"Fasiq"** just as it has used them in other places, in exactly the same manner. From among those places is the Qawl of Allah (swt):

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

And never will Allah grant to the disbelievers a way (to triumph/gain supremacy) over the believers (An-Nisa': 141)

This is decisive in respect to invalidating the Wilayah (rule) of the Kafir over the Muslims and represents a certain, decisive and permanent prohibition for his Imamah (leadership) over the Muslims or presidency/leadership over their state, which is established by the consensus of the Muslims who fear Allah. Also, from among those places is the Qawl of Allah (swt):

لَا يَنْأَلُ عَهْدِي الظَّالِمِينَ

My covenant does not include the Zhalimin (transgressors) (Al-Baqarah: 124).

This makes null and void the Wilayah (rule) of the Fasiq and this is the correct view held by the Jumhoor (majority) of the 'Ulama' (scholars), as we have made clear in the chapter **"The invalidity of the Wilayah of the Fasiq"** from our book: **"The Obedience to the Uli I-Amr; its limits and constraints"**. And the one **"Who did not rule by what Allah has revealed"** is certainly a Kafir, or a Fasiq or a Zhalim, according to the text of the Qur'an and by way of the decisive certain Ijma' (consensus). Consequently, his Wilayah (rule) is certainly invalid, in an absolute manner, regardless of whether:

(1) He is deserving of only the descriptions of Zhulm and Fisq. This is an invalid (Batil) view and contrary to the Ijma' of the Sahabah, as has been established with clear proof in the chapter **"Raised doubts (Shubuhaat) concerning the Takfir (declaration of disbelief) for the one who did not rule by what Allah has revealed"**.

(2) He is deserving of the naming of **"Kufr"** where the Kufr (disbelief) is **"Kufr Doon Kufr"** (a lesser Kufr) which is unlike the disbelief in Allah, His angels, books and Messengers, or it is a disbelief which does not take one outside of the Millah, if we were to accept for the sake of argument the validity of all of that. That is even though we have established the invalidity of attributing that statement (i.e. Kufr Doon Kufr) to the Imam of guidance and interpreter of the Qur'an, Abdullah bin Al-'Abbas, within the aforementioned chapter.

Consequently, we say to the enemies of Allah; the Fuqaha' (jurists) of the Salateen (rulers): Do not rejoice; your argument has been refuted, your blade is blunt and no semblance of an evidence or

evidence remains for you. So, hasten towards repentance before death and departure. It is a departure, if not preceded by repentance, that inevitably means being cast headfirst into the abyss:

مَوْماً أَذْرَاكَ مَا هَيْئَةٌ ﴿١٠﴾ نَارٌ حَامِيَةٌ

And what will make you know what it is? (10) (It is) a hot blazing fire! (Al-Qari'ah: 10-11).

Section: The fourth principle: The obligation of leaving all solutions that do not emanate from the Islamic Aqeedah

That is because every legislator besides Allah is a Taghut and every Taghut must be avoided, indeed rejected and disbelieved in.

- Allah, sanctified are His names, said:

لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ ۚ وَالَّذِينَ آمَنُوا يُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ ۚ وَالَّذِينَ كَفَرُوا أُولَئِكَ هُمُ الطَّاغُوتُ يُخْرِجُوهُمْ مِّنَ النُّورِ إِلَى الظُّلُمَاتِ ۗ أُولَئِكَ أَصْحَابُ النَّارِ ۗ هُمْ فِيهَا خَالِدُونَ

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So, whoever disbelieves in **Taghut** and believes in Allah has grasped the most trustworthy (firmest) handhold with no break in it. And Allah is Hearing and Knowing. Allah is the ally of those who believe. He brings them out from darknesses into the light. And those who disbelieve, their allies are Taghut. They take them out of the light into darknesses. Those are the companions of the Fire; they will abide eternally therein (Al-Baqarah: 256-257).

- And Allah, glorified be His names, said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَن يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَن يُضِلَّهُمْ ضَلَالًا بَعِيدًا

Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut (false judges etc.), while **they were commanded to disbelieve in it**; and Shaytan wishes to lead them far astray (An-Nisa': 60).

- And He, may His mention be glorified, said:

وَالَّذِينَ اجْتَنَبُوا الطَّاغُوتَ أَن يَعْبُدُوهَا

Those who avoid At-Taghut (false deities) by not worshipping them (Az-Zumar: 17).

And it is because the Messenger (saw) said:

مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ

If anyone introduces into this affair of ours anything which does not belong to it, it is rejected.

This statement indicates by way of clear indication that the matter which is not rejected is that which is from Islam and the opposite understanding (Mafhum Al-Mukhalafah) here dictates that everything that is not from Islam, like if it was from socialism, capitalism, democracy, nationalistic and tribal traditions and what has been named “**civilisational particularities**” and so on. That is because it is from Kufr (disbelief) and must therefore be rejected and not be adhered to because it is Haram. This well-known Sahih Hadith is one of the Hadith pillars, from the pillars of the Sharee’ah, due to the great number of rulings that fall under it and because it represents a pillar in respect to making Islam the measure for the Halal and the Haram (lawful and unlawful). It is as if Islam is a mirror which all of the intellectual and deduced laws and actions are presented to. Then the Ummah adheres to those of them which are from Islam, and disbelieves in that which is not from Islam, whilst the one who adheres to that is sinful!

As such, all solutions that do not emanate from the Islamic Aqeedah as their basis are disbelief and must be rejected and not adhered to, as they are not what Muhammad (saw) came with. That is because the intended meaning of his statement (saw) “أَمْرِنَا” (our affair), in the Hadith “مَنْ أَحْدَثَ فِي أَمْرِنَا” (If anyone introduces into our affair) is Islam i.e. the Shar’a. That which is not upon our affair is in opposition to that and its antithesis, meaning that it is in Kufr itself and it is the Taghut which Allah (swt) has commanded us to disbelieve in.

Section: The fifth principle: There is no obedience to the created in disobedience to the Creator

The texts of the Qur’an and the Sunnah have indicated to the obligation of obedience to the rulers and that disobedience to them is Haram (prohibited). However, the obligatory obedience which the Ummah must adhere to is not an absolute obedience, but rather an obedience within the boundaries that the Shari’ (Legislator) has set i.e. the boundaries of the Shar’a. The Ayah of ‘Al-‘Umara’ (An-Nisa’: 59) has stipulated the obligation of obedience to the rulers, in His Qawl (swt):

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

O you who have believed, obey Allah and obey the Messenger and those in authority among you (An-Nisa’: 59).

Obedience is a fundamental for the presence of order within the state and to preserve the unity of the Ummah. As such, Allah commanded obedience in what appears at the first glance to be an absolute obedience which is not restricted. However, He then mentions the possibility of the occurrence of disagreement and disputes and explained how they should be referred in such a circumstance. This obedience of the Uli I-Amr (rulers) is not intrinsic but rather only based upon the command of Allah to obey them. It therefore represents a branch (Far’) of obedience to Allah and it

does not represent an origin (Asl). It is by necessity a lower grade and level than obedience to Allah which represents the original, absolute and superior obedience. The Shar'iy and 'Aqli necessity dictates the necessity of placing the commands of the lower branch authority under the commands of the original highest authority. If a contradiction or clash was to arise the command of the original highest authority would then definitely and inevitably be implemented whilst the command of the lower branch authority would be rendered obsolete and invalid. That is unless the impossible wording was demanded: "Obey Me by not obeying Me!".

Then the Sunnah came reiterating that and commanding obedience to the rulers in all circumstances unless one is commanded with a Ma'siyah (act of disobedience to Allah). Ibn 'Umar related that the Messenger of Allah (saw) said:

عَلَى الْمَرْءِ الْمُسْلِمِ السَّمْعُ وَالطَّاعَةُ فِيمَا أَحَبَّ وَكَرِهَ إِلَّا أَنْ يُؤْمَرَ بِمَعْصِيَةٍ فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

"Hearing and obeying is a duty upon every Muslim in that which he likes and dislikes, unless he is commanded with a Ma'siyah (disobedience to Allah), in which case there is no hearing and obeying".

Consequently, the boundaries to the obedience are: The Kitab and the Sunnah. It is therefore not Halal for the believer to obey a ruler in a command that is outside of these two. It was related from Abu 'Utbah Al-Khawlani that he said: The Messenger of Allah (saw) said:

لَا تَخْرُجُوا أَمَّتِي ثَلَاثَ مَرَّاتٍ اللَّهُمَّ مَنْ أَمَرَ أَمَّتِي بِمَا لَمْ تَأْمُرْهُمْ بِهِ فَإِنَّهُمْ مِنْهُ فِي حَلٍّ

"Do not oppress or bring difficulty upon my Ummah (he repeated that three times). O Allah, whoever commands my Ummah with that which they have not been commanded with, then they are absolved from him".

It is therefore not permissible for the ruler to impose upon the Ummah a law which has not been deduced by a correct Shar'iy deduction, let alone a law that is from man's production. Similarly, it is prohibited upon the Ummah to obey him in that. This is in addition to other restrictions and conditions related to the obedience to the ruler which have been detailed in our book **"The obedience to the Uli I-Amr (rulers): Its limits and restrictions"**.

All of this clearly indicates that the Siyadah belongs to the Shar'a. Otherwise, it would have been permissible for the ruler to impose laws from other than the Shar'a and compel the Ummah to obey him, due to the generality of the evidences mentioning the obligation of obedience. However, Islam prohibited Muslims to obey the ruler if he commanded them with a Ma'siyah, or what is worse than that, in the case where he was to make the Halal Haram and the Haram Halal. It has been established and indeed by Tawatur (concurrent reports) establishing decisive definite knowledge, in respect to the Muslim and disbeliever, equally, that he (saw) said:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

"There is no obedience to the created in disobedience to the Creator".

All besides Allah (swt) is created. The human is created, the illiterate is created, the scholar is created, and the people as individuals and collectives are created. Therefore, there is no obedience to any of them in disobedience to Allah the Creator (swt). This beautiful sublime Hadith alone is sufficient to completely destroy the idea of democracy about the Siyadah belonging to the Ummah (or people) and to exterminate it from its roots. As a consequence, the single correct thought and the absolute and definite established truth in this issue is ascertained. As such, the Halal and Haram remain the only measure for the actions. As long as the ruler does not exit in his commands from the Kitab of Allah and the Sunnah of the Messenger of Allah (saw), then obedience to him is obligatory upon all of the Muslims.

Section: The sixth principle: The Shar'a is the judge even in the international political relationships

Just as the Shar'a has restricted the actions of the human by the Halal and the Haram in the Mu'amalat (societal transactions), punitive measures, marriage and divorce, then it has similarly made the foreign policy of the Islamic State regulated by the command of the Shari' (legislator). As such, the Shar'a has come explaining the rulings of war, peace and treaties. For example, it made it Haram for the Muslims to contract international agreements which are contrary to the Ahkam Ash-Shar'iyah because the Siyadah belongs to the Shar'a in all the affairs of the Muslims. The evidence for that is that the Prophet (saw) went against the public opinion and contracted an international treaty between the Islamic State and the Kufr state in Makkah, at that time, which was known as the treaty of Al-Hudaibiyah. The Muslims then viewed those agreements to be humiliating for the Muslims and not in their favour, while 'Umar bin Al-Khattab, may Allah be pleased with him, led the opposition and attempted to win Abu Bakr As-Siddiq, may Allah be pleased with him, to his side in respect to his opinion. Abu Bakr refused that siding with the opinion implemented by the head of the Islamic State (saw). However, the opposition quickly moved back from its stance because the Messenger (saw) did not descend (from his position), as was his norm, in the face of the public opinion of the Muslims and because the Messenger (saw) presented to the Ummah a reason which led to the majority of the opposition to stop, when he said:

إِنِّي رَسُولُ اللَّهِ وَلَسْتُ أَغْصِيهِ وَهُوَ نَاصِرِي

"I am the Messenger of Allah, and I will not disobey Him whilst He is my Nasir (the One who supports and grants victory)".

After the Muslims heard this statement from the Prophet (saw) they submitted, followed and abandoned the position of opposition towards the agreement with the Quraish. That is because the head of state informed the Ummah that the peace treaty convened at Al-Hudaibiyah was based upon the command of Allah (swt); meaning that Allah (swt) was the One who commanded His Messenger (saw) to accept the conditions of the treaty. Consequently, nothing remained for the Prophet (saw) and the reset of the believers except to hear and obey.

It was from the benevolence and mercy of Allah upon them and His love and affection towards them, that He quickly informed them that this treaty would never be in the favour of the disbelieving

state and that it represented a “Fat’h Mubeen” (Manifest victory)! However, there was no choice in respect to hearing and obeying, even if the peace treaty had been in the favour of the disbelieving state and even if it had represented a terrible defeat. That is because it is obligatory to execute the command of Allah and His Hukm is obligatory to be obeyed. He judges whilst there is none to reverse His judgement and there is none to reject His will. There is no Ilah other than Him and no Rabb besides Him, and upon Him we have Tawakkul (reliance), by Him we are supported and to Him we repent.

Therefore, when the Messenger (saw) accepted the conditions of the disbelievers on the day of Al-Hudaibiyah, his acceptance reflected submission to the Hukm Ash-Shar’i and subservience to the Master who possesses the absolute Siyadah (sovereignty); there is no Ilaha other than Him and no Rabb besides Him. When the Muslims learnt that, they also submitted and surrendered to that which the treaty was undertaken upon. Then came the glad tidings that a Fat’h (conquest and victory) will occur after that and not before it! **It should not be said that they hesitated in respect to the Tahallul (rituals), slaughtering of the sacrifice and shaving their heads! That should not be said because the Prophet (saw) did not approve of them, was angered and censured.**

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Thinking the best of those radiant companions whom Allah has confirmed for them Jannah and His pleasure, dictates that we make the excuse for them that they were hoping until the last moment that the Wahy (divine revelation) would come to abrogate it and realise for them the tranquillity of the heart, reflected in entering Masjid Al-Haram and completing the rituals of the ‘Umrah.

Similarly, when the Messenger of Allah (saw) arrived in Al-Madinah and established the state, **– check with Doc – new adoption of head of state after saheefah, should that be worded accordingly?**, he began to practise his mandatory powers as the head of the Islamic State. So, he contracted an agreement with the Jews known as the “Sahifah” and within it the following was stated: “Whatever you have disagreed upon then it is referred to Allah ‘Azza Wa Jalla and to Muhammad (saw)”. This meant that the Shar’a would be the judge in respect to any disagreement among the Jews, in addition to any disagreement between the Jews as an entity and the Muslims and any disagreement between the Jews as an entity and the Muslims as a state; all of that would be referred to the Shar’a for judgement. The Sahifah stipulated that any incident or quarrel the harm of which is feared, that occurs among the parties of the Sahifah, as individuals, collectives and states, would be referred back to the Allah ‘Azza Wa Jalla and to Muhammad, the Messenger of Allah (saw).

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Therefore, this practical Sunnah which was crystallised in these two established international treaties, which have been transmitted to us by Tawatur (concurrent reports); the first with Quraish and the second with the Jews, in addition to what these agreements stipulated, indicate clearly that the Shar’a was always the possessor of the Siyadah (sovereignty) in respect to foreign policy and the international relations of the Islamic State. Consequently, it is impermissible to contract any agreement, treaty or alliance that contradicts Islam, just as it is absolutely impermissible to participate in any international organisation, alliance, federation or front, the charter of which contradicts Islam.

Section: The consensus held over the Siyadah (sovereignty) of the Shar’a (Islamic legislation)

In addition, the consensus of the Sahabah (companions) has been concluded over the Siyadah belonging to the Shar'a. None of the four Khulafa' departed from the text, in the Kitab of Allah and the Sunnah of His Messenger and that was in relation to all of the affairs of life. That is as they comprehended that going to the Shar'a for judgement was from the necessities of the Iman (belief), where there is no Iman except by it. For that reason, the A'imma (leaders) after the Prophet (saw) used to consult the trusted from among the people of knowledge in the Mubah (permissible) matters to adopt the most appropriate of them. When the Kitab or the Sunnah had set a matter down they did not exceed it, -orte go to other than it. That was in emulation to the Prophet (saw) and according to the dictates of following him.

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The adherence of the Khulafa' from among the Sahabah to the Shar'iyah texts was vigorous. 'Umar judged that the woman does not inherit anything from the blood money of her husband, until Ad-Dahhak bin Sufyan Al-Kilabi, who was an Arab from the Bedouins, informed him that the Messenger of Allah (saw) had written to him to make the wife of Ashyam Ad-Dibabi inherit from his Diyah (blood money) and so 'Umar revised his judgement. It was as Imam Ash-Shafi'i said: [When the contrary to what he did reached him, he adopted the Hukm of the Messenger of Allah (saw) and left his own Hukm. He did this in respect to every issue and this is how the people must be].

It is known by the necessity of the mind and sensation that the fingers of a hand differ in respect to their usefulness and that the distinguished role belongs to the thumb, which is a matter that every human knows, even the youngest of children. For that reason, the Amir ul-Mu'minin (leader of the believers) 'Umar bin Al-Khattab ruled with different blood monies for each finger as dictated to him by the mind and interest (Maslahah). However, he completely discarded the "rationality" and the "interest" when it reached him that the Messenger of Allah (saw) used to recompense them equally. He said explicitly: "Had this not reached me I would have judged by other than this!" or some similar wording to that. These types of examples have been related a lot about 'Umar!

The summit -peak? of adherence was exemplified in the first Khalifah Abu Bakr As-Siddiq, may Allah be pleased with him, when he remained firm and insistent upon following what the Shar'a came with and what the Messenger of Allah (saw) - missing text - should it say brought or showed? , even though he was in the face of an opinion which appeared to be in the interest due to the specific circumstances which the Islamic State was encountering. That is because following the passing of the Messenger of Allah (saw) and the subsequent disbelief from those who disbelieved from the Arabs, Abu Bakr held the opinion that those withholding the payment of the Zakah should be fought against. 'Umar said to him: "How can you fight when the Messenger of Allah (saw) said: "I have been commanded to fight the people until they say La Ilaha Illallah. Then if they say that their blood and properties are protected from me except that which is their right (i.e. by law)"? Abu Bakr replied: "By Allah, I will certainly fight against the one who makes a distinction between what the Messenger of Allah (saw) brought together (i.e between the Salah and the Zakah)". 'Umar then followed him after that. Therefore, Abu Bakr did not pay attention to the consultation or advice if he already had the Hukm of the Messenger of Allah (saw) in respect to those who make a distinction between the Salah and the Zakah, want to change the Deen and its Ahkam and refrain (from giving the Zakah) by armed force.

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The Sahabah, may Allah's pleasure be upon them all, definitely did not remain silent over an action that violated the Shar'a, not to mention their sacrifice in order to make sure that the Siyadah always remained to it. As such, they implemented the command of the Khalifah to fight those who were withholding the Zakah, when the side of the truth became apparent to them, which was manifested

in its being based upon evidence. Abu Bakr As-Siddiq reached the peak of adherence to that which the Messenger of Allah (saw) commanded when he examined the matter of stopping the march of the army of Usamah to Ash-Sham (Greater Syria), which was under Roman control, for it to remain in the capital of the Islamic State to protect it, whilst the army of Khalid bin Al-Walid was in the lands of Al-Yamama fighting the apostates. It was at this time that he said his famous statement: "Even if the dogs were playing with the anklets of the women of Al-Madinah I would not return an army that the Messenger of Allah (saw) had dispatched".

From all of this we deduce that the Ijma' (consensus) of the Sahabah was established upon the Siyadah belonging to the Shar'a and they held a consensus that it was not permissible for it to belong to other than it in terms of the ruler or the ruled. The consensus of the Ummah, as a whole, remained upon that in all of the eras that followed, until the Islamic world became the prey of modern western colonialism at the beginning of the 14th Hijri century.

Section: The rational evidence for the Siyadah (sovereignty) of the Shar'a

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Even the rational ('Aqli) evidence confirms that the Shar'a is the judge. That is because the judgement upon things in terms of Halal and Haram, upon the actions of the slaves in terms of them being Wajib (obligatory), Mandub (recommended), Makruh (disliked) or Mubah (permissible), and upon matters and contracts in terms of them being Asbab (causes), Shuroot (conditions), Mawani' (preventions), Sahih (valid), Batil (invalid), Fasid (corrupted), or an Azeemah (original ruling) and Rukhsah (permission of exception), is not their suitability to nature or their unsuitability to it which is comprehended by direct sensation and test, just as the judgement is not perfection (or completion) and deficiency which is understood by sensation and the mind. Rather, it is only by assigning the Mad'h (praise) and Dhamm (dispraise), and the Thawab (reward) and 'Iqaab (punishment) for them from Allah, in the Dunya (life of this world) and Akhirah (hereafter). The subject matter is therefore linked to the essence of Allah (swt) in terms of anger and pleasure, praise and dispraise, and the will of punishment and reward towards a specific human action. The senses do not fall upon the actions of Allah (swt), like His essence and attributes, in the life of this world (Dunya) directly and as such it is impossible for the senses or mind to be guided to them. Consequently, it is essential to refer to the "Truthful Information" (Al-Khabar As-Sadiq) from Allah for that.

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Allah (swt) said:

رُسُلًا مُبَشِّرِينَ وَمُنذِرِينَ لِئَلَّا يَكُونَ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ ۚ وَكَانَ اللَّهُ غَزِيرًا حَكِيمًا

[We sent] messengers as bringers of good tidings and warners so that mankind will have no argument against Allah after the messengers (i.e. after their coming). And ever is Allah Exalted in Might and Wise (An-Nisa': 165).

And He (swt) said:

وَكُلِّ إِنْسَانٍ أَلْزَمْنَاهُ طَائِرَهُ فِي عُنُقِهِ ۖ وَنُخْرِجُ لَهُ يَوْمَ الْقِيَامَةِ كِتَابًا يَلْقَاهُ مِنْشُورًا ﴿١٣﴾ أَفَرَأَى كِتَابَكَ كَفَىٰ بِنَفْسِكَ الْيَوْمَ عَلَيْكَ حَسِيبًا ﴿١٤﴾ مَن اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ ۖ وَمَن ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا ۚ وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ۚ وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا

And [for] every person We have imposed his fate upon his neck, and We will produce for him on the Day of Resurrection a record which he will encounter spread open (13) [It will be said] “Read your record. Sufficient is yourself against you this Day as accountant” (14) Whoever is guided is only guided for [the benefit of] his soul. And whoever errs only errs against it. And no bearer of burdens will bear the burden of another. And We would not punish until We sent a messenger (Al-Isra’: 13-15).

In the case where the Hukm can only be established by two possibilities; either the Shar’a or the ‘Aql and what is attached to it in terms of sensation and taste, and in the case where the ‘Aql has no room for it be considered here, as the issue is one of making something obligatory or prohibited in accordance with the intended will of Allah, a matter which the mind is incapable of and does know without receiving “truthful information” (i.e. from Allah) concerning what is undertaken in connection to the essence of Allah, which is beyond him, then it is necessary for the Shar’a to be the Hakim (judge) whilst the Hukm (judgement) rests and depends upon the coming of the Messenger of Allah (saw) with the Risalah (message from Allah).

As for in relation to the Messenger, then that is apparent from the explicit meaning of the Ayah:

وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا

And We would not punish until We sent a messenger (Al-Isra’: 15).

That is because the negation of punishment from the people prior to the sending of the Messenger (saw) indicates the absence of their legal responsibility in respect to the Ahkam (rulings) and beliefs.

Based upon this the correct view is: That the people of Fitrah are saved and these are those who lived in the period between the loss of a message and the coming of a (new) message. That is like those who lived prior to the sending of the Messenger (saw) because Allah (swt) does not punish anyone unless information (Khabar) or a Bayyinah (clear proof/evidence) from Allah comes to him first. No one is punished except due to his sin after the warning has reached him, the proof has been established upon him and the truth made clear to him.

Therefore, prior to the sending of the Messenger (saw), it is not said that the Hukm of things and actions is Halal or Haram in accordance with the Shar’a because there is no Hukm for these matters in origin. Otherwise, we would fall into a contradiction which is apparent from contemplating our statement that the Hukm Ash-Shar’iy is “the Halal” (الحلال) for example (i.e. as the original position), as some have stated, or “the prohibition” (الحظر) as others have said. However, we also say that the Shar’a originates the Hukm but the Shar’a has not yet come, and as a result there is no Hukm in origin. The Hukm would therefore be present and absent at the same time, with the same conditions and under the same circumstances, which is impossible!

Indeed, the human can do what he wants without adhering to the Hukm and there is nothing obliged upon him from Allah until He sends a messenger to him. At that time, he adheres to the rulings of Allah which the messenger had conveyed to him exactly in accordance with what was conveyed, without any increase or decrease. This is the situation of the people following the sending of Muhammad (saw) as the generality of the Ayat (verses) related to Ahkam indicate to the obligation of referring to the Shar'a alone and absolutely and to adhere to it. Allah (swt) said:

وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ

And in whatsoever you have differed upon, its Hukm (ruling) is [to be referred] to Allah (Ash-Shura: 10).

And Allah (swt) said:

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ

And if you disagree over anything, refer it to Allah and the Messenger, if you are believing in Allah and the Last Day (An-Nisa': 59).

And He (swt) said:

وَمَا كَانَ لِلْمُؤْمِنِ وَلَا الْمُؤْمِنَةِ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ

It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair (Al-Ahzab: 36).

The Hakim (judge) is therefore the Shar'a and there is no Hukm (ruling) prior to its arrival. The Shar'a originates the Ahkam by its arrival and they are absent and non-existent before its arrival. What the human does and enacts for himself by his mind, desires or whims, prior to the arrival of the Shar'a is not a Shar'a or Hukm. Rather, it represents the "absence of Takleef (legal responsibility)" or the "non-presence of the Hukm Ash-Shar'iy" alone whilst absence is not anything!

Consequently, the 'Aql (mind) is not the Hakim (judge); not before the arrival of the Shar'a, not after its arrival and not under any circumstances. As for the 'Aql being what judges that Allah exists, that He is the Supreme Master (Sayyid) who possesses the absolute Siyadah and is deserving of obedience rationally, and that a particular man is a truthful Prophet sent by Allah and not a lying foreteller-fortuneteller?, and as such is infallible as a necessity in relation to conveying from Allah, in addition to judging that truthfulness is Hasan (pretty/good) and lying is Qabih (ugly/bad), that water is a necessity for life, and that -for example, cold water is delicious for the healthy thirsty person, then that is because these matters and those similar to them are rational issues and not Shar'iyah issues. As such, they entrusted to the mind ('Aql), equally before the arrival of the revelation and after its arrival.

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The mind therefore has defined roles, which include: To pass judgement upon the rational and sensed issues. This includes passing judgement upon the authenticity of the transmission and the report, to understand the texts and statements; whether they are Shar'iyah or otherwise, and to analyse concepts and meanings, whether they are Shar'iyah or otherwise. It sits upon its chair of that domain, with the supervision of Allah, free to act in that jurisdiction, by Allah's permission. This 'Aql (mind) could judge prior to the arrival of the Shar'a, that the intended purpose of Allah cannot be known by necessity unless there is truthful information from Him alone and not from other than that. And then he judges today, after the arrival of the Shar'a, to that same judgement, without change, addition or omission.

There is therefore no validity to what some **grandeess- what does this word mean – is this kibar al ulema?** have said, **“That the ‘Aql (mind) is the Hakim (judge); it installed (or appointed) the Prophet (saw) and then dismissed itself!”** Indeed, there is no validity to that statement. Rather, this is from among the horrid lapses of the ‘Ulama’ (Scholars), terrible delusions of the mind and it is pure nonsense. That is because the mind was not the Hakim (judge) at all, in accordance with the Shar’iy meaning detailed previously just as the mind did not install or appoint the Prophets but rather only realised the truth of their personalities and the content of their Da’wah and thereafter judged the truthfulness of their prophethood. It was Allah, glorified be His names and sanctified be His attributes, is the One who placed them in their positions of Prophethood, just as it is He who established the mind in its defined role. The mind remains in its role which the Rabb, the Most Glorious and High, specified for it upon a permanent basis. It did not dismiss itself, it is not right for it to dismiss itself, and it is impossible and prohibited in the Shar’a to do so. Only the one who has stupefied himself has dismissed it and the one who has completely lost his mind, from among those who have disbelieved in Allah and His Messenger, including the atheists, materialists, secularists, capitalists, socialists, pagan worshippers and those who believe in the trinity among the beliefs and religions of disbelief.

The mind has also been wronged and restrained in transgression, hostility and disbelief to the blessing of Allah, by the deviant innovators and the blind inflexible followers from among the Muslims, at the head of which in our current time, are the Fuqaha’ As-Salateen (i.e. government scholars), the people of compounded ignorance and conceit, the inflexible blind followers and many of those who make claim to “As-Salafiyah”, from among the followers of Ibn Baz, Al-Uthaymeen, Al-Albani, Al-Fawzan, Al-Madkhali, As-Sabt and their like, in addition to those who follow them and have joined with them from among the shallow, foolish and lowly people.

Chapter: Opposing the Rulers

We have mentioned previously that many of those who say **“Kufr Doon Kufr”** (a lesser disbelief) or restrict themselves to the descriptions of **“Fisq”** (rebellious disobedience) and **“Zhulm”** (transgression) to be applicable to **“The one who did not rule by what Allah revealed”** in the case of the absence of disbelieving denial, making the Haram Halal, the explicit utterance of disbelief or the belief in something that makes one a disbeliever, are apparently, in our current age, those who

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defend the rulers and Sultans who rule by other than what Allah revealed. They do that in an attempt to remove them from the mire of apostacy and disbelief. They argue on their behalf with Batil (falsehood) in a desperate attempt to strengthen their thrones, establish their legitimacy and close the door in the face of any attempt to remove them.

It is true that there are a small number of sincere scholars who desire the truth and are fearful of passing the judgement of disbelief without a definite clear evidence and have consequently also said similar to this. However, the majority of those who are fond of argumentation and particularly in this murky time of ours, are from the first category; the treacherous Fuqaha' (jurists) of the Salateen (rulers). If that is the case, whilst we believe it to be so, then we give them tidings that this role will not benefit them in the least and that the rule of their **"masters"** and **"chiefs"** from among the Salateen (rulers) has no validity and that opposing them by the sword is legitimate in any case, regardless of the view of **"Kufr Doon Kufr"** or the labels of "Fisq" and "Zhulm" being warranted alone. That is because Allah, glorified be His names, has sufficed us with provision, in the case where His Prophet Muhammad (saw) has uttered the decisively determining speech in this matter. That was when he instructed his companions to not dispute the authority of Uli l-Amr (rulers):

مَالَا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ

"Unless you see Kufr Bawah (manifest disbelief), in respect to which you have a Burhan (clear proof/evidence) from Allah".

Or:

إِلَّا أَنْ تَكُونَ مَعْصِيَةَ اللَّهِ بَوَاحًا

"Unless it is a flagrant act of disobedience to Allah".

Or:

عَمَّا لَمْ يَأْمُرْكَ بِإِثْمٍ بَوَاحًا

"As long as he did not command you with a flagrant/explicit sin".

Or:

إِلَّا أَنْ يَأْمُرَكَ بِإِثْمٍ بَوَاحًا عِنْدَكَ تَأْوِيلُهُ مِنَ الْكِتَابِ

"Unless he commands you with a Bawah (clear and evident) sin, in respect to which you have its Ta'weel (understanding) from the Kitab (i.e. Al-Qur'an)".

This represents a declaration from Allah via the tongue of the clearest in language from among the creation of Allah, the one who was made infallible by Allah and who was provided with the "Jawami' Al-Kalim" (words which are concise and comprehensive).

The Messenger (saw) did not say: “Unless he disbelieves” or “Unless he becomes an apostate”. Therefore, we have no need to examine the essence of the ruler himself in respect to whether he has disbelieved, apostatised or not done so?! All of this does not concern us and does not impact the practical Ahkam that arise from the Hadith and specifically the “**invalidation of the Wilayah (rule)**” and what arises from that in terms of “**opposition and contestation**”. This is what the government state scholars are concerned with and differentiate!

The Messenger (saw) has only legally made us responsible and charged us with contesting the rulers, by the sword when necessary, in accordance with considered Shar’iyah conditions and principles: “**That we see Kufr Bawah (flagrant disbelief) for which we have a Burhan (clear proof/evidence) from Allah**”, or “**Or that it is a flagrant (Bawah) Ma’siyah (disobedience) to Allah**” or “**As long as we are not commanded with a flagrant sin**” or “**Unless we are commanded with a flagrant sin for which we have its Ta’weel (understanding) from the Kitab (i.e. Al-Qur’an)**”.

The explanation of the texts and of its conditions is as follows:

1) That we “**see**” it: This means that we know that it has occurred by way of certain knowledge. That is because disbelief (Kufr), rebellious sinfulness (Fusooq) and disobedience (’Isyaan) are all non-physical matters which are not seen by the eye. The meaning is therefore: “That we know by way of certainty just like the sight of the eye or visually witnessing it. This is like in His Qawl (swt):

أَلَمْ تَرَ كَيْفَ فَعَلَ رَبُّكَ بِأَصْحَابِ الْفِيلِ

Did you not see what your Lord did with the companions of the elephant?

That is whilst the Prophet (saw) had not been born at the time of the incident and had not seen it by the sight of his eye. From that without doubt, indeed its most powerful representation, is what the official journals publish in terms of statutes, laws, orders and news related to the authority. These texts which are published in official journals are seen by the eye and read. The same applies in respect to licensing or authorization, even if done orally, for Muharramaat (prohibited acts) which are executed in a sensed manner, like those related to the usurious banks, brothels, dancing halls, beaches and nightclubs of nakedness and shame, among other similar prohibited acts, as these can be seen by the eye. Hearing is also at the same level as the eye in respect to it establishing certainty by direct sensation and the self-evident truths of the mind. As such: We must **know the existence** of Kufr Bawah (flagrant disbelief) **with certainty** for us to be able to say that we saw it!

2) That it is “**Bawah**”: The Bawah is that which is apparent and evident or obvious and has no hiddenness in it. This comes from the statement of the Arabs: Baaha Bi-Shay’in, Yaboohu Bihi, Boohan and Bawahan in the case where it means he made it apparent, announced and declared it openly. Similar to it is Sarahan (صَرَاحًا) meaning he announced it openly without concealment, openly before witnesses i.e. in the public life and in the conditions and actions of the ruler related to the public life; meaning in respect to his conditions, actions and commands linked to the authority. This is usually inseparable from the other because if the command was not “Bawah” it is hard to conceive that we would “**see it**”, and vice versa. Therefore, if it was a public affair it is difficult to conceive that it be secret, where its occurrence is hidden from everyone.

As such, when the ruler said in his special or private council, that the “Qur’an was beneath my feet” or when another said, “When will we free ourselves from this “**filth**” called Islam” as reached us

from the late king of Jordan, Al-Hussein, indeed the “**shameless**” son of his father, may Allah curse and disgrace him, and when a third (ruler) made homosexuality Halal and practised it, ridiculed its prohibition and making light of it, then all of that does not fall under the “**Bawah**” and is not the subject of our study.

As for the declared laws and statutes declared in the official journals, the statements transmitted from the licenced media which follow government lines without denial or disavowal, the lofty usurious banks with their doors open in all the prominent streets, the nightclubs of promiscuity and debauchery, the licenced brothels, the nude beaches, membership of international and regional institutions and organisations established upon charters of disbelief, like the United Nations, Arab League, Gulf Cooperation Council, and the IMF among others, participation in military alliances with the disbelievers to fight against Muslims, leasing military bases to the disbelievers and being silent over their being used against the Muslims and what is similar to all these matters, then all of that is declared and announced openly, is well-known, Sarah (explicitly clear) and “**Bawah**”. It is also known to us by the ‘Ilm (knowledge) of “sight” of which there is no doubt or question. It is known to everyone by way of the Tawatur of the masses, which establishes necessary knowledge as soon as it reaches its recipient.

3) That the Hukm upon that act is that it is Haram; meaning that it is an Ithm (sin) which means that it is Kufr (disbelief), or Fisq (rebellious disobedience), or Ma’siyah (act of disobedience) which is definite by way of a Burhan (clear proof/evidence) from the Kitab or the definite Sunnah, in the case where Ta’weel (interpretation) or Ijtihad is not accepted. Therefore, “**That we have a Burhan from Allah**” means the existence of the Shar’iy Daleel (evidence) from the Kitab and the Sunnah (i.e. from Allah), which establishes definiteness and certainty (i.e. that it is a Burhan). This dictates the presence of the Shar’iy Daleel which is Qat’iy Thuboot (definite in transmission) and Qat’iy Dalalah (definite in meaning/purport), which is not open to any interpretation (Ta’weel). In other words, it must be from that which must be known from the Deen by necessity. This is the meaning of his statement: “**That you have in respect to it a Burhan from Allah**” or his Qawl as reported in the Hadith recorded by At-Tabarani in his “**Musnad Ash-Shamiyeen**”: “**That you have its Ta’weel (interpretation/understanding) from the Kitab**”. “**We have**” refers to the source of deduction which is precise, known and preserved in the breasts and the lines (i.e. what has been written down), in the case where it is insufficient in this serious issue to **pass it on it** and cede it to the “Mashayikh” or to the Taqleed (imitation) of such and such a person from among the people.

4) **Kufr (disbelief)**: It has come in the Nakirah (indefinite form) in the context of a conditional sentence and as such it encompasses every Kufr in an unrestricted absolute manner; that which is Akbar (major), Asghar (minor), which removes one from the Millah and what does not remove one from it. Here it refers to:

a) Everything which is completely contradictory to Islam; meaning that which is Kufr (disbelief) in itself, regardless of it being from the actions of the ruler himself or from his statements or beliefs, which do not extend to other than him, whether it was commanded with or not commanded with.

b) Or any Haram or Ithm (sin), the Hukm of which is definitely Haram and an Ithm (sin), **if/when he commands us with it**. The issue being examined here is that it has been “**commanded with**”, in addition to it being definite in its Hurmah (being prohibited) i.e. being contradictory or incompatible with Islam. The issue being examined is therefore not related to the doer being sinful as long as he does not seek to make it Halal, as is the case in respect to all of the sins which do not make one a

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disbeliever by merely perpetrating them, unlike the actions which make one a disbeliever like insulting the Mus'haf (Qur'an Al-Karim) and the Prophets. The issue at hand is also not whether it is a major or minor sin but rather **only relates to it being the fact: "That it is definite in its Hurmah (being prohibited) with the ruler having commanded it!"**

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Indeed, the study is not related to the condition of the doer, nor the situation of the one commanded and not to their excuses, if any of them had an excuse. **Rather, it is only related to the core or essence of the action, what the Hukm of Islam is in respect to it and whether the Sultan (ruler) commanded that it be undertaken.** It is therefore a wording (i.e. in the Hadith) which is applicable) to every sin and Haram that we are commanded with, just as the wordings of other narrations **indicate, allude to?** to with precision and as will be made clear soon within the detailed discussion, even if it appears strange or even astonishing to many people. However, all of this astonishment will be clarified through the discussion coming soon, by Allah's permission.

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Observe here that we have taken precaution as we have not taken the statement **"Unless it is a Ma'siyah Bawah (flagrant act of disobedience) to Allah"** upon its apparent meaning in respect to every open act of disobedience. Instead, we have restricted it to being that which has been commanded with, like what has come stated in the other wordings: **"As long as they have not commanded you with an Ithm Bawah (a flagrant sin)"** or **"Unless he commands you with an Ithm Bawah for which you have its Ta'weel from the Kitab"**. That is in order to make use of all the wordings (Alfazh), to the best of our capability, whilst also taking into consideration that dealing with the Fasiq ruler, even if the truth is that he should be dismissed, as we have detailed in our book **"The obedience to the Uli I-Amr: Its limits and restrictions"**, differs greatly from the contestation (opposition) and fighting (or struggling). In this manner, all the commands of Allah are obeyed, worked with and respected, in contrast to the state scholars (Fuqaha' As-Salateen), who made the Qur'an something that is approached selectively, may Allah's curse be upon them.

Th subject therefore revolves around the wording: **"The appearance of the declared (or open) Kufr Bawah for which we have a Burhan (clear proof/evidence) from Allah"** or **"The command with (or to undertake) an Ithm Bawah"**. This can be conceived in circumstances which include:

1) That the Hakim (ruler) apostatises with a known certain apostacy by action, statement or declaration. There is no difference between:

a) If he changes his Deen explicitly and becomes a Jew, Christian, Hindu or Buddhist and announces that publicly or declares explicitly his disavowal of Islam or all Deens (including Islam).

b) Or if he apostatizes by speech, act or abandonment in a completely clear manner publicly, the consequence of which is disbelief for certain upon what is known from the Deen by necessity, even if he remained named with an Islamic name, faced the Qiblah and ate our (Halal) slaughtered food. That may include for example:

- The denial of the Sunnah in principle as a source of evidence, like Al-Ghaddafi the accursed apostate president of Libya did.

- Wearing a cross like the accursed **"Saudi"** apostate pig king Fahd bin Abdul Aziz did; the liar king and white-haired fornicator with his Maharim (those illegal to him).

- Fighting against the Muslims in the ranks of the disbelievers and under their banner, like the Saudi family, the Sabah family and most of the Arab rulers did, in what they called the war of "The liberation of Kuwait" and joining the NATO alliance in Afghanistan as undertaken by the president of Pakistan Pervez Musharraf and others from among the lowly, miserable agents and apostates.

- It also includes prostration to idols, insulting the Mus'haf (Qur'an), insulting the Prophets among many other similar acts. That is even if he remains affiliated to Islam by name, as such a ruler is an apostate disbeliever.

In this situation affirming him over the rule would represent the manifestation of disbelief for which we have a Burhan (clear proof) from Allah. That is not because he has apostatized himself in a personal capacity alone, or because he is deserving of a particular punishment, or because his marriage with his Muslim wife has been annulled, but rather because the Kufr Bawah has appeared in itself and because the ruler is not permitted to be other than a Muslim, in the case where his rule becomes null and void by disbelief. That is in accordance with the indicated meaning of the definite texts from the Kitab and the Sunnah, in addition to the certain definite Ijma' (consensus).

This situation is completely contrary (and incompatible) with the system of Islam. That is even if in this particular rule "**The ruler was Muslim**" or if it was in respect to that specified partial matter (alone). That is because every or any thought, statement, act, ruling, constitution, code, law, statute or command that is completely contrary to Islam is by necessity and inevitably from the thoughts, statements, actions, rulings, constitutions, codes, laws, statutes or commands of disbelief (Al-Kufr).

That apostate's application of Islam in other than that does not benefit his situation. That is whether he did that completely as a whole, in respect to the Siyadah (sovereignty) of the people, in concession to the opinion of the majority, to preserve the public security or he did it for any other motive. **That is because one single Hukm had been infringed whilst the Islamic system, as an Islamic system, cannot be except complete.** As such, if it is infringed upon or violated in one issue, it represents Kufr, and the Islamic status of the system vanishes as a whole. This therefore reflects Kufr Bawah for which we have a Burhan (clear proof) from Allah.

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This ruler is himself an apostate disbeliever and all of the rulings related to the apostate apply upon him in his personal capacity, in addition to his presence in authority representing the appearance of the Kufr Bawah for which we have a Burhan (clear proof) from Allah).

2) That he commands within the public system or in a command directed to a particular person with a Ma'siyah (disobedience to Allah) i.e. he commands that an obligation, for which we have a Burhan (clear proof) from Allah for its obligation, be left, or commands a Haram to be undertaken, for which we have a Burhan from Allah for its prohibition. The issue here is that he commanded that and not that he did it, or stated the permissibility of that, or believed in the permissibility of that, or that the people or those under his command did that or didn't do that, or obeyed him or disobeyed him, or did that seeking to make it Halal or did that in sinfulness. Rather, the issue only relates to the command itself in its description as a command issued by the authority or ruler. The command with that, in terms of it being a mere act, represents Kufr Bawah for which we have a Burhan from Allah. That is because it is a command that is completely contrary to Islam and this represents the Kufr Bawah for which we have a Burhan from Allah.

This can take place in numerous forms, the clearest of which include: That he enacts a system which includes rulings which contradict that which has been established definitely in Islam; whether in relation to the Aqeedah (belief), Sharee'ah, Adaab (manners) or Akhlaq (morals). This would represent Kufr Bawah for which we have a Burhan from Allah, regardless of the manner of how the system was deduced and the source it was extracted or taken from. Examples of this category include: Provision of licences to usurious banks, to brothels, nudist beaches and what is similar to these.

3) That a system is enacted which encompasses the constitution, laws, statutes, administrative directives and similar matters, and which contains within them rulings (Ahkam) which have not been deduced in a correct Shar'iy manner. That is where it is stated explicitly in them or in the official documents published alongside them, or in in the official discussions which have been recorded accurately in the records of the legislative council, authority or body that enacted them, that they were enacted upon the basis of mere Maslahah (interest) or taken from foreign systems of disbelief, or by any other means which did not represent referring back to Allah and His Messenger, even if it was in terms of the principle. This represents a system of disbelief under all circumstances because it originated from other than reference to Allah and His Messenger, meaning that it arose based upon complete aversion to the Shar'a and dropping the Shar'a from consideration completely. These two, in terms of what they represent, reflect Kufr under all circumstances and that is regardless of the content of the system and its conformity to the rulings of Islam or its violation of them. That is because if conformity occurred, it would in such a case be merely a coincidence, by way of luck and fortune, and not based upon wanting to refer to Allah and His Messenger. **That is because wanting to refer to Allah and His Messenger is Iman and Islam.**

It is true that this type is rare in many of the Muslim lands because the rulers are still proficient in practising hypocrisy and obtaining justifying Fatawa for their acts. As such, it is rare that one finds a statement that indicates definitely to the non-reference to Allah and His Messenger, with the exception of an oversight here and there. This type, however, is in abundance in Turkey and lands similar to it which openly declare "Fundamental" and extreme secularism and blatantly fight against Islam and its followers. Even the mere utterance of what appears to be a reference to Allah and His Messenger is considered a crime that is punished by the law.

All of what we have mentioned above represents Kufr Bawah for which we have a Burhan from Allah, in terms of what it is, regardless of the belief of the legislators and those who apply what has been legislated in terms of the judges and executors, regardless of the type of their Kufr and its level, and regardless of their knowledge, ignorance, pleasure or displeasure, choice or coercion. All of these matters could affect the Shar'iy description related to them and persons and their deserving of punishment in the hereafter, however, they do not have an impact in respect to the system being a **"System of disbelief"**, in the case where they represent a host of unrelated opinions and rulings which have no bearing on the reality of the presence of **"Kufr Bawah"**.

All of what we have mentioned remains Kufr Bawah for which we have a Burhan (clear proof/evidence) from Allah, even if the ruler has the excuse of ignorance, Ta'weel (interpretation) or coercion. That is because the examination of the system is in terms of its being a system and does not relate to the judgement upon the person of the ruler. It is also because the ruler must be confronted with this so that the ignorance is removed, without question, or confronted with the definite Burhan (proof/evidence) so that his Ta'weel goes away, without question, or he is excused by coercion, a matter which is not conceivable unless it is by coercion or the command of an

authority or ruler higher than him, where the raising (of the matter) takes place to this higher authority to resolve the issue or to a “foreign” authority that claims to be Islamic. In such a situation, it would be confronted with that just like the confronting of the local ruler, with no difference. And if it was a “**foreign**” disbelieving authority, it would mean that the disbelieving foreign authority is the high ruler and the real possessor of Siyadah (sovereignty). That would mean that the Siyadah of Islam has been destroyed and that the disbelieving enemy had extended his authority over the land and imposed its commands, which also represents Kufr Bawah for which we have a Burhan from Allah. Indeed, this represents the most repulsive of its types and Jihad would become Fard ‘Ain (an obligation upon every individual) upon all inhabitants of the land to expel the disbeliever, uproot his authority from its roots and eradicate what he had brought in terms of rulings contrary to Islam.

If the Islamic treatment, which we mentioned above, was undertaken, all excuses would have been removed and if the ruler no longer has an excuse but remains insistent upon violating what is known from Islam by necessity, then he himself becomes a Kafir (disbeliever) and Murtadd (apostate). Indeed, he is worse than the first type whose apostacy may have been related to himself but did not apply anything from the systems of disbelief out of respect for the will of the people, for example.

During this treatment, which could go on for days and months and the ruler remains a Muslim, in respect to what is apparent, praying with the people and leading them in prayer, the system, in terms of it being a system, remains a system of Kufr (disbelief), due to the appearance of Kufr Bawah. It is not at all permissible to call it valid or in a state of wellbeing. Rather, it is sick or diseased until the treatment has been completed and cannot be considered otherwise if it has not!

4) That the ruler neglected to apply all that is obligatory upon him to apply from the Ahkam Ash-Shar’iyah which have been delegated to the person in authority. These reflect “**Negative resolutions**”, referring to the non-application or abstention from application, where written “**licensing**” is not stipulated and the mere silence of the person in authority represents an implied “**licensing**”.

The clearest examples of that include:

a) Not punishing those who mock the Prophet (saw) and made a joke of him in “**caricatures**”.

b) Not punishing those who deserve the Shar’iyah punishments like those who are open in homosexual acts, fornication and nakedness.

c) Not preventing the prohibited sales and trade transactions by the power of the authority, the non-prevention of usurious (Riba based) transactions, whether between the individuals, traders, investment institutions and banks, which normally operate with official licenses. If the ruler does not intervene to prevent them, to eradicate what has been contracted through them, invalidate their effects, to punish those engaged in it with the Shar’iyah punishment, then he is a “**licensor**” of them. The issue is therefore not one of the ruler’s denial of the Hukm (ruling) of the prohibition of Riba (usury) or his disbelief in it, it is not his uttering the permissibility of Riba or his non-utterance of that, it is not individuals practising Riba in sin which would make them disobedient and Fasiq in respect to that, or if they did so on the basis of making it Halal, denying its prohibition or out of mockery of it, which would make them disbelievers, with the exception of the one who is excused by way of ignorance, interpretation, coercion or any other legitimate excuse. None of this relates to the issue at hand.

Rather, the issue is only restricted to: The non-application of the Hukm of Allah i.e. not ruling by what Allah revealed:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

This is the Kufr Bawah for which we have a Burhan (clear proof/evidence) from Allah. And concerning the narration of the Hadith with the wording:

إِلَّا أَنْ يَكُونَ مَعْصِيَةَ اللَّهِ يَواحا

“Unless it is a Bawaah (clear and evident) disobedience of Allah”.

It is a Sahih narration which is precisely indicative of this situation. This is if the silence and approval was not built upon a system or law which prevents action. If, however, it was built upon a system which had previously been set, then this situation would represent a branch from the previous situation and arising from it. We have already discussed such a situation and that it represents **“Kufr Bawah for which we have a Burhan from Allah”**.

Most of the time this type is more repulsive and more serious than the previous one. That is because the rulers outwardly show Islam and utter the two Shahadahs (testimony of belief) whilst they are Zanaqqa (malicious unbelievers) and Munafiqun (hypocrites), concealing or harbouring the disbelief. They direct their followers to engage in definite Munkarat (clear Haram acts) in an open manner, whilst they guarantee for them safety from punishment, or perhaps condemn that publicly in the early stages and impose feeble symbolic **“punishments”** upon the violators, until the people become accustomed to the Munkarat and their sentiments become dulled towards them, or indeed until many groups from among the masses become engrossed in those Munkarat themselves, all of which happens in a gradual process. The ruler then makes apparent what he was concealing or harbouring in terms of Kufr (disbelief) and openly enacts what they want in terms of Kufr legislations! King Abdul Aziz Aali Saud, the former tyrant of the Arabian Peninsula was a “Ayah” (sign and evidence) from among the signs of Allah in respect to this as he had a rare skill and proficiency in this area. He was then succeeded by **“Ashawis”** who followed him and even out did him in this regard!

5) Joining international organisations, international treaties and military alliances, and approving their charters which contain Kufr texts i.e. texts which contradict what is definite in Islam. That is the case in relation to the United Nations, Arab League and all of the western treaties and alliances under the leadership of America, Britain or France. They all contain texts based upon Kufr (disbelief) in addition to what they dictate in terms of terrible sin and horrendous criminality as a result of befriending and allying with the disbelievers, supporting them, being subservient to their leadership and fighting under their banner!

This terrible sinful act and horrendous criminality could by itself transform into Kufr (disbelief) and Riddah (apostacy). That is if the fighting with them and supporting them in a war or battle is against

Muslims, or it means consolidating and strengthening them in terms of bases or through provision of security and military information to them against the Muslims, just as the Gulf states and most of the Arab states did against Iraq and Pakistan did against Afghanistan.

This, in accordance to its reality, is also Kufr Bawah for which we have a Burhan from Allah, regardless of the belief of those signing, approving and implementing the charters and treaties, the kind of their disbelief or its level, and regardless of their knowledge or ignorance, pleasure or displeasure, choice or coercion. All of these matters could have an impact upon the Shar'iy description for them related to their personal capacities and upon the issue of their deserved punishment in the hereafter, however, it does not have any impact at all in respect to the charter or treaty being a **“Charter or treaty based on disbelief”**, in the case where they represent a host of unrelated opinions and rulings which have no bearing on the reality of the presence of **“Kufr Bawah”**.

If we have fully contemplated over what has preceded, the issue would have become illuminated in our minds and we would have fully comprehended its reality as if we were touching it by our hand. From that it becomes evident that the other wordings of the Hadith have come with the same meaning: **“Unless it is a Ma’siyah Bawah (open and clear disobedience) to Allah”**. As such, if the Ma’siyah Bawah (open and clear disobedience) to Allah was commanded with, this would represent Kufr Bawah, as we explained earlier, while the Kufr Bawah is without doubt a Bawah (open and clear) Ma’siyah (disobedience) to Allah.

The same applies in respect to the wording: **“As long as he has not commanded you with an ‘Ithm Bawah (clear and open sin)’**. This is exactly like the second case or third which we mentioned earlier, in a direct form, and like the first case because if the ruler apostatizes and insists upon remaining in authority, he would then be commanding you to obey him and approve of him in his authority and rule, in violation of the Hukm of Allah, which would mean: **“He commanded you with an Ithm Bawah”**. It is also applicable upon the fourth case as he is commanding you to leave the Munkar which Allah has commanded you to remove and to be lenient or to overlook the punishment which Allah had commanded to be implemented, in which case he would have **“Commanded you with an Ithm Bawah ((clear and open sin)’**.

Let us look at the speech of Imam An-Nawawi here: **[The intended meaning of Kufr here is the Ma’siyah (disobedience). And the meaning of the Hadith is: “Do not dispute the people in authority in respect to their authority and do not oppose them unless you see from them an ascertained Munkar which you know from the foundational principles of Islam. If you see that, then condemn (Inkar) them and say the Haqq (truth) wherever you are]** (End of quote). Here, he hit the heart of the truth when he said: **“The intended meaning of Kufr here is the Ma’siyah (disobedience)”**, even though he did not go into detail, which is clear from our detailing above. However, he did not hit the mark in the remainder of his statement, when he said: **“If you see that, then condemn (Inkar) them and say the Haqq (truth) wherever you are”**. That is because the Inkar (condemnation) and saying the Haqq (truth) wherever we are is obligatory in all circumstances; whether the Kufr Bawah has appeared or has not appeared, indeed it applies to every Munkar. However, the sentence **“Unless you see Kufr Bawah”** is related only to the issue of contestation i.e. opposition with the sword. That is apparent from an accurate contemplation of the Hadith of ‘Ubadah bin Samit and from an examination of the other texts.

Consequently, the correct appraisal of the meaning of the statement in the Hadith of 'Ubadah bin As-Samit is as follows: **[Command the Ma'ruf, forbid the Munkar, say the Haqq (truth) wherever you are, do not fear the blame of the blamers in Allah's way, in all circumstances and times. However, do not exceed the statement and proclamation of the Haqq (truth) by the tongue, where you would contest the rulers in their authority or oppose them by the sword, regardless of whatever occurred from them in terms of that which you dislike and regardless of how much you believed that you are more fitting than them for the authority or positions of ruling, unless you see from them Kufr Bawah for which you have a Burhan (clear proof/evidence) from Allah].**

Indeed, it is true that some who do not know the true reality of the Kufr may find some of the types of Kufr Bawah which we mentioned to be debateable. However, the truth is that the mere enacting of laws like these which are definitely contrary to Islam represents Kufr Bawah without any doubt and the one who does it, in the case where none of the well-known preventors of declaring disbelief are realised, is a Kafir (disbeliever) and Murtadd (apostate) who has exited from the Millah (i.e. Islam) and must be dealt with in accordance to the treatment of the apostate Harbi (one at war). This is in accordance with what is apparent from the treatment of the Prophet (saw) towards the one who married one of his Maharim (non-Marriageable relations), like the wife of his father for example. That is because his command (saw) to strike his neck and take his wealth as spoils (Fa'i) for the Bait ul-Mal (state treasury) has been confirmed in addition to tying a "Rayah" (banner) of war to the one he commanded to execute the command, just like the banners which are tied to the armies. This is apparent from the following evidences:

- Mu'awiyah Bin Qurrah related from his father, may Allah be pleased with him, that he said: "The Messenger of Allah (saw) dispatched me to a man who had married the wife of his father to strike his neck and confiscate his wealth/property". Recorded by Ibn Majah with a Jayyid (good) Isnad and by Ad-Daraqutni.

- Al-Hakim recorded in his "**Al-Mustadrak**" from Al-Bara' bin 'Azib, may Allah be pleased with him, that he said: "I was going around looking for a camel that had gone astray and I was walking around the houses when suddenly there were riders and cavalry men. They went around my courtyard and took out a man from it. They did not question him or speak to him before striking his neck! When they had left, I asked about him (i.e. the man who was killed) and they said: "He married his father's wife"". This Hadith is Sahih and was also classified as such by Adh-Dhahabi. Ahmad and Abu Dawud recorded similar to it.

- Al-Hakim also recorded from him that he said: "I met by maternal uncle Abu Burdah (he was Abu Burdah bin Nayyar, who was present at Badr) and he had a banner with him. I asked him: "Where are you heading?" He said: "The Prophet (saw) dispatched me to a man who had married his father's wife and he commanded me to strike his neck and confiscate his wealth"". This Hadith is Hasan Bi-Dhatihi (in itself) and Sahih with its supporting evidences and corroborative information. Evidence is established upon it definitely. It was classified as being Sahih by Al-Hakim and he stated that it is Sahih upon the conditionality of Muslim. Adh-Dhahabi concurred and Ahmad recorded it from various paths of transmission, one of which is Sahih and he used it as evidence. Abu Dawud, An-Nasa'i, Ibn Majah and Ad-Darami also recorded it. Al-Hafizh Al-Asqalani said in his "Al-Fat'h": [It has supporting evidence from the path of Mu'awiyah bin Qurrah from his father, as recorded by Ibn Majah and Ad-Daraqutni. And Ahmad held the opinion in accordance with its apparent meaning].

A difference in the two incidents in the two Hadeeth of Al-Bara' bin 'Azib is apparent. It may have been that the marriage to the wife of the father was a widespread practise among the people of Al-Bara' bin 'Azib in their Jahiliyah (pre-Islamic period), which led to the repeat occurrence of this abominable crime among them after its prohibition had come. The subject matter here is the **"contraction"** of marriage to the Mahram (non-marriageable relation) which represents **"Making the Haram Halal in a practical or action-based – actionable? manner"** and doing that openly as an act of resistance to the Sharee'ah, as a declaration of rebellion and opposition against it, and war against Allah and His Messenger. The subject matter is not Zina (fornication or adultery) with the Maharim (non-marriageable relations), as some of the Fuqaha' (jurists) believed. That issue falls under another category which is not our subject area in this situation.

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The mixing or confusing by some Fuqaha' of this subject of ours which is: **"contraction"** of marriage to the Mahram (non-marriageable relation) which represents **"Making the Haram Halal in a practical or action-based manner"**, with the subject area of **"Zina (fornication/adultery) with Maharim"** is a serious error. Indeed, it is from among the dreadful lapses of the 'Ulama', from which it is feared, if they continue and are not confronted by critique and correction, will demolish Islam. What has the open contraction of marriage, which represents **"Making the Haram Halal in a practical or action-based manner"** got to do with the Zina, even if Zina with the Maharim took place, O people of understanding?!

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There is no question that Zina is a major hideous sin and that Zina with the Maharim is even more hideous and abominable, however it does not reach the level of Kufr (disbelief) and Riddah (apostacy) unless it was accompanied by rejection, making the Haram Halal or ridicule and derision of the Shar'a, or other than from the matters which make one a disbeliever, and May Allah's refuge be sought!

The treatment for the perpetrator of that crime, the crime of "Contracting marriage with Maharim" is exactly the same as the treatment of the Kafir Harbi (the disbeliever at war) or the Murtadd (apostate) who has joined with the land of war (Dar ul-Harb), who was caught before making repentance i.e. he did not repent prior to being caught. It reflects a treatment which is extremely harsh and severe, in the case where there was no opportunity to seek repentance or to question the motives and no searching for an excuse. Rather, it was striking the neck without any speech or re-examination and the confiscation of wealth and taking it to the Bait ul-Mal (treasury) of the Muslims! This punishment is in no way from among the punishments of the Zani (fornicator or adulterer), whether he or she was married or unmarried.

Similarly, this is how the punishment must be for the one who contracts his marriage with a male and the one who openly contracts **"Riba"** (usury), as this itself represents war against Allah and His Messenger in accordance with the text of the Qur'an. He must be dealt with in the same manner as the treatment of the Harbi (one who is at war) and so and so on.

Consequently, if this is the case concerning the one who contracts marriage to the wife of his father, in personal circumstances, then what is the case concerning the one who legislates a general public system, which he imposes upon all; those he knows from among them and those he does not know, those he likes from them and those he dislikes, in which he makes permissible Riba (usury), prostitution, homosexuality, the marriage of Maharim or those of the same sex, among other certain Muharramat (prohibited acts)? Is such a person not more deserving of the description of Kufr (disbelief) and Riddah (apostacy) and more deserving of that severe punishment and receiving the

treatment of the Harbi (one at war), where his neck is struck and wealth confiscated, than that wretched disbeliever criminal who married his father's wife after having completely fallen in love with her and found himself unable to remain patient towards her or resist her?!

We will add further clarity to that by stating: The command to undertake a Ma'siyah (disobedience to Allah) falls under the category of the Hukm (ruling/judging) as the one who gives commands is saying in reality: "I am ruling over you and command you to do such and such" or "My Hukm (ruling/judgement) in relation to you is such and such". It does not, from any angle, fall under the area of undertaking a Ma'siyah (act of disobedience) (i.e. like if an individual acted in disobedience to Allah).

There is therefore a distinct difference between the one who commits Zina (fornication/adultery) based on his desire whilst acknowledging his sin, in the case where he judges it to be prohibited based on what Allah has revealed, and between the person in authority (Sultan) who commands you or gives permission for you to engage in Zina, in accordance with the dictates of his licensing of prostitution. This latter person did not himself do anything, he did not commit Zina and it may be that he did not commit Zina ever throughout his life. Rather, what he did do was to leave the Hukm (ruling/judgement) by what Allah revealed and ruled by other than it.

Similarly, there is a distinct difference between the one who runs away from the Hadd (prescribed punishment) for the consumption of Khamr (alcohol/intoxicants) because he fears the pain of being struck, whilst acknowledging the obligation of the punishment upon him and that it is a Kaffarah (expiation) for him, in conformity to his Rabb (lord) and judging by what He has revealed, and between the Sultan or Qadi (judge) who commands the non-establishment or **non-implementation** of the Hadd upon the one whom it is obligatory to be applied, due to favours or bribery, which is the least serious, or due to mockery and derision towards the "**punishment of lashing**" which he regards to be barbaric. This represents clear and explicit apostasy or the application of a system that is explicitly contrary to Islam. This is more abominable and heinous because he has made the one who enacted that law a Rabb and Ilah besides Allah i.e. he has made another Ilah besides Allah.

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There is also a distinct difference between the one who ate the Maitah (carrion or food that is not Halal), whilst knowing and acknowledging that it is Haram, but was driven by his desire after being stricken by poverty and being deprived of meat for a long period of time, who is a Muslim acknowledging his sin and passing judgement upon the Maitah in accordance to the Hukm of Allah in respect to it, which is that it is Haram, and between the one who obeys the one who has made the Maitah Halal in the legislation. This latter one is a Mushrik Kafir (disbelieving idolator) in accordance to the speech of Allah (swt):

وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ ۖ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

And indeed do the devils inspire their allies [among men] to dispute with you. And if you were to obey them, indeed, you would be associators of others with Him (Mushrikun) (Al-An'am: 121).

This means, if you **obeyed them and followed them** in respect to making the Maita (carrion) Halal, you would have become disbelievers in Allah, affirming to other than Him the Haqq (right) of the Siyadah, Hakimiyah and Tashree' (legislation). This Ayah is Makkiyah (revealed prior to the Hijra) by consensus at a time where Shirk (association with Allah) was not said except for the Shirk of Kufr

(disbelief), Ash-Shirk Al-Akbar (the greatest or major Shirk), which takes one outside of the Millah (i.e. the Deen) and is completely contrary to Islam. Ash-Shirk Al-Asghar (minor Shirk), Ash-Shirk Al-Khafi (i.e. related to the Niyah [intention]) and the practical manners related to Tawhid, such as the prohibition of swearing oaths by the fathers and the prohibition of saying “What Allah willed and what I will”, among other similar matters, were only revealed in Al-Madinah, without disagreement.

In the case where Shirk, the Shirk of Kufr (disbelief), the major Shirk which is completely incompatible with Islam and takes the one who had previously entered the Islamic Millah (i.e. Deen) out of it, means exclusively: **“To make or ascribe with Allah another Ilah (deity)”**, just as Abu Bakr As-Siddiq, may Allah be pleased with him said in the presence of the Prophet (saw): **“And is Shirk except the one who made with Allah, another Ilah?!”**

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And in the case where **“the one who obeys”** in respect to the making of Halal and Haram is a Mushrik, engaging in Shirk Al-Akbar (major) which takes one outside of the Millah, the one **“who is obeyed”** must by necessity be a Rabb and Ilah, besides Allah, just as for example, the story of ‘Adi bin Hatim clarifies and makes plainly evident! This has also been thoroughly examined in our book: **“Al-Hakimiyah and the Siyadah of the Shar’a”**.

Ahadeeth other than the famous Hadith of ‘Ubadah bin As-Samit have also come related to **“Kufr Bawah”** which include greater explanation. These include:

- What came in the **“Sunan of Abu Dawud”**: [Sulaiman bin Dawud related to us from Hammad bin Zaid, from Hisham, from Hassan, from Al-Hasan, from Dabbah bin Mihsan, from Umm Salamah, the wife of the Prophet (saw), that she said: The Messenger of Allah (saw) said:

سَتَكُونُ عَلَيْكُمْ أئِمَّةٌ تَعْرِفُونَ مِنْهُمْ وَتُنْكِرُونَ فَمَنْ أَنْكَرَ بِلِسَانِهِ فَقَدْ بَرَأَ، وَمَنْ كَرِهَ بِقَلْبِهِ فَقَدْ سَلِمَ وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ! فَقِيلَ: يَا رَسُولَ اللَّهِ أَفَلَا تُفَاتِلُهُمْ؟ قَالَ: لَا مَا صَلَّوْا

“There will be A’immah (Imams/leaders) over you, you will approve from them and disapprove. Whoever expresses disapproval with his tongue is free of sin/blame; and whoever hates it in his heart, is safe, but whoever is pleased and follows them!” It was asked: **“O Messenger of Allah, should we not fight against them?”** He replied: **“No, as long as they pray”**].

I say: This is the most upright and cleanest in textual content (i.e. from the narrations of this Hadith) and we have discussed the chains of transmission and wordings in an independent chapter, which can be referred to. The Hadith is Sahih and has also come via numerous paths in **“Sahih Muslim”** and likewise in the **“Musnad of Imam Ahmad bin Hanbal”**, the **“Musnad of Abu Dawud At-Tayalisi”** and the **“Musnad of Abu Ya’la”**. Sheikh Hussein Asad said: [Its Isnad (chain of transmission) is Sahih]. It was also recorded in **“Al-Mu’jam Al-Kabir”** (At-Tabarani) from numerous paths, the majority of which are Sahih, and likewise in the **“Musnad of Abu ‘Awanah”** with numerous paths, the majority of which are Sahih. Just as it has been recorded in the **“Musannaf of Ibn Abi Shaibah”**, the **“Musnad of Ishaq bin Rahwayh”** and in the **“Tamhid of Ibn Abdul Barr”** (Volume: 24, page: 312 onwards) from numerous paths, among other sources.

The Hadith is Qat’iy (definite) in its Dalalah (indicative meaning) in respect to the legal legitimacy of fighting, which only usually occurs by way of the sword accompanied by the spilling of blood, with

the aim of removing the 'Umara' (leaders) who have abandoned the Salah and even by killing them if that is necessary. This means, in the most minimal of circumstances, that the Ameer (leader) **"Left or abandoned the prescribed prayer"**.

The sentence **"As long as they pray"** could represent a metaphor (Kinayah) for leaving the Deen. As such it relates in truth to Kufr (disbelief) and Riddah (apostacy), in respect to their personal affair. Consequently, if the ruler himself disbelieved it would be obligatory to remove him and even if that meant fighting by the sword which leads to him being killed and this applies by greater reason if Kufr Bawah appeared in respect to the public affairs. This is what the previous Hadith of 'Ubadah bin As-Samit and the Hadith related by 'Awf bin Malik, which will soon be presented, indicate with complete precision.

The sentence could also hold the same meaning as the Hadith of 'Awf bin Malik, which stated within it:

لَا، مَا أَقَامُوا فِيكُمْ الصَّلَاةَ

"No, as long as they establish the prayer".

The correct view is that both of these matters represent the truth. If he abandoned the Salah it is obligatory to remove him, regardless of his Kufr (disbelief) or Riddah (apostacy). If he disbelieved and apostatized himself, then by necessity he has abandoned the Salah and even if he made Takbir and undertook the actions of the prayer according to its apparent form, he is not considered to be someone who is praying. Therefore, if he disbelieved and apostatized himself, his rule becomes null and void and it becomes obligatory to remove him by force if he refuses to step down peacefully. That is even if he remains applying Islam completely in other than that. This applies by greater reason if the Kufr Bawah appeared in the public life.

- The following came recorded in Sahih Muslim: [Ishaq bin Ibrahim Al-Hanzhali related to us from 'Isa bin Yunus, from Al-Awza'i, from Yazid bin Yazid bin Jabir, from Ruzaiq bin Hayyan, from Muslim bin Qarazha, from 'Awf bin Malik, from the Messenger of Allah (saw), that he said:

خَيْرَ أَيْمَانِكُمْ الَّذِينَ يُحِبُّوهُمْ وَيُحِبُّونَكُمْ وَيُصَلُّونَ عَلَيْكُمْ وَتُصَلُّونَ عَلَيْهِمْ وَشِرَارُ أَيْمَانِكُمْ الَّذِينَ يَبْغِضُونَهُمْ وَيَبْغِضُونَكُمْ وَتَلْعَنُونَهُمْ وَيَلْعَنُونَكُمْ. قِيلَ: يَا رَسُولَ اللَّهِ أَفَلَا تُنَادِيَهُمْ بِالسَّيْفِ؟ فَقَالَ: لَا مَا أَقَامُوا فِيكُمْ الصَّلَاةَ وَإِذَا رَأَيْتُمْ مِنْكُمْ شَيْئًا تَكْرَهُونَهُ فَادْكُرْهُوا عَمَلَهُ وَلَا تَنْزِعُوا يَدًا مِنْ طَاعَةٍ

"The best of your Imams (leaders) are those whom you love and they love you, who invoke Allah's blessings upon you and you invoke His blessings upon them. And the worst of your Imams are those whom you hate and they hate you and whom you curse and they curse you". It was asked: **"Shouldn't we not oppose them by the sword?"** He said: **"No, as long as they establish the prayer among you. No, as long as they establish the prayer among you. If you then find anything from your rulers which you hate, then you should hate its action, and do not remove your hands from obedience"]**.

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All of the textual contents (of this narration) contain this (same wording) in essence while this one (recorded by Muslim and quoted above) is the most complete and cleanest of them.

The Hadith is of the highest level of authenticity and connection, expressing clearly in some of its paths the manner of narration from one link in the chain to another (At-Tahdeeth) and has been reinforced by a Qasm (swearing of an oath by Allah). That is like, for example, what came in “Sahih Muslim”: [Dawud bin Rashid related from Al-Walid (meaning bin Muslim), from Abdur Rahman bin Yazid, from Jabir, who said, Mawla Bani Fazarah (and he is Ruzaiq bin Hayyan), informed me that he heard Muslim bin Qarazha, the cousin of ‘Awf bin Malik Al-Ashja’i, saying: I heard ‘Awf bin Malik Al-Ashja’i saying: I heard the Messenger of Allah (saw) saying it]. [Then Ibn Jabir said: So I said, meaning to Ruzaiq Hayyan, when he informed me of this Hadith: “By Allah, O Abu I-Miqdam, did he relate this to you or did you hear this from Muslim bin Qarazha who said I heard ‘Awf saying: I heard the Messenger of Allah (saw)”? He (Jabir) said: He then kneeled on his knees, faced the Qiblah and said: Yes, by Allah, there is no Ilah (deity) other than Him, I surely heard it from Muslim bin Qarazha who said: I heard ‘Awf bin Malik saying: I heard the Messenger of Allah].

It has been recorded via numerous paths in “**Sahih Muslim**”, the “**Sunan of Ad-Darami**”, the “**Musnad of Ahmad bin Hanbal**”, “**Sahih Ibn Hibban**”, the “**Sunan of Al-Baihaqi Al-Kubra**”, “**Al-Mu’jam Al-Kabir**” (At-Tabarani), “**Musnad Ash-Shamiyin**” and from a great number of paths, the majority of which are Sahih, in the “**Musnad of Abu ‘Awanah**”, just as it has been recorded in other than these sources.

The Hadith is Qat’iy Ad-Dalalah (definite in respect to its indicative meaning) in respect to the legal legitimacy of “**Contesting or Opposing by the sword**” (i.e. fighting) against the ‘Umarah’ (leaders) who “**have left or abandoned the establishment of the Salah amongst us**”. In the very least the establishment of the Salah amongst us means: That he leaves us to establish the Salah by ourselves which stipulates that he does not lock the Masajid, leaves the people to perform their obligatory prayers, does not pursue those who perform the prayer or distance them from positions of employment in general and the armed forces in particular. Hence, the Turkish secular state, for example, definitely does not establish the Salah among the people.

The sentence “**As long as they establish the Salah among you**” could also be a metaphor (Kinayah) for the establishment of the Deen and its Ahkam among the people. In that case, it would in essence be in conformity with the Hadith of ‘Ubadah bin As-Samit: “**Unless you see Kufr Bawah for which you have a Burhan (clear proof/evidence) from Allah**”. That is because the one who manifests Kufr Bawah has definitely demolished the Deen in the public life and it is inconceivable that he had established the Deen i.e. “**Established the Salah among us**”.

The previously mentioned categories may not be sufficient in respect to limiting the types of Kufr Bawah as the kinds of Taghut; their colours and forms, are numerous, just as the Zhulumat (sources of darkness) are so many, although the light (Nur) by the favour of Allah is only one and it is evident, manifestly clear and apparent!

The seeker of truth will never be incapable of identifying every new Taghut and uncovering every newly invented Kufr Bawah, one after the other, upon the condition that he follows the light (Nur) which Allah revealed upon Muhammad (saw). This light which was revealed upon Muhammad Ibn Abdullah (saw) is the infallible preserved Dhikr: The Qur’an and the Sunnah. **This infallible preserved**

Dhikr is like the ship of Nuh: Whoever boards it is saved and whoever stays back from it perishes and is destroyed!

Therefore, if the seeker of truth follows the light which was revealed upon Muhammad (saw), learns it, teaches it, calls to it and perseveres with patience upon the harm or difficulty he faces on its path, whilst not desiring by that except (the pleasure of) Allah and the Hereafter, then the **divine openings with be opened up for him and the divine offerings will be manifested to him**, so that his vision will be illuminated by the Haqq (truth) and his eyes will be opened to every Taghut, regardless of its form and colour:

وَالَّذِينَ اهْتَدَوْا زَادَهُمْ هُدًى وَآتَاهُمْ تَقْوَاهُمْ

And those who are guided, He increases them in guidance and provides them their Taqwa (righteousness) (Muhammad: 17).

The text of the Qur'an has therefore used the names **"Kafir"** (disbeliever), **"Zhalim"** (transgressor) and **"Fasiq"** (rebelliously disobedient) in respect to **"The one who did not rule (judge) by what Allah revealed"**, just as it used these names in other places (and contexts), with no difference between the usages.

From among those places is the Qawl of Allah (swt):

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

And never will Allah grant to the disbelievers a way (to triumph/gain supremacy) over the believers (An-Nisa': 141)

This is decisive in respect to invalidating the Wilayah (rule) of the Kafir over the Muslims and represents a certain, decisive and permanent prohibition for his Imamah (leadership) over the Muslims or presidency/leadership over their state, which is established by the consensus of the Muslims who fear Allah. Also, from among those places is the Qawl of Allah (swt):

لَا يَنْتَظِرُ عَهْدِي الظَّالِمِينَ

My covenant does not include the Zhalimin (transgressors) (Al-Baqarah: 124).

This makes null and void the Wilayah (rule) of the Fasiq and this is the correct view held by the Jumhoor (majority) of the 'Ulama' (scholars), as we have made clear in the chapter **"The invalidity of the Wilayah of the Fasiq"** from our book: **"The Obedience to the Uli l-Amr; its limits and constraints"**. And the one **"Who did not rule by what Allah has revealed"** is certainly a Kafir, or a Fasiq or a Zhalim, according to the text of the Qur'an and by way of the decisive certain Ijma' (consensus). Consequently, his Wilayah (rule) is certainly invalid, in an absolute manner. That is regardless of whether his Kufr was **"Kufr Dun Kufr"** (lesser disbelief which does not remove one from the Millah) and not like the one who has disbelieved in Allah, His Angels, Books and Messengers, or it was the Kufr that removes one from the Millah (i.e. folds of Islam), if we were to

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suppose the validity of all of that in the first place. Consequently, we say to the enemies of Allah; the Fuqaha' (jurists) of the Salateen (rulers): **Do not rejoice; your argument has been refuted, your blade is blunt and no semblance of an evidence or evidence remains for you. So, hasten towards repentance before death and departure, as it is a departure**, if not preceded by repentance, that leads inevitably to the **home of destruction and ruin** and how wretched is that as a place to reside in!

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–Section: Issues to be cautious about and alert to

For our speech to not remain theoretical and general and difficult for the normal Muslim individual to apply; especially the one involved in Jihad, carrying the Da'wah and ordering the Ma'ruf and forbidding the Munkar, and especially as there is a relationship to the problematic issues surrounding Takfir (declaring one a disbeliever), which is a serious subject area, an error in which is fatal, it is necessary to bring attention to a number of very important matters. These include:

First: In the situation of the existence of the Islamic State, which is absent at the time of writing these lines and the whole Dunya is Dar Kufr (the land of disbelief), the **“Mahkamat ul-Mazhalim”** (Court of unjust acts), which is the **“Highest Shar’iyah Court”** or the **“Highest Constitutional Court”**, is supposed to exist and enjoy all of its competent authorities or mandatory powers. If it is non-existent then that represents a serious deficiency and it would be necessary to expend all efforts to bring it into existence or to transform its existence from a mere symbolic one to a court that is effective, possessing real mandatory powers. That is because it is this court that examines the legal legitimacy (Shar’iyah) of the statutes and laws and passes judgement upon the removal of the Fasiq and Zhalim ruler upon the premise of resolving the disagreement. It closes the door to the spilling of blood and by greater reason it is the body that declares the appearance of the Kufr Bawah. This court holds the primary position and standing in relation to the application of the Qawl of Allah (swt) being entrusted to it:

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

And if you disagree over anything, refer it to Allah and the Messenger (An-Nisa': 59).

Raising cases to it represents the last of the stages of referring to Allah and His Messenger in a binding manner. We have explained some of that in detail in our book: **“Obedience to the rulers (Uli I-Amr): Its limits and restrictions”**.

These matters are of the greatest importance, however, they remain theoretical to an extent until an Islamic State is truly established, where the lands transform to Dar Islam (the land of Islam) in truth and actuality, and not just by way of names and deceitful claims. We ask Allah to hasten the relief of the Ummah through the establishment of the rightly guided Khilafah upon the methodology of the Prophethood, sooner rather than later. Ameen.

Second: “The appearance of Kufr Bawah” from the public authority is an apparent objective matter, as we have discussed previously. In its essence it represents:

a) That the ruler apostatizes with a certain known apostacy by way of statement, action or declaration. Here there is no difference whether: He changed his Deen explicitly to become a Jew, Christian, Hindu or Buddhist and announces that publicly, or he declared his disavowal from Islam or

from all religions, or he apostatizes by way of statement, action or abandonment openly before the public, which consequently establishes disbelief with certainty, upon that which is known from the Deen by necessity. That is even if he remained named with an Islamic name, facing the Qiblah and eating its Halal slaughtered food.

b) That he commands a Ma'siyah (disobedience to Allah) within the public system or in a command directed to a particular person i.e. to leave an obligation (Wajib), in respect to which we have a Burhan (clear proof/evidence) from Allah for it being obligatory, or to undertake a prohibition (Haram), in respect to which we have a Burhan (clear proof/evidence) from Allah for it being prohibited.

c) He enacts a system (in the case where the system includes the constitution, laws, statutes, administrative instructions of an absolute description and what resembles these) which contains rulings which have not been deduced by a valid Shar'iy deduction.

d) That the ruler refrains from applying what is obligatory upon him to apply in terms of the Ahkam Ash-Shar'iyah entrusted to the Sultan (ruler). These "**Negative resolutions**" in terms of the non-application and abstention from application. A written "**license**" is not a condition in respect to this. Rather, the mere silence of the person in authority represents an implicit "**licensing**".

All of the above represents Kufr Bawah for which we have a Burhan (clear proof/evidence) from Allah, in itself according to its reality. That is regardless of the beliefs of the legislators, the appliers (judges) and executors, their type of disbelief and its level, their knowledge or ignorance, their contentment or displeasure, or their choice or their being coercion. It is not necessary for the one who manifests Kufr Bawah to be a disbeliever in himself, due to the well-known preventives of declaring someone a disbeliever, such as: Ignorance, interpretation (Ta'weel), coercion, lying in the situation of war and the Rukhsah (permission of exemption) in respect to the Tilawah (recitation), Shahadah (testimony) and Riwayah (relation), among other preventives (Mawani'). The legislators, judges and executors could be disbelievers in themselves, just as they may not be. This, however, does not have an impact upon the reality of the presence of "**Kufr Bawah for which we have a Burhan from Allah**". That is because the study relates to the system in its description and capacity as being a system and does not relate to the passing of judgement upon the person of the ruler himself.

The issue in sum is restricted to: The non-application of the Hukm of Allah i.e. not ruling by what Allah has revealed:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

This represents the Kufr Bawah for which we have a Burhan from Allah.

Some of the authority's jurists (Fuqaha' As-Salateen) are experts in the art of diverting from the matter of accounting the rulers towards the examination of the ruler himself and creating doubt in respect to him being a Kafir (disbeliever) or Murtadd (apostate) and by bringing doubtful arguments

in relation to his other **“praiseworthy acts”**, like the building of Masajid, printing Masahif (i.e. the Qur’an), attending religious celebrations and occasions, practising the ritual acts of worship and what is similar to that. Then, if they fail in that, they enter into a long expansive maze concerning the **“Preventives of Takfir (declaring disbelief)”**, focusing in particular upon the “Excuse of Jahl (ignorance)”, the limits of “Ikrah (coercion) being taken into consideration” and whether the threat of an attack by disbelieving states represents coercion or if their imposition of a form of embargo represents coercion etc. They continue like that in an unending spiral delving into the intricacies of judgements and obscure issues. Indeed, books are authored, PHD papers are written and conferences are held for the purpose of studying all of this.

All of that is as a result of the plotting and cunning of the enemies of Allah, the authority’s jurists (Fuqaha’ As-Salateen), their authors, journalists and media departments. They are also followed in the same style of argumentation with falsehood by their imitators who follow them like a donkey follows the one who leads it, and most of them are from the general affiliates of the **“Salafiyah”**.

This is all as a consequence of the error of the sincere Da’wah carriers and because they did not rigorously comply to the Shar’iy text. That is because the Messenger (saw) did not at all say in relation to the ruler: “Unless he disbelieves” or “Unless he apostates” or even “Unless he commits Fisq (rebellious disobedience)”. We are not in need of the burden of examining the person of the ruler and whether he has disbelieved or apostatized or whether he is a Fasiq or not? All of this does not concern us. Rather, the Messenger (saw) only charged us to confirm the **“Presence of Kufr Bawah for which we have a Burhan (clear proof/evidence) from Allah”** or that **“It was a Ma’siyah Bawah (Clear and evident disobedience to Allah)”** or that **“He (the ruler) had commanded us with an Ithm Bawah (Clear and evident sin) for which we have a Burhan from Allah”**.

And he commanded us, after ascertaining the existence of that alone, to contest those in charge of their affairs (Uli I-Amr) by the sword, of course when that is necessary, in accordance with the considered conditions and controlling principles. The pre-conditions for armed contestation include: The clear explanation that removes ignorance and Ta’weel (interpretation). As for the ruler possessing the authority using the excuse of Ikrah (coercion), then that is Batil (invalid) from its basis and origin. It is a duty upon him and not upon us, to make the Ummah aware of every reality with full accuracy and to present his excuse to it with full Amanah (trust). This means that he must **“Disclose (or reveal) all of his papers – cards?”** as they say, as this is from the primary rights of the Ummah due upon him and if he did not do that, we would know that he is swindler and liar.

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It is therefore not permissible for those bringing arguments and excuses for their masters (the rulers) based on ignorance, interpretation or coercion to talk in respect to the matter in origin or to present it for discussion at all, until they affirm prior to that and before all, that **“The Kufr Bawah for which we have a Burhan from Allah”** has manifested. If they confirmed, acknowledged and declared that, it would then be permissible for them to examine the matter of excuses and coercion. As for the excuse of Jahl (ignorance), then generally it is Batil (invalid) because such discussions have been taking place in practice for decades; books have been authored about it, lessons and lectures have been given and conferences have been held. As for the excuse of “Ta’weel” (interpretation), then this is Batil (invalid), unless they were to invalidate our statement concerning the appearance of **“Kufr Bawah for which we have a Burhan from Allah”** by Daleel (evidence). This is dubious as the Fuqaha’ As-Salateen and all those who argue and debate on their behalf, have previously affirmed its existence.

This is what the debate should be; about the nature of the reality of the authority's rule which is sensed and known to the masses and the extent of the applicability of the Shar'iyah texts, represented in the Ayat of the Qur'an and Prophetic Ahadeeth, upon that reality. It should not be about imaginary suppositions concerning coercion, ignorance, interpretation, personal circumstances and intentions which no one except Allah knows.

Third: If armed or military contestation actually occurred because the ruler from whom the Kufr Bawah manifested acted rashly and refused to uproot his crime and correct what he had corrupted, if that took place, then the ruler and those who are in his camp in terms of troops, in addition to those who support him by Fatawa, opinions, statements, speeches or poetry, from the regime scholars, thinkers, poets, media presenters and journalists, or through financing or arming, these are all considered to be from the group that is resisting the Hukm Ash-Shar'i by armed force in defence of Kufr Bawah, making war with the sword, hand, money or tongue.

This type of resisting group is fought against like the fighting against the warring people of apostacy i.e. like the fighting against the disbelievers from the people of war. It is not permissible for there to be any Shubha (doubt) in respect to the permissibility of fighting and killing them; including the scholar and ignorant, the one who has an interpretation and the coerced. They are all killed; the funeral prayer is not prayed over them, their bodies are not washed and they are not buried in the graveyards of the Muslims. They will then be raised on the Day of Judgement upon their intentions and Allah is most aware of them and their excuses.

As for those who were not from the resisting group, then he is a Muslim or Dhimmi (non-Muslim subject of the Islamic State) entitled to the protection of Islam. That is even if it included some who are outwardly Muslim but inwardly hypocrites. It is not permissible to search out their flaws, examine them in respect to their Deen or even turn one's attention to them at all. That is in contrast with the wretched straying Khawarij (Kharijites) from the Azariqah (Azraqites), the Sifriyah and the Najdat, who declared people to be disbelievers due to sins and targeted them with the sword, in addition to those who follow their destructive path in our current time, such as **"The criminal armed Jama'ah (group)"** in Algeria who fraudulently and falsely call themselves **"The armed Islamic Jama'ah"**, the enemies of Allah, His Messenger and his companions in Pakistan, who call themselves fraudulently and falsely **"Jaish (the army of) the Sahabah"** and every other fanatical straying group, regardless of their colouring or name.

Fourth: Muslim individuals, other than the rulers, people in authority, executors, their armed forces and those alongside them resisting by armed force, could include among them the disbeliever apostate who is open with his apostacy and disbelief and the hypocrite who conceals his disbelief. However, such instances have little impact upon the public life and there is nothing attained by looking into them.

There is no doubt that warning Muslims in respect to accepting or being content with the ruling of disbelief is from the greatest of obligations. That is because whoever accepts or is content with the rule of disbelief whilst knowing that and not offering a Ta'weel (interpretation), is an apostate disbeliever. This therefore represents a great danger and it is impermissible to be negligent or careless in respect to it.

However, warning the Muslims of disbelief, rebellious disobedience, sinfulness, explaining it to them and making them accustomed to hating it, is one matter, which is important and of magnitude,

whilst being occupied in Takfir (declaring individuals to be disbelievers) is another matter. There is no good in it and nothing can be hoped to be accomplished from that. This matter is made worse when the Da'wah carrier gets embroiled in the maze of Takfir (declaring individuals to be disbelievers) and the issues related to making excuses based upon ignorance or interpretation (Ta'weel).

It is sufficient for the Da'wah carrier to know that the one who comes with an act from the acts of disbelief or a statement from the statements of disbelief is a Kafir in himself unless a considered preventer (Mani') for that has been established. That is whilst Allah is most aware of His slaves, encompasses all their affairs and the One who will hold them to account:

فَذَكِّرْ إِنَّمَا أَنْتَ مُذَكِّرٌ ﴿٢١﴾ لَسْتَ عَلَيْهِمْ بِمُصَيِّرٍ

So, remind them, you are only one who reminds. (21) You are not in control over them (Al-Ghashiyah: 21-22).

It is enough for him to know that the one who faces our Qiblah (direction for prayer) and eats our slaughtered meat is a Muslim. He has what we have (in terms of rights) and he is obliged with what we are obliged with (in terms of obligations/responsibilities). Even if this Muslim, according to what was apparent, was a disbeliever in truth, then the matter is uncomplicated for the one who is certain about his status (i.e. the one who knows with certain knowledge that he is a disbeliever in the absence of any Mani'(preventer) from the considered preventers of Takfir (declaring disbelief)). He would treat him in accordance with the treatment of the Munafiqin (hypocrites). He would not perform the prayer over him, stand over his grave or seek forgiveness for him. At the same time there is no necessity to spread that and inform the people of his status, unless there is a Shar'iyah Maslahah (interest) to do so. That could include a warning in respect to marriage, to prevent this hypocrite from taking a post through which he could view the weaknesses of the Muslims or from participating in a certain trade etc.

This is the policy employed with the general masses of the Muslims residing in Dar ul-Islam (the land where Islam is applied), concerning whom there is doubt in relation to their Islam. This is the same as the Prophetic policy as applied upon the hypocrites by Hudhaifah bin Al-Yaman, who was entrusted with the secrets of the Messenger of Allah (saw) (i.e. concerning them). By greater reason, the application of that is designated in Dar ul-Kufr (the land of disbelief), where there is no Islamic authority and its Ahkam (rulings) are not prevalent.

The Prophetic policy alone is the correct one and it alone treats the problem and brings perpetual happiness. For that reason, it is impermissible to be deceived or fooled by the slips of the 'Ulama' (scholars), regardless of how high their status or how great their fame or how many people follow them, nor by the cries of the infatuated raising the slogan "Whoever does not declare a disbeliever a disbeliever has become a disbeliever". The matter continues to go on until there simply does not remain a believer apart from the one who has made that statement himself, although he may soon declare himself a disbeliever as well!

Chapter: A study of the Ahadeeth related to “Al-Munabadhah” (Contestation)

There is no need here in this chapter to study the Asaneed (chains of transmission) and to discuss the strength of the narrators of the three Ahadeeth of this chapter, which are: The Hadith of Umm Salamah **“No, as long as they pray”**, the Hadith of ‘Awf bin Malik **“No, as long as they establish the Salah (prayer) among you”** and the Hadith of ‘Ubadah bin As-Samit: **“Unless you see Kufr Bawah for which you have a Burhan from Allah”**. That is because such a study and discussion has been exhausted and completed due to the Hadith having been recorded in the books Sihah, Sunan, Masanid and Ma’ajim, in addition to having been met with acceptance from the Ummah. Consequently, nothing remains apart from the accurate rendering of its wordings and discussing some of the dictates of its meanings.

- Section: The accurate rendering of the wording of the Hadith of Umm Salamah: “No, as long as they pray”.

- The following came recorded in the **“Sunan of Abu Dawud”**: [Sulaiman bin Dawud related to us from Hammad bin Zaid, from Hisham, from Hassan, from Al-Hasan, from Dabbah bin Mihsan, from Umm Salamah, the wife of the Prophet (saw), that she said: The Messenger of Allah (saw) said:

سَتَكُونُ عَلَيْكُمْ أئِمَّةٌ تَعْرِفُونَ مِنْهُمْ وَتُنْكِرُونَ فَمَنْ أَنْكَرَ بِلِسَانِهِ فَقَدْ نَبَّأَ، وَمَنْ كَرِهَ بِقَلْبِهِ فَقَدْ سَلِمَ وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ! فَقِيلَ: يَا رَسُولَ اللَّهِ أَفَلَا نُفَاتِلُهُمْ؟ قَالَ: لَا مَا صَلَّوْا

“There will be A’immah (Imams/leaders) over you, you will approve from them and disapprove. Whoever expresses disapproval with his tongue is free of sin/blame; and whoever hates it with his heart, is safe, but whoever is pleased and follows them!” It was asked: **“O Messenger of Allah, should we not fight against them?”** He replied: **“No, as long as they pray”**].

I say: This represents the most balanced of the textual contents (Mutoon) of this Hadith, as some of the narrators have turned the wordings round and stated: **“Whoever denies ... is safe ... and whoever hates ... is free of sin/blame”** and this is without doubt an error. That is because the denying, especially by the tongue, is higher than the mere hatred, whilst being free of sin is higher than mere safety from punishment, which could take place incidentally without the sin being proven. As such, necessity dictates that the freedom accompanies the denial and the safety accompanies the hatred, and not the opposite. It is astonishing that Al-Baihaqi related it with the path of Abu Dawud but mixed it up by making the first with the heart instead of the tongue, whilst omitting the second!

Some of the narrations of this Hadith did not state **“With his tongue”** or **“With his heart”**, however what we selected is necessary because the place of hatred is definitely the heart, whilst denial or demonstrating disapproval (Inkar), is higher than that as hatred or dislike is a condition for denial or disapproval. That is because it is not conceivable for someone to disapprove of a matter unless he dislikes it. In addition, it is not permissible for both to be with the heart, otherwise it would represent ineffectual speech, whilst the seal of the Prophets of Allah, who was provided with the **“Jawami’ Al-Kalim”** (words which are concise and comprehensive) and who summarized the speech precisely, is free of that. As such, the Inkar (denial/disapproval) must be by the tongue.

It has also been said that the two wordings were from Al-Hasan Al-Basri but this is a delusion from the one who said that. Rather, some of the narrators claimed that Al-Hasan said **“With his heart”** in respect to both of them as a Tafsir from his own Ijtihad (effort of deduction). It is most probable that Qatadah said that, whilst the correct view is what came mentioned in “Shu’ab Al-Iman” (vol: 6, p62): [And we related from another direction from Al-Hasan that he said: “So, whoever denies (or disapproves) with his tongue has freed himself (of sin/blame), and the time of this has gone, and whoever hates with his heart, then the time for this has come”]. Therefore, the wordings “With his tongue” and “With his heart” are in the original text of the Hadith.

The wording **“Should we not fight against them?”**, which has appeared in the strongest and majority of the narrations of this Hadith was exchanged in some paths with the wording **“Should we not kill him?”**. Fighting is what is required here as the issue is the issue of going out against, contesting and removing the hand from obedience, as has been mentioned in abundant other Ahadeeth. The issue is not one of imposing a punishment or establishing a Hadd (set prescribed punishment). Some of the paths may also have come with the wording **“Should we not fight against their Fujjar (corrupt and wicked)”**, which holds the same meaning.

Most of the Sahih (authentic) paths state **“No, As long as they pray”** and so it made their own prayer the Mani’ (preventer) and not the establishment of the Salah (prayer). That is in contrast with the Hadith of ‘Awf bin Malik, may Allah be pleased with him. And in some of the paths the following was stated: **“No, as long as they pray the Salah”** which represents an addition in terms of clarity.

The Hadith is Sahih and has also come via numerous paths in **“Sahih Muslim”** and likewise in the **“Musnad of Imam Ahmad bin Hanbal”**, the **“Musnad of Abu Dawud At-Tayalisi”** and the **“Musnad of Abu Ya’la”**. Sheikh Hussein Asad said: [Its Isnaad (chain of transmission) is Sahih]. It was also recorded in **“Al-Mu’jam Al-Kabir”** (At-Tabarani) from numerous paths, the majority of which are Sahih, and likewise in the **“Musnad of Abu ‘Awanah”** with numerous paths, the majority of which are Sahih. Just as it has been recorded in the **“Musannaf of Ibn Abi Shaibah”**, the **“Musnad of Ishaq bin Rahwayh”** and in the **“Tamhid of Ibn Abdul Barr”** (Volume: 24, page: 312 onwards) from numerous paths, among other sources.

- The following was recorded in **“Al-Mu’jam Al-Kabir”** (At-Tabarani): [Muhammad bin Uthman bin Abi Shaibah related to us from Yahya bin Abi Bukair, from Al-Hayyaj bin Bistam, from Laith, from Tawus, from Ibn ‘Abbas, may Allah be pleased with him, that he said: The Messenger of Allah (saw) said:

سَيَكُونُ أُمَرَاءُ تُعْرِفُونَ وَتُنْكِرُونَ فَمَنْ يَابَدَهُمْ نَجَا وَمَنْ اعْتَرَاهُمْ سَلِمَ وَمَنْ خَالَطَهُمْ هَلَكَ

“There will be leaders whom you will approve and disapprove (of). So, whoever contests them is saved, whoever separates from them is safe and whoever mixes with them is destroyed”].

However, Al-Hayyaj bin Bistam is Da’eef (weak) and his son Khalid related many detestable rejected Ahadeeth from him and Laith bin Abi Sulaim confused matters and did not distinguish his Hadith.

The Hadith is Qat’iy (definite) in its Dalalah (indicative meaning) in respect to the legitimacy of fighting, which only usually occurs by way of the sword accompanied by the spilling of blood, with the aim of removing the ‘Umara’ (leaders) who have abandoned the Salah and even by killing them if

that is necessary. This means, in the most minimal of circumstances, that the Ameer (leader) **“Left or abandoned the prescribed prayer”**.

The sentence **“As long as they pray”** could represent a metaphor (Kinayah) for leaving the Deen. As such it relates in truth to Kufr (disbelief) and Riddah (apostacy), in respect to their personal affair. Consequently, if the ruler himself disbelieved it would be obligatory to remove him and even if that meant fighting by the sword which leads to him being killed and this applies by greater reason if Kufr Bawah appeared in respect to the public affairs. This is what the previous Hadith of ‘Ubadah bin As-Samit and the Hadith related by ‘Awf bin Malik indicate to with complete precision.

The correct view is that both of these matters represent the truth. If he abandoned the Salah it is obligatory to remove him, regardless of his Kufr (disbelief) or Riddah (apostacy). If he disbelieved and apostatized himself, then by necessity he has abandoned the Salah and even if he made Takbir and undertook the actions of the prayer according to its apparent form, he is not considered to be someone who is praying. Therefore, if he disbelieved and apostatized himself, his rule becomes null and void and it becomes obligatory to remove him by force if he refuses to step down peacefully. That is even if he remains applying Islam completely in other than that. This applies by greater reason if the Kufr Bawah appeared in the public life.

Section: The accurate rendering of the wording of the Hadith of ‘Awf bin Malik: “No, as long as they establish the prayer among you”.

- The following came recorded in “Sahih Muslim”: [Ishaq bin Ibrahim Al-Hanzhali related to us from ‘Isa bin Yunus, from Al-Awza’i, from Yazid bin Yazid bin Jabir, from Ruzaiq bin Hayyan, from Muslim bin Qarazha, from ‘Awf bin Malik, from the Messenger of Allah (saw), that he said:

خَيْرَ أَيْمَتِكُمُ الَّذِينَ تُحِبُّوهُمْ وَيُحِبُّونَكُمْ وَيُصَلُّونَ عَلَيْكُمْ وَتُصَلُّونَ عَلَيْهِمْ وَشِرَارُ أَيْمَتِكُمُ الَّذِينَ تُبْغِضُوهُمْ وَيُبْغِضُونَكُمْ وَتَلْعَنُوهُمْ وَيَلْعَنُونَكُمْ. قِيلَ: يَا رَسُولَ اللَّهِ أَفَلَا تُنَايِذُهُمْ بِالسَّيْفِ؟ فَقَالَ: لَا مَا أَقَامُوا فِيكُمْ الصَّلَاةَ وَإِذَا رَأَيْتُمْ مِنْ عُلَاَتِكُمْ شَيْئًا تَكْرَهُونَهُ فَأَكْرَهُوا عَمَلَهُ وَلَا تَنْزِعُوا يَدًا مِنْ طَاعَةٍ

“The best of your Imams (leaders) are those whom you love and they love you, who invoke Allah’s blessings upon you and you invoke His blessings upon them. And the worst of your Imams are those whom you hate and they hate you and whom you curse and they curse you”. It was asked: “Shouldn’t we not oppose them by the sword?” He said: “No, as long as they establish the prayer among you. If you then find anything from your rulers which you hate, then you should hate its action, and do not remove your hands from obedience”].

All of the textual contents (of this narration) contain this (same wording) in essence however some of the paths mention “Al-Munabadhah” (contestation) but do not state **“By the sword”**. This wording however is an addition from those narrators who are reliable and trustworthy and as such it must be relied upon and adopted. It is not permissible to leave it and additionally (the usage of) “Al-Munabadhah” (contestation) usually incorporates within it **“the sword”**.

Some of the paths of this Hadith mention: “Whoever has a Wali (ruler) appointed over him and sees him coming with something from the disobedience of Allah, then he should hate what he has come with from the disobedience of Allah and he should not remove his hand from obedience”, instead of: **“If you then find anything from your rulers which you hate, then you should hate its action, and do not remove your hands from obedience”**. The wording we have selected is the plainest and most meaningful as the Makruh (that which is disliked/hated) encompasses the acts of disobedience and other than them. This is a meaningful addition and it is not permissible to leave the established addition.

Some of the paths of this Hadith contained a repetition of the statement as follows: **“No, as long as they establish the prayer among you. No, as long as they establish the prayer among you ...”**. It was repeated twice or three times. This is only reinforcement and does not change anything from the meaning at all.

The Hadith is of the highest level of authenticity and connection, expressing clearly in some of its paths the manner of narration from one link in the chain to another (At-Tahdeeth) and has been reinforced by a Qasm (swearing of an oath by Allah). That is like, for example, what came in **“Sahih Muslim”**: [Dawud bin Rashid related from Al-Walid (meaning bin Muslim), from Abdur Rahman bin Yazid, from Jabir, who said, Mawla Bani Fazarah (and he is Ruzaiq bin Hayyan), informed me that he heard Muslim bin Qarazha, the cousin of ‘Awf bin Malik Al-Ashja’i, saying: I heard ‘Awf bin Malik Al-Ashja’i saying: I heard the Messenger of Allah (saw) saying it]. [Then Ibn Jabir said: So, I said, meaning to Ruzaiq Hayyan, when he informed me of this Hadith: “By Allah, O Abu I-Miqdam, did he relate this to you or did you hear this from Muslim bin Qarazha who said I heard ‘Awf saying: I heard the Messenger of Allah (saw)”? He (Jabir) said: He then kneeled on his knees, faced the Qiblah and said: Yes, by Allah, there is no Ilah (deity) other than Him, I surely heard it from Muslim bin Qarazha who said: I heard ‘Awf bin Malik saying: I heard the Messenger of Allah].

It has been recorded via numerous paths in **“Sahih Muslim”**, the **“Sunan of Ad-Darami”**, the **“Musnad of Ahmad bin Hanbal”**, **“Sahih Ibn Hibban”**, the **“Sunan of Al-Baihaqi Al-Kubra”**, **“Al-Mu’jam Al-Kabir”** (At-Tabarani), **“Musnad Ash-Shamiyin”** and from a great number of paths, the majority of which are Sahih, in the **“Musnad of Abu ‘Awanah”**, just as it has been recorded in other than these sources.

- A similar Hadith was related in **“Al-Mu’jam Al-Kabir”** (At-Tabarani) from ‘Uqbah bin ‘Amir: [Muhammad bin Yahya bin Mandah Al-Asbahani related to us from Abu Kuraib, from Yunus bin Bukair, from Musa bin ‘Ali, from his father, from ‘Uqbah bin ‘Amir, who said: The Messenger of Allah (saw) said:

أَلَا أُخْبِرُكُمْ بِخَيْرِ عَمَلِكُمْ وَشِرَارِهِمْ؟ قَالُوا: بَلَى يَا رَسُولَ اللَّهِ قَالَ: فَإِنَّ خَيْرَهُمْ لَكُمْ مِنْ حُبُونِهِمْ وَخَيْرُكُمْ وَتَدْعُونَ اللَّهَ لَهُ وَتَدْعُوا اللَّهَ لَكُمْ وَشِرَارُهُمْ لَكُمْ مَنْ تَبْعُضُونَهُ وَتَبْعُضُكُمْ وَتَدْعُونَ اللَّهَ عَلَيْهِ وَتَدْعُوا اللَّهَ عَلَيْكُمْ فَقَالُوا: أَفَلَا نُنْفَاتِلُهُمْ يَا رَسُولَ اللَّهِ؟ قَالَ: لَا دَعْوَهُمْ مَا صَلُّوا وَصَامُوا

“Shall I not inform you of the best of your governors and the worst of them?” They said: “Yes, O Messenger of Allah”. He said: “The best of them to you is the one whom you love and he loves you. You supplicate Allah for him and He supplicates Allah for you. And the worst of them for you is the

one you hate and he hates you and you supplicate to Allah against him and he supplicates Allah against you”. They asked: “Should we not fight against them O Messenger of Allah!?” He said: “No, leave them as long as they fast and pray”].

This Isnad (chain of transmission) is Hasan Jayyid (good). Yunus bin Bukair is truthful but errs. Al-Bukhari and Muslim recorded from him in pursuance (i.e. as supportive evidence) whilst Musa bin ‘Ali from his father from ‘Uqbah bin ‘Amir is from the chains of transmission of Muslim. As for Muhammad bin Yahya bin Mandah Al-Asbahani and Abu Kuraib Muhammad bin Al-‘Alaa Al-Hamdani, then they are from the well-known reliable and trusted major Imams.

- In the **“Sunan of At-Tirmidhi”** there is a third Hadith related by ‘Umar ibn Al-Khattab: [Muhammad bin Bashir related to us from ‘Amir Al-‘Aqadi, from Muhammad bin Abi Humaid, from Zaid bin Aslam, from his father, from ‘Umar bin Al-Khattab, from the Prophet (saw), that he said:

أَلَا أُخْبِرُكُمْ بِخَيْرِ أَمْرَائِكُمْ وَشَرِّهِمْ خِيَارُهُمُ الَّذِينَ تُحِبُّوهُمْ وَيُحِبُّونَكُمْ وَتَدْعُونَ لَهُمْ وَيَدْعُونَ لَكُمْ وَشَرُّ أَمْرَائِكُمُ الَّذِينَ تُبْغِضُونَهُمْ وَيُبْغِضُونَكُمْ وَتَلْعَنُونَهُمْ وَيَلْعَنُونَكُمْ

“Shall I not inform you of the best of your leaders and the worst of them. The best of them are those whom you love and they love you, you supplicate for them, and they supplicate for you. And the worst of your leaders are those who hate you, and you hate them, and they curse you and you curse them”.

Abu ‘Isa said: [This Hadith is Hasan Gharib. We are not aware of it except from the Hadith of Muhammad bin Abi Humaid and Muhammad is weak in respect to his memorization]. Al-Albani said: [(It is) Sahih (authentic)]. It was also reported in the **“Musnad of Abu Ya’la”**. Sheikh Hussein Asad said: [Its Isnad is Da’eef (weak)]. I say: Yes this Isnad is Da’eef (weak) and it may be that the Hadith is made to be Hasan due to its supporting evidences or indications (Shawahid).

The Hadith is Qat’iy Ad-Dalalah (definite in respect to its indicative meaning) in respect to the legal legitimacy of **“Contesting or Opposing by the sword”** (i.e. fighting) against the ‘Umarah’ (leaders) who **“have left or abandoned the establishment of the Salah amongst us”**. In the very least the establishment of the Salah amongst us means: That he leaves us to establish the Salah by ourselves which stipulates that he does not lock the Masajid, leaves the people to perform their obligatory prayers, does not pursue those who perform the prayer or distance them from positions of employment in general and the armed forces in particular. Hence, the Turkish secular state, for example, definitely does not establish the Salah among the people.

The sentence **“As long as they establish the Salah among you”** could also be a metaphor (Kinayah) for the establishment of the Deen and its Ahkam among the people. In that case, it would in essence be in conformity with the Hadith of ‘Ubadah bin As-Samit: **“Unless you see Kufr Bawah for which you have a Burhan (clear proof/evidence) from Allah”**. That is because the one who manifests Kufr Bawah has definitely demolished the Deen in the public life and it is inconceivable that he had established the Deen i.e. **“Established the Salah among us”**.

- **Section: The accurate rendering of the wording of the Hadith of ‘Ubadah bin As-Samit: “Unless you see Kufr Bawah for which you have a clear proof (Burhan) from Allah”.**

There is also no need here to study the Asanid (chains of transmission) for this Hadith and discuss the reliability of the narrators. That is because that has already been undertaken fully as the Hadith has been recorded in the Sahih books and Sunan in addition to having received acceptance from the Ummah. Indeed, this Hadith is stronger than the previous ones due to the agreement of Al-Bukhari and Muslim upon it.

- It was also related in **“Al-Jami’ As-Sahih Al-Mukhtasar”**: [Isma’il informed us from Ibn Wahab, from ‘Amr, from Bukair, from Busr bin Sa’id, from Junadah bin Abi Umayyah, who said: We entered upon ‘Ubadah bin As-Samit whilst he was sick. We said to him: “May Allah make you well, relate to us a Hadith by which Allah will benefit you with which you heard from the Prophet (saw)”. He said: “The Prophet (saw) called for us and so we gave him the pledge of allegiance (Bai’ah)” He went on “From among the matters which he held us to was that:

بَايَعَنَا عَلَى السَّمْعِ وَالطَّاعَةِ، فِي مَنْشَطِنَا وَمَكْرَهِنَا، وَعُسْرِنَا، وَيُسْرِنَا، وَآثَرَةٍ عَلَيْنَا، وَأَنْ لَا تُنَازَعَ الْأَمْرَ أَهْلُهُ، إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا، عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ

We pledged to hear and obey, in what we like and dislike, in difficulty and ease, when preference is given over us, and that we must not dispute the authority of its people unless (he said) you see Kufr Bawah for which you have a Burhan (clear evidence/proof) from Allah”.

In other Sahih narrations recorded by other than Al-Bukhari the following were also stated: **“Unless it is a Ma’siyah Bawah (clear and evident act of disobedience to Allah”, “As long as he has not commanded you with an Ithm Bawah (clear and evident sin)” and “Unless as – remove or edit? he does not command you with an Ithm Bawah for which you have its Ta’weel (interpretation) from, the Kitab (i.e. Al-Qur’an)”.**

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All of these (variations) establish proof as will be explained.

- In **“Sahih Muslim”** its chain of transmission was: [Ahmad bin Abdur Rahman bin Wahb bin Muslim related to us from my paternal uncle Abdullah bin Wahb, from ‘Amr bin Al-Harith, who said: Bukair related it to me to its end, in respect to its Sanad (chain) and Matn (textual content)].

- In the **“Musnad of Abu ‘Awanah”** (Volume: 4, page: 408) it was recorded as follows: [Abu ‘Ubaidullah Ahmad bin Abdur Rahman related to us saying: My paternal uncle related it from ‘Amr from Bukair who related it to its end, in respect to its Sanad (chain) and Matn (textual content)].

- In the **“Sunan Al-Kubra of Al-Baihaqi”** it was recorded as follows: [Abu Tahir Al-Faqih related to us from Abu Bakr Muhammad bin Ibrahim bin Al-Fadl Al-Fahham, from Muhammad bin Yahya, from Nu’aim bin Hammad, from Wahb, from ‘Amr bin Al-Harith, from Bukair who related it to its end, in respect to its Sanad and Matn]. Al-Baihaqi then said: [We recorded it in the Sahih from the Hadith of Ibn Wahb].

- In **“Fat’h ul-Bari’, the Sharh (explanation) of Sahih Al-Bukhari”** it was attributed to Al-Isma’eeliy, connected in sequence in its manner of transmission: [It came to Al-Isma’eeliy via the path of Uthman bin Salih, from Wahb, from ‘Amr who informed him that Bukair related it from Busr bin Sa’id, from Junadah].

- In the **“Sahih of Ibn Hibban”**, with a different wording, it was as recorded as follows: [As-Soufi in Baghdad informed us saying that Al-Haitham bin Kharija related it to us from Mudrik bin Sa’d Al-Fazari Abu Sa’id, from Hayyan Abu An-Nadr who heard it from Junadah bin Abi Umayyah. Who heard it from ‘Ubadah bin As-Samit, who said: The Messenger of Allah (saw) said:

يَا عِبَادَةَ! قُلْتُ: لَبَيْكَ! قَالَ: اسْمَعْ وَأَطِعْ فِي عُسْرِكَ وَيُسْرِكَ، وَمَكْرَهِكَ، وَأَتَرَةٍ عَلَيْكَ، وَإِنْ أَكَلُوا مَالَكَ، وَضَرَبُوا ظَهْرَكَ، إِلَّا أَنْ تَكُونَ مَعْصِيَةً لِلَّهِ بَوَاحًا

“O ‘Ubadah!” I said: “At your service!” He said: “Hear and obey in your difficulty, your ease, in what you dislike, when preference is given over you, if they devour your wealth and strike your back, unless it is a clear and evident (Bawah) Ma’siyah (act of disobedience) to Allah”].

Sheikh Shu’aib Al-Arna’ut said: [Its Isnad (chain of transmission) is Hasan].

I say: This represents a shortcoming because it is Hasan Sahih and proof is established by it.

- In the **“Musnad of Imam Ahmad bin Hanbal”** it was recorded as follows: [Al-Walid bin Muslim related to us from Al-Awza’i, from ‘Umair bin Hani’, from Junadah bin Abi Umayyah, from ‘Ubadah bin As-Samit who, said: The Messenger of Allah (saw) said:

عَلَيْكَ السَّمْعُ وَالطَّاعَةُ فِي عُسْرِكَ وَيُسْرِكَ، وَمُنْشَاطِكَ وَمَكْرَهِكَ، وَأَتَرَةٍ عَلَيْكَ، وَلَا تُتَارَعَ الْأَمْرُ أَهْلُهُ وَإِنْ رَأَيْتَ أَنَّ لَكَ

“Hearing and obeying is obliged upon you in difficulty and ease, in your pleasure and displeasure, when preference if given over you. And do not dispute the authority of its people and even if you viewed it to be for you”].

Ahmad then said: [Al-Walid bin Muslim related it to us from Sa’id bin Abdul Aziz, from Hayyan Abi An-Nadr, that he heard from Junadah relating from ‘Ubadah the same as it (i.e. the same Hadith)]. Ahmad then said: [Al-Walid related it to us from Ibn Thawban (likely to mean Abdur Rahman bin Thabit bin Thawban), from ‘Umair bin Hani’, from Junadah bin Abi Umayyah, from ‘Ubadah bin As-Samit, from the Messenger of Allah (saw), similar to it. He said: **“As long as he does not command you with an Ithm Bawah (clear and evident sin)”].**

I say: The first two chains of transmission are Sahih. As for the last with the addition **“As long as he does not command you with an Ithm Bawah (clear and evident sin)”**, it is Hasan Jayyid (good) in itself and Sahih as a result of the supporting evidence of the previous Ahadeeth recorded by Al-Bukhari, Muslim and Ibn Hibban.

- In the **“Musnad Ash-Shamiyyin”** there are important additions: [Muhammad bin Abi Zur’ah Ad-Dimashqi related to us from Hisham bin ‘Ammar, from Ibn Duham, from his father, from Al-Walid

bin Muslim, from Ibn Thawban, from 'Umar bin Hani', from Junadah bin Abi Umayyah, from 'Ubadah bin As-Samit, who said: The Messenger of Allah (saw) said:

عَلَيْكَ السَّمْعُ وَالطَّاعَةُ فِي عُسْرِكَ وَيُسْرِكَ، وَمَنْشَطِكَ وَمَكْرَهِكَ، وَأَثَرَةٍ عَلَيْكَ، وَلَا تُنَازِعِ الْأَمْرَ أَهْلَهُ وَإِنْ رَأَيْتَ أَنَّه لَمَكَ

"Hearing and obeying is obliged upon you in difficulty and ease, in your pleasure and displeasure, when preference if given over you. And do not dispute the authority of its people and even if you viewed it is for you".

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'Umar said: Khudair or Hudair As-Sulami told me that he heard from 'Ubadah bin As-Samit, from the Prophet (saw), that he added:

إِلَّا أَنْ يَأْمُرَكَ بِإِيمٍ بَوَاحًا عِنْدَكَ تَأْوِيلُهُ مِنَ الْكِتَابِ

"Unless he commands you with a Bawah (clear and evident) sin, in respect to which you have its Ta'weel (understanding) from the Kitab (i.e. Al-Qur'an)".

Khudair or Hudair said: I asked 'Ubadah: "And if I obeyed him?!" He answered: "he will be taken by your legs and will be thrown into the fire and he will come and then save you!".

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I say: This is also Hasan Jayyid (good) in itself, proof is established by it and it is Sahih as a result of its supportive and corroborative evidences (Shawahid and Mutaaba'at) as have been recorded by Al-Bukhari, Muslim, Ahmad, Ibn Hibban and others. Khudair As-Sulami has no issues with him. He is from the reliable transmitters (Thiqat) of Ibn Hibban and relates from 'Ubadah bin As-Samit and Ka'b Al-Ahbar. Al-Bukhari has a biography of him and has been given the name Hudair Al-Sulami, with a Haa' (and not Khaa' for the first letter of his name).

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- Also, recorded in the **"Musnad of Imam Ahmad bin Hanbal"**: [Sufyan bin Yahya related to us from 'Ubadah bin Al-Walid bin 'Ubadah bin As-Samit, that he heard from his grandfather, or as Sufyan said once, from his grandfather 'Ubadah. (Sufyan said: Ubadah was a Naqib (deputy) and was from the seven):

بَايَعْنَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْعُسْرِ وَالْيُسْرِ وَالْمَنْشَطِ وَالْمَكْرِهِ وَلَا تُنَازِعِ الْأَمْرَ أَهْلَهُ نَقُولُ الْحَقَّ حَيْثُمَا كُنَّا لَا نَخَافُ فِي اللَّهِ لَوْمَةً لَأَنَّمِ

"We gave our pledge to the Messenger of Allah (saw), to listen and obey in difficulty and ease, in what we like and dislike, and when preference is given over us, and that we do not dispute the authority of its people, that we speak the truth wherever we are, and that we would not fear the blame of anyone in Allah's way".

Sufyan said: Some of the people added to it:

عَمَّا لَمْ تَرَوْا كُفْرًا بَوَاحًا

“As long as you have not seen Kufr Bawah”}.

I say: This represents a clear evidence that the addition was known to Sufyan and it may be that he did not hear it in a connected manner that satisfied him and so left it as being Mursal (unconnected). That is whilst the other paths establish the definite proof for its authenticity, like those recorded by Al-Bukhari, Muslim and other than them.

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The above concerns the well-known Hadith of “**Al-Kufr Al-Bawah**” and it relates to the appearance or manifestation of the Kufr Bawah in the public life, regardless of whether the ruler has become a disbeliever or apostatized and regardless of the excuses of ignorance, Ta’weel or coercion. All of that could have an impact upon the ruler himself as an individual and his destination in the hereafter, however it does not nullify the reality of the appearance or manifestation of the Kufr Bawah and what is consequently built upon that in terms of the legitimacy of disobedience, rebellion, revolution, revolt, contestation and fighting, or even defensive Jihad to expel the disbeliever who has occupied the land of Islam, which in such a situation would be Fard ‘Ain (an obligation upon every individual) etc ... which has been detailed in its appropriate place.

Chapter: Raised doubts or specious arguments (Shubuhaat) related to declaring the one “Who did not rule by what Allah revealed” a disbeliever

The Fuqaha’ As-Salateen (State scholars), may Allah deal with them and distance them, and particularly the agents of the family of Saud from among them, have exhausted all efforts to distort speech from its context and to incite doubts, in a desperate attempt to extinguish the light of Allah, consolidate the thrones of their “**masters**”, from among the tyrant rulers who rule by other than what Allah has revealed, ally with the disbelievers and fight against Islam. They are from those who:

يَقْتُلُونَ الَّذِينَ يَأْمُرُونَ بِالْقِسْطِ مِنَ النَّاسِ

Kill those who order justice from among the people (Aali ‘Imran: 21).

So, they sold their hereafter or the Dunya of other than them and destroyed themselves, however it is no avail because:

يُرِيدُونَ لِيُطْفِئُوا نُورَ اللَّهِ بِأَفْوَاهِهِمْ وَاللَّهُ مُتِمُّ نُورِهِ وَلَوْ كَرِهَ الْكَافِرُونَ ﴿٨٨﴾ هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ

They want to extinguish the light of Allah with their mouths, but Allah will perfect His light, although the disbelievers hate it. (8) It is He who sent His Messenger with guidance and the Deen of truth to manifest it over all Deens, although those who associate others with Allah hate it (As-Saff: 8-9).

Most of the argumentation of those infatuated ones only revolves around the issue of the Hukm (ruling/judgement) by other than what Allah revealed, or more precisely, around the verses related to the Hukm and these are the collection of verses (in Surah Al-Ma'idah) which include His speech (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ

And whoever did not rule by what Allah revealed ...

Consequently, it is necessary to thoroughly examine these verses prior to any discussion about doubts or specious arguments that have been raised concerning them and prior to refuting their lies.

Firstly: Examination of the causes of revelation (Asbab An-Nuzul) of the verses of ruling

What has been mentioned concerning the causes of revelation of any Ayah (verse) from the Kitab Al-'Aziz (Al-Qur'an) in Ahadeeth and reports, if authentic, only indicates to details of what is mentioned in the Ayah. However, it does not change its subject or the meaning of its sentences according to the indicative meanings of the language and the Shar'a. It does not nullify that the precept is with the generality of the wording, upon its apparentness, generality and absoluteness, whilst the precept is not with the specificity of the cause of revelation. The cause of revelation therefore does not specify, restrict or interpret. Specification, restriction and Ta'weel (interpretation) only occurs from another text or the necessity of the senses (Al-Hiss) or mind (Al-'Aql), and no other sources. (Note: Ta'weel here means: Taking the text away from its apparent meaning).

In addition, it is not unknown for the narrations to be numerous and for the realities to be varied in relation to the causes of the revelation of a particular Ayah (verse). Indeed, it is true that an Ayah or a collection of Ayat are revealed initially in relation to a particular reality or circumstance. The Prophet (saw) would then present them to a number, through whom proof is established, of "Al-Quraa'" (reciters) who were dedicated to the memorization of the Qur'an. He would dictate the verses to those who attended to him from the writers who would then immediately write them down upon what they had available in terms of palm leaf stalks, thin white stone, palm branches and tablets. This was then transmitted after that, after a short period or longer period, to the pages relied upon when they gathered to "compile the Qur'an". All of that was then presented and revised with Jibril every Ramadan. If the report or narration came affirming that the Ayah (verse) was revealed and written or dictated, we know then that this referred to its initial revelation.

There could then be another occasion where a reality occurs or the Prophet (saw) is asked about a matter and then the Prophet (saw) passes judgement upon it with a particular ruling and recites an Ayah (verse). Then some in attendance, who had not memorized the verse, thought that it had been revealed for the first time on that occasion. This could particularly be so if the Prophet (saw) was silent, awaiting the revelation and was then taken by the well-known severity that usually afflicted him at the time of receiving the revelation. Those in attendance would then believe that what he recited following the severity of the descent of the revelation, that it had been revealed at that

instance, even though it had already been revealed in the past, whilst the new revelation had only come to guide to the application of that revelation upon this new incident as well. It is therefore not unknown for Sahih narrations to mention numerous realities as the cause of revelation, as has been explained.

Concerning the Ayat (verses) of ruling, which are His Qawl (swt):

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ ۖ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّانِيُّونَ وَالْأَحْبَارُ بِمَا اسْتُحْفِظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ ۚ فَلَا تَخْشَوْنَ النَّاسَ وَاحْشَوْنَ اللَّهَ ۚ فَمَا تَخْشَوْنَ اللَّهَ ۚ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾ وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ ۚ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ ۚ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴿٤٥﴾ وَفَقَّيْنَا عَلَى آثَارِهِم بِعِيسَى ابْنِ مَرْيَمَ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ التَّوْرَةِ ۖ وَآتَيْنَاهُ الْإِنْجِيلَ فِيهِ هُدًى وَنُورٌ وَمُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ التَّوْرَةِ وَهُدًى وَمَوْعِظَةً لِّلْمُتَّقِينَ ﴿٤٦﴾ وَلِيَحْكُمَ أَهْلُ الْإِنْجِيلِ بِمَا أَنْزَلَ اللَّهُ فِيهِ ۚ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ

Indeed, We sent down the Tawrah, in which was guidance and light. The Prophets who submitted [to Allah] judged by it for the Jews, as did the rabbis and priests, by that with which they were entrusted of the Scripture of Allah, and they were witnesses thereto. So do not fear the people but fear Me, and do not exchange My verses for a small price. And whoever does not judge by what Allah has revealed, then it is those who are the disbelievers (Kafirun) (44) And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him. And whoever does not judge by what Allah has revealed, then it is those who are the wrongdoers (Zhalimun) (45) And We sent, following in their footsteps, ‘Isa, the son of Mary, confirming that which came before him in the Torah; and We gave him the Injil, in which was guidance and light and confirming that which preceded it of the Tawrah as guidance and instruction for the righteous (46) And let the People of the Injil judge by what Allah has revealed therein. And whoever does not judge by what Allah has revealed, then it is those who are the defiantly disobedient (Fasiqun) (Al-Ma’idah: 44-47).

A number of Ahadeeth have come in respect to the causes of their revelation and reports concerning their understanding, which are related to two contrasting stories.

The first story: The tyranny of the powerful tribe over the lowly tribe

- The following came mentioned in the “Tafsir of At-Tabari” (Volume: 6, p251 onwards): [Ar-Rabi’ related to us from Ibn Wahb, from Ibn Zinad, from his father who said: “We were with ‘Ubaidullah bin Abdullah bin ‘Utbah bin Mas’ud and a man in his presence mentioned: “**Whoever does not rule by what Allah has revealed are disbelievers (Kafirun ... And whoever did not rule by what Allah has revealed are transgressors (Zhalimun) ... And whoever did not rule by what Allah has revealed are rebelliously disobedient (Fasiqun)**”. ‘Ubaidullah then said: “By Allah many people give an interpretation to these verses other than what they were revealed concerning. They were only

revealed in respect to Hunain in respect to the Jews". He then said: "Quraizha and An-Nadir". "That is because one of the two parties had attacked the other and defeated it before the Prophet (saw) arrived in Al-Madinah. That was until they approved and agreed that every killed person from the lowly tribe killed by the powerful tribe would receive 50 Wasq as blood money and that every killed person from the powerful tribe killed by the lowly tribe would receive 100 Wasq, and so they gave them **a smaller amount and committed an injustice**. The Prophet (saw) arrived (in Al-Madinah) whilst they were upon that (practise)". He (At-Tabari) then mentioned the Hadith resembling the Hadith recorded by Muslim, until he said: ['Ubaidullah said: "And so Allah, the Most Supreme, revealed His Dhikr (i.e. Qur'an) in respect to them "O Messenger, let them not grieve you who hasten into disbelief" (i.e. Ma'idah: 41). All of those Ayat (verses until "And let the People of the Injil judge by what Allah has revealed therein" until the "defiantly disobedient" (i.e. from verse 41-47). 'Ubaidullah recited that, one Ayah following another, and **he explained to them upon what was revealed** until he finished the Tafsir of the verses to them. He then said: "The Jews are intended by that and it was in respect to them that this description was revealed"]].

I say: This is what 'Ubaidullah bin Abdullah bin 'Utbah bin Mas'ud took from Ibn 'Abbas as is apparent from the following narrations of Ahmad and At-Tabarani and from the forthcoming corroborative indications.

- The following came reported in the **"Musnad of Imam Ahmad bin Hanbal"**: [Ibrahim bin Abi Al-'Abbas related to us from Abdur Rahman bin Abi Az-Zinad, from his father, from 'Ubaidullah bin Abdullah bin 'Utbah bin Mas'ud, from Ibn 'Abbas, who said: "Verily, Allah, 'Azza Wa Jalla, revealed: **"Whoever did not rule by what Allah has revealed, then it is those who are the disbelievers (Kafirun)", "Those are the transgressors (Zhalimun)" and "Those are the rebelliously disobedient (Fasiqun)"**". He said: Ibn 'Abbas said: "Allah revealed them in relation to two groups from the Jews. One of them had defeated the other in Jahiliyah (the pre-Islamic period) until they agreed and accepted that every killed person from the lowly (defeated group) killed by the powerful (group) would receive 50 Wasaq (approx. 3kg) as blood money whilst every killed person from the powerful (group) killed by the lowly (defeated group) would receive 100 Wasaq. The status quo remained upon that until the Prophet (saw) arrived in Al-Madinah. The two groups then became subservient due to the arrival of the Messenger of Allah (saw). At that time nothing arose and he did not provide agreement upon it, whilst he was in a state of peace. Then one from the defeated group killed one from the vanquishing group. The vanquishing group then demanded that 100 Wasaq be sent to them. The defeated group then said: "How can two groups who have the same religion, one ancestral lineage and a common land, have a Diah (blood money) that for some of them is half of that of the others? We only gave this to you as a result of an injustice and differentiation from you upon to us. Now, after Muhammad has arrived, we will not give you that". War was on the verge of being rekindled between them. They then accepted to make the Messenger of Allah (saw) the judge between them. The powerful tribe then said: "By Allah! Muhammad will never give you double the Diah that you pay to them compared to what they pay to you. They have said the truth anyway, for they only gave us this amount because we were unjust to them and overpowered them. Therefore, send someone to Muhammad who will sense what his judgement will be. If he agrees to give you what you demand, accept his judgment, and if he does not give you what you seek, do not refer to him for judgement!". And so they sent to the Messenger of Allah (saw) some people from the hypocrites to inform them of the opinion of the Messenger of Allah (saw). Then when they came to the Messenger of Allah (saw), Allah informed him of their matter and what they were seeking in full. Allah (swt) revealed:

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يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنْكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ

O Messenger! Do not let those who hasten into disbelief grieve you, from those who have said: "We believed" by their mouths (Al-Ma'idah: 41).

Until His Qawl (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then it is those who are the rebelliously disobedient (Fasiqun) (Al-Ma'idah: 47).

He said: "It was in relation to these two (i.e. tribes) that they (i.e. the verses) were revealed and whom Allah 'Azza Wa Jalla intended".

- In "**Al-Mu'jam Al-Kabir**" (At-Tabarani) the following was related: ['Ali bin Abdul 'Aziz related to us from Dawud bin 'Amr Ad-Dabbi, from Abdur Rahman Abi Az-Zinad, from his father, from 'Ubaidullah bin Abdullah bin 'Utbah, from Ibn 'Abbas who said: The same as what was stated in the Hadith recorded by Ahmad in its full length].

- It came in the "**Sunan of Abu Dawud**" in a very summarized form: [Ibrahim bin Hamzah bin Abi Yahya Ar-Ramli related to us from Zaid bin Abi Az-Zarqa', from Ibn Abi Az-Zinad, from his father, from 'Ubaidullah bin Abdullah bin 'Utbah, from Ibn 'Abbas, that he said: ["And whoever did not rule by what Allah has revealed, then it is those who are the disbelievers (Kafirun)" to "And whoever did not rule by what Allah has revealed, then it is those who are the rebelliously disobedient (Fasiqun)", that these three verses were revealed in relation to the Jews, specifically Quraizhah and An-Nadir]. Al-Albani said: [(It is) Hasan, Sahih Al-Isnad].

I say: The chains of transmission to 'Ubaidullah bin Abdullah bin 'Utbah bin Mas'ud are Qawiyah (strong) and Jayyid (good). That is because the narrator with Imam Ahmad is Ibrahim bin Abi Al-'Abbas who is Thiqah (trustworthy and reliable), senior and old in age, having heard narrations from the senior followers of the Tabi'in in Al-Madinah, like Ibn Abi Uwaid. He received it from Abdur Rahman bin Abi Az-Zinad, most probably when he was younger and in Al-Madinah and it is very unlikely that he heard it from him after his arrival in Baghdad and the change that occurred in respect to his memory. In addition, Dawud bin 'Amr bin Zuhair Ad-Dabbi, is Thiqah (trustworthy/reliable) from the Shuyukh of Muslim. He followed Ibrahim bin Abi Al-'Abbas in the relation of At-Tabarani in his "**Mu'jam Al-Kabir**" from Abdur Rahman Abu Az-Zinad, in full length and with similar wording. It then came in a summarized manner in the "**Sunan of Abu Dawud**" via the path of Zaid bin Abi Az-Zarqa' from Ibn Abi Az-Zinad. Al-Albani said in relation to it: [(It is) Hasan, Sahih Al-Isnad].

In addition, it is not known that Imam Abdullah bin Wahb entered Baghdad except that he was also very old. As such, he must have taken this from Ibn Abi Az-Zinad whilst he was in Al-Madinah before the state of his memory changed. His Hadith conforms as a whole with the other narrations except he stopped at 'Ubaidullah bin Abdullah bin 'Abbas as the following reports make apparent.

- The following came in “**As-Sirah An-Nabawiyah**” (Volume: 3, page 102 onwards): [Ibn Ishaq said: Dawud bin Al-Husain related to me from ‘Ikrimah, from Ibn ‘Abbas that the Ayat (verses) in Al-Ma’idah in which Allah said:

فَاخْكُمْ بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۖ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا ۚ وَإِنْ حَكَمْتَ فَاخْكُمْ بَيْنَهُمْ بِالْقِسْطِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Judge between them or turn away from them. And if you turn away from them - never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly (Al-Ma’idah: 42).

That these were revealed in respect to blood money between Bani An-Nadir and Bani Al-Quraizhah. That was because the killed from Bani An-Nadir, who had a higher status, were given the full amount of blood money whilst the killed of Bani Quraizhah were given half the blood money. They then went to the Messenger of Allah (saw) in respect to that and Allah revealed these verses in relation to them. The Messenger of Allah (saw) brought them to the truth in respect to that and made the blood money the same for each of them].

- Imam An-Nasa’i recorded it as follows: [‘Ubaidullah bin Sa’d related it to us from his uncle, from his (uncle’s) father, from Ibn Ishaq, from Dawud bin Al-Husain, from ‘Ikrimah, from Ibn ‘Abbas to its end].

- Imam Abu Dawud recorded it as follows: [Abdullah bin Muhammad bin An-Nufaili related it to us from Muhammad bin Salamah, from Muhammad bin Ishaq, from Dawud bin Al-Husain, from ‘Ikrimah, from Ibn ‘Abbas, similar to it to its end].

- It has been recorded in the “**Musnad of Ahmad**” as follows: [Muhammad bin Salamah related it to us from Ibn Ishaq, from Dawud bin Al-Husain, from ‘Ikrimah, from Ibn ‘Abbas, with exactly the same Hadith related by Abu Dawud until its end].

- It has been indicated to also in the “Tafsir of Ibn Kathir” (Volume: 2, page: 59 onwards): [Abu Ja’far bin Jarir said: [Hannad bin As-Sariy and Abu Kuraib related to us saying: Yunus bin Bukair related to us from Muhammad bin Ishaq, from Dawud bin Al-Husain, from ‘Ikrimah, from Ibn ‘Abbas: That the Ayat (verses) in Al-Ma’idah:

فَاخْكُمْ بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۖ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا ۚ وَإِنْ حَكَمْتَ فَاخْكُمْ بَيْنَهُمْ بِالْقِسْطِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Judge between them or turn away from them. And if you turn away from them - never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly (Al-Ma’idah: 42).

That these were only revealed in respect to the blood money in relation to Bani An-Nadir and Bani Quraizhah. That is because the killed of Bani An-Nadir, who had a higher status, were given their

blood money in full, whilst Quraizhah were given half the blood money. They then went to the Messenger of Allah (saw) for judgement in relation to that and then Allah revealed those verses in respect to them. The Messenger (saw) then brought them to the truth and made the blood money equal]. And Allah knows which of that took place. Similar to that was related by Ahmad, Abu Dawud and An-Nasa'i from a Hadith of Ibn Ishaq].

This Hadith is Sahih established by itself. It is true that there is a disagreement concerning 'Ikrimah the Mawla of Ibn 'Abbas, however this does not have a detrimental impact due to the story having been related via established paths, other than the path of 'Ikrimah.

- Another narration came recorded in the **"Sunan of An-Nasa'i"**: [Al-Qasim bin Zakariya Bin Dinar related to us, from 'Ubaidullah bin Musa, from 'Ali (meaning Ibn Salih), from Simak, from 'Ikrimah, from Ibn 'Abbas, who said: "There were Quraizhah and An-Nadir. An-Nadir held a higher status than Quraizhah. As such, when a man from Quraizhah killed a man from An-Nadir, he would be killed for it. And if a man from An-Nadir killed a man from Quraizhah he would give 100 Wasaq of dates. Then when the Prophet (saw) came, a man from An-Nadir killed a man from Quraizhah. They said: "Give him to us to kill him" They replied: "Between us and you (for judgment) is the Prophet (saw)". They went to him and "Judge between them with justice" (Al-Ma'idah: 42) was revealed and the "Justice" was a "Life for a life". Then "Then is it the judgement of [the time of] ignorance they desire" was revealed].

- It was recorded by Abu Dawud who said: [Muhammad bin Al-'Ala related to us from 'Ubaidullah (meaning Ibn Musa), from 'Ali bin Salih, from Simak bin Harb, from 'Ikrimah, from Ibn 'Abbas ... to its end]. Imam Abu Dawud said: [Quraizhah and An-Nadir were all from the sons of Harun, the Prophet (peace be upon him)].

- This also came stated in the **"Tafsir of Ibn Kathir"** (Volume: 2, Page: 59 onwards): [Ibn Jarir then said: [Abu Kuraib related to us from 'Ubaidullah bin Musa, from 'Ali bin Salih, from Simak, from 'Ikrimah, from Ibn 'Abbas who said: ""There were Quraizhah and An-Nadir. An-Nadir held a higher status than Quraizhah. As such, when a man from Quraizhah killed a man from An-Nadir, he would be killed for it. And if a man from An-Nadir killed a man from Quraizhah he would give 100 Wasaq of dates. Then when the Prophet (saw) came, a man from An-Nadir killed a man from Quraizhah. They said: "Hand him over to us (i.e. to be killed)" They replied: "Between us and you (for judgment) is the Messenger of Allah (saw)". Then "Judge between them with justice" (Al-Ma'idah: 42) was revealed]. It was related similar to this by Abu Dawud, An-Nasa'i, Ibn Hibban and Al-Hakim in his "Al-Mustadrak", from the Hadith of 'Ubaidullah bin Musa. This was also stated by Qatadah, Muqatil bin Hibban, Ibn Zaid and others].

I say: The narration of Simak bin Harb from 'Ikrimah contains inconsistency and is not established by itself. However, the Hadith is Sahih with its supportive and corroborative evidences (and indications).

The text from Ibn 'Abbas, which indicates that the Ayat (verses) were revealed in relation to the disparity in blood money between Quraizhah and An-Nadir, is established with the strongest of Asanid (chains of transmission) and it is impermissible for there to be doubt in respect to it. Similarly, the textual contents of the narrations are harmonious and in conformity with no contradictions among them. Yes, it is true that some of them are summarized whilst others are lengthy, however the essence of the story is one and the same. As such, the Ummah's authority, the

translator of the Qur'an, Imam Abdullah bn 'Abbas has affirmed by way of an oath that these Ayat were revealed in relation to this reality and occurrence, as was stated in some of the narrations: "The verses, by Allah, were revealed in relation to them both (An-Nadir and Quraizhah) and it was them whom Allah 'Azza Wa Jalla intended".

- The following came stated in the "Tafsir of Ibn Kathir" (Volume: 2, page: 59 onwards): [And for that reason He said after that:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ

"And We ordained for them therein a life for a life, an eye for an eye ... to its end" (Al-Ma'idah: 45).

This strengthens that the cause of revelation was the issue of Al-Qisas (retaliation) and Allah (swt) knows best, in addition to His statement:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

The second story: The issue of stoning

- Muslim recorded from Al-Bara' bin 'Azib who said: [A Jew whose face had been blackened face and he had been] lashed passed by the Prophet (saw) and so he (saw) called for them (the Jews) and said: "Is this how you have found the prescribed punishment for adultery in your book?" They said: "Yes". He then called one of the scholars amongst them and said: "I ask you in the name of Allah Who revealed the upon Moses if that is the prescribed punishment for adultery that you find in your Book". He said: "No. Had you not asked me in the name of Allah, I would not have given you this information. We find that it is stoning. However, this (crime) became quite common amongst our nobles. As such, when we caught a noble (indulging in this offence) we let him be, but when we caught hold of a weak person we imposed the prescribed punishment upon him. We then said: Let us agree (on a punishment) which we can inflict both upon the notable and the poor. We then decided to blacken the face with coal and to lash in place of the punishment of stoning". Thereupon Allah's Messenger (saw) said: "O Allah, I am the first to revive Your command when they had caused it to die". He then gave the command in respect to him and he (the offender) was stoned. Allah, 'Azza Wa Jalla, then revealed:

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ

O Messenger! Do not let those who hasten into disbelief grieve you (Al-Ma'idah: 41).

Until the verse:

إِنْ أُوتِيتُمْ هَٰذَا فَخُذُوهُ

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If you are given this, then take it (Al-Ma'idah: 41).

They said: "Go to Muhammad (saw) and if he commands blackening and lashing then accept that and if he passes the verdict of stoning, then avoid it". Allah (swt) then revealed:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers) (Al-Ma'idah: 44). (An-Nasa'i added: This was in relation to the Jews).

And:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

And whoever did not rule by what Allah has revealed, then those are the Zhalimun (transgressors) (Al-Ma'idah: 45). (An-Nasa'i added: This was in relation to the Jews).

And:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient) (Al-Ma'idah: 47). (An-Nasa'i added: This was in relation to the disbelievers as a whole)].

This was recorded by Muslim and the above wording is from him. It was also related by Ahmad, Abu Dawud, An-Nasa'i in "Al-Kubra", and by Al-Baihaqi with exactly the same wording, with chains of transmission of the utmost authenticity.

- The following came stated in the "Tafsir of Ibn Kathir" (Volume: 2, page: 59 onwards): [Imam Ahmad said: Abu Mu'awiyah related to us from Al-A'amash, from Abdullah bin Marrah, from Al-Bara' bin 'Azib, who said: A blackened face and lashed Jew passed by the Messenger of Allah (saw) and so he called for them (i.e. the Jews) and said: "Is this how you find the prescribed punishment for adultery in your book (i.e. the Tawrah?" They said: "Yes". So he (saw) called for a man from among their scholars and said to him: "I urge you by the One who revealed the Tawrah upon Musa, is this how you find the punishment of the adulterer in your book?" He said: No, by Allah, and had you not urged me by this (i.e. Allah's name) I would not have told you. In our book we find the punishment of the adulterer to be stoning however this (crime) became widespread among our nobles. Then when we caught a noble, we would let him go without punishment and if we caught a weak person, we would implement the prescribed punishment. We then said: Let us get together to set something that we can apply upon both the noble man and the lowly. We then agreed upon the blackening of the face and lashing". The Prophet (saw) then said: "**O Allah, I am the first to revive Your command when they had caused it to die**". He then gave the command in respect to him and he (the offender) was stoned. Allah, 'Azza Wa Jalla, then revealed:

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ

O Messenger! Do not let those who hasten into disbelief grieve you (Al-Ma'idah: 41).

Until His Qawl:

يَقُولُونَ إِنْ أُوتِيتُمْ هَذَا فَخُذُوهُ

They say: If you are given this, then take it (Al-Ma'idah: 41).

Meaning that they say: Go to Muhammad. Then, if he gives the verdict of blackening the face and lashing, accept it and if he gives the verdict of stoning, avoid it.

Until His statement (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers) (Al-Ma'idah: 44).

Which he stated was in relation to the Jews.

To His statement (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

And whoever did not rule by what Allah has revealed, then those are the Zhalimun (transgressors) (Al-Ma'idah: 45).

Which he stated was in relation to the Jews.

To His statement (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient) (Al-Ma'idah: 45).

Which he stated was in relation to: **"The disbelievers as a whole"**.

Muslim was alone in recording this to the exclusion of Al-Bukhari, while Abu Dawud, An-Nasa'i and Ibn Majah recorded it without reference to Al-A'amash].

- The following was stated in the **"Tafsir of At-Tabari"** (Volume: 6, page: 251 onwards): [Al-Qasim related to us from Al-Hussein, from Abu Mu'awiyah, from Al-A'amash, from Abdullah bin Marrah, from Al-Bara' bin 'Azib, who said: A lashed and blackened face Jew passed by the Prophet, so, he

called for them (i.e. the Jews) and said: "Is this how you find the prescribed punishment for adultery?" They replied: "Yes". So, he called for a man from among their scholars and said: "I urge you by Allah who revealed the Tawrah upon Musa, is this how you find the prescribed punishment for adultery in your book?" He replied: "No and had you not urged me (in Allah's name) in respect to this, I would not have informed you. We find its prescribed punishment in our book to be stoning, however, adultery became widespread among our nobles. When we caught a noble we would let him go but when we caught a lowly person we would establish the prescribed punishment upon him. We then said: Come let us agree upon blackening the face and lashing for all, in place of stoning". The Messenger of Allah then said: **"O Allah, I am the first to revive Your command when they had caused it to die"**. He then gave the command in respect to him and he (the offender) was stoned. Allah, 'Azza Wa Jalla, then revealed:

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنْكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ

O Messenger! Do not let those who hasten into disbelief grieve you (Al-Ma'idah: 41).

Until the verses:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers).

Intending the Jews.

فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

Then those are the Zhalimun (transgressors).

Intending the Jews

فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

Then those are the Fasiqun (rebelliously disobedient)

Which applies to the disbelievers as a whole].

- The following came stated in the **"Tafsir of At-Tabari"** (Volume: 6, page: 251 onwards): [Hannad related to us from Abu Mu'awiyah, from Al-A'amash, from Abdullah bin Marrah, from Al-Bara' bin 'Azib, from the Prophet (saw) similar to the Hadith of Al-Qasim from Al-Hasan, except Hannad said in his Hadith: "Come let us agree together upon something that we can establish (or implement) upon the noble and the weak. And so, they agreed upon the blackening of the face and lashing instead of stoning". The remainder of the Hadith was like the Hadith of Al-Qasim].

- Muslim also related the beginning of the Hadith, just as Abu Dawud did and At-Tahawiy in his “Sharh Ma’ani Al-Aathar” among others, without mentioning what followed in relation to the revelation of the Ayah.

- The following also came recorded in the “**Musnad of Ahmad bin Hanbal**” in summarized form: [Abu Mu’awiyah related to us from Al-A’amash, from Abdullah bin Marrah, from Al-Bara’ bin ‘Azib from the Prophet (saw), that His Qawl:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers) (Al-Ma’idah: 44).

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

And whoever did not rule by what Allah has revealed, then those are the Zhalimun (transgressors) (Al-Ma’idah: 45).

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient) (Al-Ma’idah: 47).

He said: “**These are in relation to the Kuffar (disbelievers) as a whole**”].

- The following came mentioned in the “**Tafsir of At-Tabari**” (Volume: 6, page: 251 onwards): [Ibn Wakee’ related to us from Abu Mu’awiyah, from Al-A’amash, from Abdullah bin Marrah, from Al-Bara’ bin ‘Azib, from the Prophet (saw), in relation to His Qawl (statement):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers) (Al-Ma’idah: 44).

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

And whoever did not rule by what Allah has revealed, then those are the Zhalimun (transgressors) (Al-Ma’idah: 45).

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient) (Al-Ma’idah: 47).

That they were **“in relation to the Kafirin (disbelievers) as a whole”**].

The above represents the host of textual contents (Mutoon) which the narration of Al-Bara bin ‘Azib came with. It is most probable that the mention of the Ayat (verses) and their explanation in light of the incident was from his own speech. However, observe that his statement: “Go to Muhammad (saw) and if he commands blackening and lashing then accept that and if he passes the verdict of stoning, then avoid it”, in an attempt to apply the Ayah upon the reality, is not convincing. That is because the story is definite in respect to that they passed by the Prophet (saw), with those who had been lashed and their faces blackened. Meaning that they had judged, executed and did not ask. Rather, it was he (saw) who asked them and it was not them who were seeking a verdict from him. How could the statement “Go to Muhammad (saw) and if he commands blackening and lashing then accept that and if he passes the verdict of stoning, then avoid it” be sound and when was such a statement made?

- Similar to this came related from Abdullah bin ‘Umar, with the most authentic Asanid (chains of transmission) in the Dunya, as was mentioned in the **“Tafsir of Ibn Kathir”**: (Volume: 2, page: 59 onwards): [Ahadeeth have come related in respect to that: Malik related from Nafi’ from Abdullah bin ‘Umar, may Allah be pleased with him, that he said: That the Jews came to the Messenger of Allah (saw) and mentioned to him that a man and woman from among them had committed Zina (adultery). The Messenger of Allah (saw) then asked them: “What do you find in the Tawrah in respect to the matter of stoning?”. They said: “We shame them and lash them”. Abdullah bin Salam said: “You have lied. Stoning is in it. Bring the Tawrah”. So they brought the Tawrah and opened it up. One of them then placed his hand over the verse mentioning stoning. He read what came before it and what came after it. Then Abdullah bin Salam said: “Lift your hand”. So, he lifted his hand and there beneath was the verse about stoning. They then said: “He said the truth O Messenger of Allah, it contains the verse of stoning”. And then the Messenger (saw) gave his command in respect to them and they were both stoned. I saw the man bending over the woman protecting her from the stones. Al-Bukhari and Muslim recorded it and this is the wording of Al-Bukhari. In (another) wording recorded by him: He (saw) said to the Jews: “What are you doing with them?”. They replied: “We are blackening their faces and disgracing them”. He said: “Bring the Tawrah and recite it if you are truthful”. They came and said to a man from among them who was blind in one eye and pleasing to them: “Read” and so he read until he stopped at a section from it and placed his hand over it. He said: “Lift your hand”. So, he lifted it and there was the verse about stoning. He (the man) said: “O Muhammad, it contains the verse about stoning however we conceal it among ourselves”. He (saw) then gave his command in respect to them and they were both stoned].

- The following also came mentioned in the **“Tafsir of Ibn Kathir”** (Volume: 2, page: 59 onwards): [Muslim recorded that the Messenger of Allah was brought a male Jew and female Jew who had committed adultery. The Messenger (saw) then set off until he came to the Jews and said: “What do you find in the Tawrah to be applied upon the one who has committed adultery?”. They said: “We blacken their faces and make them ride on the donkey with their faces turned in the opposite direction (and their backs touching each other), and then they are taken round (the city)”. He said: “Bring the Torah and recite it if you are truthful”. They brought it and recited it until when they came to the verse related to stoning. The young man who was reading placed his hand over the verse related to stoning and (only) what was before and after his hand. Abdullah bin Salam who was with the Messenger of Allah (saw) said: “Command him (the reciter) to lift his hand”. He lifted it and the verse related to stoning was underneath it. Allah's Messenger (saw) then gave his command in

respect to them and they were stoned. Abdullah bin 'Umar said: "I was among those who stoned them, and I saw him (the Jew) protecting her (the Jewess) with his body"]].

I say: This story does not contain any mention of the causes of revelation. In addition, the wording recorded by Malik and Al-Bukhari did not mention the beginning of the story like it came mentioned in the narration of Al-Bara' bin 'Azib, may Allah be pleased with him. Rather, it began with the discussion concerning the ruling of the Tawrah in relation to the punishment or Zina (adultery). As for the wording of Muslim, then it is closer to the narration of Al-Bara' bin 'Azib, may Allah be pleased with him, in the case where it began by stating that he "was brought a male and female Jew", even if it failed to mention that they had been lashed or their faces blackened. It is apparent that they are all referring to one single story (or incident).

- The following came stated in the **"Tafsir of Ibn Kathir"** (Volume: 2, page: 59 onwards): [And Abu Dawud said: Ahmad bin Sa'id Al-Hamdani related to us from Ibn Wahb, from Hisham bin Sa'd that Zaid bin Aslama related to him from Ibn 'Um,ar that he said:

"A group of Jews came to the Messenger of Allah (saw) and invited him to go to the Quff area. He went to the house of Al-Midras and they said: "O Abu Al-Qasim! A man from us committed adultery with a woman, so pass judgement". He (Ibn 'Umar) said: They arranged a pillow for the Messenger of Allah (saw) and he sat on it and then said: "Bring the Tawrah to me". He was brought the Tawrah and he removed the pillow from under him and placed the Tawrah on it, saying: "I have believed in you and He Who revealed you". He then said: "Bring me your most knowledgeable person". So, a young man was brought" ... He then mentioned the rest of the story like what was related by Malik from Nafi']].

I say: This is the same story (or incident), except it has some disruptive summarization.

- Similar to this, related by Abu Hurairah, was also mentioned in the **"Tafsir of Ibn Kathir"** (Volume: 2, page: 59 onwards): [Az-Zuhri said: I heard a man from Muzainah who pursued knowledge and was knowledgeable in it, whilst we were in the company of Sa'id bin Al-Musayyib, relating from Abu Hurairah that he said: "A man from among the Jews committed Zina (adultery) with a woman. Then, some of them said to the others: "Go to this Prophet, for he has been sent with a lighter law. If he gives a judgment lighter than stoning, we shall accept it, and bring it as an argument before Allah, We will say: "It is a verdict from one of your Prophets". So, they came to the Prophet (saw) who was sitting in the Masjid among his companions. They said: "O Abu l-Qasim, what do you say about a man and a woman who committed Zina?" He did not say a word to them until he arrived at their school. He stood at the door and said: "I adjure you by Allah Who revealed the Tawrah to Musa, what (punishment) do you find in the Tawrah for a person who commits Zina, if he is married?" They said: "He is blackened, carried on a donkey sat in reverse and paraded and lashed. A young man among them kept silent. When the Messenger (saw) saw him being silent he emphatically adjured him, and he (the young man) said: "O Allah, since you have adjured us by Allah (we inform you that) we find stoning in the Tawrah (as the punishment for Zina)". The Prophet (saw) asked: "So when did you first lessen the command of Allah?" He said: "A relative of one of our kings had committed Zina, but his stoning was suspended. Then a man of a family of common people committed fornication. He was to have been stoned, but his people intervened and said: Our man shall not be stoned until you bring your man and stone him. They then made a compromise with this (new) punishment (to be applied) among them".

The Prophet (saw) said: "I will then pass judgement by what is found in Tawrah". He then gave the command concerning them and they were stoned to death.

Az-Zuhri said: "It reached us (through conveyance) that this verse was revealed about them:

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ ۚ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا

"Indeed, We sent down the Torah, in which was guidance and light. The Prophets who submitted [to Allah] judged by it ..." (Al-Ma'idah: 44). And so the Prophet (saw) was from among them".

This was related by Ahmad, Abu Dawud (whose wording is above) and Ibn Jarir].

I say: Evidence is not established by this due to the man from Muzainah being unknown however this could be rectified by the corroboration of what has been agreed upon in respect to it by well-known trustworthy and reliable relaters. The story contains clear differences and additions to what was stated in the narration of Malik from Nafi' from Ibn 'Umar, however the essence of the story is one and the same, and the incident is the same incident.

In addition, Az-Zuhri only linked the story with the causes of revelation of the verses, the verses of ruling, in the form of a Balagh (i.e. reaching him by conveyance). That is in the case where he said: "It reached us (through conveyance) that this verse was revealed about them:

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ ۚ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا

"Indeed, We sent down the Torah, in which was guidance and light. The Prophets who submitted [to Allah] judged by it ..." (Al-Ma'idah: 44). And so the Prophet (saw) was from among them".

This is therefore from the Mursal (disconnected) statements of Az-Zuhri which have no (evidential) worth and are known to be weak.

- The following also came mentioned in the "**Tafsir of Ibn Kathir**" (Volume: 2, page: 59 onwards): [Imam Abu Bakr Abdullah bin Az-Zubair Al-Humaidi said in his Musnad: Sufyan bin 'Uyainah related to us from Mujalid bin Sa'id Al-Hamdani, from Ash-Sha'bi, from Jabir bin Abdullah, who said: "A man from the people of Fadak committed Zina (fornication/adultery). The people of Fadak then wrote to people from among the Jews of Al-Madinah, for them to ask Muhammad concerning that. If he commanded you with lashing then accept that from him but if he commanded you with stoning then don't accept it from him. They then asked him concerning that and he said: "Send for the two most knowledgeable men from among you". They came with a man blind in one eye called Ibn Suriya and another man. The Prophet (saw) then said to them both: "Are you two the most knowledgeable from among you?" They said: "Our people have called us for that reason". The Prophet (saw) then said: "Do you not have the Tawrah which contains the ruling of Allah?" They replied: "Yes, of course". The Prophet (saw) then said: Then I adjure you by the One who split the sea for the Children of Isra'eel, made the clouds shade you, saved you from the people of Fir'awn, and made Al-Manna and As-Salwa descend upon the Children of Isra'eel, what do you find in the Tawrah in relation to stoning?" One of them then said to the other: "We have not been adjured with the like of that ever". They then said: "We view the repeated look to be a form of Zina, the embrace to be a form and the kiss to be a form. Then if four witness testify that they saw the person manifesting and returning like

a collyrium stick when enclosed in its case, then stoning is obligatory". The Prophet (saw) then said: "It is like that". He then gave the command and he was stoned. Then the following was revealed:

فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۖ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا ۚ وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Then if they come to you, [O Muhammad], judge between them or turn away from them. And if you turn away from them, never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly (Al-Ma'idah: 42)".

It was related by Abu Dawud and Ibn Majah from the Hadith of Mujahid similar to this.

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The wording of Abu Dawud from Jabir was: "The Jews came with a man and a woman from them who had committed Zina (fornication/adultery). He then said: "Bring to me the two most knowledgeable men from among you". They then brought the two sons of Suriya and he adjured them saying: "How do you find the matter of these two in the Tawrah?" They said: "We find that if four testified that they saw his private part in her private part, like the "Mail" (مِثْل) entering inside the Kohl container, then they are stoned". He said: "What then prevented you from stoning them?" They said: "Our authority went and so we disliked to kill". The Messenger (saw) then called for the witnesses. Four came and testified that they had seen the man's private part like a collyrium stick when enclosed in its case. The Messenger of Allah (saw) then gave the command for them to be stoned".

Abu Dawud then related it from Ash-Sha'bi and Ibrahim An-Nakh'i in Mursal form. He did not mention in it: "He called for witnesses and then they testified".

I say: Evidence is not established by this due to the weakness of Mujahid and also due to the inconsistency of the chain of transmission as it comes Mawsul (connected) on an occasion and Mursal (disconnected) on another. However, this could still be suitable in respect to what is in agreement with the well-known trustworthy reliable relaters (Thiqat). It is problematic however, that Fadak was not under the authority of the Prophet (saw) at that time and so how was his command of stoning implemented over the Jews?! And what was the motive behind the Jews asking him?!

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- The following came stated in the "Tafsir of Ibn Kathir" (Volume: 2, page: 59 onwards): [Al-'Awfi and 'Ali bin Abi Talhah Al-Walibi related from ibn 'Abbas that these Ayat (verses) were revealed in relation to two Jews who had committed Zina, just as the Ahadeeth presented that. It could be that these two causes (of revelation) came together at the same time and these Ayat were revealed in relation to all of that].

I say: 'Ali bin Abi Talhah Al-Walibi was not around at the same time as Ibn 'Abbas and he is not someone known for precision, just as Al-'Awfi is known for making many errors. Consequently, the story of the Zina and stoning from Ibn 'Abbas is not established and these low-level chains of transmission do not stand up against the chains of transmission of the story of the powerful and lowly tribes which we previously mentioned.

Therefore, this second story related to the issue of the verdict of stoning, with the strength of its chain of transmission and the numerosity of its paths, is unlikely to represent the initial cause of revelation, in contrast to the story of the powerful and lowly tribes, as related by Ibn 'Abbas. This is clarified clearly by the verses containing the rulings of Al-Qisas (retaliation for death/injury) and the confirmation that "الْحَيَاةُ بِالْحَيَاةِ" (the life is for the life), which is what the powerful or dominant tribe violated unjustly and aggressively. That is whilst the Ayat do not contain any mention of Zina (adultery/fornication) and stoning (Ar-Rajm). In addition, the conspiring in respect to seeking the verdict of the Prophet (saw), with the assistance of some of the hypocrites, before raising the issue to him in practise, was condemned in the beginning of the Ayat (verses):

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ

O Messenger! Do not let those who hasten into disbelief grieve you, from those who have said: "We believed" by their mouths (Al-Ma'idah: 41).

This was apparent in the story of the powerful or dominant tribe and the lowly one, whilst its reality did not exist in the story related to stoning (Ar-Rajm), even if the narrator had made effort to explain them (i.e. the verses) in light of the incident.

For these reasons, we assert that the verses were revealed for the first time in relation to the incident of the powerful and lowly tribes as they conform to all of its details. Thereafter, if the narrations are established to be Sahih, the Prophet (saw) cited some of them (i.e. the verses) and recited them in relation to the incident of the stoning as evidence, affirming the applicability of some of their Ahkam (rulings) to the new reality. Some of the people then thought that the verses had been revealed at that time, even though they had in reality been revealed prior to that. The narrator then unsuccessfully, as we have established, attempted to apply all of the passages of the Ayah upon the new incident.

This is the correct view which manifests from a careful and precise study; that the Ayat were revealed for the first time in relation to the incident of the powerful and lowly tribes and not in relation to the incident of stoning, in contrast with the statement of Imam Ibn Kathir, may Allah's mercy be upon him, as mentioned in the "**Tafsir of Ibn Kathir**" (Volume: 2, page: 59 onwards): [It has been said: That they (i.e. the verses) were revealed in relation to a people from the Jews who killed someone and said: "Come, let us go to Muhammad for judgement. If he passes judgement with blood money then accept it and if he passes judgement with Al-Qisas (law of retaliation) then don't accept it from him. **The correct view, however, is that it was revealed concerning the two Jews who committed Zina (fornication/adultery)**, where they (i.e. the Jews) had changed the Book of Allah by their hands in relation to stoning the married person from among them. They distorted it and agreed among themselves upon 100 lashes, blackening of the face and parading on a donkey in reverse. When such an incident happened after the Hijrah (migration) they said among themselves: "Come, let us go to Muhammad for judgement. If he passes judgement with lashing and blackening accept it from him and make that an argument between yourselves and Allah as it would have been a Prophet from among the Prophets who had passed judgement among you with that. And if he passes judgement with stoning, then do not follow him in that].

Therefore, what Ibn Kathir believed to be correct is outweighed as is apparent from the preceding elaborate discussion, which clearly revealed that the initial and most assured cause of revelation is

the story of the powerful and lowly tribes due to its complete conformity to the Quranic context and because it relates to the killing of lives and the Qisas (law of retaliation), which is exactly what the Noble Ayat detailed. The attachment of the story with the Ayat is therefore clear and there is no doubt in respect to it.

Ibn Kathir revised his opinion somewhat when he stated in the **“Tafsir of Ibn Kathir”**: (Volume: 2, page: 59 onwards): [Due to this He said after that:

وَكُتِبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ

And We ordained for them therein a life for a life, an eye for an eye ... (Al-Ma'idah: 45)

This strengthens that the cause of revelation was the issue of Qisas (law of retaliation) and Allah (swt) knows best].

As such, it is concluded that the Noble Ayat were only revealed in relation to a people who had abandoned the ruling by what Allah revealed in transgression and aggression, whilst knowing that they were upon falsehood, transgressing and acting in a haughty belligerent manner. Their reality was therefore not the same as the reality of those who deny and disbelieve.

We therefore find the first story to be preponderant in respect to being the initial cause of revelation of the verses. That is because the verses discuss within their context the mutual equivalence of the blood and lives in terms of preservation and blood money and the rulings of Al-Qisas (law of retaliation), whilst they do not address Zina (fornication/adultery). They only dealt with tyranny and oppression. That was because the powerful domineering tribe distinguished itself in respect to the blood money and Qisas from the lowly and dominated tribe in arrogance, tyranny and haughtiness. That was whilst both tribes knew that this was in violation of the Hukm (ruling) of Allah.

In the first story it is clear that both the powerful domineering party and the lowly dominated party knew that what they had agreed upon was in violation of the Hukm (ruling) of Allah. They only differentiated in the blood money due to the aggression, oppression and haughtiness of the powerful domineering party and the surrender and inability of the lowly (dominated) party. Then, when Muhammad (saw) arrived, the lowly party coveted justice and an escape from the oppression and the powerful party realised that the era of their tyranny had come to an end without hope of return. So where is the denial or disavowal here? Rather, it represented an **“unadulterated abandonment of the Hukm of Allah”** based upon the desire to be dominant over and oppress people, and due to the love of sovereignty and mastery. The speech of the powerful tribe in respect to the matter plainly indicates that they knew full well that what they had imposed was reprehensible, oppressive and in violation of the Hukm of Allah, which by their implicit admission was: “Good and just”. It is therefore preponderant that they acknowledged that the Hukm of Allah was more just and better than their Hukm (ruling).

As for the expected intrigues of the powerful tribe in respect to those seeking the judgement of Muhammad (saw) for them, then that was because seeking the judgement at that time was voluntary and they were not compelled by its judgement, just as he (saw) was not compelled to pass judgement among them.

The subject matter here is therefore not one related to Juhood (denial/disbelief) or belief, but rather it relates to the changing of the Sharee'ah to serve interests of a domineering faction, accompanied by stealthy evasion, by way of plotting and conspiring, from the consequences of that hideous crime.

Even in the second story, the rabbi, after being adjured, admitted that they found stoning in their book "However, this (crime) became quite common amongst our nobles. As such, when we caught a noble (indulging in this offence) we let him be, but when we caught hold of a weak person we imposed the prescribed punishment upon him. We then said: Let us agree something which we can establish upon both the noble person and the lowly. We then decided upon blackening the face with coal and lashing, in place of the punishment of stoning". They did not come together to agree that except due firstly to their inability to establish the prescribed punishment upon the noble people and secondly, due to their differentiation in respect to the punishment between the noble and lowly person. As such, they agreed upon a "Rational just" solution in which the noble person and lowly would be equal in terms of receiving the blackening and lashing. They therefore admitted that they were exchanging the Sharee'ah which they believed to be revealed and admitted to being from those who change and replace. Their evasion from admitting that at the beginning was only due to their fear of being exposed and falling into contradiction. As such, where is the Juhood (denial or disbelief) here?! Rather, it reflects the abandonment of the Hukm (ruling) of Allah due primarily to the inability to implement it and secondly due to the repulsiveness of the disparity in respect to the application!

Yes, it is true, that they denied that the **"stoning of the adulterer"**, the ruling which was the subject of discussion in the second story, was present in their book, in an attempt to escape shame and being exposed. However, when the pages of their book were laid open and their reader was commanded to read the text, they were exposed and submitted to it. They admitted that they had been concealing it from the masses due to excuses which they mentioned. As such, there was initially denial, but it was a denial in respect to it being present in the book with the intention to deceive the Prophet (saw) and to deceive their followers. Then, when that was exposed, they admitted defeat and surrendered to that. This denial however is not like the denial after seeing the text stating that it is the Hukm (ruling/judgement) of Allah, like if it was to be said for example: "Yes, it is in the Tawrah, however the Tawrah is from the authorship of Musa and not from Allah, and Musa was not from the Prophets of Allah". If someone was to say that, even if he was certain in his heart of the opposite of that, then it would be Kufr (disbelief) and represent the Kufr of Al-Juhd (disavowal). If he believed in the correctness of his statement, then that would be Kufr and represent the Kufr of At-Takdheeb (denial). If, however, he was only raising doubt, then it would represent the Kufr of Ash-Shakk (doubt) etc. This Juhd (disbelief/disavowal) is not the same type as the Juhd of the people of Fir'awn towards the Prophet Musa, peace be upon him:

وَجَحَلُوا بَهَا وَاسْتَيْفَنَتْهَا أَنْفُسُهُمْ ظُلْمًا وَعُلُوًّا

And they rejected them, while their [inner] selves were convinced thereof, out of injustice and haughtiness (An-Naml: 14).

This is what normally comes to the mind when the **"Kufr of Al-Juhood"** is mentioned.

It is for that reason that the Messenger (saw) said: **“O Allah, I am the first to revive Your command when they had caused it to die”!** Contemplate here the precision of the expression of the one who was made infallible by the protection of Allah: “Reviving (or bringing to life) the Hukm (ruling) after it had been caused to die via its abandonment”. There is not even a word in this relating at all to the belief, Al-Juhood (denial or rejection) or the conditions of the heart. He did not say: “I am the first to believe in it after they disbelieved in it” or “The first to affirm it as truth after they denied it”, or “The first to have certainty in it after they doubted it” or “The first to affirm it and surrender to it after they rejected or disavowed it” or anything resembling these statements. In addition, he (saw) did not debate them in respect to his Noble Prophethood but rather only argued with them upon the basis of their Book, Deen and their Prophet whom they claimed to believe in and follow. His Prophethood (saw) was therefore not at all the subject being examined or being debated. The subject matter was therefore not one related to belief and denial (or rejection); not in respect to the Prophet Musa (peace be upon him) and what was revealed to him, and not in respect to the Prophet Muhammad (saw), and what was revealed to him. Rather, the subject only related to the changing of the Sharee’ah due to social and political considerations or factors.

The truth of the matter is therefore that the Jews did not deny the Hukm of Allah as Imam At-Tabari presumed, rather they knew that the Hukm of Allah was contrary to what they were applying. Indeed, it is preponderant that they believed that the Hukm (judgement) of Allah was better than their own Hukm and they affirmed that Musa (peace be upon him) was the Messenger of Allah, however they were causing his Sharee’ah to die i.e. they were abandoning its application due to desires to commit Zina and oppression among other worldly desires or based upon arguing that they were incapable of applying it and due to the corruption of the prevailing circumstances, among other arguments and excuses. There is not a single word that indicates to Juhood and Takdheeb (rejection, disavowal, denial) or to the rejection of the Prophethood of Musa (peace be upon him). The issue therefore relates to the abandonment of the ruling by what Allah revealed and replacing it with another Hukm (ruling) i.e. the changing of the Sharee’ah due to the societal pressures and worldly desires. This is what the contemporary secularists call for and attempt to justify. This issue is therefore not an issue related to the belief (I’tiqad) and affirmation of truthfulness (Tasdeeq).

Secondly: An accurate examination of the intended meaning of the wording “Kafirun” (disbelievers).

The wording الْكَافِرُونَ (Al-Kafirun / disbelievers) has come with the definite article of ال (Alif Lam) attached in His Qawl (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers).

The meaning has come in a reiterated form using the Ism ul-Isharah (demonstrative pronoun) and the Dameer (pronoun) together:

فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

This indicates that the intended meaning of the Kufr (disbelief) which is Ma'ruf (known) and Ma'hud (familiar/customary). This refers to the Kufr Al-Akbar (major disbelief) that takes one outside of the folds of the Millah (i.e. the Deen) due to its complete contradiction and incompatibility with Islam.

There is no question that attributing the name of “**Kafir**” (disbeliever) to a person is stronger and has greater emphasis or certainty than attributing “Kufr” (disbelief) to him. That is because the latter could merely mean attributing a “**property**” (مَخَصِّلَةٌ) from among the properties of disbelief or that an “act” (فِعْلٌ) from among the acts of disbelief had been undertaken. This is demonstrated clearly in the statement of the Messenger (saw): “There are two matters of Jahiliyah (pre-Islamic period) in my Ummah that they do not abandon which are **Kufr** ...” or like this. Similarly, in his statement (saw):

مَسِيئَاتُ الْمُسْلِمِ فُسُوقٌ، وَقَتْلُهُ كُفْرٌ

Abusing a Muslim is Fusuq (evil doing) and **killing him is Kufr (disbelief)**.

These two are stronger and more certain than attributing the action of Kufr to him, like what came in his statement concerning the one who abandons the prayer:

فَمَنْ تَرَكَهَا فَقَدْ كَفَرَ

Whoever abandons it has **disbelieved** i.e. he has committed an act from among the acts of Kufr (disbelief), in the case where this matter could be temporary and not continuous.

For example, concerning the statement of the Arab: “This man is white” is more powerful in terms of indicating colour than the statement: “There is whiteness in him”, as the latter could be due to the presence of white patches alone, or a polite expression to indicate a skin disease or condition. If, however, they said: “He has become white due to the lack of exposure to the sun” then this contains the meaning of temporary change, which could quickly disappear, if he was to be exposed to the heat of the sun.

The same applies to the statement: “This person is wise”. Meaning that he is characterised by wisdom, which is much stronger in meaning than the statement: “He has wisdom”, which in turn is more far reaching in respect to attributing wisdom than the statement: “He acted with wisdom”. This is always the case and applies equally in all languages.

Consequently, the Qawl of Allah (swt) الْكَافِرُونَ (Al-Kafirun / disbelievers), which has come in the Ayah under study, means that this is a constant attribute in respect to them, a distinct colouring that they have and not just a partial attribute or passing temporary act. It is therefore obligatory for it to be applied to the Kufr Al-Akbar (major disbelief) that takes one outside of the folds of the Millah (i.e. Deen), otherwise, there must be a clear evidence from Allah to indicate other than that.

The origin, in any case, is that the wording “Kufr” with all of its derived forms, when stated, means the Kufr (disbelief) which is completely contrary to and incompatible with Islam and takes one outside of the folds of the Millah. It does not mean other than this unless there is a considered connotation that takes it away from that meaning to the Kufr Al-Asghar (minor disbelief), which does

not remove a person from the Millah. This is what the Arabic language dictates and the necessity of dealing with Shar'iyah terminologies. It is also the understanding of the Sahabah (companions) which the Prophet (saw) approved of.

- For example, the following came in **"Al-Jami' As-Sahih Al-Mukhtasar"** of Imam Al-Bukhari, with the most authentic chains of transmission of this Dunya: [Abdullah bin Yusuf related to us from Malik bin Zaid bin Aslama, from 'Ata' bin Yasir, from Abdullah bin 'Abbas, who said:

During the lifetime of Allah's Messenger (saw), the sun eclipsed. The Messenger of Allah (saw) then performed prayer and the people did so alongside him. He performed a long Qiyam (standing posture) during which Surat-al-Baqarah could have been recited and then bowed with a long bowing. He then raised his head and stood for a long time which was slightly less than that of the first Qiyam. Then he performed a prolonged bowing again but the period was shorter than the period of the first bowing, then he stood up and then prostrated. Again he stood up, but this time the period of standing was less than the first standing. Then he performed a prolonged bowing but of a lesser duration than the first, then he stood up again for a long time but for a lesser duration than the first. Then he performed a prolonged bowing but of lesser duration than the first, and then he again stood up, and then prostrated and then finished his prayer. By then the sun eclipse had cleared. The Prophet (saw) then said: "The sun and the moon are two signs among the signs of Allah, and they do not eclipse because of the death or birth of someone, so when you observe the eclipse, remember Allah (offer the eclipse prayer)". They (the people) said: "O Allah's Messenger (saw)! We saw you reach out your hand to take something where you were standing, then we saw you stepping backward". He said: "I saw Paradise (or Paradise was shown to me), and I stretched my hand to pluck a bunch (of grapes), and had I plucked it, you would have eaten of it as long as this world remains in existence. Then I saw the (Hell) Fire, and I have never before, seen such a horrible sight as that, and I saw that the majority of its dwellers were women". The people asked, "O Messenger of Allah (saw)! Why is that?" He replied: **"Because of their Kufr"**. It was asked: **"Do they have Kufr in Allah?"** He replied: **"They have Kufr to their husbands and they have Kufr towards the good that has been for them. Even if you did good to one of them throughout your life, and then she sees from you something (that she does not like), she will say: 'I have never ever seen any good from you'."** Recorded by Muslim, An-Nasa'i and Ahmad. It has also been recorded in **"Al-Muwatta'"** and in most of the collections, Sunan and Masanid.

Here, we can observe that the Sahabah did not understand the statement of the Messenger (saw) **"Because of their Kufr"** except that it referred to the Kufr Al-Akbar (the major disbelief), disbelief in Allah, which is completely contradictory and incompatible with Islam and removes the one who had previously entered the Millah (i.e. the Deen of Islam) from it. He (saw) did not condemn that, nor did he rebuke them for that. Rather, he only explained to them that the intended meaning was other than this and explained its intended meaning in detail. This represents a definite proof that the worded expression of **"Al-Kufr"** is not permitted to be moved away from the meaning of **"Al-Kufr (disbelief) in Allah"**, the Kufr Al-Akbar (major disbelief), unless there is a Qareenah (connotation) which takes it to another meaning.

Despite that, some have stated that this Kufr (disbelief), which has been attributed to the one who did not rule by what Allah revealed, refers to **"Kufr Doon Kufr"** (A lesser disbelief), or a **"Kufr which is not like the one who has disbelieved in Allah, His Angels, His Books, Messengers and the Last Day"** or a **"Kufr which does not take one outside of the Millah"**. That is whilst they acknowledge that it is from the greatest major sins and the most repulsive of sins. That is because a crime which Allah and

His Messenger have called Kufr (disbelief), Zhulm (transgression) and Fisq (rebellious sinfulness), is no doubt greater in sin than that which Allah and His Messenger have not given that name to. Most of them have relied upon what was related from Ibn 'Abbas, may Allah be pleased with him, that he said: "Kufr Doon Kufr" (A disbelief less than disbelief), just as they rely upon the statement: "A Kufr (disbelief) which is not like the one who has disbelieved in Allah, His Angels, His Books, Messengers and the Last Day".

It may be that some others have accepted that the Qawl of Allah (swt):

وَمَنْ لَّمْ يَخُضْ بِمَا أُنْزِلَ اللَّهُ فَالْوَلِيَّاتِ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers).

That it only means the Kufr (disbelief) that removes one from the Millah, however, it is specific to a particular faction or group which possesses a particular description. They say: "Whoever denied (Jahadah) what Allah has revealed has disbelieved, whilst whoever acknowledges it but did not rule by it, is a Zhalim Fasiq (transgressor, rebelliously disobedient/sinful)", a statement which has also been attributed to Ibn 'Abbas, may Allah be pleased with him.

As much of the debate and argument has been focused upon the attribution of these statements to Ibn 'Abbas, may Allah be pleased with him, and perhaps to other A'immah (Scholars) from the Salaf (predecessors), it has become necessary to study how established the transmission to them is and examine the attribution to whom these statements have been attributed.

(a) The statement: "It is Kufr (disbelief) by it, however it is not like the one who disbelieved in Allah, His Angels, Books and Messengers".

The following came stated in the "**Tafsir of At-Tabari**" (Volume: 6, page: 251 onwards): [Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ma'mar, from Ibn Tawus, from his father, who said: Ibn 'Abbas was asked about His Qawl:

وَمَنْ لَّمْ يَخُضْ بِمَا أُنْزِلَ اللَّهُ فَالْوَلِيَّاتِ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers).

He said: "**It is Kufr (disbelief) by it**" (هِيَ بِكَفْرٍ). Ibn Tawus said: "And it is not like the one who disbelieved in Allah, His Angels, Books and Messengers".

I say: This Isnad (chain of transmission) which is connected by the great trustworthy and reliable Imams is sufficient in strength. It was also related by Imam Muhammad bin Nasr ul-Maruzi in his book "**Ta'zheem Qadr As-Salaah**". Consequently, it has been authenticated from Ibn 'Abbas that he only said: "**It is Kufr (disbelief) by it**" (هِيَ بِكَفْرٍ) and nothing else. The remainder: "**And it is not like the one who disbelieved in Allah, His Angels, Books and Messengers**" is from the speech of Ibn Tawus and it is not from the speech of Tawus himself.

It is true that some narrations have come attributing that statement to Ibn 'Abbas himself:

- Like what came in **“Ta’zheem Qadr As-Salaah”** (Volume: 2, page: 522 onwards): [Ishaq related from Wakee’ related to us, from Sufyan, from Ma’mar, from Ibn Tawus, from his father who said: I said to Ibn ‘Abbas: “The one who did not rule by what Allah revealed is a disbeliever”. He said: “It is Kufr (disbelief) by it, but it is not like the one who has disbelieved in Allah, His Angels, Books, Messengers and the Last Day”].

- It was mentioned in the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards): [Hannad related to us from Wakee’, from Ibn Wakee’, from his father, from Sufyan, from Ma’mar bin Rashid, from Ibn Tawus, from his father, from Ibn ‘Abbas: “And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers)”. He said: “It is Kufr (disbelief) by it, but not Kufr (disbelief) in Allah, His Angels, Books and Messengers].

- Also, in the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards): [Al-Hassan related to us, from Abu Usamah, from Sufyan, from Ma’mar, from Ibn Tawus, from his father who said: A man said to Ibn ‘Abbas in respect to these verses “And whoever did not rule by what Allah revealed”: “That whoever does that has disbelieved”. Ibn ‘Abbas said: “If he has done that then he has disbelieved by it, but he is not like the one who has disbelieved in Allah and the Last day ...”].

This narration in which the speech of Ibn Tawus has been inserted into the speech of Ibn ‘Abbas in the reports recorded by Muhammad bin Nasr Al-Maruzi and also by At-Tabari among others, is outweighed (Marjooh):

1) That is because its Isnad (chain of transmission) is weaker than our first Isnad. It contains “Sufyan from Ma’mar”. Sufyan has engaged in Tadlis when he employed “‘An’Ana” (عن). Abdur Razzaq has a special interest in relation to Ma’mar and he is the most reliable person in respect to him, representing the decisive proof (or final word) when the narrations from Ma’mar have differed and particularly if he has expressed the narration in the chain (Tahdeeth). As such, if Abdur Razzaq says: Ma’mar informed us (or related to us), that is much more reliable and stronger than if Sufyan related from Ma’mar.

2) And because our preponderant (Raajih) report (Athar), which was mentioned above first, includes an addition in wording and meaning (i.e. an addition in terms of explanation (Bayan) over that which is stated in the outweighed (Marjooh) report, and it has come from reliable and trustworthy relaters. The addition of the reliable trustworthy reliable (Thiqah) relater must be accepted and it is impermissible to reject it, unless there is a Burhan (clear evidence) dictating the opposite of that i.e. dictating that it be rejected. Otherwise, we would fall into contradiction.

That which has been established to have been related by Ibn ‘Abbas, may Allah be pleased with him, is only his statement **“It is Kufr (disbelief) by it”** (هي به كفر).

b) The statement: “Disbelief which does not remove one from the Millah”:

- The following came mentioned in **“Ta’zheem Qadr As-Salaah”** (Volume: 2, page: 522 onwards): [Muhammad bin Yahya related to us from Abdur Razzaq, from Sufyan, from a man, from Tawus, from Ibn ‘Abbas that he said: “(It is) Kufr (disbelief) that does not remove from the Millah”].

- It was mentioned in the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards): [Al-Hasan bin Yahya, related to us from Abdur Razzaq, from Ath-Thawri, from a man, from Tawus, concerning (the Ayah) “Then those are the Kafirun (disbeliever’s)”, he said: “(It is) Kufr (disbelief) that does not remove from the Millah”. ‘Ata’ said: “It is Kufr that is less than Kufr, Zhulm which is less than Zhulm, and Fisq which is less than Fisq”].

- It was mentioned in **“Ta’zheem Qadr As-Salaah”** (Volume: 2, page: 522 onwards): [Ishaq related from Wakee’ related to us from Sufyan, from Sa’id Al-Makkiy, from Tawus, who said: “It is not a Kufr (disbelief) that removes someone from the Millah”].

- In the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards) it was recorded as: [Hannad related to us who said that Wakee’ related to us and we were related to from Ibn Wakee’, who said my father related to us, from Sufyan, from Sa’id Al-Makkiy, from Tawus, concerning His Qawl: (Concerning) “And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers)” he said: “It is not a Kufr (disbelief) that removes someone from the Millah”].

I say: Sa’id is Ibn (the son of) Hassan Al-Makkiy Al-Makhzumi. He is Thiqah (reliable/trustworthy) from the (trusted) narrators of Imam Muslim and was regarded as Thiqah by Ibn Mo’in, An-Nasa’i and Abu Dawud. Therefore, the best Isnad is: Wakee’ from Sufyan, from Sa’id Al-Makkiy, from Tawus. It is Sahih and proof is established by it.

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As for the first Isnad presented by Imam Muhammad bin Nasr Al-Maruzi in his book **“Ta’zheem Qadr As-Salaah”**: [Muhammad bin Yahya related to us from Abdur Razzaq, from Sufyan, from a man, from Tawus, from Ibn ‘Abbas that he said in respect to His Qawl (swt) “Those are the disbelievers”, **“(It is) Kufr (disbelief) that does not remove from the Millah”**]. This Isnad is Da’eef (weak) without doubt due to the obscure unknown man. That is in addition to At-Tabari mentioning it as follows: [Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ath-Thawri, from a man, from Tawus, concerning His Qawl (swt) “Those are the disbelievers” he said: **“(It is) Kufr (disbelief) that does not remove from the Millah”**]. Here, he stopped at Tawus, which means that the narrators were inconsistent in respect to it be attributed to Ibn ‘Abbas or to Tawus. It is consequently obligatory to go to that which is certain, which is its attribution stopping at Tawus and this is exactly what came in the aforementioned Sahih Isnad.

The two other chains of transmission, even if they don’t establish proof, can be used as corroboration for the Hadith of Sa’id Al-Makkiy, if the obscure unknown man wasn’t Sa’id himself, thereby increasing the strength of the Isnad and affirming it from Tawus. As for attributing the statement to Ibn ‘Abbas, then the preponderant view is that this is from the Awham (erroneous impressions) of the narrators.

c) The statement: “Kufr Doon Kufr” (A disbelief which is a lesser disbelief):

This statement is established from ‘Ata by a narration containing only reliable and trustworthy major Imams in the Isnad: Ibn Juraij, Ayub bin Abi Tamima Kaysan and perhaps Tawus:

- It came stated as follows in **“Ta’zheem Qadr As-Salaah”** (Volume: 2, page: 522 onwards): [Ishaq related from Wakee’ related to us from Sufyan, from Ibn Juraij, from ‘Ata’ who said: “Kufr Doon Kufr (lesser disbelief), Zhulm Doon Zhulm (lesser transgression) and Fisq Doon Fisq (lesser rebellious disobedience)”].

- It was recorded as follows in the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards): [Muhammad bin Bashir related to us from Abdur Rahman, from Sufyan, from Ibn Juraij, from ‘Ata’ that he said concerning His Qawl: “Whoever did not rule by what Allah has revealed, then those are the disbelievers (Kafirun)”: “(It is) Kufr Doon Kufr (lesser disbelief), Zhulm Doon Zhulm (lesser transgression) and Fisq Doon Fisq (lesser rebellious disobedience)”].

- (Also, it was recorded) Ibn Bashir related to us from Abdur Rahman, from Hammad bin Salamah, from Ayub from ‘Ata: The same as it.

- (And) Al-Muthanna related from Al-Hujjaj, from Hammad, from Ayub, from Abu Tamima, from ‘Ata’ bin Abi Rabah: The same as it.

- (And) Hannad bin As-Sariy related to us from Wakee’, from Sufyan, from Ibn Juraij, from ‘Ata’: The same as it.

- (And) Ibn Wakee’ related to us from his father, from Sufyan, from Ibn Juraij, from ‘Ata’: The same as it].

The following also came recorded in the **“Tafsir of At-Tabari”** (Volume: 6, page: 251 onwards): [Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ath-Thawri, from a man, from Tawus (concerning) “Then they are the disbelievers (Kafirun)”. He said: “It is a Kufr that does not remove from the Millah”. He said: ‘Ata’ said: “(It is) Kufr Doon Kufr (lesser disbelief), Zhulm Doon Zhulm (lesser transgression) and Fisq Doon Fisq (lesser rebellious disobedience)”]. The one saying: “‘Ata’ said: Kufr Doon Kufr etc.” is most likely Tawus.

This statement **“Kufr Doon Kufr (Lesser disbelief)”** has also been related from Ibn ‘Abbas, however it is with a weak (Da’eef) Isnad that does not establish proof or evidence (Al-Hujjah).

- That is like what came recorded in **“Al-Mustadrak ‘Ala s-Sahihaini”** (Al-Hakim): [Ahmad bin Sulaiman Al-Mawsili related to us from ‘Ali bin Harb, from Sufyan bin ‘Uyaynah, from Hisham bin Hujair, from Tawus who said: Ibn ‘Abbas, may Allah be pleased with him, said: “It is not the Kufr (disbelief) that they are going to (i.e. concluding). It is not the Kufr that removes one from the Millah. “Whoever did not rule by what Allah is revealed, then those are the disbelievers” refers to Kufr Dun Kufr (a lesser disbelief)”. Al-Hakim said: “This Hadith is Sahih in its Isnad but they (Al-Bukhari and Muslim) did not record it”. Adh-Dhahabi said in “At-Talkhees”: “(It is) Sahih”].

- It was recorded in the **“Sunan Al-Kubra of Al-Baihaqi”** from the path of Al-Hakim: [Abu Abdullah Al-Hafiz informed Ahmad bin Sulaiman Al-Mawsili with it until its end in terms of Sanad (chain of transmission) and Matn (textual content of the Hadith)].

- The following came mentioned in the **“Tafsir of Ibn Kathir”** (Volume: 2, page: 62 onwards): [Ibn Abi Hatim said that Muhammad bin Abdullah bin Yazid Al-Muqri’ related to us from Sufyan bin ‘Uyaynah, from Hisham bin Hujair, from Tawus, from Ibn ‘Abbas, in relation to His Qawl “And whoever did not rule by what Allah revealed, then those are the disbelievers”, that he said: “It is not the Kufr which they are going to”].

I say: The classification of it being Sahih by Al-Hakim and the agreement of Adh-Dhahabi is not relied upon (or considered) here because Hisham bin Juha'ir has been declared to be Da'eef (weak) by a collective of scholars of Hadith criticism and none from the Thiqat (reliable/trustworthy relaters) in the world have followed him upon this narration at all.

Ahmad bin Hanbal said about Hisham: "He is not strong". Another time he said: "Makkiy is weak in Hadith". In addition, Yahya bin Sa'id Al-Qattan classified him as Da'eef (weak) and discarded his Hadith. Imam 'Ali bin Al-Madeeni, the Imam of the A'immah in the critiquing of the relaters, who was known for moderation, classified him as Da'eef. Al-'Uqailiy mentioned him among the weak narrators. Ibn 'Adi remained silent in respect to him with his lenience and moderation. In addition, Yahya bin Mo'in said that he is: "Very weak (Da'eef)" as well as "Salih (righteous)", meaning that he is very weak in his Hadith but righteous in his Deen and 'Ibadah (worship). For that reason, Ibn Shubrumah said: "There is not the like of him in Makkah", meaning in respect to his worship and devotedness. Al-Ajiri related from Abu Dawud that he had been beaten as a Hadd (prescribed punishment) in Makkah. I said: For what?! He said: For what the people of Makkah are beaten for. This refers to a disgraceful unlikely matter. It may have been that Abu Dawud took it from an unreliable relater or that this had occurred when he was young and had since repented and made his condition good after that. If that was the case, then it should not be mentioned at all=?! How can someone be held for a sin that he had repented from?!

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Abu Hatim said: "He writes his Hadeeth" meaning that he writes for consideration and examination. This is from the forms of Tamrid (التَّمْرِيدُ) employed by Abu Hatim and it means his non-acceptance of his Hadith independently, but only considers them among the corroborative evidences.

Sufyan bin 'Uyaynah said concerning him: [We did not take from him except that which we did not find with other than him]. From all of the above, it is established:

a) That this Athar (report) is from that which Hisham bin Hujair, may Allah grant him forbearance, was alone in narrating.

b) It is apparent that Sufyan bin 'Uyaynah would avoid narrating from him except at the time of necessity, like the Hadith not being present with anybody else. This represents a classification of weakness from Imam Sufyan bin 'Uyaynah to Hisham, may Allah's mercy be upon them both.

Al-Bukhari and Muslim did not relate for him apart from as a follow-up (corroboration) or connected to other than it and his Ahadeeth were from what the 'Ulama' (scholars) criticised, in relation to the Sahihain (i.e. Al-Bukhari and Muslim).

It is only fair here for it to be said that Ibn Sa'd, Ibn Hibban and Al-'Ijli verified him has Thiqah (reliable) however they are lenient in classification and not relied upon greatly. As-Saaji, who was known for adamance, said: [(He is) Sadooq (truthful/reliable)]. This represents Tazkiyah, which has its place, even if As-Saaji is not from the first-grade scholars for this matter. Al-Hafizh (Al-Asqalani) attempted to summarize his condition and said: [(He is) Sadooq (truthful) who has Awham (erroneous impressions)]. It may be that he is actually somewhat lower than that level, where for example it should be said that he is: "Sadooq often having erroneous impressions and making errors". May Allah have mercy upon Hisham bin Hujair and pardon us and him by His Grace and Magnanimity. And Allah is most aware and most precise (and wise) in judgement.

The preponderant view is that the statement “**Kufr Doon Kufr (lesser disbelief)**” in addition to the statement “**A Kufr (disbelief) that does not remove (one) from the Millah**” are both only from the speech of Tawus, but Hisham bin Hujair had the wrong impression and attributed it to Ibn ‘Abbas. That is like what was established by the Sahih Isnad recorded by At-Tabari: [Hannad related to us who said that Wakee’ related to us and we were related to from Ibn Wakee’, who said my father related to us, from Sufyan, from Sa’id Al-Makkiy, from Tawus, concerning His Qawl: (Concerning) “Then those are the Kafirun (disbelievers)” he said: “It is not a Kufr (disbelief) that removes someone from the Millah”]. We have previously mentioned and discussed that.

c) The statement: “**Whoever denies (Jahada) what Allah has revealed has disbelieved and whoever accepts it but did not rule by it, then he is a Zhalim Fasiq**”:

- This is like At-Tabari mentioned in his Tafsir, when he said: **Al-Muthanna related to be**, he said: Abdur Rahman bin Salih related to us, he said: Mu’awiyah bin Salih related to me from ‘Ali bin Abi Talhah, from Ibn ‘Abbas, concerning His Qawl: “**And whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers)**” he said: : “**Whoever denies (Jahada) what Allah has revealed has disbelieved and whoever accepts it but did not rule by it, then he is a Zhalim Fasiq**”].

This isnad is Munqati’ (interrupted) and is completely null and void (i.e. has no evidential worth). That is because ‘Ali bin Abi Talhah did not meet any of the Sahabah; not Ibn ‘Abbas nor anyone besides him. Rather, between him and Ibn ‘Abbas is an intermediary, whilst he is not of the precision through which proof (Al-Hujjah) is established as an individual. Yes, it is true that he has not been accused and is Sadooq (truthful/trustworthy) in himself, however, despite that he errs, as mentioned by Al-Hafizh (Al-Asqalaani): [(He is) Sadooq Yukhti’u (truthful who errs)]. The same applies in respect to Mu’awiyah bin Salih bin Hudair, as Al-Hafizh said in respect to him: [Sadooq Lahu Awham (Truthful who has misgivings or false impressions)]. That is not to mention the Ghafлах (inattention) of Abu Salih Abdullah bin Salih the scribe of Al-Laith and the great number of his mistakes, unless he related from the book (directly). As such, these three are from those who are not known for their accuracy are altogether (in one chain), not to mention the interruption of the Isnad.

As for the Matn (textual content of the Hadith) then it does not resemble the speech of Ibn ‘Abbas as has been related to us with authentic chains of transmission. It resembles the speech of those Fuqahaa’ (jurists/scholars) and Mutakallimun (scholars of ‘Ilm ul-Kalam) who came later. This Matn is therefore Munkar (rejected) and the self cannot find comfort in it. Indeed, we have no doubt that it is the speech of other than him, but was then wrongly attributed to Ibn ‘Abbas, may Allah be pleased with him, or it was fabricated and ‘Ali bin Abi Talhah was deceived and took it without careful examination.

The truth is that Imam Abdullah ibn ‘Abbas is the Turjuman (interpreter) of the Qur’an, the primary and greatest Mufasssir (explainer) of Islam, and he is without question from among the major scholars and jurists of the Sahabah. His statements hold an authority and standing which is well known and not denied. As such there exists a great enticement for liars to attribute to him that which he did not say so that their views gain the authority and standing they seek. His presence is greatly abundant equally in respect to the narration (Riwayah), verdicts and Tafsir. It is therefore not strange that opinions (or statements), Fatawa (verdicts) and Tafasir (explanations) get intermingled with other than him in the minds of some of those who lack precision from the relaters and as such they attribute to him. Due to this, strictness is obligated in respect to accepting what has been

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attributed to Ibn ‘Abbas, especially in relation to the Tafsir, so that none but the reliable and precise are taken from.

Second: If, for the sake of argument, this was all authenticated to be from Ibn ‘Abbas, may Allah be pleased with him, it would not represent a Hujjah (evidence/proof) in itself, as the Hujjah is only found in the speech of Allah and His Messenger, and none other.

That is especially because it has been related from the majority of the Sahabah, at the forefront of which are the two rightly guided Imams and jurists, ‘Umar and ‘Ali, may Allah be pleased with them, that they declared disbelief upon the one who did not rule by what Allah revealed!

Yes, had an explicit Ijma’ (consensus) of the Sahabah been convened upon what had been attributed to Ibn ‘Abbas, it would be permissible to have considered it to have been taken from the Prophet (saw), and consequently represent a Hujjah (evidential proof)! However, what if Ibn ‘Abbas, may Allah be pleased with him, is outweighed by the majority of the Sahabah and their jurists (Fuqaha’). We have Ibn Mas’ud who viewed that bribery (Rishwah), injustice (Al-Haif) and tyranny (Al-Jawr) in respect to the ruling was Kufr (disbelief) and he did not agree to calling the bribery in ruling Suht (illegal gains) because the devouring of Suht is a great sin and crime only, whilst the Rishwah (bribery) in respect to the ruling is Kufr in his view.

- This came mentioned in the **“Musnad of Abu Ya’la”**: [Muhammad related to me from ‘Uthman bin ‘Umar, from Fitr bin Khalifah, from Mansur, from Salim bin Abi Al-Ja’d, from Masruq, who said: “I was sitting in the presence of Abdullah, when a man asked him: “What is the Suht?!” He said: “Ar-Risha! (bribery)”. Then he asked: “What about in the rule?” He said: “That is Kufr! (disbelief)”. He then recited:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers”].

Sheikh Hussein Asad said: “Its Isnad is Sahih” and it is as he said.

- It came in **“Al-Mu’jam Al-Kabir”** as follows: [Abdullah bin Muhammad bin Sa’id Bin Abi Maryam related to us from Muhammad bin Yusuf Al-Faryabi, from Isra’eel, from Hakeem bin Jubair, from Salim bin Abi Al-Ja’d, from Masruq, who said: “I asked Ibn Mas’ud about Ar-Rishaa (bribery in the ruling and he said: That is Al-Kufr (disbelief)”].

- The following was recorded in the **“Sunan Al-Kubra of Al-Baihaqi”**: [Abu Nasr bin Qatadah informed us of what Abu Mansur An-Nadrawi informed him from Ahmad bin Najdah, from Sa’id bin Mansur, from Sufyan, from ‘Ammar Ad-Duhni, from Salim bin Abi Al-Ja’d, from Masruq, who said: “I asked Ibn Mas’ud concerning the Suht and whether it is considered to be Rishwah (bribery) in the ruling? He said: “No: Whoever did not rule by what Allah has revealed, then those are the Kafirun (disbelievers), Zhalimun (transgressors) and Fasiqun (rebelliously disobedient). However, the Suht is where a man assists you with a wrongdoing (or injustice), in the case where he gifts you and you accept it. That is the Suht”].

The Athar (report) from Ibn Mas'ud is therefore certainly reliable and Sahih, especially with its corroborations, paths and supportive evidences which have been detailed in the appendix (The appendix of the study of the Asanid (chains of transmission). From among them is the action and statement of Masruq, and his following narration:

- It was mentioned in “**At-Tabaqat Al-Kubra**” that: [Masruq interceded for a man who then gifted him a slave girl. He was angered and said: “Had I known that this was within yourself, I would not have spoken in the matter and I will never speak in respect to what remains of it ever! I heard Abdullah Ibn Mas'ud say: “Whoever intercedes in order for a right to be returned or a wrong to be repelled, and is then gifted for that and accepts it, then that is Suht”. They said: “We did not use to view the Suht except an (illicit) acquisition upon the ruling (i.e. by the ruler)”. He said: “An (illicit) acquisition upon the ruling (i.e. by the ruler) is Kufr!”].

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In the appendix we have quoted many narrations which establish for certain, the attribution of the statement to Abdullah bin Mas'ud, may Allah be pleased with him.

This is also the view of some of the scholars of Tafsir from the Tabi'in like As-Suddi:

- The following came stated in the “Tafsir of Ibn Kathir” (Volume: 2, page 62 onwards): [As-Suddi said (concerning):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers.

“Whoever did not rule by what was revealed, where he left it intentionally or deviated (or encroached) from it whilst he was aware (of that) then he is from the disbelievers”].

In addition, what dictates that the statement of Ibn 'Abbas should be given precedence over the statement of Abdullah Ibn Mas'ud (Ibn Umm 'Abd), whilst he is from the first of the Muhajirin, who witnessed Badr, Uhud and the pledge of the tree (prior to the treaty of Hudaibiyah)?! Yes, Ibn 'Abbas is the Turjuman (interpreter) of the Qur'an and authority of vast knowledge, however, Ibn Mas'ud likewise is the head of the preservers of the Qur'an and authority of vast knowledge. He also resembled the Prophet (saw) the most in terms of his manner, characteristics and conduct!?

That is if the attribution of the statement to Ibn 'Abbas was verified to be authentic in origin, although it is not?! That is in the case where the attribution of these irregular statements to Ibn 'Abbas are not verified. Rather, only his statement “**It is Kufr (disbelief) by it**” (هي به كفر).

Consequently, it is necessary to include Ibn 'Abbas among all those who have said that it is “**Kufr**” (disbelief) to leave the ruling by what Allah has revealed, like Abdullah bin Mas'ud, with no difference in respect to them. As a result, the Ijma' of the Sahabah is convened upon that i.e. attributing the “Kufr” (disbelief) to the one “**Who did not rule by what Allah has revealed**”. This is the Haqq (truth) through which we follow the Deen of Allah and it represents that which is not permitted to be opposed.

Even if the statements “**A Kufr (disbelief) which does not remove one from the Millah**” or “**Kufr Doon Kufr**” (A lesser disbelief) were confirmed to be from Ibn 'Abbas, the Ijma' of the Sahabah

would still be convened upon attributing the worded expression of “**Kufr**” to the one “**Who did not rule by what Allah has revealed**”. No disagreement would remain except for that which relates to its classification: Is it a disbelief that removes one from the Millah, or a Kufr Doon Kufr (lesser disbelief) that does not remove one from (the folds of) Islam, even if it is one of the greatest sins and most heinous of the major sins?!

The definitive correct view is therefore that whoever abandons the ruling by what Allah has revealed is a “**Kafir**” (disbeliever) by this mere act of his. He is deserving of that title by the Ijma’ (consensus) of the Sahabah which conforms to the Qat’i (definite) text of the Qur’an. It is therefore not at all permissible to refrain from applying this name or title of “**Kafir**” (disbeliever) upon him. That is regardless of whether it is Kufr Doon Kufr (the lesser disbelief) that does not remove one from the Millah, or it is the Kufr which removes somebody from the Millah. It is still “**Kufr**” (disbelief) under all circumstances.

In addition, the correct view is that his Kufr is Kufr Akbar (major disbelief) which removes someone from the Millah and not Kufr Doon Kufr (a lesser disbelief). Indeed, it is like the one who has disbelieved in Allah, His Angels, Books, Messengers and the Last Day. That is because this represents the usual original Quranic usage of the worded expression “**Kafir**” (disbeliever). It is not permissible to divert it from that except by a Burhan (clear evidence) and no such Burhan exists.

Third: Upon whom do these Ayat (verses) apply?

These Ayat (verses) are general in respect to everyone who abandons the Hukm (ruling/judgment) by what Allah revealed. That is because it begins with “**Man**” (مَنْ) of conditionality which represents the most emphatic of all the forms of generality, as concluded by the scholars of Usul. Imam Ibn Taymiyah, may Allah’s mercy be upon him, said in his “Majmu’ Al-Fatawa” (Volume: 15, page: 82 & volume: 24). As such, it is not specific to the Jews alone, nor to this Ummah only or the Christians alone. Rather, it is general in relation to: “Whoever does not rule (or judge) by what Allah revealed” and even if they were from the inhabitants of the sky. Despite the clarity of this and its self-evidence, understandings have differed over this matter:

- The following was stated in the “**Tafsir of At-Tabari**” (Volume: 6, page: 252 onwards): [The People (i.e. scholars) of Ta’weel (i.e. Tafsir and interpretation) have differed in respect to the interpretation of the Kufr (disbelief) in this context. Some of them said like what we have said in respect to that, which is that it refers to the Jews who distorted the Book of Allah and changed (or exchanged) its ruling. Included among those who said that:

- Ibn Wakee’ related to us from Mu’awiyah bin Al-A’amash, from Abdullah bin Marrah, from Al-Bara’ bin ‘Azib, from the Prophet (saw), in relation to His Qawl: “And whoever did not rule by what Allah revealed, then those are the Kafirun (disbelievers)”, “And whoever did not rule by what Allah revealed, then those are the Zhalimun (transgressors)” and “And whoever did not rule by what Allah revealed, then those are the Fasiqun (rebelliously disobedient)”, that they are related to the disbelievers.

- Al-Muthanna related to me from Ishaq, from Muhammad bin Al-Qasim, from Abu Hayyan who said that I related from my father Salih: He stated three verses which are in Al-Ma’idah: “And whoever did not rule by what Allah revealed, then those are the Kafirun (disbelievers) ... then those are the Zhalimun (transgressors) ... then those are the Fasiqun (rebelliously disobedient)”. (He said): “The

people of Islam have no relationship to them. They (the verses) are in relation to the Kuffar (disbelievers)".

- Ibn Wakee' related to us saying that my father related to us from Abu Hayyan, from Ad-Dahhak (who said): "And whoever did not rule by what Allah revealed, then those are the Kafirun (disbelievers), the Zhalimun (transgressors), the Fasiqun (rebelliously disobedient)" "That these Ayat were revealed in respect to the Ahl ul-Kitab (people of the book).

- Muhammad bin Abdul 'Aala related to us from Al-Mu'atamir bin Sulaiman, who said that he heard 'Imran bin Hudair saying: Some people from Bani 'Amr bin Sudus came to Abu Mijlaz and said: "O Abu Mijlaz, have you seen the Qawl of Allah "And whoever does not rule by what Allah has revealed, then those are the Kafirun (disbelievers)" Is that the truth?" He said: "Yes". They said: "And whoever does not rule by what Allah has revealed, then those are the Zhalimun (transgressors)" Is that the truth?" He said: "Yes". They said: "And whoever does not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient)" Is that the truth?" He said: "Yes". They then said: "O Abu Mijlaz, so do those (i.e. the rulers) rule by what Allah has revealed?" He said: "That is their Deen which they follow (obey or practise), according to which they speak (i.e. give opinions and verdicts) and what they invite to. If they then leave anything of that, they know that they have fallen into sin". They said: "No, by Allah, but you are differentiating". He said: "You are more entitled than me in this regard. I do not see (that) but you see this and yet you do not exit (i.e. from the authority). However, it was revealed in relation to the Jews, Christians and people of Shirk (polytheism / idolatry)", or he said similar to this.

- Al-Muthanna related to me from Hujjaj, from Hammad, from 'Imran bin Hudair, who said: "A group from the 'Ibadiyah approached Abu Mijlaz". He said: They said to him: "Allah says: "And whoever does not rule by what Allah has revealed, then those are the Kafirun (disbelievers), then those are the Zhalimun (transgressors), then those are the Fasiqun (rebelliously disobedient)"?! Abu Mijlaz said: "Verily, they are doing what they are doing (i.e. the rulers) and they know that it is a sin". He said: "Verily, this Ayah was only revealed in relation to the Jews and Christians". They said: "By Allah, you are surely aware of what we are aware of, however you fear them". He said: "You are more entitled with that than me. As for us, then we do not know what you know. You, however, know it, but your fear is what prevents you from taking your matter further"].

- The following also came in the **"Tafsir of At-Tabari"** (Volume: 6, page: 251 onwards): [Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ath-Thawri, from a man, from 'Ikrimah, who said: "Those Ayat (verses) are in respect to the Ahl ul-Kitab (people of the Book)".

- Bishr bin Mu'adh related to us from Yazid, from Sa'id, from Qatadah (concerning) His Qawl: "And whoever does not rule by what Allah revealed, then those are the Kafirun (disbelievers)". He mentioned to us that these verses were revealed in relation to Jews who were among them.

- Al-Qasim related to us from Al-Hussein, from Al-Hujjaj, from Ibn Juraij, from 'Ikrimah, that His Qawl: "And whoever does not rule by what Allah revealed, then those are the Kafirun (disbelievers), the Zhalimun (transgressors) and Fasiqun (rebelliously disobedient)", was for all of the Ahl ul-Kitab (people of the Book), due to what they had abandoned from the Book of Allah].

- The following also came stated in the **"Tafsir of Ibn Kathir"** (Volume: 2, page: 59 onwards): [Al-Bara' bin 'Azib, Hudhaifah bin Al-Yaman, Ibn 'Abbas, Abu Mijlaz, Abu Raja' Al-Utaridi, 'Ikrimah,

‘Ubaidullah bin Abdullah, Al-Hasan Al-Basri and others (said): “And they (the verses) are obligatory upon us”. Abdur Razzaq said from Sufyan Ath-Thawri, from Mansur, from Ibrahim, that he said: “These Ayat (verses) were revealed in relation to Bani Isra’eel and Allah sanctioned them for this Ummah”, related by Ibn Jarir].

The above represents some of what has been quoted from what can possibly be considered to represent a text establishing that the verses only apply upon the Ahl ul-Kitab (people of the Book). As for the Hadith of Al-Bara’ bin ‘Azib, may Allah be pleased with him, then it has already been mentioned with all of its paths and wordings during the discussion of the Asbab An-Nuzul (causes of revelation), and it does not include within what indicates decisively that the Hukm (ruling) is specified to the Jews, the people of the Book or the disbelievers alone. We will discuss the statement: **“In respect to the disbelievers as a whole”** soon by Allah’s permission. The speech of Ad-Dahhak is also only related to the cause of revelation and is not related to the rulings which the verses encompass. The same applies to the speech of Qatadah.

As for the speech of Hudhaifah bin Al-Yaman, then it is opposite to that, as will be shown soon and we do not know how Ibn Kathir mentioned him along with this group. As for Ibn ‘Abbas, then nothing has been established from him that justifies including him within this group. Yes, he is the narrator of the true cause of revelation, the story of the dominant tribe and the lowly one, however, he is not from those who said that the Hukm (ruling) in it is only applicable to the Bani Isra’eel, which is the important matter here. We have already thoroughly discussed the statements attributed to him and it is established definitely that he said: **“It is Kufr (disbelief) by it”** (هي بكفر). He may have added something else concerning this disbelief and its level, however he nevertheless named it as Kufr (disbelief). As for Al-Hasan Al-Basri, then he stipulated that they (i.e. the verses) are applicable upon this Ummah, just as Ibrahim An-Nakh’i did.

As for the speech of Abu Mijlaz, then it states that the verses were only revealed in relation to the disbelievers alone. As for the Muslim leaders or rulers (‘Umar), whom the discussion revolved around, he stated that they admit their sin and know that they have violated their Deen which they are meant to follow. Consequently, the ruling from the verses does not apply upon them. He is therefore from those who say: **“The one who has Juhood (denial/disavowal) of what Allah has revealed has disbelieved, and the one who affirms it but does not rule by it is a Zhalim Fasiq”** or similar to that in essence. Indeed, it is apparent from his speech that he believes the Kufr, Zhulm and Fisq mentioned in the verses is only that which removes someone from the Millah, and consequently he concludes that none of that applies to the Muslim rulers as long as they admit or acknowledge their sin and are aware that they are contravening their Deen which they follow. The speech of Abu Salih is explicit in that he is upon the same opinion as Abu Mijlaz. Even if he was more general and did not go into details, he nevertheless returns by necessity to the speech of Abu Mijlaz.

The speech of ‘Ikrimah, the Mawla of Ibn ‘Abbas, is obscure and it does not establish whether he means the causes of revelation only or the Hukm (ruling) it encompasses, in the same way as Abu Mijlaz. What makes this worse in relation to ‘Ikrimah is that he had been accused of holding the view of the Khawarij or declaring the one who committed a major sin to be a disbeliever!

As for the speech of Ibn Zaid, then the matter is strange. That is because the text of the verses and the causes of revelation are not indicative of any relationship with the statement **“Whoever rules by his book which he wrote by his (own) hand and abandons the Book of Allah, and then claims that his book is from Allah, has disbelieved”**. That is because the Ahkam (rulings) that they left were

from Allah and they did not claim that the alternatives were from Allah but rather matters which they deemed to be fitting. It is possible that Ibn Zaid misspoke and that he only intended that the one who changes the Sharee'ah and legislates for himself is a disbeliever, whilst believing that this is the situation where the verdict of disbelief applies to the one who does it as mentioned in the Ayah i.e. that the verse is only addressing those who exchange the Sharee'ah and legislate besides Allah. As for the one who does not do that then in his view he falls within the category of the Muslim rulers, just like the view of Abu Mijlaz.

If what we have mentioned represented an Ijma', we would not have gone against it. However, the best of the Sahabah and Tabi'un held an opposing view to it. We have already mentioned the statement of Abdullah Ibn Mas'ud in relation to the Rishwah (bribery) taking place in the Hukm (ruling) and that it is Kufr (disbelief), whilst nothing came from him which gave the impression that it was a Kufr Doon Kufr (lesser disbelief) or that it did not take someone outside of the Millah. Rather, his speech was clear in that it was referring to the Kufr Al-Akbar (major disbelief) which takes someone outside of the Millah, in the case where it came related to the Suht (illicit acquisition) which is from the reprehensible major sins. We have also mentioned the speech of As-Suddi and similar to that has come reported from the Sahabah and Tabi'un (first generation after the Sahabah).

- The following came mentioned in the "Tafsir of At-Tabari" (Volume: 6, page: 251 onwards): [Ibn Bashar related to us from Abdur Rahman, from Sufyan, from Ibn Wakee' who said my father related from Sufyan, from Habib bin Abi Thabit, from Al-Bakhtari, from Hudhaifah, in relation to His Qawl: "And whoever does not rule by what Allah has revealed, then those are the disbelievers", he said: "Yes, brothers to you, Banu Isra'eel. If you have everything that is sweet and they have everything that is bitter, you will still follow their path to the point of the length of a shoelace".

- Hannad bin As-Sariy related to us from Wakee', from Sufyan, from Habib bin Abi Thabit, from Abu Al-Bakhtari, who said: The following was said to Hudaifah: "And whoever does not rule by what Allah has revealed, then those are the disbelievers". It (i.e. the Hadith) then mentioned similar to the Hadith of Bashar from Abdur Rahman.

- Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ath-Thawri, from Habib bin Abi Thabit, from Abu Al-Bakhtari, who said: A man asked Hudhaifah about those verses "And whoever does not rule by what Allah revealed, then those are the Kafirun (disbelievers), then those are the Zhalimun (transgressors) and then those are the Fasiqun (rebelliously disobedient)"?! He said: It was said that was in relation to Bani Isra'eel. He said: "Yes, brothers to you, Banu Isra'eel. Even if they were to have everything that is bitter and you were to have everything that is sweet, then nay by Allah you would (still) follow their path to the point of the length of a shoelace].

This then is Hudhaifah bin Al-Yaman, may Allah be pleased with him, repudiating those who wish to restrict the Hukm (ruling) of the verse to Bani Isra'eel, responding with sharp derision: "Yes, brothers to you, Banu Isra'eel. Even if they were to have everything that is bitter and you were to have everything that is sweet, then nay by Allah you would (still) follow their path to the point of the length of a shoelace!!" Indeed, even stronger than that has been reported from Imam 'Amir bin Sharaheel Ash-Sha'bi:

- The following came stated in the "Tafsir of At-Tabari" (Volume: 6, page: 251 onwards): [And some of them said that the Kafirun (disbelievers) refers to the people or followers of Islam, the Zhalimun

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(transgressors) refers to the Jews and the Fasiqun (rebelliously disobedient) refers to the Christians. He mentioned those who said that:

- Ibn Wakee' related to us, he said: I related from my brother who related from Zakariya, from 'Amir who said: The Kafirun (disbelievers) was revealed in relation to the Muslims, the Zhalimun (transgressors) was revealed in relation to the Jews and the Fasiqun (rebelliously disobedient) was revealed in relation to the Christians.

- Ibn Wakee' related to us from Yaman, from Sufyan, from Ibn Abi As-Safar, from Ash-Sha'bi, (who said): The Kafirun (disbelievers) is in relation to the Muslims, the Zhalimun (transgressors) is in relation to the Jews and the Fasiqun (rebelliously disobedient) is in relation to the Christians.

- Ibn Wakee', Abu As-Sa'ib and Wasil bin Abdul A'ala related to us from Ibn Fudail, from Ibn Shubrumah, from Ash-Sha'bi, who said: "One Ayah is related to us and two Ayat (verses) are related to the people of the Book. "And whoever does not rule by what Allah has revealed, then those are the Kafirun" was in relation to us, whilst "Whoever does not rule by what Allah has revealed, then those are the transgressors and rebelliously disobedient" were related to the Ahl ul-Kitab (people of the Book).

- Ibn Wakee' related to us, he said my father related to me from Sufyan, from Jabir, from 'Amir like the Hadith of Zakariya from him.

- Muhammad bin Al-Muthanna related from Abdus Samad bin Abdul Warith, from Shu'bah, from Ibn Abi As-Safar, from Ash-Sha'bi: "And whoever does not rule by what Allah has revealed, then those are the Kafirun (disbelievers)". He said: This is in relation to the Muslims. "And whoever does not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient)" He said: The Christians.

- Ya'qub bin Ibrahim related from Hushaim, from Zakariya ibn Abi Za'idah, from Ash-Sha'bi, who said: "(Concerning) These Ayat (verses) which are in Al-Ma'idah: "And whoever does not rule by what Allah has revealed, then those are the Kafirun (disbelievers)". He said: This is in relation to us, Ahl ul-Islam. "And whoever does not rule by what Allah has revealed, then those are the Zhalimun (transgressors)" He said: This is in relation to the Jews. "And whoever does not rule by what Allah has revealed, then those are the Fasiqun (rebelliously disobedient)" He said: In relation to the Christians".

- Muhammad bin Bashir related to us from Abdur Rahman bin Mahdi, from Sufyan, from Zakariya bin Abi Za'idah, from Ash-Sha'bi, in relation to His Qawl: "And whoever does not rule by what Allah has revealed, then those are the Kafirun (disbelievers)". He said: The first was revealed in relation to the Muslims, the second in relation to the Jews and the third the Christians.

- Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ath-Thawri, from Zakariya, from Ash-Sha'bi: Similar text to the former.

- Hannad related to us from Ya'la, from Zakariya, from 'Amir: Similar text to the former.

Consequently, the Kufr (disbelief) is specified to the Muslims alone according to Imam Ash-Sha'bi. As for the Zhulm (transgression) and Fisq (rebellious disobedience) then they are specified to the Ahl ul-

Kitab (people of the Book). We do not know how Ash-Sha'bi deduced this as it appears to be in complete contradiction with those who say: "Whoever Jahada (denied/disavowed) what Allah has revealed has disbelieved, whilst the one who acknowledges it but does not rule by it is a Zhalim Fasiq (transgressor, rebelliously disobedient). Ash-Sha'bi may have intended that the Jews and Christians had already disbelieved by not following the final Prophet and as their disbelief was a matter that had been settled, regardless of if they ruled by what Allah revealed or did not rule by it. Consequently, only the meanings of the transgressor and rebelliously disobedient are applicable to them upon leaving the ruling by what Allah has revealed. As for the Ahl ul-Islam (the adherents of the Deen of Islam), then leaving the ruling by what Allah has revealed violates their Islam and Iman, and consequently they become disbelievers and apostates, after having been in the fold of Islam.

If a difference of opinion among the Sahabah, the Tabi'un and those who came after them has occurred, where no considered Ijma' (consensus) exists, it is obligatory to return the matter to Allah and His Messenger i.e. to the Kitab and the Sunnah in accordance to the dictates of the Arabic language. This leads by necessity to: That whoever does not rule by what Allah has revealed is a Kafir (disbeliever), Zhalim (transgressor) and Fasiq (rebelliously disobedient), by his mere undertaking of this act, with there being no difference between a Muslim, Jew, Christian and Buddhist. That is because he is a disbeliever and there is no difference between the one who was a believer prior to that and then became a disbeliever, and the one who was a disbeliever and then increased in his Kufr (disbelief). He is also a Zhalim (transgressor) and there is no difference between the one who was Adl (just) before that and then became a Zhalim, and the one who was already a Zhalim and then increased in his Zhulm (transgression / oppression). Just as he is Fasiq (rebelliously disobedient), whilst there is no difference in this regard between the one who was obedient before and then became Fasiq and the one who was already Fasiq and then increased his Fisq (rebellious disobedience) and Ma'siyah (disobedience).

The correct, certain and definite view is: That whoever leaves the ruling by what Allah has revealed, meaning "Whoever did not rule by what Allah revealed", is a "**Kafir**" (disbeliever) by his mere undertaking of this. He is deserving of this title or description in accordance with the definite Quranic text and by the Ijma' (consensus) of the Sahabah. It is not permissible to hold a position opposed to this and not under any circumstances.

In addition, the most preponderant correct view is that such a person's Kufr (disbelief) is like the Kufr (disbelief) in Allah, His angels, His Books, His Messengers and the Last Day. This is the Kufr Al-Akbar (major disbelief) that removes someone from the Millah and it is not a lesser Kufr (Kufr Doon Kufr). The same applies in respect to his Fisq (rebellious disobedience) and his Zhulm (transgression) as it is all major and removes its perpetrator from the Millah.

Section: Refutation of the raised doubts (Shubuhaat) of the antagonists

Despite the above, the Fuqaha' As-Salateen (regime scholars) have expended mighty efforts to falsify what we have concluded of the truth, using the following raised doubts (Shubuhaat):

The first raised doubt or specious argument (Shubha): That the Prophet (saw) had stated explicitly that the verses related to ruling in Surah Al-Ma'idah were in only revealed in relation to the disbelievers as a whole, when he said: "In respect to the Kuffar (disbelievers) as a whole" or "They

are in relation to the disbelievers as a whole”, like what came stated within the Saheeh Ahadeeth which were presented earlier and upon which there is agreement in respect their authenticity.

Al-Albani supported this groundless and false view and he went into length in respect to it in his “**As-Silsilah As-Sahihah**”, when discussing the aforementioned two Hadith. He relied in respect to that, in part, upon the text of the great Imam At-Tabari, when he commented upon the different narrations connected to the Noble Ayat (verses) in his Tafsir. He took and transmitted the text and rejoiced in it, indeed he flew in the horizons as a result of it! The following is the text word for word:

- The great Imam At-Tabari said: [The most correct of these opinions in my view is the one of those who state: These verses were revealed in relation to the disbelievers of the Ahl ul-Kitab (people of the Book), because the verses that came before them and after them were revealed in relation to them and they are those who were intended by them. Those verses are in the context of information concerning them and as such it is most appropriate for these verses to also be about them.

If someone was then to say: **Verily Allah (swt) has been general in informing concerning all who have not ruled by what Allah revealed, so how have you made it specific?**

It was said: Verily, Allah (swt) has been general in informing about a people who used to deny a ruling of Allah which He **ruled should this be revealed?** with in His Book. He then informed concerning them, that due to their abandonment of the ruling, in the manner that they left it, they are disbelievers. The same applies in relation to anyone who did not rule by what Allah revealed out of denial or disavowal (Juhood) being a disbeliever in Allah, just like Ibn ‘Abbas said. That is because his denial of the Hukm (ruling) of Allah after knowing that He revealed it in His Book, is tantamount to denying the Prophethood of His Prophet after knowing that he is a Prophet]. Here ends the quote of Imam At-Tabari, in which he slipped over his feet, may Allah’s mercy be upon him and pardon him.

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Yes, Imam At-Tabari, may Allah’s mercy be upon him, acknowledged that this is a specification of the Ayah (verse), away from what the generality of the wording dictates in accordance with the established speech of the Arabs, and he was correct in respect to that. However, he claimed specification and argued for that with what is external to the text, as is understood in the Arabic language. That is not permissible unless there is a Burhan (clear evidence) from another text, so where is that text?!

The Ayah (verse) does not contain anything about the I’tiqad (belief). Rather, it relates to the Hukm (ruling) and its abandonment i.e. it is related to the apparent act and not other than that. Its text has no relationship at all to the belief and no wording has come in it indicating to Juhood (denial/disavowal) or any other matters related to the conditions of the heart and its acts. Imam At-Tabari is too knowledgeable and pious to argue in respect to that. Indeed, he is accepting of this point!

Secondly: The two stories related to the cause of revelation oblige definiteness in respect to the Juhood (denial) and I’tiqad (belief) [i.e. At-Tasdeeq Al-Jazim (the decisive affirmation)] has no place here, as we have previously explained in detail.

Had At-Tabari, may Allah’s mercy be upon him, only restricted the ruling of disbelief to those who changed or exchanged the Sharee’ah rulings, based on the evidential indication of the Ahadeeth

which have come mentioning the two stories, he would have had some excuse, but not a complete excuse. That is because Allah, exalted is His wisdom, said:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ... الظَّالِمُونَ ... الْفَاسِقُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers ... the transgressors ... the rebelliously disobedient (Al-Ma'idah).

He did not at all say: "Whoever changes (or exchanges) the Shar'a of Allah, then those are the disbelievers". Consequently, it is established by certainty that Allah only intended the leaving or abandonment of the ruling by what He revealed, in an unrestricted manner and upon its generality. Therefore, whoever did that from among the people of the Tawrah is a Kafir, Zhalim and Fasiq, whoever did it from the people of the Injeel is a Kafir, Zhalim and Fasiq, and whoever did that from among the people of the Qur'an, which is the most complete, perfect and beautiful of the books, preserved by the protection of Allah, then he by greater reason is more entitled to the disgraceful and heinous labels of Kufr (disbelief), Zhulm (transgression) and Fisq (rebellious disobedience).

As for what came mentioned in the Hadith related by Al-Bara' bin 'Azib: "They (the verses) are in relation to the disbelievers as a whole", then the thread of the Hadith is long and we are not able to be certain that it is from his speech (saw). rather, it could be from the speech of Al-bar'a bin 'Azib, may Allah be pleased with him, which is what Imam Ibn Kathir understood in his Tafsir, or the speech of someone else. As for the short Hadith, then it is a summary of the long Hadith with the same Isnad (chain of transmission). It is therefore feared that some of the relaters summarized somewhat in it – suggested edit abridged it somewhat and as a result and as a result attributed the statement to the Prophet (saw) under the belief that it was his.

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As such, if it is not established by way of certainty that this is the speech of the Prophet (saw), it is not permitted to use it as evidence or reference.

If we were to assume, for the sake of argument, that it was the speech of the Prophet (saw), then it would be obligatory to interpret it according to the best and most just of what it can be interpreted upon. That is because its meaning can either be:

1) That they (the verses) were all revealed in relation to the disbelievers (the Jews and the Christians) initially, meaning that they were the reason or cause of the revelation of the verses and the cause of their revelation was not a matter that happened from – in relation to? the people of Islam (Muslims) during the time that the Qur'an was being revealed. That would mean that the statement "They (i.e. verses) are in relation to the disbelievers as a whole" is only connected to the matter of related to the cause or reason of – for revelation, which is a matter that we have no dispute with.

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If that was correct, then this evidently does not prevent their wordings from having come in a general manner and consequently being applicable upon everyone according to his – should this be this situation or their situation? situation. This means that the application of this is sought from other evidences, aside from the causes of revelation. As a consequence, the statement "They (i.e. verses) are in relation to the disbelievers as a whole" would be ineffectual, with nothing attained

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from it and containing no addition in terms of Bayan (explanation); a matter far removed from being attributable to the Messenger of Allah (saw).

2) That the verses were all revealed only in relation to the disbelievers (the Jews and Christians) alone and none of that applies upon the people of Islam. As such, the one who leaves the ruling by what Allah revealed does not disbelieve, transgress nor is he rebelliously disobedient. However, this would certainly be false and invalid, in addition to being contrary to the texts of the Kitab, the Sunnah Al-Mutawatirah and the certain Ijma' (consensus) which establishes the Zhulm (transgression) and Fisq (rebellious disobedience) of the one who does that under all circumstances, with the only disagreement falling in respect to the Kufr (disbelief) of the one who does that. It is also impermissible to have a bad view concerning the speech of the Messenger of Allah and may Allah's refuge be sought from that!!

3) That the verses are only related to the Kufr Al-Akbar, the Fisq Al-Akbar and the Zhulm Al-Akbar (Major disbelief, disobedience and transgression) and none of that applies upon the people of Islam. Only "Kufr Doon Kufr" (the lesser disbelief), "Fisq Doon Fisq" (the lesser sinful disobedience) and "Zhulm Doon Zhulm" (the lesser transgression) apply upon them.

The one who states that, which resembles the view of Al-Albani, is claiming that the statement: **"They (i.e. verses) are in relation to the disbelievers as a whole"** is equivalent to the meaning of the statement: "That the verses are only related to the Kufr Al-Akbar, the Fisq Al-Akbar and the Zhulm Al-Akbar (Major disbelief, disobedience and transgression) and none of that applies upon the people of Islam. Only "Kufr Doon Kufr" (the lesser disbelief), "Fisq Doon Fisq" (the lesser sinful disobedience) and "Zhulm Doon Zhulm" (the lesser transgression) apply upon them".

This however represents no more than a claim and the Burhan (clear proof) is not established upon it. **The claim that this means that is no more than a description and does not represent a Burhan (clear proof). That is unless we were to invalidate all other possibilities,** listed previously and to be listed later. This has not yet been done and as such the statement "They are in relation to the disbelievers as a whole", here would also be a form of ineffectual speech, with nothing attained from it and containing no addition in terms of Bayan (explanation); a matter far removed from being attributable to the Messenger of Allah (saw).

4) That whoever this case or situation applies upon, meaning the one who has abandoned or left the ruling by what Allah revealed, then he is a Kafir (disbeliever), where his Kufr is the Kufr of the disbelievers, his Zhulm is a major Zhulm; the Zhulm of the disbelievers, and his Fisq is a major Fisq; the Fisq of the disbelievers. The verses would therefore **"Be in relation to the disbelievers as a whole"** because if someone from the people of Islam was to be involved in any of that, meaning the ruling in any matter by other than what Allah revealed, he would exit from Islam, apostatize from it and join the disbelievers. This represents the truth and it reflects having a good opinion in relation to the speech of our Prophet Abu I-Qasim (saw). May my father and mother be sacrificed for him. It is the truth and it is not permissible to believe contrary to it. It represents the essence of our opinion!

This can be said differently as follows: Even though the three verses came with their different wordings "Kafirun, Zhalimun and Fasiqun", they nevertheless all apply upon one type from among the people, contrary to what some may imagine in terms of there being two types or more. This solitary type must be from the category of the disbelievers and consequently the verses are in relation to the disbelievers as a whole.

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Whatever the matter may be, the statement: “**they (the verses) are in relation to the disbelievers as a whole**”, is not Qat’iyah Ad-Dalalah (definite in indicative meaning). The matter requires **examining other than it in** order to know the true meaning intended by it, which means that we would inevitably have returned back to the starting point.

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It is also, as we have mentioned, not Qat’iyah Ath-Thuboot (definite in transmission **n text**), in respect to having come from the Prophet (saw). Indeed, the preponderant view is that it is actually the speech of Al-Bara’ bin ‘Azib but was inserted by some of the relaters.

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As for what came stated at the end of the second Hadith: “The verses, by Allah, were revealed in relation to them both and it was them whom Allah ‘Azza Wa Jalla intended”, then this is the speech of Ibn ‘Abbas. It is apparent that he meant the tribes of Quraizhah and Nadir and what had taken place between them in terms of injustice and wrong, as being the cause of revelation for the verses. This is what the context indicates to and it reflects a good opinion of this beacon of knowledgeable, may Allah be pleased with him. However, for his intended meaning to be that these verses do not extend beyond them (i.e. Quraizhah and Nadir) and do not contain a Hukm that encompasses other than them, then this is a matter we find to be very unlikely, indeed verging on the impossible, as it has been confirmed from him that he said: “It is Kufr (disbelief) by it” (هوَ بِه كُفْر).

The second raised doubt or specious argument (Shubha): That the subject area is one “Leaving the ruling by what Allah has revealed” but the description is multiple or varied: Al-Kufr (disbelief), Al-Fisq (rebellious disobedience) and Azh-Zhulm (transgression). Each description from these three descriptions must have a case or circumstance occurring within the subject area which specifies that description:

- 1) If the person left the ruling by what Allah has revealed out of Juhood (denial/disavowal), doubt, rejection, arrogance, contempt, mockery, complete objection or something similar to these, then he is a Kafir (disbeliever).
- 2) If he was not involved in Juhood (denial/disavowal), doubt, rejection, arrogance, contempt or any of the matters dictating disbelief, but gave everyone his right, he would be a Fasiq who was disobedient to Allah by leaving the ruling by what He revealed and he would not be a Kafir or Zhalim.
- 3) If he was not involved in disbelief but did not give the right to its people, he would be a Zhalim as a result of that, in addition to being a Fasiq who was disobedient to Allah.

In other words, there would be three cases: (1) Kafir, (2) Fasiq and (3) Zhalim and Fasiq.

I say: This speech is good and respectable. It is indicative of knowledge and precision in understanding; however, it is not applicable here. That is because this opinion stipulates implicitly the disparity of the three descriptions and **their non-coming together at the same time – would lack of convergence be better?** This is not granted and even those stating this have refuted it partially because the Zhalim in their view is also inevitably a Fasiq, without debate.

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It would have been better to have said that the one who left the ruling by what Allah revealed is a Kafir in accordance with what Allah has stated concerning that. By that he would be a Zhalim

(transgressor) of himself in all circumstances and even if he did not commit Zhulm (transgression) against others. Allah (swt) said:

وَالْكَافِرُونَ هُمُ الظَّالِمُونَ

And the disbelievers are the transgressors (Al-Baqarah: 254).

This means that they are in truth the most deserving of the description of Zhulm, whilst abandoning the ruling by what Allah revealed in itself represents a transgression against the self (Nafs) and an aggression against the right (Haqq) of Allah. If he was to then transgress against someone from among the people by taking his right directly, he would then be increasing in Zhulm (transgression) upon Zhulm. He is a Fasiq on account of his being a disbeliever because Allah has commanded the people to believe and enter into the Deen of Islam, as He created them for the purpose of worship i.e. obedience and submission. This represents the first of His commands and the most important of them, whilst this one (i.e. the Kafir) has disobeyed this greatest primary command and neglected it, and consequently he is even more neglectful in respect to commands other than it. This is the Fisq (rebellious disobedience) of Kufr (disbelief), as Allah (swt) said concerning Iblis (Shaytan):

كَانَ مِنَ الْجِنَّ فَفَسَقَ عَنْ أَمْرِ رَبِّهِ

He was one of the Jinn; he (rebelliously) disobeyed the Command of his Lord (Al-Kahf: 50).

In addition to that he is a Fasiq on account of his being a Zhalim because Allah has commanded him with fairness and justness and made these obligatory upon every person; from the Prophet who had been sent to the last of the people, as a necessary obligatory which has no leniency in respect to it or any excuse for leaving it. Indeed, He has made it obligatory upon His own sanctified, exalted and sublime self. Therefore, the one who did not rule by what Allah revealed is: A Kafir, a Zhalim and a Fasiq, all at the same time. His Zhulm (transgression) represents the Zhulm of Kufr (disbelief) which could be increased by his Zhulm (transgression) against others, and his Fisq (rebellious disobedience) represents the Fisq of Kufr (disbelief).

It is only in this way that the texts remain upon their generality and unrestricted form. This is what is obligatory and there is no escape from that, unless a Burhan (clear evidence) is brought obliging restriction or specification. However, there is nothing dictating restriction or specification and as such diverting from that is mere arbitrary judgement and making a statement in respect to Allah without knowledge.

The following statement of the Messenger (saw) concerning the Salah (prayer) could be used as evidence here:

مَنْ تَرَكَهَا فَقَدْ كَفَرَ

The one who leaves it has disbelieved.

The majority of scholars hold the view that the one who leaves the prayer has not disbelieved, unless he has denied (or disavowed) it (Jahada).

I say: The Prophet (saw) did not say: “The one who leaves a prayer has disbelieved” or “The one who leaves a single prayer has disbelieved”. Rather, he said: **“The one who leaves it has disbelieved”**. Consequently, whoever leaves As-Salah (the prayer), prefixed with “Alif and Lam(, ”(ا) meaning that he leaves the Salah as a whole, including every prayer, he no longer prays at all and is firmly resolved to never pray again, or it has passed from his mind so that he never remembers or thinks about it, or has made it so insignificant that it never even crosses his mind, then in such a situation can it be conceived in the mind that such a person is a Muslim or can it be formed in the mind that this person still has a connection with Allah remaining? The truth is that such a person is a disbeliever who has given preference to the Dunya (life of this world) over the Akhirah (hereafter) and forgotten Allah entirely. He is therefore deserving of the description of disbelief provided by the one who has been made infallible by the protection of Allah. This has precedence over the view of the “Jumhoor” (majority), who represent a group of humans who hit and miss the mark, which is contrary to what the infallible and final Prophet of Allah stated.

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In addition, what “Jumhoor” (majority) is this which has come with something contrary to the Jumhoor of the Sahabah in respect to their ruling of disbelief upon the one who abandons the Salah (prayer), indeed contrary to what may even represent their Ijma’ (consensus). How unfortunate is the “Jumhoor” that it has come contrary to the Jumhoor of the Sahabah or in opposition to the Ijma’ (consensus) of the Sahabah!

In any case, this issue is one in which there is disagreement. There does not exist a definite and certain Ijma’ (consensus) that the abandoning of the Salah is Kufr Asghar (minor disbelief). Indeed, it may be that the Ijma’ of the Sahabah, as we mentioned previously, is contrary to it. So, how can that which is differed upon be used as an evidence against that which is differed upon?!

The third raised doubt or specious argument (Shubha): That the Hukm (ruling) is an action and not a belief. If the action was contrary to the command of Allah it was a Ma’siyah (act of disobedience) and not Kufr (disbelief), as is apparent from an examination of the texts of the Kitab and the Sunnah.

We say: Firstly: This speech is good and rendered better, **however it is not in truth upon this manner of absoluteness**. That is because the action in itself could be Kufr, like insulting Allah, His Angels, Messengers and Prophets, or ridiculing and being derisive towards them, or making them the object of jokes and making fun, or insulting the Mus’haf, or slandering Maryam the daughter of ‘Imran may peace and blessings be upon her and her son, with claims of fornication, or uttering other than **that in respect to -from-** matters of disbelief i.e. displaying disbelief without there being a dire compulsion to do that, like what Allah (swt) has said:

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مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أَكْرَهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللَّهِ وَهُمْ عَذَابٌ عَظِيمٌ

Whoever disbelieves in Allah after his belief, except for the one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment (An-Nahl: 106).

This means that if a Muslim fears for himself in terms of being killed or having his limbs amputated **for sure with certainty**, or following actual severe torture, and not just the threat of it, and was forced upon Kufr (disbelief), then it is permissible for him to display the Kufr and conceal his Iman (belief). Outside of those parameters is not permissible as the Ayah states:

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ

Whoever disbelieves in Allah after his belief... except for one who is forced [to renounce his religion] while his heart is secure in faith.

The subject matter is therefore that of Kufr (disbelief) after Iman (having believed), meaning the apostacy from Islam. This circumstance is one of the fear of death, the cutting of limbs, severe torture and what is similar to that. This is what the Fuqaha' (scholars) have declared to be the dire compulsion (Al-Ikrah Al-Mulji') and this alone is the compulsion or coercion that is considered valid in the Shar'a in all circumstances in which the ruling is lifted from the one who is being forced. Therefore, the compulsion which exempts in the Shar'a is the dire compulsion and that is reflected in the fear of death, the amputation of limbs, or after severe torture and what is similar to these in terms of **grade category** and severity.

Concerning the Qawl of Allah (swt):

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ عَذَابٌ مِنْ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ

Whoever disbelieves in Allah after his belief, except for the one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment (An-Nahl: 106).

This Qawl is general in respect to applying the ruling of Kufr upon anyone who displays or declares disbelief by way of action, utterance or indication (or sign). It is therefore not permissible to display Kufr or declare it by way of action or utterance, with the exception of the case of dire compulsion, which has been stated in the Ayah and except in circumstances which the Shar'iyah texts have exempted. We will now present some of these:

1) Recitation: If the reciter was to recite, for example, the Qawl of Allah (swt):

لَقَدْ سَمِعَ اللَّهُ قَوْلَ الَّذِينَ قَالُوا إِنَّ اللَّهَ فَقِيرٌ وَنَحْنُ أَغْنِيَاءُ

Allah has certainly heard the statement of those [Jews] who said, "Indeed, Allah is poor, while we are rich" (Aali 'Imran: 181).

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If he was to recite this or any other statement from the people of disbelief, he would not be a disbeliever, but rather he would have done good and would be rewarded for his recitation, as Allah has commanded its recitation and urged its undertaking. He informed us in His Book:

وَلَا يَرْضَىٰ لِعِبَادِهِ الْكُفْرَ

And He does not approve disbelief for His servants (Az-Zumar: 7).

The recitation of that which informs of the speech of the people of disbelief is therefore excluded from being Kufr (disbelief)!

2) Shahadah (witnessing/giving testimony): This is due to the Qawl of Allah (swt):

إِلَّا مَن شَهِدَ بِالْحَقِّ وَهُمْ يَعْلَمُونَ

Except for those who testified to the truth, whilst they were aware (Az-Zukhruf: 86).

Therefore, the witness who is informing about an act, indication or utterance of a disbeliever, is exempted from the disbelief.

3) Lying to deceive the enemy at war, in the state of war: This is due to the statement of the Messenger of Allah (saw):

مَالِحُزْبٌ خُدْعَةٌ

War is deception.

It is also due to the permission he gave to Abdullah bin 'Unais, may Allah be pleased with him, in respect to his military mission to kill Khalid bin Sufyan Al-Hudhali, when he permitted him to speak about him, the Prophet (saw), with dispraise and vilification, meaning that he gave him permission to utter disbelief and to demonstrate it! His permission was also explicit for Muhammad bin Maslamah A-Ansari and his companions, may Allah be pleased with them, in relation to his mission to kill Ka'b bin Al-Ashraf. Likewise in respect to the military mission to kill Ibn Abi Al-Huqaiq and the "Military coup" planned and managed by Fayruz Ad-Dailami and his companions, may Allah be pleased with them, against Al-Aswad Al-Ansi the Dajjal. That is in addition to other incidents that have been transmitted, which as a sum, represent a Tawatur transmission (concurrent definite reports).

4) The relater and narrator: This is due to the evidences mentioned in the previous circumstances, in the case where the recitation, testimony or the necessity of the narration or relation inevitably dictates that. It is also due to the story of 'Ammar, may Allah be pleased with him, and others who were forced to utter statements of disbelief, and the story of Muhammad bin Maslamah and the Kufr statements he employed to deceive Ka'b ibn Al-Ashraf; incidents which are firmly established in the books of Hadith. That is in addition to the certain Ijma' (consensus) of the Sahabah and those who came after them, upon that: **"The one who transmits Kufr is not a Kafir"**. It is important here to

point out that narration or telling (in addition to testimony) occurs by way of utterance or signing, whilst it is not permissible to be done by way of action. As such, it is sufficient when giving testimony against someone who threw the Mus'haf in impurities to mention the incident by oral expression and if the witness was dumb or unable to speak, then signing that makes one understand is sufficient. It is not at all permissible to act out the incident by way of action unless it was impossible to portray it by other than that. Even in such circumstances, it is sufficient, for example to take the Mus'haf and head with it towards the impurities or places where there are impurities and then show the movement of throwing in that direction, with signing that makes one understand and be certain in terms of indicative meaning, whilst there would absolutely never be any need to actually throw the Mus'haf.

Consequently, whoever declares Kufr and manifests it by way of action, signing or utterance, in other than the exceptions that we have mentioned, is a Murtadd (apostate) and Kafir (disbeliever); outwardly and inwardly. That is due to the Qawl of Allah (swt):

وَلَكِنْ مَّنْ شَرَحَ بِالْكُفْرِ صَدْرًا

However, those who [willingly] open their breasts to disbelief.

It is therefore evident that the one who is not excused due to compulsion (or recitation, testifying, lying to the enemy in war and narrating or relating occurrences etc.), then he has necessarily opened his breast to disbelief by his mere utterance, indication or act of the Kufr! That is because the Ayah has categorised, in a complete manner, those who manifest Kufr into two categories whilst there is no third:

1) The one who is excused by Ikrah (compulsion/coercion) (or recitation, testifying, lying to the enemy in war and narrating or relating occurrences, just as the certain evidences have made clear).

Or,

2) Opening the breast to Kufr (disbelief), thus making him a Kafir (disbeliever), Murtadd (apostate), cursed in the life of this world and the next, and recipient of painful punishment in the hereafter, if he was to die upon that!

Someone might say: We see by sensation and in the reality, people from among the Muslims, who are careless in respect to that and engage in that in a careless manner for amusement or joking. That is whilst they pronounce the two Shahadahs, believe in Allah, the Message, the Last day and face the Qiblah. The matter is therefore problematic!

We say: There is nothing problematic in the matter. That is because mere negligence, carelessness, or taking the subject in jest, is a definite indication of the indifference of the heart and the absence of revulsion of those actions to the extent that it is insufficient to prevent and hold back the appearance of those utterances, indications and actions. This therefore reflects exactly **the Kufr (disbelief) which the breasts have opened to.**

As for the statement "That they believe in Allah, the Message and the Last day", then that is a false claim and a denial in truth to Allah (swt). The correct view is that perhaps they have Tasdeeq

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(affirmation), I'tiqad (belief) and Yaqeen (certainty) in that. However, they are not Mu'minin (believers) in that as Iman is a Shar'i wording which Allah (swt) has set for a matter that is greater than Yaqeen, 'I'tiqad and Tasdeeq by themselves. If the Shar'i Iman was present, that Kufr would not have manifested from them in the absence of dire compulsion (or recitation, testifying, lying to the enemy in war and narrating or relating occurrences, just as the certain evidences have made clear). They are disbelievers whose breasts have opened to Kufr, regardless of what they possess in terms of Tasdeeq, I'tiqad, or apparent acts. Even if the Shar'i Iman encompasses all of that and all of that represents a pillar in respect to it and a condition for its validity, that is nevertheless not sufficient. That is because the Shar'i Iman is much greater than that and it has pillars other than this. The same applies to the Shar'i Kufr (disbelief). Even if its most prominent types include Juhood, Takdheeb and Shakk (disavowal, denial and doubt), it is not restricted to these. **Rather it comprises other types as well such as: Hatred of the Prophet, contempt for him, mocking him, and making him a source of jokes and making-fun of him, amongst other similar matters.** All of that is in accordance with what the Islamic Shari' has set and its definition, alone without any other source.

The subject of the Ayah (verse) is exclusively about Kufr (disbelief) following Iman (belief) i.e. apostacy from Islam. It therefore has no relationship to Fisq (rebellious disobedience) or Zhulm (transgression) as it was revealed in relation to Muslims who had declared disbelief (or apostatized) due to the fear of being killed. It has been related that this verse was related to 'Ammar bin Yasir. At-Tabari said: [Muhammad bin Sa'd related to me. He said: My father related to me. He said: My paternal uncle related to me. He said: My father related to me from his father, from Ibn 'Abbas: (Concerning) His Qawl:

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ

Whoever disbelieves in Allah after his belief, except for the one who is forced [to renounce his religion] while his heart is secure in faith ... (An-Nahl: 106).

He said: "That was because the Mushrikun (idolators) afflicted 'Ammar bin Yasir and tortured him. They then left him and he returned to the Messenger of Allah (saw). He told him about what he had been afflicted with from the Quraish and what he had said (during the ordeal). Allah, glorified be His mention, then revealed: **"Whoever disbelieves in Allah after his belief"** until **"For them is a great punishment"**. Bishr related to us from Yazid, from Sa'id, from Qatadah:

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ

Whoever disbelieves in Allah after his belief, except for one who is forced [to renounce his religion] while his heart is secure in faith.

He said: It was mentioned to us that it was revealed in relation to 'Ammar bin Yasir. Banu Al-Mughira had taken him and covered him in the well of Maymun. They said: "Disbelieve in Muhammad" and so he followed them in that whilst his heart hated it. Allah, glorified His mention, then revealed:

إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ

Except for one who is forced [to renounce his religion] while his heart is secure in faith].

At-Tabari said: [Ibn Abdul ul-A'ala related to us from Muhammad bin Thawr, from Ma'mar, from Abdul Karim Al-Jazari, from Abu 'Ubaid bin Muhammad bin 'Ammar bin Yasir, who said: "The Mushrikun (idolaters) took 'Ammar bin Yasir and then tortured him until he gave in to some of what they had wanted. He (Ammar) mentioned that to the Prophet (saw) and then the Prophet (saw) said: "How do you find your heart?" He said: "At peace (assured in tranquillity) with Iman". Then the Prophet (saw) said: "Then if they return, return"].

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These narrations indicate that the reason or cause of revelation for the verse was the incident involving 'Ammar bin Yasir and its subject area is that of apostatizing from Islam. The specific circumstance related to it was the certain fear of being killed.

Therefore, if it is established with certainty that there are from the actions those which are Kufr in themselves or inherently so, as we have evidenced above, then what dictates diverting the speech of Allah:

وَمَنْ لَّمْ يَخُصَّ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers.

From its general and apparent meaning and restricting it to the belief. This is surely nothing more than an arbitrary judgement or based purely on whims.

We say secondly: Concerning their statement "The Hukm (ruling) is an action and not an I'tiqad (belief)", then even if we were to accept for the sake of argument that the Hukm (ruling) was an action like the rest of the actions, it would still be outside of the subject area. That is because the subject area is: Islam and Iman (belief) in contrast to apostacy and disbelief (Kufr) and it is not one of Tasdeeq (affirmation) in contrast with Shakk (doubt) and Takdhib (denial).

The I'tiqad **does he mean aqeeda?** (belief) is a terminological expression and not a Shar'i expression, which usually means: That which the heart is knotted upon in terms of Tasdeeq Al-Jazim (decisive affirmation/belief). If, however, you intended by the "I'tiqad" that which Ash-Shari' (The Legislator) intended (swt) from the wording "Iman", where you would in reality be saying "The Hukm is an action and not Iman", then this represents a misappropriation and this itself is the heart of the dispute. The dispute is settled by the certain evidences of the Kitab, some of which we have detailed earlier, and which indicate that some of the actions are intrinsically Kufr (of disbelief). That is in addition to what has reached us via Mutawatir transmission from the master of the sons of Adam (saw), in respect to his naming of pure actions as being "Iman". That is like his statement:

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الطُّهُورُ شَطْرُ الْإِيمَانِ

Purity is half of Iman.

الإِيمَانُ بِضْعٌ وَسَبْعُونَ أَوْ بِضْعٌ وَسِتُّونَ شُعْبَةً فَأَفْضَلُهَا قَوْلُ لَا إِلَهَ إِلَّا اللَّهُ وَأَدْنَاهَا إِمَاطَةُ الْأَذَى عَنِ الطَّرِيقِ وَالْحَيَاءُ شُعْبَةٌ مِنَ الْإِيمَانِ

Iman has over seventy branches or over sixty branches, the most excellent of which is the declaration that there is no llah other than Allah, and the humblest of which is the removal of what is injurious from the path: and modesty is a branch of Iman.

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ

Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue; and if he is not able to do so, then with his heart, and that is the weakest of Iman.

مَنْ أَحَبَّ لِلَّهِ وَأَبْغَضَ لِلَّهِ وَأَعْطَى لِلَّهِ وَمَنَعَ لِلَّهِ فَقَدْ اسْتَكْمَلَ الْإِيمَانِ

If anyone loves for Allah's sake, hates for Allah's sake, gives for Allah's sake and withholds for Allah's sake, he will have perfect Iman.

لَا يَهِيَ الْإِيمَانُ حُبُّ الْأَنْصَارِ، وَآيَةُ النِّفَاقِ بُغْضُ الْأَنْصَارِ

Love for the Ansar is a sign of Iman and hatred for the Ansar is a sign of hypocrisy.

الْحَيَاءُ وَالْعِي شُعْبَتَانِ مِنَ الْإِيمَانِ وَالْبَدَأُ وَالْبَيَانُ شُعْبَتَانِ مِنَ النِّفَاقِ

Al-Haya' and Al-'Iyy are two branches of Iman, and Al-Badha'u and Al-Bayan are two branches of Nifaq (Hypocrisy).

His statement to the delegation of Abd Al-Qais:

أَتَدْرُونَ مَا الْإِيمَانُ بِاللَّهِ. قَالُوا اللَّهُ وَرَسُولُهُ أَعْلَمُ قَالَ: شَهَادَةُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَإِقَامُ الصَّلَاةِ وَإِيتَاءُ الزَّكَاةِ وَصَوْمُ رَمَضَانَ وَأَنْ تُعْطُوا الْخُمْسَ مِنَ الْمَغْنَمِ

Do you know what Iman in Allah is? They replied: Allah and his Messenger know best. He said: It includes the testimony that there is no llah other than Allah, and that Muhammad is the Messenger of Allah, the observance of the prayer, the payment of zakat, the fasting of Ramadan, and giving a fifth of the booty.

That is in addition to the Messenger (saw) calling Iman an action when he was asked:

أَيُّ الْعَمَلِ أَفْضَلُ؟

“Which action is best?”

and He said:

إِيمَانٌ بِاللَّهِ، وَجِهَادٌ فِي سَبِيلِهِ

Iman in Allah and Jihad in His path.

Yes, it is true that some of the above could be metaphorical, or demonstrative, or could reflect other types of styles of rhetoric employed in the customary speech of the Arabs, however, as a whole certain knowledge is attained that the Shari’ (Legislator) has placed the wording “**Iman**” to exceed that of the mere “I’tiqad” (belief) or pure “Tasdeeq”. That is as the previous texts have made evident that some kinds of acts of obedience are Iman. The Iman is therefore obedience and this is what is stripped from the fornicator whilst he is engaged in the act of fornication and from the thief when he is engaged in the act of theft. At such a time he is not a “Mu’min” (believer) i.e. he is not in obedience to Allah. The origin of the Iman is adherence to the obedience in terms of the principle or basis, even if it was violated at the point of application. Therefore, if someone did not adhere to obedience (to Allah) in terms of the principle or basis, then he would have exited to disbelief, exactly like Iblis, who refused the command:

أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ

He refused and was arrogant and became of the disbelievers (Al-Baqarah: 34).

If a person was to read through the pages of the Qur’an from its beginning to its end, he would not find Iblis mentioned with the wording “**He disobeyed**” (عَصَى) at all. Rather, only refusal, arrogance, rebellious disobedience (Fisq) and disbelief (Kufr) were attributed to him. This is contrary to the case of Adam, peace be upon him:

وَعَصَىٰ آدَمُ رَبَّهُ فَغَوَىٰ ثُمَّ اجْتَبَاهُ رَبُّهُ فَتَابَ عَلَيْهِ وَهَدَىٰ

And Adam disobeyed his Lord and erred. Then his Lord chose him and turned to him in forgiveness and guided [him] (TaHa:121-122).

We say thirdly: Their statement “**The Hukm (ruling) is an action (F’il) and not a belief (I’tiqaad)**” is not conceded to as the Hukm (ruling) is not a pure action but rather it is something else. It is from the category of “**Al-Aqwaal**” (the statements) and “**Al-Itiqaadaat**” (the beliefs), and not the category of “**Al-Af’aal**” (the actions). For this to become clear and crystallized in the mind, until it becomes like it can be felt by the hand, we present the following example:

Sexual intercourse, which is the meeting of the two genitalia, where the male organ penetrates the female’s, represents that which is purely an action. In accordance with the Islamic Sharee’ah sexual intercourse of a man with any woman, outside of those who are Halal for him (wife or what his right hand possesses), is Haram (prohibited) and called “**Zina**” in the Sharee’ah terminology. This means

that the Hukm (ruling) upon that particular sexual intercourse (i.e. that particular action), which the Sharee'ah has called "Zina" is Haram. The Hukm (ruling) is therefore definitely a matter other than the action itself. Rather, it is a statement that classifies that action in accordance with a particular belief.

Consequently, if a man was to have relations with other than those who are halal for him, he would be a **Zaani** (fornicator or adulterer) deserving of condemnation and punishment as a consequence of that action. If he was asked about his Hukm (ruling) upon his action, then his answer would not fall outside any of the following:

1) What I did (in terms of Zina) was Haram and I perpetrated it in a moment of weakness and overpowering desire.

2) Or other than that like: "I do not agree to the prohibition of Zina", "I don't know the difference between your Zina and your marriage", "This is genitalia and that is genitalia and there's no difference", "Leave us alone from the morals of the middle ages", "O people: Honour and purity is only in the minds and not the genitalia" or other such statements which all indicate in essence to the view that: Zina is Halal.

The first reflects a Muslim who admits and acknowledges his sin and his Hukm (ruling) in respect to Zina (fornication or adultery) is the same Hukm of Allah and His Messenger, which is that Zina is Haram, even though he committed the act and got entangled in its sin. Despite his disobedience by his act, in violation of the command to avoid Zina, he nevertheless passes the verdict by what Allah revealed and he did not separate from the Hukm of his Rabb at all.

As for the second, then he passes the ruling that "Zina is Halal" and as such he did not rule or judge by what Allah revealed. Consequently, he is a disbeliever due to his Hukm (ruling) and not due to his action. He would have apostatized from Islam if he had previously entered it.

Here, we can see that the action in terms of it being purely an action, is one matter, whilst the Hukm (ruling) of the one undertaking it upon his action is different. One ruled with a Hukm in conformity with the Hukm of Allah and the other is contrary to the Hukm of Allah.

However much we have studied the true reality of the actions and however many examples we brought alongside our study, which was undertaken in a precise analytical manner, we would find without question: That the Hukm (ruling or verdict) is not an action, but rather something else. It falls under the category of the statements (Al-Aqwaal) and the beliefs (Al-Mu'taqadaat). Consequently, the claim that "**The Hukm is an action and not a belief**" completely falls down losing all credibility. Yes, it is true that the utterance of the Hukm (ruling) is an act and that writing, publishing and broadcasting the Hukm are all actions. However, all of that is not the essence of the Hukm, rather, the Hukm is a matter other than them, as is apparent to the enlightened and scrutinizing view.

The fourth raised doubt or specious argument (Shubha): They said: We do not deny that there are from the actions and acts those which are Kufr in themselves (intrinsically). That is because the act is either:

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1) Contradictory to what Allah commanded in terms of belief (I'tiqaad); like the prostration to an idol which is contradictory, by necessity, to the meaning of "La Ilaha Illallah" (There is no deity other than Allah), and differs from the prostration undertaken to your parents or Sheikh, as that is a prostration of honouring them and would represent an act of disobedience to the prohibition of the Messenger (saw) to prostrate to other than Allah. Leaving the ruling by what Allah revealed is in violation to the command to undertake an action and is not in violation or contrary to the belief (I'tiqaad). As for naming that Iman, then that is from the customs of the Arabs in their rhetorical style. It is used to emphasise the linkage of that to Iman; its existence in the Nafs (self), like Al-Haya' (Shame) or its manifestation in action, like Jihad, when the Iman is Sahih (true) and Sadiq (sincere).

2) Or due to the existence of a Daleel (evidence) which is Qat'iy Ath-Thuboot Qat'iy Ad-Dalalah (definite in transmission and definite in indicative meaning) which established that such an act is Kufr (disbelief) and removes someone from the Millah (i.e. the Deen of Islam). Concerning the Qawl of Allah (swt):

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

This is not Qat'iy Ad-Dalalah (definite in indicative meaning) in respect to that. That is due to the possibility of it being restricted to one category and they are the "Jahidun" (Deniers / Disavowers), those who mock or ridicule, or the arrogant, whilst not being applicable to those who are disobedient who acknowledge their sin from among the bribed judges or those who are biased to those who are related or have status. This is the opinion of At-Tabari, Tawus which has been attributed to him through a Sahih Isnad (chain of transmission) and may have been taken (in origin) from Ibn 'Abbas. Had the indicative meaning been definite, then these two Imams, who are unaccused, would not have gone to this view, in addition to many other trustworthy and reliable sources, like Sheikh Imam Taqi ud-Din An-Nabahani from the contemporary scholars, and not all of those scholars are from the Fuqaha' As-Salateen (State/regime scholars).

We say: This opinion is better and more detailed than the previous one, however the problematic issue of the definition of "**Al-I'tiqaad**" (the belief) remains in place. It is impossible here for the "I'tiqaad" to be merely "At-Tasdeeq" (affirmation) and even if it was decisive (Jazim). That is because Iblis, Allah's curse be upon him, disbelieved due to not submitting to His command (i.e. non-submission). His Kufr (disbelief) is therefore one of rejection and arrogance. That is whilst he did not have and still does not have the least amount of doubt that Allah is his Creator, the One Who sustains him, his Rabb and **existent**. He was issued that famous command to prostrate, however:

أَنَّىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ

He refused and was arrogant and became of the disbelievers (Al-Baqarah: 34).

If by the "**I'tiqaad**" matters related to the heart are intended to include the Tasdeeq Al-Jazim (decisive affirmation) concerning which there is no doubt, the absolute surrender which has no rebelliousness in it, the glorification which contains no belittling, disdain or mocking in it, and love

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which contains no hatred, which all refers to what we can call the **“Asl (origin) of the Iman”**, which is greater than the mere l’tiqaad and hence more or greater than the pure Tasdeeq alone. If this is what is intended, then that is good and in conformity with the host of texts. However, the most appropriate and correct, and which is closest to the worded expressions utilised by then Shari’ (Legislator) (swt) in His Kitab and upon the tongue of His Prophet (saw), is for it to be said: **“Contrary to what Allah commanded to be undertaken from the Asl (origin) of the Iman”** instead of “Contrary to what Allah commanded to be undertaken from the l’tiqaad”.

Consequently, the act which is contrary to the **“Asl (origin) of the Iman”** is Kufr, whilst the mere and pure violation of the command which is free from that is a Ma’siyah and does not demolish the Asl (origin) of the Iman and does not uproot it and consequently remove the person from the Millah. That is like the Zina (fornication / adultery) which is undertaken based upon desire and stealing and even murder based upon the desire to dominate, take possession and the Dunya.

However, this does not at all conform to the reality of **“Leaving the Hukm (ruling) by what Allah revealed”** or worse than this **“The ruling by other than what Allah revealed”**. Is that not contrary and inconsistent with the surrender and submission, meaning contrary to the **“Asl (origin) of the Iman”** in accordance with its correct meaning as mentioned earlier. That is because it is not merely a pure act in line with the human form and Fitrah (nature) like the act of sexual intercourse, which is Zina when undertaken outside of marriage, as has previously been discussed. The Hukm (ruling) or leaving it represents a belief and thought-based position or stance. It is representative of a **“Qawl”** (view, position) in accordance with the ‘Urf (custom) of the predecessors, before being a mere pure action.

In addition, is **not singling out Allah** with the Hukm (ruling) and the Tashree’ (Legislation) from the heart and essence of the meanings of **“Laa Ilaaha Illallah”**?! Indeed, it is likely to reflect the most important of its meanings as have demonstrated early when discussing numerous subject areas.

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How can one come to the conclusion that the prostration to an idol is contrary to Tawhid whilst the Hukm (ruling) by other than what Allah has revealed is not contrary to Tawhid?! That is especially as many of the Fuqaha’ (scholars) hold the view that the work of the ruler, the governor, Imam and Qadi (judge) is ‘Ibadah, for which a wage is not provided, but rather they are only provided a provision for their living and their family’s living, to enable them to dedicate themselves to the undertaking of their roles. The Hukkam (rulers) are worshippers of Allah and not hired employees, just like the one who prostrates to Allah with no difference. Therefore, if he prostrates to an object of worship other than Allah or rules by other than His Shar’a, he has disbelieved for certain. This is the original position or should be the original position.

Yes, the problem of the Muslim judge remains. This is concerning the one who judges by the Shar’a in Dar ul-Islam where the Shar’a is dominant and prevails, even if only in terms of principle, and then he leaves the ruling by what Allah has revealed or rules contrary to what Allah has revealed intentionally, in a particular issue due to the desire for money, or status, or love or enmity etc. What is said concerning him?

Firstly, it is clear, that such a person would be playing with or manipulating this particular case being raised and examined. That could be through the falsification of some of the testimonies, or by not authorizing some of the documents and papers, or by not granting one of the parties the full ability to put forward their arguments and proofs, or by bringing the times of the sittings forward in a

manner that would complicate their ability to raise the case, or through making a large time gap between the sittings or distance between their places so as to dent their resolve, or other forms of stratagem, subterfuge and manoeuvring that could be employed. It could also occur through the twisting of some of the texts or by adopting some corrupt interpretations which do not conform to the reality, in order to enable him to perpetrate his heinous crime and allocate the right to other than its rightful people or recipients. Is this not similar to the one who commits Zina (adultery or fornication)?! **We say:** No way: Where is the uncontrollable impulsive or spontaneous desire of sexual relations within this planning and conspiring which usually spreads over a lengthy period. It may pass from one prayer time to another in which he stands before Allah. Indeed, it may even extend from one Ramadan to another Ramadan! Its reality most resembles that of the case of the professional fake witness, or the greedy seasoned loan shark, or the villainous and criminal devourer of the orphan's wealth. Those are closer to disbelief, in the case where the Messenger of Allah (saw) ruled with the invalidation of their actions, regardless of how numerous they were. He equalized between the fake witness and associating partners with Allah (shirk), whilst he classified the eating of Riba (usury) among the Mubiqaat (great destructive sins), which:

لَا يَنْفَعُ مَعَهَا عَمَلٌ وَإِنْ كَثُرَ

"No action benefits with it and even if it was much or numerous".

Even if we exempted this type from the ruling of disbelief which removes someone from the Millah based on the indicative connotation of the fundamental difference of its reality from the reality of the other types, in terms of **"Leaving the Hukm by what Allah has revealed"**, or worse and more heinous than that, **"Ruling by other than what Allah revealed"**, or even more hideous than both of these, **"Contesting Allah in respect to His Rububiyah, insolence in respect to the standing of the Uluhiyah by changing (or replacing) the Sharee'ah and legislation with that which is not from Allah"**. Even if we were to exempt that, then where would we find that which obliges exempting other than it from among the types and circumstances and where are the other decisive connotations dictating that exemption?!

As for us, then we have based our position in respect to the (example of the) Muslim judge mentioned earlier, upon our belief that he is closer to disbelief (Kufr). Decisiveness in respect to the absence of his Kufr is dangerous and has opened the door to destruction for some of the people. Similarly, decisiveness in respect to his Kufr (disbelief) is dangerous due to the stern prohibition concerning that. It is however lighter from the practical aspect in the Dunya as the perpetrator of the like of that, in the circumstances we have described, becomes a Munafiq in truth and all of the Ahkam (rulings) of Islam apply upon him in accordance with what is apparent, whilst we are not obliged with anything except for leaving the prayer upon him (upon his death) and seeking forgiveness for him. That applies to the one who became certain concerning his condition and this is an easy and uncomplicated matter, by Allah's permission.

In addition, it is evident to us that this position originates from examining the circumstance of the perpetrator, whilst this is only permissible when we are examining the conditions and preventers (Mawani') of allocating sin and declaring disbelief. As for this issue of ours, then the examination concerns leaving the ruling by what Allah has revealed in terms of it being a pure or mere act or statement. The Qur'an has passed judgement upon that action with the ruling of disbelief and upon the one who does it by stating that he is from the Kafirun (disbelievers) [That is of course, if the

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conditions are fulfilled and the preventers (Mawani') are negated, as have come stated in other Shar'iy texts]. That is whilst no considered proof has been established indicating that such a Kufr (disbelief) is a Kufr Asghar (minor disbelief) or a Kufr Doon Kufr (a lesser disbelief).

As such, it is obligatory to pass judgement upon anyone who has deliberately left the ruling by what Allah revealed, even if in a single partial matter or particular issue, with the judgement that he has perpetrated an act which makes him a disbeliever and removes him from the Millah (i.e. Deen of Islam). By that, he would in himself and person be a Kafir Murtadd (disbeliever apostate), unless a preventer (Mani') from the well-known preventers (Mawani') existed preventing the Takfir (judgement of declaring disbelief over someone), which is exactly like the Ijtihad of Abdullah bin Mas'ud, may Allah be pleased with him.

As for the opinion that judging an action to be Kufr requires a definite evidence (Daleel Qat'iy) in respect to its Thuboot (transmission) and Dalalah (indicative meaning), then this is not sound. That is because Takfir (passing judgement of disbelief) is a Hukm Shar'iy (i.e. A Shar'iyah ruling). Yes, it is true that it represents an extremely serious matter, however, that does not prevent the issuing of that Hukm (ruling) based upon what is concluded by way of Ghalabat Azh-Zhann (least amount of doubt) to be preponderant, just like we would do with the rest of the Fiqhiy rulings; including the rulings of the Hudood (set prescribed punishments) where necks can be struck and limbs severed. The matter under examination consequently revolves around Ijtihad (deduction), whilst some Ijtihad is incorrect and some is correct. We do not say, and all praise belongs to Allah, that the one who holds a contrary opinion to us is a Kafir (disbeliever), or Fasiq (rebelliously disobedient to Allah) or even an innovator. Rather, we only say that he has erred in his Ijtihad (deduction) due to so and so evidence or argument. In addition, we would leave our opinion and follow his if he came with a stronger evidence. As for the state or regime scholars (Fuqaha' As-Salateen), may Allah curse them, then far be it that they be Mujtahidin (i.e. Scholars capable of deducing Islamic rulings). Rather, they are corrupted traitors, lowly dogs, like the dog mentioned in Sourah Al-A'araf:

إِنْ تَحْمِلْ عَلَيْهِ يَلْهَثْ أَوْ تَتْرُكْهُ يَلْهَثْ

If you drive him away, he pants, or if you leave him alone, he pants (176).

The fifth raised doubt or specious argument (Shubha): Your view opens the door of Takfir (declaring disbelief), meaning that the matter will spiral to the point that you will declare the one who perpetrates a Ma'siyah (act of disobedience) to be a Kafir (disbeliever) and their entering the fire of hell.

We say: Allah forbid: The matter only revolves around **"The one who left or abandoned the ruling by what Allah has revealed"**, the **"One who abandoned or left the Salah (prayer)"** and the **"Fighting against the Muslims"**, in the case where the Shar'iy text has come employing the very worded expressions of "Al-Kafir, Qad Kafara and Kufr" (The disbeliever, he has disbelieved and disbelief), whilst they did not bring that which diverts them to the meaning of **Kufr An-Ni'mah** (كُفْرُ النِّعْمَةِ) [Kufr of a blessing] or other than that in terms of metaphors like **"Kufr Al-Asheer"** (كُفْرُ الْعَشِيرَةِ). The study also does not delve into the worded expressions "He is not from us" (لَيْسَ مِنَّا), "He died a death of Jahiliyah", "From the actions of Jahiliyah", "From the characteristics (Khisaal) of the Jahiliyah", "You

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(still) have Jahiliyah within yourself” and other such statements which hold the capacity to indicate emphasis in respect to the threat (of punishment) and harshness in respect to repelling. Or the worded expression “He doesn’t believe” (لَا يُؤْمِنُ) which holds the capacity to indicate a figurative or metaphorical meaning, or the capacity to mean the negation of the obligatory Iman (belief) and not the compulsory Asl (origin) of Iman, as has been rendered correctly by the deeply knowledgeable ‘Ulama’ (Scholars) across the ages, following an examination of all the texts. As for entering the creation into Al-Jannah (paradise) or An-Naar (the hellfire), then Allah forbid, that we enter anyone into Al-Jannah or An-Naar (i.e. by declaration). That matter only belongs to the Creator of the Paradise and Hellfire, there is no Ilah (Deity) other than Him, and to Him alone do we turn.

The sixth raised doubt or specious argument (Shubha): Many of the Hukkam (rulers), who rule by other than what Allah has revealed, may have interpretations (Ta’weelaat) and excuses. That could include, for example, the inability to apply the Ahkam (rulings) out of fear of the power of the major states of disbelief, or due to the inability of escaping from the global monetary and usury-based system due to the weakness of the Muslims’ economy, or even due to them falling under the grip of direct colonialism and occupation. In addition, some of them have an atrocious ignorance of the Ahkam (rulings) of Islam, just as some believe that the ‘Illah (Shar’iy reasoning) for the legislation is only: Drawing in the Masaalih (interests) and repelling the Mafaasid (those detrimental and harmful matters). They then state that these imported legislations from the disbelievers draw in or accomplish the interests (Masaalih) and repel the harms and detrimental matters (Mafaasid) etc.

In response to this we say: All of these excuses, even if we were to accept their legitimacy for the sake of argument, only lead to the lifting of the accountability from the one excused, but do not however change the reality of the crime. That is because the reality of killing is killing, even if the killer did not possess the faculty of his mind and the pen (i.e. accountability) had been lifted from him. **The killing would never come to be the giving of life, or theft, or Zina (adultery or fornication), or as if it hadn’t taken place at all, because the doer was excused or not excused.** Here, we are only examining the reality of **“Abandoning or leaving the Hukm (ruling) by what Allah has revealed”**. It is not whether he has disbelieved or not. In the circumstance of the changing or replacement of the Sharee’ah and the enacting of systems and laws contrary to Islam, or the submission to a disbelieving authority in the situation of the occupation of the land by the disbelievers, then the Kufr Bawah (flagrant and clear disbelief) would have manifested. Consequently, the obligation to change the situation and oppose those in authority, in accordance with the Sharee’ah method, would be designated, regardless of the ruler being excused or not and whether he is a Muslim or Kafir (disbeliever), which has been discussed in detail previously.

We are not aware of an excuse for manifesting or uttering Kufr apart from what we have mentioned in terms of the dire coercion, narration (of incidents or statements), testimony and deceiving the enemy at war and **the equivalent to them what is like these.** The excuses which have been mentioned by those who have raised this Shubhah (doubt) do not have a Daleel (evidence) to support them and whoever relies upon them has trodden a path of destruction and has begun the descent into the abyss:

مَوْمِنًا أَذْرَاكَ مَا هِيَ * نَارٌ حَامِيَةٌ

And what can make you know what that is? It is a Fire, intensely hot (Al-Qari’iah: 10-11)

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If they are from the people of piety and sincerity, who fear declaring disbelief upon Muslims without right, which is a matter that has no consequence greater than the error of the one making the declaration of disbelief or perhaps the falling into sin, then it should be of greater priority for them to fear the people falling into destruction and Kufr (disbelief) in truth, leading to the eternal fire and damnation.

Yes, indeed, it is most appropriate for them to recall the claims made by the destroyed Bani Isra'eel:

وَقَالُوا لَنْ نَمَسَّنَا النَّارُ إِلَّا أَيَّامًا مَعْدُودَةً ۖ قُلْ أَلْتَّخَذْتُمْ عِنْدَ اللَّهِ عَهْدًا فَلَنْ يُخْلِفَ اللَّهُ عَهْدَهُ ۖ أَمْ تَقُولُونَ عَلَى اللَّهِ مَا لَا تَعْلَمُونَ * بَلَىٰ مَنْ كَسَبَ سَيِّئَةً وَأَحَاطَتْ بِهِ خَطِيئَتُهُ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ

And they said: "Never will the fire touch us, except for a few days". Say: "Have you taken a covenant with Allah? As Allah will never break His covenant". Or do you say about Allah that which you do not know? * Yes, indeed whoever earns a bad deed and his sin has encompassed him, then those are the companions of the fire; they will abide therein eternally (Al-Baqarah: 80-81).

And if they are from the Fuqaha' As-Salateen (State/regime scholars) who defend their masters under all circumstances, then nothing will avail or benefit them. That is because the rule of their masters, has, in any case, no legitimacy and opposition to them and removing them from their positions is obligatory, as has been discussed earlier.

This is in relation to the life of this world. As for the hereafter, then it would be fitting for them to hear and take note of the following censure and rebuke:

هَٰ أَأَنْتُمْ هَٰؤُلَاءِ جَادَلْتُمْ عَنْهُمْ فِي الْحَيَاةِ الدُّنْيَا فَمَنْ يُجَادِلُ اللَّهَ عَنْهُمْ يَوْمَ الْقِيَامَةِ ۖ أَمْ مَنْ يَكُونُ عَلَيْهِمْ وَكِيلًا

Lo! You are those who have argued for them in the life of this world, but who will argue for them on the Day of Resurrection against Allah, or who will then be their defender?

The seventh raised doubt or specious argument (Shubha): We are aware from the certain Mutawatir evidences from the Sunnah, that the thief, the fornicator or adulterer and those who are similar to them from among the people of sinful acts of disobedience, that they do not exit from the Millah (i.e. the Deen of Islam), in contrast to the view of the misguided and lost Khawarij. Their act is not called Kufr (disbelief), unless there is an explicit text indicating that it is **Kufr Ni'mah (نعمة) [Kufr of a blessing]**. The adulterer or fornicator and thief had both judged by other than what Allah has revealed! As such, it is obligatory, in accordance with the definite evidence (Daleel Al-Qat'iy) **to divert the naming of Allah (swt) in His speech:**

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers.

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To divert it to the Kufr of the Ni'mah (blessing) and not the Kufr that removes someone from the Millah (i.e. the Deen). That is in contrast to His Qawl:

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وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

And never will Allah grant to the disbelievers a way (to triumph/gain supremacy) over the believers (An-Nisa': 141)

As nothing has come to divert that!

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This raised doubt (Shubha) is also an example of clever and deceptive language and a contention which is even more steeped in falsehood or invalidity than the previous raised doubts. The origin of this doubt goes back to the excessive Khawarij (Kharijites) of the Azariqah (Azraqites), the Sifriyah and the Najdat, who declared people to be disbelievers due to sins. The majority of those Kharijites in origin were from the Arab Bedouins of Najd; the desert people and camel herders, who were distinguished by all of the traits of the Arab Bedouins in terms of harshness, crudeness, hardness, antipathy, pride, shallow thinking, narrow horizons and dull sensation. They also did not possess knowledge of the Sunnah of the Prophet (saw), which provided detail to the general and undetailed verses of the Qur'an, restricted its unrestricted, specified its general and explained its Mutashaabih (that which is not explicitly clear). As such, they were entangled in the apparent and undetailed (Mujmal) of the Qur'an and perished or became lost in the Mutashaabih (that which is not explicitly clear)!

The truth is that if you asked someone who perpetrated Zina (fornication or adultery), for example, what his view upon the act of Zina is, he would answer you with either:

(a) That Zina is Haram, in which case his opinion in respect to it, meaning his Hukm (judgement or ruling) upon Zina, is that it is Haram. This is exactly the same as the statement of Allah and His Messenger and the Hukm of Allah and His Messenger. The person is therefore judging or ruling by what Allah has revealed, acknowledging and affirming the prohibition of Allah. If he was then to be asked: Why did you do it? He would answer: "Desire overtook me and I wasn't patient" or "I have an expansive hope in Allah and my hope in attaining forgiveness is great" or "I am a young man now, I can't have patience and will repent soon" or "I have hope in the intercession of the Prophet for the people of major sins from his Ummah!" or other such similar statements. Regardless of the extent of his hope, the seriousness or danger of his position and the foolishness and naivety of his excuses, he is nevertheless a witness against himself in terms of the perpetration of a Ma'siyah (sinful act of disobedience) and has passed judgement upon himself with sinfulness and being deserving of punishment. This means that he has judged by what Allah has revealed. He did not leave or abandon the Hukm (ruling) of His Rabb (Lord) and he did not reject His command for an instant!

(b) A view or statement contrary to the previous one. It could be either "That Zina is Halal" or "I don't know what your Halal is and what your Haram is!" or "Don't bother me with your Halal and your Haram" or "Zina has been made Haram by Allah but I will never adhere to it" or "Don't bother us with the morals of the middle ages" or "Don't return us to the dark ages" or "What are these talking about? Honour is in the minds and not in the private parts!" or statements and views which are similar to these. These could also be manifested by someone's action, like if he was to laugh in mockery or indicate with an obscene movement. Such a person who held these views is a Kafir

(disbeliever) without doubt and he is the one who has ruled by other than what Allah revealed; whether he committed Zina (fornication or adultery) or did not engage in it.

Therefore, the Kalaam (speech) of Allah and the Kalam of His Messenger, due to the praise belonging to Allah, do not differ and do not contradict with each other! If the believer who has hope in Allah and the Last Day, or indeed any fair person, contemplates what we have mentioned above, it would become necessarily evident to him, **as to the nature of the falsehood and** invalidity of this foolish contention!

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As such, the Muslim who acts in disobedience to Allah, in what is sometimes named the confessional Fasiq, admits the sin and acknowledges the act of disobedience. That means that he has passed judgement by what Allah has revealed and has not abandoned the Hukm (ruling) of His Rabb for an instant.

We are not surprised by the entanglement of the Kharijites in such a matter due to their confounded ignorance and the narrowness of their Fiqh (understanding of Shar'iyah rules). However, the complete astonishment is from the Fuqaha' As-Salateen (State / regime scholars), who memorize the texts and explanations, learn the volumes by heart and even some of them memorize the **"The Six Compilations of Hadith": "Like donkeys carrying volumes of books"**, accompanied by their despicableness, hypocrisy and lack of high mindedness. That is in contrast to the Kharijites who are well-known for rigorism, courage, passion for the Deen and high aspirations. So, which of the two parties is more deserving of the description of misguidance and destruction, if you are truthful?!

The eighth raised doubt or specious argument (Shubha): The situation of the rulers today, particularly the family of Saud, is like the situation of the tyrants and oppressors of Banu Umayyah (Umayyads), whilst it is known that the Salaf (predecessors) did not declare them to be disbelievers!

We say to them: You have lied and have come with a falsehood! That is because there was no Mukhaalafah (violation) of the tyrants of Banu Ummayah, according to our knowledge, except that it has some interpretation (Ta'weel), even if it is weak. We have not heard at all that they licensed usurious banks, brothels, beaches of nakedness and shame, and nightclubs that sell alcohol to Muslims where the major 'Awrah is exposed, or that they set up departments for spying and slander upon the citizens of the land; the Muslims, Ahl udh-Dhimmah (non-Muslim citizens) and Mu'ahadeen (those of covenant / treaty). They also did not join international institutions and organisations with charters based upon disbelief like the United Nations, or made international treaties upon the basis of disbelief, or even participated with the disbelievers **in a military alliance – should this also include against believers?** Rather, in complete opposition and contrast to that, their participation in Jihad was distinguished and whole regions were opened (to Islam) like Andalusia and Sind during their period of rule. Indeed, the Umayyah state, despite its crimes and obvious and hidden shortcomings, preserved, to a great extent, the purity of Islam and its primary Arabic nature, free from the Persian pomp and Roman arrogance, just as it was purely Arabic, having preserved the Arabic language, the language of the Qur'an, in the case where grammatical mistakes were considered to be from the abhorrent major sins. In other words, **"Kufr Bawah concerning which we have a Burhan from Allah"** has not reached us from them. Yes, there was definitely oppression and injustice, the giving of preference in terms of wealth and misapplication in respect to the application of Islam. There may also have been the matter of making marriage to the Maharim permissible, the secret consumption of alcohol and perhaps the presence of Zandaqa (heresy) or Muwaalaat (loyalty or support) towards the disbelievers (i.e. secret apostacy) upon a personal or individual level, which

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could be attributed to the likes of the tyrant Yazid bin Mu'awiyah and Al-Walid bin Yazib bin Abdul Malik amongst others. As for it being open and Bawah (clearly manifested openly) then no, that was non-existent!

It may be that these deviations of Banu Umayyah, which are incomparable under any circumstances to the deviations of the rulers of our current time, is what Tawus and others from among the great scholars of the Salaf called Kufr Doon Kufr (a lesser Kufr), or this is what is necessary to understand their opinions to mean, whilst maintaining Husn Azh-Zhann (thinking well) of those A'immah (great scholars) and in defence of their honour. In addition, these deviations, as can be seen, differ fundamentally from the **"Kufr Bawah concerning which we have a Burhan from Allah"**!

From another angle, some of the senior Tabi'een (the generation following the Sahabah), like Imam Mujahid, the Imam of the scholars of Tafsir, use to declare Al-Hajjaj to be a disbeliever and used to call him "Sheikh Al-Kafir" and would say: "We did not go out against him until he disbelieved!". Similar to that has also been related from the Imam, the Shaheed (martyr) Sa'id bin Jubair. Consequently, their statement that the Salaf (predecessors) did not declare them to be disbelievers is rashness and a generalization through dishonesty or under the best of circumstances, it reflects ignorance of the history.

The truth is that the Ummah did not witness **"Kufr Bawah concerning which we have a Burhan from Allah"** despite the great deal of oppression and spread of deviation, until the Tatars came and claimed to have entered into Islam, whilst they implemented **"Al-Yasiq"** in parts of the Islamic homeland like Mardin. They transformed it into Dar Kufr (the homeland of disbelief) and the Jumhoor (majority) of the Fuqaha' (Scholars) at that time passed the verdict of their disbelief and their apostacy, in addition to the obligation of fighting them. Or shortly before that when one of the last Khulafa' (Caliphs) of Banu Al-'Abbas (The Abbasids) in Baghdad instituted a special administration for spying (National Security Investigations?!). However, Allah requited him with the opposite of what he had intended as decades did not pass until the Moghuls went to work with the sword upon the necks of his relatives and removed their state (and so where were the state security investigations and did they benefit him in the least from Allah in respect to anything?!). They destroyed Baghdad and the Muslims paid a heavy price reflected in rivers of blood and honours were violated due to their weakness and failure to account their rulers.

It has been said that the Fatimids manifested forms of Kufr Bawah in the region of their rule in Egypt and so all praise belongs to Allah for the replacement of their state and the severing of their influence at the hands of the hero Salah ud-Din Al-Ayubi. It is also evident that the Qarmatians also manifested Kufr Bawah.

As for the violation of Mu'awiyah bin Abi Sufyan, the head of the rebellious faction, for example, in respect to the rulings related to the Bai'ah (pledge of allegiance related to the appointment of the Khalifah), his manipulation of them and his interpretation of the statement of the Nabi (saw) "The child belongs to the bed and stoning is for the one engaged in illegal sexual intercourse", among other matters, then this has chapters linked to it in terms of interpretation, whilst this isn't the place to mention them. In addition, no one following the Messenger of Allah (saw) is a Hujah (source of proof or evidence) and the Ahkam Ash-Shar'iyah will never ever change due to the transgressions of Mu'awiyah or other than Mu'awiyah.

Consequently, the claims of the Fuqaha' As-Salateen (state scholars) that "The Muslim ruler who does not rule by what Allah has revealed is only a Fasiq as long as his belief is sound and as long as he utters the two Shahadas, praying the obligatory prayers and facing the Qiblah. And as such it is not permissible to go out against him and remove him due to the numerous well-known Ahadeeth which command patience with the leaders of oppression or injustice".

This reflects an argument containing deception, a false contention established from numerous angles, an attempt to conceal the truth, an expropriation of what is required, loose statements that have no Burhan (clear proof or evidence) for them, in addition to a deliberate jumbling of the issue of going out against the ruler and its complications, all of which have absolutely no relationship to this topic. We have already shown the falsity of the details of that one issue at a time; however, we will summarise them here due to its importance:

(1) That the one who did not rule by what Allah revealed is a Fasiq (rebelliously disobedient), Zhalim (transgressor) and a Kafir (disbeliever) in accordance with the definite text of the Qur'an! Therefore, refraining from providing the name of Kufr (disbelief) upon it, without a Burhan (clear proof or evidence) from Allah represents a denial in respect to Allah, a rejection of His Hukm (judgement) and rejection of His naming. That is unless there is a Shar'iy text or a necessitating tangible or rational Burhan, so where is it?

هَآؤَا بُرْهَانُكُمْ إِن كُنْتُمْ صَادِقِينَ

Bring your proof if you are truthful! (Al-Baqarah: 111).

If they say that they have the statement of Ibn 'Abbas: "Kufr Doon Kufr" (A lesser disbelief) and "A Kufr that does not remove someone from the Millah", which is reliable for us and we will not accept your classifying it as being Da'eef (weak), we would say in response:

Firstly: Ibn 'Abbas named it Kufr (disbelief) and as such they should be bound by this naming in all circumstances and then by what is the consequence of that in terms of the voiding of the Wilayah (position of ruling) and other rulings resulting from that, irrespective of it being a lesser Kufr or a Kufr that does not remove someone from the Millah (i.e. the Deen of Islam). In addition, the certain Ijma' (consensus) of the Sahabah is held over that naming. This is the very least of what they should accept, in all circumstances, as we have discussed previously within its context.

Secondly: Classifying the narrations as being authentic (Sahih) or weak (Da'eef) is an objective area of knowledge; it has its principle and its experts. We have explained the weakness of the mentioned narrations, just as we have demonstrated other narrations and the additions of reliable and trustworthy narrators, which must be considered and proceeded in accordance with. In any case and regardless of that, the authenticity or weakness of the narrations is a matter of difference of opinions and dispute! As for them, then they do not have except mere claims which are devoid of Burhan (clear evidence):

هَآؤَا بُرْهَانُكُمْ إِن كُنْتُمْ صَادِقِينَ

(And so) Bring your proof if you are truthful! (Al-Baqarah: 111).

Thirdly: The Hujjah (proof) lies in the speech of Allah and His Messenger, and the Hujjah has been established for what we have stated, and all praise belongs to Allah. The Hujjah is not in the speech of Ibn ‘Abbas, the speech of Tawus or the speech of Ibn Tawus. That is unless they (i.e. the state scholars) have established a definite and certain proof for the infallibility of the one who made the statement; meaning the infallibility of Ibn ‘Abbas, Tawus or Ibn Tawus, in general or in respect to this particular issue. However, if they gathered man and Jinn together, they would be incapable of bringing such a proof:

هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ

(And so) Bring your proof if you are truthful! (Al-Baqarah: 111).

(2) The one who professes the two Shahadas, prays the obligatory prayer, faces the Qiblah and eats our slaughtered meat is a Muslim and has what we have in terms of rights and is obliged with what we are obliged with. This is a matter that is immediate, spontaneous and without question or the need for it to be made evident or for it to be tested or examined! This is a right that the Hadith of the Messenger of Allah (saw) came with. This Muslim remains as a Muslim as long as a certain statement or act of disbelief does not come from him which makes him a disbeliever, like: Insulting the Prophets, denying the resurrection and deliberately throwing the Mus’haf into the rubbish bin or toilet, among other such acts of disbelief. At such a time he would become an apostate (Murtadd) and disbeliever (Kafir), regardless of how much he applied himself to some or all of the prominent rituals of worship (Sha’aa’ir). [That is with the exception of the one who is prevented from being declared a disbeliever, in respect to his person, due to one of the established preventers (Mawani’) of Takfir (the declaration of disbelief), such as ignorance, interpretation (Ta’weel) or other than them, or the excuse of dire coercion, and what is similar to that]. This is what we say in respect to their “**masters**” from among the tyrannical rulers, so as to establish the definite evidence and binding proof upon that.

(3) Who said that the Muslim Fasiq ruler is not opposed and is not removed at all or under any circumstances?! Rather, the correct position is that the removal is obligatory in accordance with the established Shar’iyah method, manifested in “the judgement of the court of unjust acts”. If he rebels against that and refuses to comply with its final decisive judgement, he becomes a rebel against the Shar’a and someone who refuses to submit to it. At such a time he is fought with the fighting of the one who withholds and refuses to comply, just like those who withhold the Zakat. It is the fighting of Kufr (disbelief) and Riddah (apostacy) and not the fighting of the Khawarij (Kharijites) or rebels. This reflects the usual situation (of how this matter is dealt with)!

If the court of unjust acts (Mahkamat ul-Mazhalim) didn’t exist or was inoperative, it is obligatory to go out against him and remove him by one single initiative, or by a group from the people of material power (e.g. like a military coup), or through the collusion of the Ahl ul-Hall Wa-l-‘Aqd (people of influence and say), or by the movement of the masses of the individuals of the Ummah. That is if it is preponderant in their view that this would take place without creating a Fitnah (strife) that would perpetuate or lead to a widespread fight or war. In the case where Fitnah is feared going out against the ruler falls from being obligatory (Wujoob) to permissibility (Ibaahah), to prohibition (Tahreem), with a major difference of opinion existing among the ‘Ulamaa’ in this regard. Al-Khurooj (going out against the ruler or **being** in opposition to him), in any case and regardless of the issue of

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the “**Fitnah**” in origin, represents the Madh’hab (opinion) of the Sahabah and the Tabi’un: “The master of the Shabab (young men) of Paradise, Al-Hussein bin ‘Ali, may Allah’s peace and pleasure be upon, the Fuqaha’ (scholars) with Ibn Al-Ash’ath, Muhammad An-Nafs Az-Zakiyah and his brother Ibrahim, Ahmad bin An-Nasr Al-Khaza’iy etc.”. This, however, is not our topic here although we have examined some of it in the topic “**Wilayat ul-Fasiq**” (The rule of the one who is rebelliously disobedient) in our book: “**Obedience to the Uli I-Amr (rulers): Its limits and restrictions**” and in some other contexts in our book: “**Accounting the rulers**” and other places besides them, and as such, the subject can be referred to **vised there**.

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Whatever the situation, if one or more of the people of material force (i.e. the armed forces) took the initiative, that would usually not lead to Fitnah or prolonged and widespread fighting, as is known and witnessed in accordance with the necessities of the sensed perception and mind! Moves such as these usually either succeed and the Munkar is removed, as required, or it fails and the “**Coup makers**” are subjected to punishment and perhaps sentenced to death. There is no harm in that for the one seeking (the pleasure of) Allah and the home of the hereafter and indeed it reflects a great honour and certain martyrdom in accordance with the speech of the Messenger of Allah (saw):

صَيِّدُ الشُّهَدَاءِ هَمْزَةُ بُنْ عَبْدِ الْمُطَّلِبِ، وَرَجُلٌ قَامَ إِلَى سُلْطَانٍ جَائِرٍ فَأَمَرَهُ وَنَحَاهُ، فَتَنَلَهُ

The master of martyrs is Hamza bin Abdul Muttalib and a man who stood before the unjust ruler, then commanded him and forbade him, and he (the ruler) then killed him as a consequence.

It is not conceivable and it is not permissible to think that the intention of our Prophet (saw) was other than the commanding of the Ma’roof and the forbidding of the Munkar for the purpose of removing it and changing it. Such a matter does not occur by the tongue alone but rather also by the hand, just as has been definitely stated in the other authentic Hadith like the Hadith of Sa’id Al-Khudri and the Hadith of Umm Salamah, may Allah be pleased with them both. This is exactly what the one who was killed from among the people of power undertook sacrificing himself in the way of Allah, to remove the Munkar and for the word of Allah to be the highest, **and so happy he is!**

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(4) Yes, it is true what they have said in respect to there being many Ahadeeth related to having patience and persevering with the oppressive or unjust leaders. However, the Ahadeeth are more numerous and more authentic in respect to commanding them with the Ma’roof and forbidding them from the Munkar, as we have explained in our paper “**Accounting the rulers**”. As such, why do they conceal some of the Wahi (divine revelation) whilst only disclosing some of it?! Do they fear that the people will be misled or misguided by that which Abu I-Qasim, Muhammad (saw) came with?! Or do they fear, them and their rulers, that they will be curtailed by Allah and His Messenger?! Or do they believe in some of the Book and disbelieve in part?! That is because it is necessary to take all of them (i.e. the Ahadeeth) and to work in accordance to them all. Otherwise, that would represent Iman (belief) in some of the Book and disbelief in some of it, just like the case was with those who preceded them from the Bani Isra’eel. And if it is not possible to take all of them (i.e. due to irreconcilability), then the texts of commanding the Ma’roof and forbidding the Munkar are **they later texts** and as such override the other texts and abrogate them, just as we established by clear evidence in our book “**Accounting the rulers**”.

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So, whoever claims, following all we have presented, that the Ayah (verse) is specific to the Jews due to it being revealed in relation to some of their incidents, or claims that he is following some of the Sahabah and Tabi'un with the existence of those who disagreed with them from their likes, then he should mourn **his portion of the mind and his portion of Islam, or his portion of both of them together.** He should descend from his riding animal as his animal has a greater mind than him and is more worthy of being the rider and not being that which is ridden!

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This Hukm (ruling/verdict) of Kufr (disbelief), Zhulm (transgression) and Fisq (rebellious disobedience) **applies to/covers** anyone who leaves the Hukm (ruling / judgement) of Allah and everyone who rules or judges by other than it. That applies equally whether he was:

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- (1) Ruling by the Sharee'ah in origin like the Shar'iyah judges,
- (2) Or those who are worse than them, like the one who rules by other than the Sharee'ah in origin like the judges of man-made law.
- (3) And by greater reason, if he was from those who draft, enact and legislate constitutions, laws, codes and statutes contrary to the Shar'a or are not deduced in a correct and Shar'iy manner and then binds the judiciary, executive and administrative departments in the state to them. Such a person is more deserving and entitled to the descriptions of Kufr, Zhulm and Fisq. He is the very worst in rank, the most immersed in Shirk and Kufr and the most astray from the straight path. Such a person is also from the greatest Tawaghit (false Gods): The leaders of Kufr and heads of misguidance!

None are exempted from that apart from the mistaken Mujtahid from among the Shar'iy judges and rulers. That is because the sin is raised from them due to the definite texts of the Qur'an and the evidences of the Mutawatir Sunnah which indicate that the one who makes an error is not taken to task. The authentic established position is what came in the Hadith narrated by 'Amr bin Al-'Aas:

وَإِذَا حَكَمَ، فَاجْتَهِدْ، ثُمَّ اخطأ، فَلَهُ أَجْرٌ

And if he gives a ruling and has done his utmost to derive (the correct ruling), (and) then makes an error, he will have a reward (Al-Bukhari and Muslim).

That is because **theyse only sought to** arrive to the truth and to the Hukm (judgement) of Allah in the issue at hand. They expended their capability and exhausted their effort and then made an error after that, or they asked the people of knowledge who erred themselves, or they merely slipped in their judgement. There is a vast difference between these believers who refer back to Allah and His Messenger and between the former categories; those who are disbelieving, transgressing and rebelliously disobedient.

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Chapter: Important issues related to the Siyadah (sovereignty) of the Shar'a (Islamic legislation)

Section: Islam is referring to Allah and His Messenger

Islam is referring to Allah and His Messenger. Consequently, facing in the direction of Bait ul-Maqdis (Al-Quds, Palestine) in prayer prior to the abrogation of that meant referring back to Allah and His Messenger and consequently it was Islam. Facing its direction after the abrogation however reflects a denial of the Hukm of Allah and His Messenger or arrogance and refraining from submitting to the Hukm of Allah and His Messenger, or hatred and aversion towards the Hukm of Allah and His Messenger, or contempt and disdain towards the Hukm of Allah and His Messenger, and all of that represents Kufr (disbelief) in Allah and His Messenger. Therefore, the very same act can be Islam or Kufr (disbelief), not due to an inherent quality of the action itself, but rather due to it being referring back to Allah and His Messenger or not referring back to Allah and His Messenger.

Ibrahim sacrificing his son (peace be upon them both), his own son, with there being no crime that he had committed, rather purely in order to gain closeness to Allah and as an act of devotion to Him, when his Rabb (Lord) commanded him with that, and the submission and surrender of his son to this command, represents the greatest act of obedience and the highest acts to gain the pleasure of Allah, through which they deserved the commendation of Allah, appointment to leadership and the best mention within the revealed books. Then, when the abrogation came, all of that transformed into a heinous crime. The sacrificing of the son is a crime and the submission and surrender of the son to the crime of the father in disobedience to Allah is another crime, and there was not between the two commands except a moment of time, during which the system of creation did not change,

the nature of matters did not reverse and the Iman in the heart of Ibrahim and Isma'eel did not increase or decrease the amount of a grain. However, it represented the command of Allah the Lord of the worlds, to whom alone belongs the Siyadah (sovereignty), legislation and Hakimiyah (sole right to pass judgment and issue rulings). To Him belongs the Creation and the command:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, whilst they will be questioned (Al-Anbiya: 23).

Similarly, the eating of some beef fats and selling it was prohibited upon Bani Isra'eel which was prior to the Muhammadiyah message and that reflected referring to Allah and His Messenger Musa (as) and as such it represented Islam and Iman!! Then, after that it became Halal in the Sharee'ah of Muhammad (saw). Whoever did that referring back for judgement to Allah and His Messenger Muhammad (saw) is then a Muslim and whoever refuses to do so is a Kafir (disbeliever). Consequently, the same thing or matter can be Halal or Haram, not due to an intrinsic matter associated with the matter itself, as the cows of today are like the cows of the past. Rather, it is only due to it being the Hukm (judgment / ruling) of Allah and His Messenger.

Allah (swt) said:

فَإِظْلُمَ مِنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَنْ سَبِيلِ اللَّهِ كَثِيرًا * وَأَخَذْنَاهُمُ الرِّبَا وَقَدْ هُمُوا عَنْهُ وَأَكْلِهِمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ

For wrongdoing on the part of the Jews, We made unlawful for them [certain] good foods which had been lawful to them, and for their averting from the way of Allah many [people]. (160) And [for] their taking of usury while they had been forbidden from it, and their consuming of the people's wealth unjustly (An-Nisa': 160-161)

This therefore represents another definite evidence for the Siyadah (sovereignty) of the Shar'a and the absolute Hakimiyah of Allah. That is some things were made Haram for Bani Isra'eel which are good in accordance with the mind's judgement and in harmony with what is natural, just as they had been permissible and good in accordance with the Shar'a prior to that; prior to the time of Ya'qub (as) and then again after that following the arrival of Muhammad (saw). As such, the prohibition was for certain not due to an intrinsic matter within those things but rather due to consideration external to them.

It should not be said that this took place upon the basis of it being a punishment which the mind can perceive and evaluate to be good and the sound nature can accept. That should not be said because that would mean that Allah punished the Prophets, the truthful and the righteous from among them who had not perpetrated the crimes, transgression and taking of Riba (usury) i.e. the crimes for which the perpetrators deserved punishment. Rather, the prohibition remained applied generation after generation and even upon those who were born after the punishment was warranted upon those whom it was fitting to be applied upon. As such, why would those who seek to do good and those from the following generations who were innocent of those original crimes be punished?! There is no question that such an argument is definitely false and invalid and indeed it represents a

view based on Kufr (disbelief) due to its contradiction the unrestricted, firm and established principle:

وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ

No bearer of burdens will bear the burden of another (Al-An'am: 164)

It is a principle that has been repeated with the same wording in five places in the Quran Al-Azheem, just as it came stated within the Suhuf of Ibrahim and Musa and in all of the former and latter Books and Messages. Allah (swt) said:

أَمْ لَمْ يُنَبِّأْ بِمَا فِي صُحُفِ مُوسَىٰ * وَإِبْرَاهِيمَ الَّذِي وَفَّىٰ * أَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ

Or is he not informed with what is in the Pages (Scripture) of Musa (Moses), (36) And of Ibrahim (Abraham) who fulfilled (i.e. all that was due of him). That no bearer of burdens will bear the burden of another (An-Najm: 36-38).

Therefore, the prohibition of those things or matters was definitely due to considerations which were external to the essence of those things themselves and what is associated to the essence of those things.

Yes, it is true that it could be said that this was in order to teach Bani Isra'eel so as to discipline them in a firm manner and this is a significant consideration and rational pursuit! If the matter was however like that and taking into account such a significant consideration was a good matter in respect to the judgement of the mind and sound disposition, then the most significant of considerations that the mind can possible conceive are those of the Rububiyah of Allah, His Ilahiyah, His absolute and unrestricted Siyadah (sovereignty), His right over His creations as dictated by the blessing and favour of His creating it all from nothing and His bestowal of all kinds of blessings and favours. This Haqq (right) of His is therefore the primary and absolute right and comes before every other right. Indeed, all of the other rights including the rights of the self, the parents, the child, the remainder of humankind and even the rights of other than them in terms of creatures and creations, only represent branches from that primary and original right. Without doubt it has the priority and is more worthy of being respected and to be placed into consideration than "the stern educating and disciplining of Bani Isra'eel". Therefore, to Allah belongs the Haqq (right) to command what He wishes and assigns what He wishes to assign in terms of legal responsibility (Takleef) upon the basis of **pure arbitrariness and subjection**, and not at all based upon any other consideration. That is because His right in respect to the Siyadah (sovereignty) and Rububiyah (Lordship and mastery) has greater priority and is higher than any other right. The consideration of that being the greatest and the highest in priority over any other consideration reflects the very meaning of our statement "**The Siyadah (sovereignty) belongs to the Shar'a**"!!

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The Rububiyah (Lordship) of Allah (swt) and His absolute Siyadah (sovereignty) as dictated by His **being obligatory in eternal existence**, the One who created and proportioned, preordained and guided, and bestowed all of the gifts and blessings, represents the most important and most primary facts of existence. So, how is it conceivable to give priority to any aim or right over His right (swt), or to take into account any consideration before taking into account His sovereignty (swt)?! That is why

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the Siyadah belongs to the Shar'a and the Hakimiyah, Rububiyah and Ilahiyah, all belong to Allah alone with no partner, in an absolute manner without any restriction or condition.

Yes, it is true that Allah (swt) has distinguished Muhammad (saw) above the remainder of the Prophets who came before him, as he:

مُحِلُّ هُمُ الطَّيِّبَاتِ وَمُحَرِّمٌ عَلَيْهِنَّ الْحَبَائِثِ

Makes lawful for them the good things (At-Tayyibaat) and prohibits for them the evil things (Al-Khabaa'ith) (Al-A'araf: 157).

That is as Allah (swt) said:

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْنُوبًا عِنْدَهُمْ فِي التَّوْرَةِ وَالْإِنْجِيلِ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَمُحِلُّ هُمُ الطَّيِّبَاتِ وَمُحَرِّمٌ عَلَيْهِنَّ الْحَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ ۚ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنْزِلَ مَعَهُ ۚ أُولَٰئِكَ هُمُ الْمُفْلِحُونَ

Those who follow the Messenger, the unlettered prophet, whom they find written in what they have of the Tawrah and the Injeel, who enjoins upon them what is right and forbids them what is wrong and makes lawful for them the good things and prohibits for them the evil things and relieves them of their burden and from the shackles which were upon them. Therefore, those who have believed in him, honoured him, supported him and followed the light, which was sent down with him, it is those who are the successful (Al-A'raf: 157).

And Allah (swt) said:

يَسْأَلُونَكَ مَاذَا أُحِلَّ لَهُمْ ۖ قُلْ أُحِلَّ لَكُمُ الطَّيِّبَاتُ ۚ وَمَا عَلَّمْتُم مِّنَ الْجَوَارِحِ مُكَلِّبِينَ تُعَلِّمُوهُنَّ مِمَّا عَلَّمَكُمُ اللَّهُ ۖ فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ ۖ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ

They ask you, [O Muhammad], what has been made lawful for them. Say, "Lawful for you are [all] good foods and [game caught by] what you have trained of hunting animals which you train as Allah has taught you. So, eat of what they catch for you, and mention the name of Allah upon it, and fear Allah." Indeed, Allah is swift in account (Al-Ma'idah: 4).

And He (swt) said:

الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ ۖ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلَٰلٌ لَّكُمْ وَطَعَامُكُمْ حَلَٰلٌ لَهُمْ ۖ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ إِذَا آتَيْتُمُوهُنَّ الْجُورَهُنَّ مَحْصِنِينَ غَيْرَ مُسَافِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ ۗ وَمَن يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [illegal] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers (Al-Ma'idah: 5).

And He (swt) also said:

فَيُظْلَمُ مِّنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَنِ سَبِيلِ اللَّهِ كَثِيرًا

For wrongdoing on the part of the Jews, We made unlawful for them [certain] good foods which had been lawful to them, and for their averting from the way of Allah many [people] (An-Nisa' 160).

These verses are a manifest explanation and certain evidence indicating that:

(1) The understanding of "At-Tayyib" (the good thing) is different to the understanding of "Al-Halal" (the permissible) and it is completely independent to it.

(2) That Allah (swt), in His quality as being the Rabb (Lord) possessing perfect Rububiyah (Lordship) and the Sayyid (Master) who possesses complete sovereignty, had made Haram (prohibited) some of the Tayyibaat (good / wholesome things) and as will be discussed later, in the same way, He has also made Halal some of the Khabaa'ith (bad / unwholesome things).

Therefore, the thing or action being Tayyib (good / wholesome) in its essence or Khabith (bad / unwholesome), regardless of the importance of that, it is nevertheless less in terms of consideration than Allah's description of Rububiyah and Siyadah and His right to rule or judge by what He wishes and chooses. As such, He prohibits the Tayyibaat and he makes permissible the Khabaa'ith if He so wishes whilst there is no revision or adjustment to His Hukm:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, whilst they will be questioned (Al-Anbiya': 23).

Consequently, whatever the Lord of Might, glorified be His majesty, legislates and judges with, then its ruling (Hukm) is final and absolute, and above any other source of reference. It is not permissible for Him to submit to any questioning, but rather His obedience is absolute without a restriction or condition. This represents an absolute Shar'iyah truth and before that, it reflects a compulsory rational necessity.

(2) This final Ummah has been blessed with a mercy. It is from his greatest attributes and virtues that Allah favoured him with the making of every Tayyib (good / wholesome thing) Halal (permissible) and making every Khabeeth (bad / unwholesome thing) Haram (prohibited). That is in contrast to the previous nations upon whom burdens were placed and chains placed around their necks. That is because Tayyibaat (good / wholesome things) were prohibited for them which had

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previously been Halal (permissible) and then became Halal again after that in accordance with this final blessed Sharee'ah, as stated in the Quranic text. In addition, some of the Khabaa'ith (bad / unwholesome things) were permitted for them which brought bad consequences for them. That is evident from the legitimacy of the **"Hereditary Monarchy"** provided to Bani Isra'eel. Such a system is abominable and Khabeeth (unpleasant) and it may have been the key to the perishing of Bani Isra'eel and their destruction (as will be discussed after a few sections), in line with the speech of the Messenger (saw) when he said:

هَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ كَثْرَةُ سُؤَالِهِمْ وَاخْتِلَافُهُمْ عَلَى أَنْبِيَائِهِمْ

Verily, it was only the excessive questioning and their disagreeing with their Prophets that destroyed those (nations) that came before you.

- This was recorded in **"Al-Jami' As-Saghir Al-Mukhtasar"** of Imam Al-Bukhari: [Isma'eel related to us from Malik, from Abu Az-Zannad, from Al-A'araj, from Abu Hurairah, from the Prophet (saw), who said:

دَعُونِي مَا تَرَكْتُكُمْ، إِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ بِسُؤَالِهِمْ وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ، فَإِذَا هَيَّيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ، وَإِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ

Leave me in respect to what I have left from you, as the people who came before you were ruined because of their excessive questioning and their disagreeing with their Prophets. So, if I forbid you to do something, avoid it. And if I order you to do something, then do of it as much as **you are can**.

This Isnad (chain of transmission) is as Sahih (authentic) as the sun, indeed it represents the "Silsilah Adh-Dhahabiyah" (Golden chain) from among the chains of transmission of Abu Hurairah. In **"Sahih Muslim"** it came with the wording:

مَا هَيَّيْتُكُمْ عَنْهُ فَاجْتَنِبُوهُ وَمَا أَمَرْتُكُمْ بِهِ فَافْعَلُوا مِنْهُ مَا اسْتَطَعْتُمْ فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ كَثْرَةُ مَسَائِلِهِمْ وَاخْتِلَافُهُمْ عَلَى أَنْبِيَائِهِمْ

Avoid what I have forbidden you from and do what I have commanded you to undertake as much as you can. That is because those who came before you were ruined due to their excessive questioning and their disagreement with their Prophets.

It also came with another wording (Lafzh):

هَذَرُونِي مَا تَرَكْتُكُمْ

Leave me in respect to what I have left from you.

And in the Hadith related by Hammam the following wording came transmitted:

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مَا تَرَكْتُمْ فَإِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ

What you have been left (from) for verily those who were before you were ruined ...

This Hadith has been recorded in most of the Sahih books, Sunan, Ma'aajim and Masaneed with the most authentic of chains of transmission, as has been stated previously and will be elaborated upon in the appendix.

Islam is a complete Deen. Its texts, Al-Hamdu Lillah, contain the rulings for every matter, related to all things and actions, until the Day of Judgement, without the need to examine the true reality of a thing or action in respect to it being Tayyib (good / wholesome) or Khabeeth (bad / unwholesome). Indeed, the truth is that whatever the texts of this final blessed Sharee'ah have affirmed to be Halal, is Tayyib (good / wholesome) without question and inevitably, whilst whatever has been affirmed to be Haram is inevitably and without doubt Khabeeth (bad / unwholesome). This is through the guarantee of Allah in the case where we bear witness through the testimony of Allah that everything Allah has made Halal is Tayyib and everything that He has made Haram is Khabeeth.

Consequently, the examination of things or actions being Tayyib or Khabeeth in themselves (i.e. intrinsically), the examination of the nature or essence of the **badness-previous** or good (within them), their details and compositions, regardless of the possible significance of all of this from a **knowledge** or philosophical angle, it nevertheless does not hold any major significance or value from the legislative perspective. That is whilst acknowledging that outweighing their essence (in terms of being Tayyib or Khabeeth) **is impossible – to ascertain?** to all apart from the One whose knowledge has encompassed everything, and that is Allah Al-'Aziz Al-Hakeem. Even if we were to concede to the possibility of that in principle, the reality of human legislation and what we witness among all of the nations and peoples in terms of enacting legislations followed by their subsequent failure after years or decades, or even centuries, followed by their abolishment and replacement with others, compels us to believe that this cannot be accomplished due to its difficulty and severe obscurity, except by the passing of ages and generations of students, thinkers, politicians and legislators, accompanied by a great cost, hardship and dangerous experiments doomed to failure which are not commensurate with the smallest and frailest of results which they yield.

Even if we were to concede, for the sake of argument, that the human mind is capable in principle to deduce the attributes of the thing being studied, its relationship with other things from the creation and what results from it in terms of interests, benefits, joys and pleasures, in the short and long term, and consequently be able to arrive to a **"Rational"** (**'Aqlaaniy**) Hukm (judgement) stating that the thing is Tayyib (good / wholesome) or Khabeeth (bad / unwholesome) ... And even if we were to concede that this was an extremely easy and simple matter to accomplish ... If we were to concede to all of that, for the sake of argument, there would still be no yield or outcome that **could be hoped for to accomplish from it**, except for the pure intellectual pleasure attained from engaging in such intricate studies and investigations.

As for the Hukm Ash-Shar'iy, then it has been established prior to that by the Shar'iy text, and it is not permissible for it to be affirmed except by the Shar'iy text, because Iman and Islam means referring to Allah and His Messenger. This has been copiously demonstrated and dealt with by clear evidence and proof in this book, whilst any view other than that is inconceivable.

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We will add to the clarity of this through the example of “**Pig meat**” which has been established via the definite Shar’iyah texts to be Haram. The matter in respect of “**Pig meat**” cannot fall outside of three possibilities:

(1) That the person believes in its prohibition because Allah has made it prohibited (Haram). By that, he would be a Muslim believer, referring to Allah and His Messenger. There would then be no harm in relation to that if he believed:

(a) That it was prohibited due to being Khabeeth (bad / unwholesome) intrinsically, due to the favour of Allah and His blessing, and of kindness and mercy for His slaves, in the case where He saved them from the burden of examination and investigation and provided them with the conclusion with ease and without difficulty. This is what those who believe in this final message of Islam are obliged to believe in due to what we have mentioned previously.

(b) That it was prohibited as a test and trial, as pure subjection of worship, or as an intensified strictness and punishment, or as a form of disciplining, refining and training in order to attain the highest virtues, or other than that which is known to Allah, even though it is intrinsically Tayyib (good / wholesome) from the sensed and medical perspective. This represents a belief in which there is no problem due to following the previous Sharee’ahs and for the one who was not aware of our clear proof mentioned above concerning the people of Islam.

(2) That the person believes that it is impermissible to eat because it is intrinsically Khabeeth (bad / unwholesome) and the ‘Aql (mind / intellect) obliges avoiding the Khabeeth and a thing which is harmful. This is a disbelieving belief which takes the one believing in it outside of the Millah. That is because it reflects not referring to Allah and His Messenger and this is Kufr (disbelief), unless it is due to ignorance or a Ta’weel (interpretation) of another matter from among the preventers of Takfir (declaring disbelief). The Kufr of the one holding this position is increased if he makes its prohibition obligatory upon Allah due to the ‘Aql (mind) judging it to be Khabeeth. That is due to two reasons:

(a) Because that means making something obligatory and prohibited upon Allah which He did not oblige or prohibit upon himself. This is rationally contrary to the Uluhiyah of Allah, including that which relates to: The sovereignty and final or ultimate point of reference.

(b) Because it represents an explicit denial of the definite Quranic text stating that the prohibition of some of the Tayyibaat (Good / wholesome things) did take place in respect to previous Deens. This represents an accusation against Allah in respect to violating or being contrary to the Haqq (truth) and falling into unfairness and injustice.

The matter however is completely different if a Shar’iy text of this final blessed Sharee’ah comes mentioning a thing, object or action with the description of being “Khabeeth”. At such an occurrence, it must be concluded definitely that it is Haram within this final; Sharee’ah which came with Muhammad (saw). That is unless an explanation came stating that this description was due to a specific consideration or that it has specific restrictions or constraints. That is like what came in relation to garlic, onions and other foods which have a bad smell:

- The following came recorded in “**Sahih Muslim**”: [‘Amr An-Naqid related to us from Isma’eel bin ‘Ulayah, from Al-Jurairi, from Abu An-Nadrah, from Abu Sa’id, who said: Soon after Khaibar had been conquered we, the companions of Messenger of Allah (saw), came across a plant, which was garlic.

The people were hungry and so we ate extensively from it. We then went to the Masjid and the Messenger of Allah (saw) sensed the smell and said: "Whoever has eaten anything from this **"Khabeeth"** tree should not approach the Masjid". The people then said: **"It has been made Haram (prohibited), it has been made Haram"**. When that reached the Prophet (saw) he said: "O People: It is not for me to prohibit what Allah has made Halal (permissible) for me, but rather it is a tree the smell of which I dislike". This has also been recorded in the **"Musnad of Imam Ahmad bin Hanbal"** and in the **"Sunan Al-Kubra of Al-Baihaqi"**.

- In the **"Sahih of Ibn Khuzaimah"** it came recorded as: [Abu Tahir related from Abu Bakr, from Abu Musa Muhammad bin Al-Muthanna, from Abdul A'ala, from Sa'id bin Al-Juraiiri (ع. from Abu Hashim Ziyad bin Ayub, from Isma'eel, from Sa'id bi Jurairi, from Abu Nadra, from Abu Sa'id who related like the Hadith of Muslim]. Ibn Khuzaimah then said: [This is the Hadith of Abu Hashim and Abu Musa added at the end of the Hadith: **"Verily, Angels come to me and I hate that they smell its smell"**].

- The following was recorded in the **"Sunan of Abu Dawud"**: [Uthman bin Abi Shaibah related to us from Jarir, from Ash-Shaibani, from 'Adi bin Thabit, from Zirr bin Hubaish, from Hudhaifah (I think), from the Messenger of Allah (saw), that he said:

مَنْ تَغَلَّ نَجَاءَ الْقِبْلَةِ جَاءَ يَوْمَ الْقِيَامَةِ تَغْلُهُ بَيْنَ عَيْنَيْهِ وَمَنْ أَكَلَ مِنْ هَذِهِ الْبَقْلَةِ الْحَبِيثَةِ فَلَا يُقَرَّبَنَّ مَسْجِدَنَا، ثَلَاثًا

Whoever spits in the direction of the Qiblah will come on the Day of Resurrection with his spit **which?** will be between his eyes; and whoever eats from this **Khabeeth** plant (i.e. garlic) should not come near to our Masjid (repeating that three times).

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Al-Albani said: [It is Sahih]. It was also recorded in the **"Sahih of Ibn Hibban"** and Sheikh Al-Arna'ut said: [Its Isnad (chain of transmission) is Sahih upon both their conditions (i.e. Al-Bukhari and Muslim)]. It has also been recorded in the **"Sahih of Ibn Khuzaimah"** and the **"Sunan Al-Kubra of Al-Baihaqi"**.

- The following came recorded in the **"Musnad of Imam Ahmad bin Hanbal"**: [Yahya related to us from Muhammad bin 'Amr, from Abu Salamah, from Abu Hurairah, who said: The Messenger of Allah (saw) found the smell of garlic in the Masjid and said:

وَمَنْ أَكَلَ مِنْ هَذِهِ الشَّجَرَةِ الْحَبِيثَةِ فَلَا يُقَرَّبَنَّ مَسْجِدَنَا

"Whoever eats from this **Khabeeth** tree (i.e. garlic) should not come near to our Masjid". It was also recorded in the **"Musnad of Abu Ya'la"** and Sheikh Hussein Asad said: [Its Isnad is Hasan]. **I say:** [Its Isnad is Jayyid (good) upon the conditionality of Muslim].

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- Also, in the **"Musnad of Imam Ahmad bin Hanbal"**: [Abdul Malik bin 'Amr related to us from Khalid bin Maysara, from Mu'awiyah bin Qurrah, from his father who said: The Messenger of Allah (saw) forbade these two **"Khabeeth"** (Unwholesome) trees. He said: "Whoever eats from them should not approach our Masjid". He said: "If you feel that you must eat them, then suppress their odour by cooking them". He (the narrator) said: He meant onions and garlic]. It was also recorded in **"Sunan Al-Kubra of An-Nas'i"** and **"Sharh Ma'ani Al-Aathaar"**.

- And in “**Al-Mu’jam Al-Kabir**” (At-Tabarani): [Hafs bin ‘Amr Ar-Raqqi related to us from Qubaida bin ‘Uqbah, from Sufyan Ath-Thawri, from Abdur Rahman bin ‘Aayish, from ‘Al-Alaa bin Khabbab, that the Messenger of Allah (saw) said: “Whoever eats from the “**Khabeeth**” tree, should not approach our Masjid, I mean garlic”].

In the aforementioned Ahadeeth the Prophet (saw) described some of the trees as being Khabeeth (unwholesome) and the Sahabah immediately understood, in the first instance, just as it is obligatory to understand and impermissible to oppose, that this meant the prohibition. However, the Messenger (saw) explained to them that this description of “**Khubth**” (unwholesomeness) in this case was only due to its bad or very strong smell, that it is unwholesome in a limited scope which does not lead to its prohibition, but rather only the prohibition of going to the Masjid until its smell had dissipated, just as he indicated to getting rid of its smell through cooking it thoroughly. In addition, as the Prophet (saw) had a special relationship with Jibreel and the Angels of revelation, the dislike for him was even greater, as has been mentioned above and is apparent in the following Ahadeeth:

- A greater explanation came recorded in “**Sahih Muslim**”: [Abu Bakr bin Abi Shaibah related to us from Kathir bin Hisham Ad-Dastawa’i, from Abu Az-Zubair, from Jabir who said: The Messenger of Allah (saw) forbade the eating of onions and leeks. However, the desire overpowered us and so we ate from them. The Messenger then said:

مَنْ أَكَلَ مِنْ هَذِهِ الشَّجَرَةِ الْمُنْبِتَةِ فَلَا يَقْرَبَنَّ مَسْجِدَنَا فَإِنَّ الْمَلَائِكَةَ تَأْذَى بِمَا يَتَأَذَى مِنْهُ الْإِنْسُ

Whoever eats from this foul tree should not approach the Masjid, for verily the Angels are harmed by that which humans are].

Similar to this was recorded in the “**Sahih of Ibn Hibban**”, the “**Sunan Al-Kubra of Al-Baihaqi**” and the “**Musnad of Abu Ya’la**”. Sheikh Hussein Asad said: [Its relaters (Rijaal) are the relaters (Rijaal) of the Sahih].

- And the following was recorded in “**Al-Mu’jam Al-Awsat**” (At-Tabarani): [Ahmad bin Hammad Raghba related to us from Sa’id bin ‘Uqair, from Yahya bin Rashid Al-Bara’, from Hisham bin Hassan Al-Firdausi, from Abu Az-Zubair, from Jabir: That the Messenger of Allah (saw) said: “Whoever eats from these vegetables, he should not approach our Masjid: Garlic, leeks, onions and radishes. That is because the Angels are harmed by that which the children of Adam are harmed by”]. Imam At-Tabarani said: [No one related this Hadith besides Hisham bin Hassan except for Yahya bin Rashid and Sa’id bin ‘Uqair was alone in narrating it].

- The following was recorded in “**Sahih Muslim**” from another path reinforcing that: [Muhammad bin Hatim related to me from Yahya bin Sa’id, from Juraih who said: ‘Ata informed me from Jabir bin Abdullah from the Prophet (saw) who said:

مَنْ أَكَلَ مِنْ هَذِهِ الْبُقْلَةِ الثُّومِ - وَقَالَ مَرَّةً مَنْ أَكَلَ الْبَصَلَ وَالثُّومَ وَالْكُرْثَاءَ - فَلَا يَقْرَبَنَّ مَسْجِدَنَا فَإِنَّ الْمَلَائِكَةَ تَتَأَذَى بِمَا يَتَأَذَى مِنْهُ بَنُو آدَمَ

“Whoever eats from this plant of garlic” (and on another occasion he said): “Whoever eats onion, garlic and leek, should not approach our Masjid for the angels are harmed by the same things as the children of Adam are harmed by”]. It was also related in the “**Sunan Al-Kubra of Al-Baihaqi**”.

- There is also recorded in “**Sahih Muslim**” that which indicates that the abstention from eating it was from those matters which were specific to him (saw): [Abu At-Tahir and Harmalah related to me saying: Ibn Wahb informed us from Yunus, from Ibn Shihab, from ‘Ata bin Abi Rabbah, that Jabir bin ‘Abdullah said (And in a narration it was Harmalah and Za’m): That the Messenger of Allah (saw) said:

مَنْ أَكَلَ ثُومًا أَوْ بَصَلًا فَلْيَعْتَزِلْنَا أَوْ قَالَ: فَلْيَعْتَزِلْ مَسْجِدَنَا، وَلْيَقْعُدْ فِي بَيْتِهِ

“Whoever has eaten garlic or onion should isolate from us, or he said, he should isolate from our Masjid and let him remain in his house”.

Once a big pot containing cooked vegetables was brought. On finding unpleasant smell coming from it, the Prophet (saw) asked, 'What is in it?' He was told all the names of the vegetables that were in it. The Prophet (saw) ordered that it should be brought near to some of his companions who were with him. When the Prophet (saw) saw it, he disliked eating it and said:

كُلُّهُ فَإِنِّي أَتَاكِي مَنْ لَا تُتَاكِي

“Eat. (I don't eat) because I converse with those whom you don't converse with (i.e. the angels)”].

And in the “**Musnad of Imam Ahmad bin Hanbal**” the first half was related to the words: “And let him remain in his house”, just as similar to the Hadith of Ahmad was related in the “**Sahih of Ibn Khuzaimah**” and also in “**Al-Mu’jam As-Saghir of At-Tabarani**”.

- The following was recorded in the “**Sunan of Abu Dawud**”: [Shaiban bin Furuq related to us from Abu Hilal, from Humaid bin Hilal, from Abi Burdah, from Al-Mughira bin Shu’bah, who said: I ate garlic and came to the place where the Prophet (saw) was praying. One Rak’ah of prayer had already been completed when I joined. When I entered the Masjid, the Prophet (saw) noticed the smell of garlic. When the Messenger of Allah (saw) finished his prayer, he said: “He who eats from this plant should not come near us until its smell has gone away”. When I finished the prayer, I came to the Messenger of Allah (saw) and said: “O Messenger of Allah, do give me your hand”. Then I put his hand in the sleeve of my shirt, carrying it to my chest to show that my chest was fastened with a belt. He said: “You have a (valid) excuse”].

Similar to this was recorded in the “**Musnad of Imam Ahmad bin Hanbal**” and in the “**Sahih of Ibn Hibban**”. Sheikh Sh’uaib Al-Arna’ut said: [Its Isnad is Sahih upon the conditionality of the two Sheikhs (i.e. Al-Bukhari and Muslim)]. It was also recorded in the “**Sahih of Ibn Khuzaimah**”, the “**Sunan Al-Kubra of Al-Baihaqi**” and “**Sharh Ma’ani Al-Aathar**”.

- The following came recorded in the “**Sahih of Ibn Khuzaimah**”: [Abu Tahir related to us from Abu Bakr, from Yunus bin Abd ul-A’alaa, from Ibn Wahb, from ‘Amr bin Al-Harith, from Bakr bin Sawadah, that Abu An-Najib the Mawla of Abdullah bin Sa’d related to him from Sa’id Al-Khudri who related

that: Garlic, onions and leeks were mentioned in the presence of the Messenger of Allah (saw) and it was said: "O Messenger of Allah, the most intense of them (i.e. in terms of smell) is garlic. As such would you prohibit it?" He (saw) said:

دُكُلُوهُ وَمَنْ أَكَلَهُ مِنْكُمْ فَلَا يَقْرُبْ هَذَا الْمَسْجِدَ حَتَّى يَذْهَبَ رِيحُهُ مِنْهُ

Eat it, and whoever from among you has eaten it, then he should not come near to this Masjid until its odour goes away]. It was recorded in the "**Sunan Al-Kubra of Al-Baihaqi**".

- The following was recorded in the "**Sunan Al-Kubra of An-Nasa'i**": [Muhammad bin Al-Muthanna related from Yahya bin Sa'id, from Ma'dan bin Abi Talhah that 'Umar bin Al-Khattab said: "O people, you eat of two plants which I do not view except to be Khabeeth (unwholesome); this onion and garlic. I have seen the Prophet of Allah (saw), when he noticed their smell coming from a man, ordering that he be taken out to Al-Baqi'. As such, whoever eats them, let him cook them well until the smell dissipates"]. It was also related in the "**Sunan Al-Kubra of An-Nas'i**" as follows: [Muhammad bin Abdullah bin Al-Mubarak related to us from Shababah bin Sawar, from Shu'bah, from Qatadah until its end (i.e. of the Hadith)]. It is also recorded in the "**Musnad of Al-Humaidi**".

- The following came recorded in "**Sharh Ma'ani Al-Aathaar**" (At-Tahawi): [Fahd related to us from Abu Ghassan, from Qais, from Abu Ishaq, from Shareek bin Hanbal, from 'Ali from the Prophet (saw) that he said:

مَنْ أَكَلَ هَذِهِ الْبَقْلَةَ فَلَا يُقْرُبُنَا أَوْ يُؤْذِنَا فِي مَسَاجِدِنَا

Whoever ate this plant then he does not approach us or bring harm to us in our Masajid].

Imam At-Tahawi commented upon this stating: [As such some (scholars) viewed the eating of these plants which possess a strong smell to be Makrooh (disliked) in origin and they used these reports as evidence. Others disagreed with them in respect to that and stated that the Prophet (saw) only forbade eating them, not because they are Haram, but rather so that their smell would not harm or upset those who attended the Masjid with him. Other reports have come in relation to that which could indicate to that].

In contrast to that and opposite to it, the prohibition of the actions of the people (Qawm) of Lut represents a definite prohibition due to the statement of Allah (swt):

وَلُوطًا آتَيْنَاهُ حُكْمًا وَعِلْمًا وَجَعَلْنَاهُ مِنَ الْقَرَبِ الَّتِي كَانَتْ تَعْمَلُ الْخَبَائِثَ ۚ إِنَّهُمْ كَانُوا قَوْمٌ فَاسِقِينَ

And to Lut We gave judgement and knowledge, and We saved him from the city that was committing **Khaba'ith** (unwholesome / wicked deeds). Indeed, they were a people of evil, defiantly disobedient (Fasiqun) (Al-Anbiya': 64).

The greatest of these Khaba'ith was approaching the men with desire instead of the women, which is evident with certainty in the following Noble Ayat (verses):

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- Allah (swt):

وَلُوطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ * إِنِّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ
النِّسَاءِ ؕ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

And Lut, when he said to his people: “Do you commit such despicable immorality which none have preceded you with from among the worlds? Indeed, you approach men with desire, instead of women. Indeed, you are an excessively transgressing people” (Al-A’araf: 80-81).

- And Allah (swt) said:

وَلُوطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ وَأَنْتُمْ تُبْصِرُونَ * أَفَبِكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ ؕ بَلْ أَنْتُمْ قَوْمٌ
مُّجَاهِلُونَ

And [mention] Lot, when he said to his people: “Do you commit excessive immorality while you are seeing? Do you indeed approach men with desire instead of women? Indeed, you are a people behaving ignorantly” (An-Naml: 54-55).

- Allah (swt) said:

أَفَبِكُمْ لَتَأْتُونَ الرِّجَالَ وَتَقْطَعُونَ السَّبِيلَ وَتَأْتُونَ فِي نَادِيَكُمُ الْمُنْكَرَ ۚ فَمَا كَانَ جَوَابَ قَوْمِهِ إِلَّا أَنْ قَالُوا اقْتُبْنَا بِعَذَابِ
اللَّهِ إِنْ كُنْتَ مِنَ الصَّادِقِينَ

Indeed, you approach men and obstruct the road and commit in your meetings [every] evil. And the answer of his people was not but they said, “Bring us the punishment of Allah, if you are from the truthful” (Al-‘Ankabut: 29).

And He (swt) said:

أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ * وَتَذَرُونَ مَا خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ ۚ بَلْ أَنْتُمْ قَوْمٌ عَادُونَ

You approach the males from the ‘Aalameen (mankind/creation) * And you leave those whom Allah as created for you to be wives. Indeed, you are a transgressing people (Ash-Shu’ara’: 165-166).

If nothing had come besides the verses of Surah Al-‘Ankabut and Surah Ash-Shu’ara’, the prohibition would not have been established by them in this final Sharee’ah. That is because these verses would be by necessity from a Sharee’ah which has been abrogated, as we have established the evidence and proof for within our book: **“At-Tawhid: The Origin of Islam and the true reality of Tawhid”**. However, the classification of the **“Act of Qawm (the people) of Lut”**, which their Prophet Lut (as) condemned them for in the strongest of manners and called them to leave, its classification of being **“Khabeeth”**, meaning **“Khabeeth”** in essence prior to the coming of the Shar’a with an address related to its reality, which is approaching the men with desire instead of the women, when

accompanied by what we mentioned previously in terms of certain principles, dictates and obliges definitely that it is prohibited also in this final Sharee'ah and until the last day at the end of times. In addition, the certain Ijma' (consensus) of the Sahabah and those who followed them from the people of Islam has been convened over the prohibition of the "Act of Qawm (the people) of Lut".

This has been made even clearer by the indicative meaning of the verses in Al-'Araf and An-Naml, which described the approaching of men with desire instead of women to be a "Fahisha" (obscene or indecent act of immorality). A thing or matter being a "Fahisha" is a matter related to its essence and is not related to what the Sharaa'i (revealed laws) have come with. The "Fahisha" means exceeding the appropriate limits of a thing or matter and it reflects a concept that is usually employed to classify actions and statements, whilst I am not aware of even a single case where it has been used to describe an 'Ain [عَيْن] (Good, essence of object) or Manfa'ah [مَنْفَعَة] (benefit, utility). Allah has prohibited the "Fawahish" (plural of Fahisha), what is apparent from them and what is not apparent, in this final Sharee'ah, just as He prohibited the "Khaba'ith" (plural of Khabeeth). That is in accordance with the indicative meaning of the following verses:

- Allah (swt) said:

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَالْإِثْمَ وَالْبَغْيَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزِّلْ بِهِ سُلْطَانًا وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

Say: "My Lord has only forbidden "Al-Fawahish" (immoralities), what is apparent of them and what is concealed, the sin, oppression without right, that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know" (Al-A'raf: 33).

- And He (swt) said:

قُلْ تَعَالَوْا أَنَا ذُحْرَمَ رَبُّكُمْ عَلَيْكُمْ ؕ أَلَا تُشْرِكُوا بِهِ شَيْئًا ؕ وَالْبَالُغِينَ إِحْسَانًا ؕ وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ إِمْلَاقٍ ؕ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ ؕ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ ؕ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ ؕ إِلَّا بِالْحَقِّ ؕ ذَلِكُمْ مَوْصَاكُمْ بِهِ لَعَلَّكُمْ تَعْقِلُونَ

Say: "Come, I will recite what your Lord has prohibited for you. [He commands] that you do not associate anything with Him, and provide parents with good treatment, do not kill your children out of (fear of) poverty; We will provide for you and them. And do not approach Al-Fawahish (immoralities); what is apparent of them and what is concealed. And do not kill the soul (life) which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you with, that you may comprehend (Al-An'am: 151).

Therefore, Allah has stated in the text, that at least in this final blessed Sharee'ah, He has prohibited the category of "Al-Fawahish" (immoralities), meaning the Fawahish as a whole, what is apparent of them and what is not apparent. Therefore, the command in respect to "Al-Fawahish" is just like its counterpart of "Al-Khaba'ith". As such, we will not spend time by repeating what we have previously mentioned and to Allah belongs the Tawfiq (good outcome). Indeed, it may well be that the judgment upon the action or statement in terms of it being a "Fahisha" (immoral or indecent

act) by way of the mind (Aql) (if we were to concede for the sake of argument that this is possible in principle) is more difficult and problematic than passing judgement upon a thing being “**Khabeeth**”.

Yes, it is conceivable that Allah permits some of the “**Fawahish**” and “**Al-Khaba’ith**” and prohibits some of the “**Tayyibaat**” in previous Sharaa’i (revealed laws), as we have previously spoken about. However, it is absolutely inconceivable that Allah obliges a “**Fahisha**”, in origin, meaning that He makes it an **obligatory obligation or recommended recommendation, not in a previous Sharee’ah and not, by greater reason,** in this final blessed Sharee’ah. Allah (swt) says:

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وَإِذَا فَعَلُوا فَاحِشَةً قَالُوا وَجَدْنَا عَلَيْهَا آبَاءَنَا وَاللَّهُ أَمَرَنَا بِهَا ۚ قُلْ إِنَّ اللَّهَ لَا يَأْمُرُ بِالْفَحْشَاءِ ۚ اتَّقُوا اللَّهَ مَا لَا تَعْلَمُونَ

And when they commit a Fahisha they say: “We found our fathers doing it, and Allah has commanded us with it”. Say: “(No) **Verily, Allah does not command the Fahisha**. Do you say of Allah what you know not? (Al-A’araf: 28).

This represents a certain, truthful, eternal and everlasting Khabar (informative text), which is inconceivable for the mind to contradict, just as it is impossible for it to be abrogated because the Akhbar (informative texts) cannot be abrogated: “**Verily, Allah does not command the Fahisha**” and He has not commanded with it throughout the preceding ages. Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ ۚ وَمَنْ يَتَّبِعْ خُطُوَاتِ الشَّيْطَانِ فَإِنَّهُ يَأْمُرُ بِالْفَحْشَاءِ وَالْمُنْكَرِ ۚ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ مَا زَكَا مِنْكُمْ مِنْ أَحَدٍ أَبَدًا وَلَكِنَّ اللَّهَ يُزَكِّي مَنْ يَشَاءُ ۚ وَاللَّهُ سَمِيعٌ عَلِيمٌ

O you who believe! Follow not the footsteps of Shaitan (Satan). And whosoever follows the footsteps of Shaitan (Satan), then, verily he commands Al-Fahsha' [immoral, indecent acts], and Al-Munkar [that which is reprehensible and forbidden]. And had it not been for the favour of Allah and His Mercy upon you, not one of you would ever have been purified (from sins). But Allah purifies (guides to Islam) whom He wills, and Allah is All-Hearer, All-Knower (An-Nur: 20).

It is absolutely inconceivable for Allah to command that which Iblis (Satan), the enemy of Allah, commands!

Someone may object and say: Allah commanded Ibrahim (as) to sacrifice his son, and that is a Fahisha?! We say in response: You have lied and fabricated. Rather, the sacrifice of the sons for Allah was a Qurbah (act to gain closeness and the pleasure of Allah), however, He bestowed His mercy upon His slaves and abrogated the command to Ibrahim, and He did not ever command that to be undertaken after that, as a mercy and favour granted to His servants. That is not because it is a Fahisha because sacrificing the self and undertaking martyrdom operations are from the greatest of acts that draw closeness to Allah (swt) leading to the highest grades (of reward in paradise). Consequently, it was not a Fahisha (indecent immoral act) and may Allah’s refuge be sought from it being (attributed to being) a Fahisha!!

The path to salvation is referring back to the Shar’iyah texts, the Kitab and the Sunnah, and to only them, as they alone are the Shar’iyah texts. They alone should be examined and studied in order to

arrive to the Hukm (judgement) of Allah in every issue. That is because the Shar'iyah texts are the **"Ship of Nuh (as)"**. Whoever boards it is safe and saved and whoever falls behind, drowns and perishes. That is regardless of how much the person deludes himself into thinking that he is capable of fighting against the waves or escaping the flood by heading to the peaks of the mountains.

That is as referring to Allah and His Messenger, which means by necessity to the Shar'iyah texts, is Islam and Iman. It represents the essence of **"Al-Ubudiyyah"** (right of worship), for the purpose of which man and Jinn were created. Even if the rational study in relation to the essence of things, whether objects/items, actions or statements, in order to know if they **were "Tayyib", "Khabeeth" or "Fahisha"** was possible, indeed, even if this was very easy and uncomplicated, this would not be permissible in respect to the one who seeks to arrive to the Hukm Ash-Shar'iy. That is because this is not referring to Allah and His Messenger, even if it is permissible to engage in that within the scope of an objective study or philosophical research, in order to attain knowledge about the essence of things and matters and their compositions or structures, and not for the purpose of knowing the Hukm (ruling / judgement) of Allah in respect to them.

This is the truth which must be believed in and other than that is not permissible for the one who believes in Allah and the Last Day. Then, whoever disbelieves (thereafter) then Allah is sufficient from mankind and all that He created.

Sheikh Ahmad Shakir, may Allah's mercy be upon him, said: [These laws which the enemies of Islam, who are blatant in their animosity, have imposed upon the Muslims, are in reality representative of another Deen. They have set a Deen for the Muslims in place of their pure and lofty Deen. That is because they have obliged obedience to them and planted in their hearts love and reverence for them and a partisan attachment to them. It has reached the point where tongues and pens often mention statements such as "Veneration of the law", "Sacredness of the law", "Sanctity of the court" and other similar statements which they refuse to describe the Islamic Sharee'ah and the opinions of the Islamic jurists with. Rather, they describe that with words such as "Backwardness", "Stagnation or rigidity", "Clergy", "The Sharee'ah of the jungle", to the likes of what has been seen in terms of reprehensible and abominable descriptions found in contemporary newspapers, magazines and books, which have been written by the followers of those pagans].

He, may Allah's mercy be upon him, then elaborated that some "Muslims" **have increased deteriorated** further and have dared to compare and outweigh between the Deen of Islam and its Sharee'ah and between their new fabricated Deen. He said: [This new Deen has come to represent the fundamental principles which the Muslims go to for judgement in most of the lands of Islam. **That is whether there are from them that which agrees with some of the Ahkam Ash-Shar'iyah in some of the rulings or that which contradicts them. All of this is Batil (false and invalid) and a departure (from the Haqq). That is because that which agrees with the Sharee'ah only does so by coincidence and not as a result of following it or due to obedience to the command of Allah and the command of His Messenger. therefore such, both that which agrees and that which contradicts have fallen into the mire of misguidance, leading its companion to the fire of hell.** It is not permissible for a Muslim to submit to it and accept it (or be pleased with it)]. In another place, he, may Allah's mercy be upon him, said: [The matter in respect to these man-made laws is as clear as the sun. It is Kufr Bawaah (flagrant disbelief) and there is no hiding in relation to that, no evasion and no excuse for someone affiliated to Islam, whoever he may, in respect to acting in accordance with it, submitting to it or approving of it. So let the person beware and let every person be the one who accounts himself].

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Islam is not the prohibition of Khamr (alcohol), Riba (usury), Zina (fornication and adultery) or the Tahreem (prohibition) of this matter or that, just as it is not the obligation and commitment to such and such a matter. Rather, Islam is obedience to Allah and absolute submission to Him. If He made Khamr permissible we would make it permissible, then if He prohibited it, we would prohibit it. If He made the Salaah obligatory, we would perform it as such, and if He forbade it, we would leave it. If He commanded us to slaughter our sons as an act to gain closeness to Him (and His pleasure), we would do so, and if He forbade us from that we would comply. And the matter is always like this for every issue!

Indeed, had Allah commanded some of the women to abstain from marriage, become nuns and live in monasteries **and in isolation**, that would then have been a ritual of **worship and an act of gaining closeness to Allah in respect to them**. And had He commanded others to marry, to devote themselves to giving birth and to avoid the use of contraception, then that would have been a ritual of worship **and act of gaining closeness to Allah in respect to them**. And the matter is always like that. **The command of Allah is obligatory to obey, absolutely, with no restriction or condition, apart from that which He has made a restriction or conditional. This is the pure (sincere) 'Ubudiyah (worship): The obedience to the command of Allah and absolute (unrestricted) submission (and surrender) to Him, with complete acceptance (contentment) and submissiveness, whilst providing perfect (and complete) love and glorification to Him. There is no Ilaha (deity) other than Him, no Rabb (Lord) except Him; He does as He wishes and chooses and there is nothing or no one to revise or check His Hukm (judgement). He is not questioned about what he does, whilst they (mankind) are questioned.**

In any case, referring to Allah and His Messenger, and obedience to Allah and His Messenger is Islam. It is the only Deen accepted by Allah and it represents the 'Ubudiyah (worship) for the purpose of which we were created to fulfil. Allah (swt) said:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

And I did not create the jinn and mankind except to worship Me (Adh-Dhariyat: 56).

Adherence to the Ahkam Ash-Shar'iyah is therefore the purpose of the creation of man and the meaning of human existence. 'Ibaadah (worship) is submission, subservience and obedience i.e. adherence to every command and prohibition, just as we have thoroughly explained in detail, in this paper! The one who does not fulfil this 'Ubudiyah (i.e. right of worship to Allah alone), for the purpose of which he was created, then his non-existence is better than his existence and the grazing livestock, which has not been charged with following the Sharee'ah, is better than him.

Indeed, the matter is even more hideous and reprehensible than that and the situation is more bitter and more calamitous. That is because the one who does not fulfil the 'Ubudiyah is a Kafir (disbeliever), following a Deen other than the Deen of Al-Haqq (the truth); the Deen of Islam. Whoever is like that, then his actions are without reward, his efforts are cut off and he will be destroyed in the hereafter. Allah (swt) said:

وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ

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And whoever desires other than Islam as a Deen, then never will it be accepted from him, and in the Hereafter, he will be among the losers (Aali 'Imran: 85).

Such a matter does not only mean a life that is empty without meaning and an empty existence without purpose. If the matter had been like that only, regardless of its detestability and repulsiveness, the matter would be somewhat lighter than it actually is. However, it is greater and more severe than that, it means the eternal loss and never-ending curse in the fire of Jahannam (hell)!

–Section: Western democracy contradicts the Siyadah (sovereignty) to the Shar'a (Islamic legislation)

Western democracy is established upon the opposite of what we have mentioned, and the secular capitalist ideology is established upon the basis of the separation of the Deen (religion) from life and consequently, the separation of the Deen from state. As such, the ruling system has no relationship with the Deen. Western democracy, as a form of the ruling system in capitalism, comes from the basis that the human sets his system. For that reason, the Ummah (or people) is the source of the authority; the Siyadah (sovereignty) belongs to the people and not to the Shar'a.

Therefore, the Deen revealed by Allah is definitively separated and isolated in the western democratic system because the west embraced this thought (after a terrible struggle between the European philosophers on one side and the church and despotic rulers on the other side) initially, from a practical angle, as a middle or compromise solution. This practical compromise solution then developed, following a long discussion among the popular, religious and intellectual circles, in addition to a great effort from the philosophers, thinkers and political activists, to become an ideology i.e. a comprehensive belief for the universe (or existence), man and life, from which a complete system emanates. It developed until the thought of the separation of religion from life became the intellectual basis for the western person which specifies his viewpoint in life. Secularism or "Ad-Dunyawiyyah" (that which is only concerned with the life of this world), which is sometimes called "Laïcité" (French term for separation of religion from public life), became the prevalent "Deen" in the west. It is in accordance with its true reality a Deen established with all of the functional features of a Deen. This meant that Europe exited from the Deen of the "Clergy" and entered the Deen of the "Masses or common folk", which reflects a word for word translation of the term "Laïcité". Upon this basis, all of the problems of life among them are treated and solved and upon this basis western democracy was brought into being. The Siyadah (sovereignty) in western democracy therefore belongs to the people, whilst in the ruling system of Islam it belongs to the Shar'a. Therefore, what a vast difference there is between the one who establishes his system upon the basis of the Shar'a and the one who establishes it upon the basis of the 'Aql (mind).

If the west itself believes that democracy has no basis for it emanating from the revealed Deen and has no relationship to the divinely revealed revelation (Al-Wahy), but has rather been set by man, and in truth has been imitated from the Roman Greek heritage, then it is possible to say that it is a gross deception for people to attempt to apply the terminologies which have no relationship with Islam, upon Islamic thoughts and systems, let alone describe them as being Islamic and dress western democracy with the garb of the Islamic Sharee'ah. It is truly astonishing that we find some of our scholars and thinkers attempting to insert under the banner of Islam, a foreign western view

or theory. That is because the western perception of the nature of the Deen, in respect to it only being a belief held in the conscience that has no relationship with the real systems of life, has enveloped the thoughts of the contemporary researchers (those who have become defeated).

Whoever investigates the opinion of those who state that western democracy is Shar'iyah (legitimate in accordance with the Shar'a), will not find any Shar'iy Daleel (evidence) to support their opinion. It is merely an opinion, which runs **panting** behind every innovation, to arrive to the separation of the Deen from the state and to deny that the Khilafah system, which is established upon the basis of the Siyadah (sovereignty) belong to the Shar'a and which prevailed among the Muslims for centuries upon centuries, is an integral part of the system of Islam.

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As the ruling system in Islam is established upon the basis of the Shar'a, while the democratic system is established upon the basis of separating the Deen from life, the western democratic system is a system of disbelief, which Allah has revealed no authority (or proof and evidence) for.

The Shar'a is the Haakim (judge) that issues its Hukm (judgement) upon the actions of the human and upon the things connected or related to his actions. As such, the Siyadah (sovereignty) of the Shar'a is absolute. There is no **other?** meaning to the statement of Allah (swt):

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إِن الْحُكْمُ لِلَّهِ

The ruling (or judgement) is for none but Allah

Unless the Shar'a is the Haakim (judge) and possesses the sovereignty alone in an absolute manner. The Burhan (proof / evidence) has already been established for the sovereignty (Siyadah) belonging to the Shar'a and that no Hukm (judgement) belongs to the mind, a matter that is established by the Qur'an, the Sunnah, Ijma' (consensus) of the Sahabah and in accordance with the dictates of the mind ('Aql) itself.

Democracy is therefore established fundamentally upon the Siyadah (sovereignty) belonging to the people. That means to the mind ('Aql) in theory but actually and in practise, to whims and desires, class, factional and territorial interests. Islam rejects all of that absolutely and establishes that the principle for the ruling is that the sovereignty belongs to the Shar'a and not the people. Allah (swt) says:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], the judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission (An-Nisa': 65).

And the Messenger of Allah (saw) said:

مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ

Whoever innovates something in this matter of ours, that is not from it, then it is rejected.

Consequently, any system of ruling established upon the basis that the Siyadah (sovereignty) belongs to the Shar'a, reflects the system that Allah (swt) revealed. As for if it established upon the basis that the sovereignty belongs to the people, then the system, in such a case, would have gone outside of Islam and would represent going for judgement to Taghut i.e. it represents disbelief in what was revealed upon Muhammad (saw) and all of the Prophets who preceded him. Allah (swt) said:

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ ۚ فَإِنْ تَوَلَّوْا فَاعْلَمُوا أَنَّمَا يُرِيدُ اللَّهُ أَنْ يُصِيبَهُمْ بِبَعْضِ ذُنُوبِهِمْ ۗ وَإِنَّ كَثِيرًا مِّنَ النَّاسِ لَفَاسِقُونَ * أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنْ اللَّهِ حُكْمًا لِّلْقَوْمِ يُوَفُّونَ

And so judge between them by what Allah has revealed and follow not their vain desires, but beware of them lest they tempt you away from some of that which Allah has sent down to you. And if they turn away, then know that Allah's Will is to punish them for some sins of theirs. And truly, most of men are Fasiqun (rebelliously disobedient to Allah) * Do they then seek the judgement of Jahiliyah (pre-Islamic Ignorance)? And who is better in judgement than Allah for a people who have firm Iman (Al-Ma'idah: 49-50).

Going to the people for judgement by making the people possess the Siyadah (sovereignty) means going to Jahiliyah for judgement i.e. going to judgement to flagrant Kufr (disbelief).

As the Haakim (judge) is the Shar'a, where there is no Hukm (judgement or ruling) before the Shar'a has come with it and it is the Shar'a that generates the judgements and rulings (Ahkam) by bringing them, and they have no presence or existence prior to that, then what western democracy is established upon, in terms of its political system philosophy and designating the sovereignty to the 'Aql (mind), reflects no more than an invalid and false thought which is rejected by the Quranic text. That is because there is no sovereignty to other than the Shar'a and all the laws which are drafted by the people based upon the mind alone, are only laws which have not been deduced in accordance with the Shar'iyah. As such, they are not Ahkam Shar'iyah and whatever is not from the Shar'a (i.e. not from Islam) is designated to be Kufr (disbelief) and nothing other than that.

It is therefore not permissible to act with it in the lands of the Muslims, even in respect to that which conforms to the Islamic legislation. That is because the one who set it at the time of its setting did not examine its agreement to Islam or its inconsistency and contradiction to it. Rather, they only examined its conformity to the 'Aql (mind), or to the accomplishment of an interest, or its agreement with the laws of Europe, their principles and foundations. Whoever makes all of that or some of it the origin and foundation that he refers to is sinful, a disbeliever and apostate, whether he set a ruling which agreed with Islam or was contrary to it. That is because the laws which emanated from the western democratic system, which separated the Deen from the state, are established in origin based upon the 'Aql (mind) and as such they are laws which disbelieve in Islam as a comprehensive, complete and general system for all life's affairs. It is because **Islam is referring to Allah and His Messenger** alone and no source other than that, without addition or subtraction.

Section: There is no 'Adl (justice) other than the justice of Islam

It is true that there could be found within some of the systems of disbelief a shade of justice and a distancing from the most repugnant forms of oppression which are rejected by rational populaces. Some legal protection and constitutional processes can be found which prevent detention for the one who was not caught engaged in a crime. It cannot be done except through the judgement of the court while the extension of detention without the permission of the judges is illegal. One can also find a rejection of torture in addition to balanced judicial proceedings, independence of the judiciary from the behaviours of the executors, non-compulsion in respect to religion and other attractive features. The matter is like what the Prophet (saw) said concerning Al-Habasha (Abyssinia) at the time of the Najashi (Negus): **"In it you will find a King where none are wronged (or dealt with unjustly)"** or something similar to that wording.

Islam, Al-Hamdu Lillah, has all of those **"rational"** attractive features and merits. Indeed, it is better, defined more precisely and greater in the fulfilment of the rights of the individual and the society equally. The tyrant rulers in the lands of the Muslims, especially in our current time, and at the forefront of which are the family of Saud, have distorted the image of Islam, generated an aversion amongst the people towards it and diverted them from it, through the application of disbelieving, oppressive, rebelliously disobedient, rotten and corrupt systems, which some have fraudulently and deceitfully called **"Islamic"** or **"Tawhid"**, to deceive and mislead the Muslims and to **turn others than, them from this upright Deen and in an attempt to divert them from the path of Allah.**

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However, absolute justice, will never be realised except by making the Siyadah (sovereignty) belong to the Shar'a and in the absence of that, complete justice will not be achieved, the Haqq (truth) will not be established and the Ummah will not revive. That is as the elevated and lofty life cannot exist in other than the shade of Islam and the Islamic Ummah has not tasted the flavour of justice, the truth and revival, except under the shade of the Islamic state, and especially the period of the rightly guided Khulafa' (rulers) and those who resembled them from the leaders (Imams) of justice. And the Islamic Ummah did not taste lowness, defeat, decline and colonisation, except after the weakness of the Islamic Khilafah, followed by its disappearance and the fall of the Muslims under the rule of the capitalist system which was established upon the basis of the separation of the Deen from the reality of life.

Indeed, Europe did not free itself from the tyranny of the church, feudalism and absolute despotic kingships, except after some of the Islamic thoughts reached them, such as those related to: The sovereignty of the law, the responsibility of the rulers, their human (i.e. non-theocratic) character, their being held to account, the right of the people, all of the people without exception, in respect to Ijtihad and leaving Taqlid, the denunciation of theocracy and the (blind) following of the rabbis and priests, and the rejection of blind subservience to the masters and powerful noblemen!

Absolute justice and truth are found in referring to the Shar'a and the Shar'iyah texts have guided to that. Allah (swt) said:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

Verily! Allah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Truly, Allah is Ever All-Hearer, All-Seer (An-Nisa': 58).

This Ayah (verse) was revealed in relation to the rulers, commanding them with the obligation of ruling between the people with 'Adl (justice), which is not accomplished except by the application of the Shar'a upon the people and strictly adhering to what Allah (swt) revealed in terms of His great, complete and comprehensive commands and legislations. The evidences have indicated "That the Hukm (judgement) of the Imam (leader) of the Muslims is judged among the people in accordance to what he views to conform to the Shar'a" because the 'Adl (justice) is found in the Shar'a, whilst injustice is found in other than it, as an inevitable reality.

Allah (swt) commended ruling among the people with justice ('Adl) when he said:

إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ

Verily, how excellent is the teaching which He (Allah) gives you!

Therefore, all goodness is found in the justice of the Shar'a, because it contains the wellbeing of the Dunya (life of this world), the rectification of the human, his elevation to the true and worthy levels of humanity and the happiness of (human social) collectives. **Allah (swt) has definitively negated that the judgement by other than the judgement of the Shar'a accomplishes that:**

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وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوفُونَ

And who is better in judgement than Allah for a people who have certain belief (Al-Ma'idah: 50).

Ibn Kathir said in his Tafsir of this Ayah (verse): [Allah condemns the one who leaves the clear Hukm (judgement) of Allah that comprises all goodness and forbids all evil and diverts to other than it in terms of opinions, desires and terminologies which men have put down, without any basis for that from the Sharee'ah of Allah. That is similar to what the people of Jahiliyah (pre-Islamic ignorance) used to rule with in terms of misguidances and ignorance which they set in accordance with their opinions and desires. And just like the Tatars used to rule in terms of monarchical policies which they took from their king Genghis Khan who set for them Al-Yaasiq, which was a set of rulings which he had derived from a variety of legislative sources, including from the Jews, the Christians, the Islamic Millah and others. There are also within it many rulings which he took from his mere desires. It became a law to be followed amongst his sons (or followers) which was given priority over the Kitab of Allah and the Sunnah of His Messenger (saw). Therefore, whoever does that is a Kafir (disbeliever) whom it is obligatory to fight against until he returns to the Hukm of Allah and His Messenger, as none other than Him rule (or judge) in every small and large matter].

Sheikh Muhammad bin Ibrahim Aali Ash-Sheikh said: [It is from the manifest Kufr Al-Akbar (Major disbelief), to place the abominable law (i.e. man-made law) at a standing equal to that which was revealed via the Ruh Al-Ameen (Jibreel 'Alaihi As-Salaam) upon the heart of Muhammad (saw), so that he be from those who warn, in a pure Arabic tongue, and for judgement to be made by it (i.e. the revelation) amongst all mankind and for it to be referred to resolve all disputes].

The great scholar Sheikh Muhammad Al-Ameen Ash-Shinqeety said in “Adwaa’ ul-Bayaan”: [Ruling by a system contrary to the legislation of the Creator of the heavens and the earth in respect to the people of the society, their wealth (properties), honour and lineage, represents Kufr (disbelief) in the Creator of the heavens and the earth and rebellion against the divinely revealed system that has been set by the One who created everything and knows what is in their interests. Glorified and elevated be He, for there to be another legislator besides Him:

لَمْ يَأْذَنْ بِهِ اللَّهُ
لَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

Or have they partners (with Allah), who have instituted (legislated) for them a Deen which Allah has not provided permission for (Ash-Shura: 21).

قُلْ أَرَأَيْتُمْ مَا أَنْزَلَ اللَّهُ لَكُمْ مِنَ رِزْقٍ فَجَعَلْتُمْ مِنْهُ حَرَامًا وَحَلَالًا قُلْ اللَّهُ أَذِنَ لَكُمْ أَمْ عَلَى اللَّهِ تَفْتَرُونَ

Say: “Have you seen what Allah has sent down to you of provision. Then you have made [some] lawful and [some] unlawful?” Say: “Has Allah provided you with permission [to do that], or do you invent (lies) against Allah?” (Yunus: 59)]. (Adwaa’ ul-Bayaan: 4/84).

The guidance is therefore the guidance of Allah and the ‘Adl (justice) is what Allah has judged with. As such, the Zhulm (oppression), all Zhulm, is only represented in the application of the laws which Allah (swt) did not reveal. Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ

O you who have believed, respond to Allah and to the Messenger when he calls you to that which gives you life (Al-Anfal: 24).

As-Suddiy said: [Therefore, **in Islam is their life after the death with disbelief**]. This means that there is no life for this Ummah except with Islam and the Muslims do not have after their Islam any Hukm (ruling) that they apply, except that it would mean absolute and definitive death for them in all of life’s affairs: military, economic and political. And they do not have after this Deen which Muhammad (saw) came with, except misguidance, blindness and pre-Islamic ignorance (Jahiliyah):

هَمَّاذَا بَعْدَ الْحَقِّ إِلَّا الضَّلَالُ

And what is after the Haqq (truth) except for misguidance? (Yunus: 32).

This means that there is one Haqq (truth) and not numerous truths. Anything besides it is Dalaal (misguidance) whatever the system is which is applied over the Muslims, whether it is socialism or capitalism. That is because all of the systems which are produced by man **are nothing but falsehood?** (and invalid), and there is no debate about that. Ibn Kathir said: [That which was revealed to you from your Rabb (Lord) is the Haqq (truth) through which his (i.e. the human being’s) affairs in the life of this world are made right].

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In addition, when the supreme Hakimiyah in a given society belongs to Allah alone, manifested in the sovereignty of the divine Sharee'ah, this would represent the single form in which man is liberated completely and in truth from the 'Ubudiyah (worship) of man. This would reflect real and true human civilization. That is because human civilization requires a fundamental basis for the **real** and complete liberation of the human being and for the provision of absolute dignity for every individual in the society. That is because there is no freedom in reality and no human dignity in a society where some of them are lords legislating and others are slaves obeying. What real and true justice and freedom can be achieved in a society of Jahiliyah (pre-Islamic ignorance); a society which makes people worship people through some people legislating for others in that which Allah has provided no permission for, regardless of the form that this legislation takes?! For this reason, democracy does not in reality represent except this form of Zhulm (oppression) and worship, as the sovereignty in it belongs to the people. Its claimed freedom is a fake animalistic freedom, most of it revolves around letting desires run wild, the freedom to copulate like donkeys and to take intoxicants and drugs!

- Section: The obligation of the comprehensive and immediate application of Islam

It has been established by way of Tawatur (definite reports) with certainty and agreed upon by every Muslim and (even) disbeliever, that the Prophet (saw) used to apply every Hukm Shar'iy immediately upon its revelation from Allah (swt), with the only exception being that which the Wahi (revelation) brought establishing the permission to delay its application and the manner of that delay which the text specified. This remained until His speech (swt) was revealed:

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا

This day, I have perfected your Deen for you, completed My Favour upon you, and have chosen for you Islam as your Deen (Al-Ma'idah: 3)

At that juncture Islam became complete and firmly established until the Day of Judgement and it became obligatory to implement wholistically and immediately. That applies to every detail and part, except for that which the text exempted, and it must be applied in accordance with the limits, principles and manner which the text specified.

Allah (swt) also said:

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ ۚ فَإِنْ تَوَلَّوْا فَاعْلَمُوا أَنَّمَا يُرِيدُ اللَّهُ أَنْ يُصِيبَهُمْ بِبَعْضِ دُنُوهُمْ ۚ وَإِنَّ كَثِيرًا مِنَ النَّاسِ لَفَاسِقُونَ * أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنْ اللَّهِ حُكْمًا لِقَوْمٍ يُظِلُّونَ

And so judge between them by what Allah has revealed and follow not their vain desires, but beware of them lest they tempt you away from some of that which Allah has sent down to you (Al-Ma'idah: 49-50).

This is a command to the Messenger (saw) and to those rulers who come after him by greater reason, for them to rule by all that Allah has revealed in terms of Ahkam (ruling). That is because the “ما” (Maa) in the verse is from the forms of generality and in the verse, Allah has forbidden the Messenger (saw) and the rulers who come after him by greater reason, from following the desires of the people, just as He warned him and the rulers after him from allowing the people to tempt them away from **some** of the rulings which Allah revealed. Being tempted or enticed away from one Hukm (ruling or judgement) means by necessity being tempted from some of what Allah has revealed, which Allah warned about and forbade with the strongest prohibition, and it is equal to being tempted away from all the Ahkam (rulings), without difference!

Allah has made the one who does not rule with all of the rulings that He revealed a Kafir (disbeliever), a Zhalim (transgressor / oppressor) and Fasiq (rebelliously disobedient). That is because the “ما” (Maa) mentioned in the verses about ruling in Surah Al-Ma'idah are general for all of the revealed rulings (Ahkam), as it is from the forms of generality which we have previously mentioned.

Allah has made it obligatory upon the Muslims to enter into Islam completely without deficiency and He threatened them with a general threat if they violated that command. He (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ ۚ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ * فَإِنْ زَلَلْتُمْ مِنْ بَعْدِ مَا
مَجَاءَكُمْ بِالْبَيِّنَاتِ فَاغْلُظُوا أَنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

O you who have believed, enter into Islam completely [and perfectly] and do not follow the footsteps of Shaytan (Satan). Indeed, he is to you a clear enemy. (208) But if you deviate after clear proofs have come to you, then know that Allah is Exalted in Might and Wise (Al-Baqarah: 208-209).

This means: Enter Islam with all of its rulings and legislations and do not turn away from any Hukm (ruling) from His rulings as that would be following your greatest enemy! Whoever violates a ruling from His rulings, after it had reached him with its evidence and proof, in the form of an act of disobedience (Ma'siyah) or rebelliousness (Fisq), has slipped up and moved towards danger. As for the one who abandoned anything from His legislations and rulings, disavowed them, rejected them by way of denial, or due to hatred, contempt and belittling of them, or turned away from them in opposition and found them undesirable, then he is a Mushrik Kafir (Disbeliever who has associated false deities with Allah), has exited from the folds of Islam, has dissociated himself from Iman and reserved a firm place for himself in the fire of hell, **the house of destruction** and the most wretched place to be settled in.

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In addition, the Messenger (saw) obliged fighting against the rulers and unsheathing the swords in their face if the Kufr Bawaah appears from them, for which we have a Burhan (clear proof and evidence) from Allah i.e. if the ruler rules by the rulings of disbelief (Kufr) and even if he does so in only one Hukm (rulings). That is in accordance to what came stated in the Hadith of 'Ubadah bin As-Samit:

وَأَنْ لَا تُنَازِعَ الْأَمْرَ أَهْلَهُ، إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا، عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ

“And that we must not dispute the authority of its people unless (he said) you see Kufr Bawah for which you have a Burhan (clear evidence/proof) from Allah”.

“Kufr Bawah” (كُفْرًا بَوَاحًا) is Nakirah (i.e. it has come without the definite article) in the context of a Shart (condition) which encompasses every Kufr (disbelief), whether it is a statement or act, Aqeedah (belief) or action, one or more.

Consequently, Islam must be established in its entirety, all of it must be applied and gradualism is not permissible in respect to its application. That is because the Muslims have been requested as individuals, as a collective and as a state to apply it completely. Allah (swt) said:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا

And whatever the Messenger has given you, take it and whatever he has forbidden you, refrain from it (Al-Hashr: 7).

This means that it is obligatory upon you to take all that the Messenger (saw) has brought to you in terms of obligations and to refrain from all that he has forbidden you in terms of prohibitions. That is because the “Maa” (مَا) in the verse is from the forms of generality and as such includes the obligation of taking all that he commanded you with in terms of commanded matters and the obligation of abstaining from all that he has forbidden in terms of forbidden matters.

As for the state, then the continuance of any system, law, statute or constitution contrary to Islam within its entity means the continuance of the Kufr Al-Bawah. It prevents it from being an Islamic state and instead its system becomes a disbelieving one and its Dar (homeland) becomes a Dar al-Kufr (land of disbelief) due to the emergence of the rulings of disbelief in it. That is even if that defect was in respect to one ruling only as long as it was contrary to what is definite in transmission and meaning from Islam. As such, we determine the following principle:

Principle: [It is obligatory to apply Islam completely and in one go. Gradualism is Haram (prohibited) in respect to the application of its Ahkam (rulings). That is because, after the descent of the statement of Allah (swt):

هَٰذَا يَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ

This day, I have perfected your Deen for you (Al-Ma'idah: 3)

The Muslims came to be requested to act with all the Ahkam Ash-Shar'iyah; whether it was related to the 'Aqaa'id (beliefs), 'Ibaadaat (ritual acts of worship), Akhlaq (morals / manners), Mu'aamalaat (societal transactions), to the rule, economy, social system or foreign policy in respect to the relationship with (other) peoples, nations and states, in the state of peace or war].

That is because there is no difference between one Hukm and another, or between one Wajib (obligation) and another, or between one Haram (prohibition) and another Haram. Just as it is obligatory to perform the Salah (prayer), Sawm (fasting) and give the Zakah, it is likewise obligatory

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upon us to appoint a Khalifah, to remove the rulings of disbelief and to rule by what Allah has revealed. Just as it is prohibited upon us to drink alcohol, devour usury (Riba), it is also prohibited to remain silent over the oppressive and rebelliously disobedient rulers. Similarly, it is prohibited to us, with the strongest and firmest prohibition, to remain silent over the application of the rulings of disbelief and ally with the disbelieving states who are at war against Islam and persecute the Muslims.

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Consequently, there is no excuse for the non-application of all the Ahkam of Islam, in one go and without gradualism, based upon the argument of inability to apply them, or that the circumstances are not suitable for their application, or that the international public opinion would not accept that, or that the major world states would not accept it, or any other fragile invalid arguments. They are all fragile excuses and arguments which hold no value. Anyone who employs these arguments and takes them as an excuse for not applying Islam completely, then Allah will not accept any of that from him.

Despite the clarity of what we have mentioned, some of the contemporary Islamists have become involved in participation in the ruling within some of the disbelieving systems. Consequently, they involved themselves in the ruling by other than what Allah revealed, whilst using invalid and fragile arguments and excuses. These include:

(1) The first specious argument (Shubha): That Yusuf, peace be upon him, participated in the ruling in Egypt and he was a minister under the rule of a disbelieving king.

The fallacy and invalidity of this argument hardly requires a great deal of thought because the reality of the work undertaken by Yusuf with the king of Egypt is not known to us with the necessary preciseness to arrive at that conclusion. As such, there are many possibilities, which we will mention beneath, whilst it is known that when possibilities exist, the deduction becomes invalid.

As for the majority of the earlier scholars of Tafsir, then their opinion was that the king delegated to Yusuf all of the mandatory powers of ruling and authority, whilst maintaining for himself the throne and the title of monarch alone. It is like what came in the Tafsir of At-Tabari: [Allah (swt) says: (وَقَالَ) "And the king said". This means the greater (or main) king of Egypt and according to what Ibn Ishaq mentioned was: Al-Waleed bin Ar-Rayyan. Ibn Humaid informed us of that when he said: Salamah related to us: When the excuse of Yusuf became apparent (i.e. his innocence) and his trustworthiness and knowledge became known, he (the king) said to his companions: "Bring him to me that I may attach him to my person". He said: "Make him exclusively of my faithful adherents". Concerning His statement: (فَلَمَّا كَلَّمَهُ) "Then when he (the king) spoke to him (Yusuf)" he said: Then when the king spoke to Yusuf, he was aware of his innocence and great trustworthiness, he said to him: Indeed, O Yusuf, you have among us a standing and a position of full trust i.e. you are firmly established in what you wanted, and what you wish for we will accept, due to your high standing and status among us, trustworthy in respect to what is entrusted to whatever is entrusted to him. Ibn Wake' related to us from 'Amr, from Asbaat, from As-Suddi, who said: When the king found that he had an excuse (i.e. that he was innocent). He said: "Bring him to me so that I may attach him to my person". Bishr related to us saying: Yazid related to me from Sa'id, from Qatadah, concerning His statement: "That I may attach him to my person", he said: It means take him for himself. Abu Kuraib related to us from Wake', from Sufyan, from Abu Sinaan, from Ibn Abu Al-Hudhail: (Concerning the Qawl) And the king said: "Bring him to me so that I may attach him to my person".

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He said: (It means that) the king said to him: "I want to attach you exclusively to myself however I do not accept that you eat with me". Yusuf then said: "I am more entitled to object. I am the son of Ishaq or I am the son of Isma'eel" (Abu Ja'far was not sure which he said). In my book it was said: "The son of Ishaq the sacrificial slaughter of Allah, the son of Ibrahim the Khaleel of Allah". Ibn Wakee' related to us from his father, from Sufyan, from Abu Sinaan, from Ibn Abu Hudhail (who related) similar to that except he said: "I am the son of Ibrahim the Khaleel of Allah, the son of Isma'eel the sacrificial slaughter of Allah". Ahmad bin Ishaq related to us from Abu Ahmad, from Sufyan, from Abu Sinaan, from Abdullah bin Abu Al-Hudhail, who said: Al-'Azeez (the king) said to Yusuf: "There is no matter except that I would like for you to share with me in it, although I do not wish for you to share with me in respect to my family and that my slave eats with me". He (Yusuf) said: "FeDo you reject that I eat with you? I am more entitled than you to make such a rejection. I am the son of Ibrahim the Khaleel of Allah, the son of Ishaq the sacrificial slaughter, the son of Ya'qub whose eyes went white (i.e. blind) due to grief". Abu Kuraib related to us from Sufyan bin 'Uqbah, from Hamzah Az-Ziyaat, from Ibn Ishaq, from Abu Maysarah, who said: When the king observed the smartness, intelligence and cleverness of Yusuf, he invited him and he used to eat lunch and dinner with him without his servants. Then when he was in the company of his wife, she said to him: "Lower his status and command him to take his lunch with the servants". He then said to him: "Go and eat with the servants". Yusuf then asked him directly: "Do you wish to eat with me or abstain from doing so? I am by Allah Yusuf the son of Ya'qub the Prophet of Allah, the son of Ishaq the sacrificial slaughter of Allah, the son of Ibrahim the Khaleel of Allah". Allah, magnificent is His praise, informs us that Yusuf said to the king: "Place me in charge of the storehouses (Khazaa'in) of your land", where "Khazaa'in" is the plural of "Khazeenah" and the "Alif and Laam" were inserted upon "Al-Ard" (the land) in place of the Idaafah, like when the poet said: "الأخلام غَيْرُ عَوَارِبٍ" (celibate dreams). It was Yusuf who asked the king to appoint him over the matter of the food of his land, its extraction and to take charge of the land's means of subsistence. The king then did that as far as I have been informed. In addition, Yunus related to me from Ibn Wahb, from Ibn Zaid who said concerning His statement: "Place me in charge of the storehouses (Khazaa'in) of your land" he said: The Fir'awn had Khazaa'in (storehouses) other than those for food. He said: So he handed over all of his authority to him and made him in charge of the judiciary and his (Yusuf's) command and judgment was executed. Ibn Humaid related to us from Ibrahim bin Al-Mukhtaar, from Shaibah Ad-Dabbiy, concerning His Qawl: "Place me in charge of the storehouses (Khazaa'in) of your land" he said: He was appointed over the preservation of the food. And (concerning) His Qawl: "Indeed, I will be a knowing keeper", then the people of interpretation have differed concerning the interpretation (Ta'weel) of his statement. Some of them said: The meaning of that is I am good at guarding what you have entrusted with me and knowledgeable regarding what you have appointed me over. A mention of who said that: Ibn Humaid related to us, from Salamah, from Ibn Ishaq: "Indeed, I will be a knowing keeper" which means: Indeed, I am good at guarding what you have entrusted to me and knowledgeable in respect to dealing with the famine (or food shortage).

Others said: (It means) I am good at maintaining the accounts and knowledgeable in eloquent or articulate language (or in expressing opinions). A mention from those who stated that: Ibn Wakee' related to us from 'Amr, from Al-Ashja'iy (who said): "Indeed, I will be a knowing keeper" which means: Good at maintaining accounts and knowledgeable in eloquent or articulate language (or in expressing opinions). The first of the two views is preponderant in our opinion, the view of those who said that its meaning is: I am good at guarding what you have entrusted with me and knowledgeable regarding what you have appointed me over. That is because it followed his statement: "Appoint me over the storehouses of the land" and asking the king to leave the storehouses of the land to his competency. Therefore, it is more likely that he was informing him

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about his expertise in that (area) and competency in relation to it, **is more likely** than the view that he was informing him about his good maintenance of accounts and his knowledge of eloquent language (or good expression of opinions).

Allah, glorified be His mention, says: In this manner we facilitated for Yusuf a foothold in the land, meaning the land of Egypt, to settle in it as he wishes. He said: Take from the land of Egypt as a place to settle wherever you wish after your imprisonment and confinement. We bestow with our mercy whom we will from our creation, just as we bestowed it upon Yusuf. We established him firmly in the earth after enslavement, captivity and being thrown into the well and **we do not** waste the reward of the good doers. He said: We do not invalidate the reward of the one who has acted **good**. That is because he obeyed his Rabb (Lord), acted by what He commanded him and abstained from what He forbade him. Similarly, we did not negate the reward of Yusuf when he acted **good – (as above)** and obeyed Allah. As such Allah established Yusuf firmly in the land. This is what was related to us by Ibn Humaid, from Salamah, from Ibn Ishaq, who said: When Yusuf said to the king: “Place me in charge of the storehouses of the land, indeed I am a knowing keeper” the king responded to him saying: “It is done”. So, he appointed him. In respect to what they mentioned, he made arrangements with Itfeer (the name of the Azeez) and discharged Itfeer from what he had been upon (in terms of position). Allah says:

وَكَذَلِكَ مَكَّنَّا لِيُوسُفَ فِي الْأَرْضِ يَتَّبِعُوا مِنْهَا حَيْثُ يَشَاءُ

“And in this way, we established Yusuf in the land to settle therein wherever he willed ...” (Yusuf: 56)

It was mentioned to me, and Allah is more knowing, that Itfeer died in those nights and that the King Ar-Rayyan bin Al-Waleed married Yusuf to the wife of Itfeer, Ra’eel, and that when she came to him, he said: “Is this not better than what you had previously wanted?” He said: They then claim that she said: “O Siddeeq (truthful one), do not blame me. I was a woman as you see in good and beauty, **tender in authority and the life of this world**. My husband did not approach women and you were as Allah made you in beauty and appearance. So my inner self overcame me due to what I saw”. They claim that he found her to be a virgin and so he was intimate with her and she gave birth to two males: Ifratheem bin Yusuf and Meeshaa bin Yusuf. Ibn Wakee’ related to us from ‘Amr, from Asbaat, from As-Suddiy (that he said concerning):

وَكَذَلِكَ مَكَّنَّا لِيُوسُفَ فِي الْأَرْضِ يَتَّبِعُوا مِنْهَا حَيْثُ يَشَاءُ

“And in this way, we established Yusuf in the land to settle therein wherever he willed ...” (Yusuf: 56)

The king appointed him over Egypt and he (Yusuf) was **the one who possessed its affair**. He used to pursue the sales, trade and its entire affair. That is why He said:

وَكَذَلِكَ مَكَّنَّا لِيُوسُفَ فِي الْأَرْضِ يَتَّبِعُوا مِنْهَا حَيْثُ يَشَاءُ

“And in this way, we established Yusuf in the land to settle therein wherever he willed ...” (Yusuf: 56)

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Yunus related to us from Ibn Wahb, from Ibn Zaid, concerning His Qawl (swt): “To settle therein wherever he willed”, that he said: **We gave him the authority in respect to what was in it wherever he wished from that Dunyaa. He could do in it as he wished; it was delegated to him.** He said: **If he had wished to place Fir’awn under his hand (i.e. control) and make himself above him, he could have done that.** Al-Muthanna related to us from ‘Amr, from Hushaim, from Abu Ishaaq Al-Koofi, from Mujaahid, who said: The king who was with Yusuf became Muslim]. This marks the end of the speech of Imam At-Tabari, may Allah be pleased with him.

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These aforementioned statements as quoted by At-Tabari are as a whole in agreement with what the Old Testament related concerning the position and status of Yusuf in Egypt after being appointed over the storehouses of the land. It may be that we observed that all of them are statements of the Sahabah and Taabi’een and there is nothing from them which is Marfoo’ (raised to the Prophet (saw)) and not one single word from them. It is apparent that they return to the narrations of the People of the Book.

As for the narration of the Old Testament then it is not of the level of transmission upon which proof is established and consequently it does not provide assurance to the self. How could it when it is the same book which relates that it was Harun (peace be upon him) who made the calf idol, that more than one Prophet engaged in Zina (unlawful sexual relations), that Sulaiman disbelieved, apostatized and worshipped idols, that the daughters of Lut intoxicated him and then had relations with him and became pregnant from him. Allah forbid that such claims be attributed to the Prophets of Allah, Allah forbid!!

If those related reports were authentic then they are an evidence that Yusuf became a ruler by his command, ruling as he wished and that the king became a symbolic figurehead who “Owns but does not rule” which is the case in some of the present day “Constitutional” monarchical systems. Yusuf was therefore not a participant in respect to the ruling but was rather the real and effective ruler, and alone or singular in respect to commanding and forbidding. Indeed, Al-Qurtubi related in his Tafsir: [Ibn ‘Abbas said concerning Yusuf: He sat upon the bedstead (or throne) and the kings gave allegiance to him and the king retired to his house with his women and delegated to him the affairs of Egypt]. Indeed, Al-Qurtubi (even) claimed: [When the king delegated the affair of Egypt to Yusuf, he was kind to the people and began to invite them to Islam until they believed in it. He established justice among them and the men and women loved him]. Some of the scholars of Tafsir claimed that he decided for the king himself the appropriate meals of food when he complained to him of hunger during some of the days of the famine.

As for us, then we find all of that problematic. That is because the history of Egypt following that and what afflicted Bani Isra’eel in terms of enslavement and ignominy during that time is contradictory to all of that. That is unless it is said: All of that took place under the authority of the Hyksos who occupied Egypt and ruled it prior to that. Then when the people of Egypt and their original Pharaohs rebelled and expelled the Hyksos, paganism returned once again and Bani Isra’eel were enslaved and all traces of the Hyksos were erased. Then the Pharaohs returned to the “writing” of history?! Allah is most knowledgeable about all of that.

If that is authentic then the story of Yusuf does not contain any proof or evidence for participation in the systems of disbelief or being a minister under a disbelieving king. That is because the precept or crucial factor is in respect to it being ruling by what Allah has revealed, completely and not deficient in any way. Allah did not mix or blend the Hukm (judgement or ruling) of Allah with the Hukm of the

Taghut (false deities and references), not in that which is small nor in that which is large. As far as the king remaining upon his disbelief, if he indeed remained a disbeliever, enjoying the position of authority and even if only symbolic, does not present any contradiction to this precept. That is because all of that, necessarily, was permissible in the Sharee'ah of Yusuf based upon the evidence of Yusuf's agreement to that and his acceptance of it.

From a contrasting angle to this, it could be said that Yusuf, peace be upon him, oversaw the (management of) the storehouses of the land, meaning that he was undertaking a purely administrative action (or role). That is in the case where the original ruling in respect to the administrative actions is that of Ibahah (permissibility) unless a text has come specifically prohibiting it. This is the case in our Sharee'ah and it may have been the case in respect to the Sharee'ah of Yusuf, peace be upon him. There is no mention in the Qur'an that he used to engage in the matters of ruling, authority and taking care of the affairs of the people by way of delegation or generality. There is nothing to indicate otherwise aside from the reports mentioned above which are not sufficient to establish proof or evidence and do not provide assurance to the heart. That is because in the time of Yusuf, the kings were despotic and held absolute control, power and dominance. Their kingship was absolute and no one shared with them in that. The king legislated, ruled, executed and even judged. Anyone besides him was in an administrative position with limited jurisdiction in the best of circumstances or judges possessing no independence, whilst none would dare to show the slightest hint of disagreement to the king. This is especially true in respect to the Pharaohs of Egypt who believed that they were of the status of gods and the sons of the god of the sun.

Based upon this assumption, Yusuf was not a ruler nor did he participate or share in the ruling. Rather, he was only a storekeeper and executive assistant (or minister). This means that he was an employee, even if he was a highly ranked one, whilst he was not a ruler or someone possessing the rule and authority. If this is correct then using the story of Yusuf as evidential proof is nullified because its subject area is not at all related to the area of ruling, authority and rulers. It is also known that the correct and preponderant view of the 'Ulamaa, is that the administrative roles, whatever they dealt with, in addition to the ministries of execution (Wizaaraat At-Tanfeedh), are allowed for non-Muslims to assume posts in, within the Islamic state, as took place in practice during the history. As such, it is likewise permissible for the Muslim, according to the preponderant view, to assume similar roles or positions under the authority of disbelief, based on details which are not appropriate to delve into here. In any case, the subject area of administrative actions is from the branch Fiqhi areas of study as they are not a Hukm and not from the issues related to Kufr and Iman, which is the subject of our study and discussion here.

In addition, Yusuf, peace be upon him, did not practise judiciary as far as what has reached us, except for his accusation towards his brother in respect to stealing the king's bowl (or cup). Even in relation to this however, he judged by the Sharee'ah of his father the Prophet Ya'qub, peace and blessings be upon him.

The issue of Yusuf's accusation of theft levelled at his brother has occupied the attention of the early Imams of Tafsir in the case where they attempted with great effort to find justifications for Yusuf or to portray him with the appearance of the one seeking forgiveness, even in relation to the searching the bags of his brothers. Imam At-Tabari said: [Allah, glorified His mention, says: That Yusuf then searched their bags and saddles seeking the cup of the king by that. He began his search with the bags of his brothers from his father and began to search them one after the other before searching the bag of his brother from his father and mother. He left his search until the end, then searched the

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bag of his brother and extracted the cup from his brother's bag. The people (or scholars) of Ta'weel (interpretation/explanation) said similar to what we have said. From those who mentioned that: Bishr related to us from Yazid, from Sa'id, from Qatadah, who said concerning His Qawl:

فَبَدَأَ بِأَوْعِيَّتِهِمْ قَبْلَ وَعَاءِ أَخِيهِ

So, he [Yusuf] began (the search) in their bags before the bag of his brother (Yusuf: 76).

It has been mentioned to us **that he did not look in a bag except that he sought forgiveness from Allah to counter the sin of what he was hurling at them (in terms of accusation)**, until his brother was remaining, and he was the youngest of them. He said: "I don't think that this one took anything". They responded: "Rather, examine him". That is because they knew where they had placed their drinking vessels. He then extracted it (the cup) from his bag. Muhammad bin Abdul 'Aalaa related to us from Muhammad bin Thawr, from Ma'mar, from Qatadah, who said: (Concerning) "He then took it out from the bag of his brother" he said: **Every time he opened a bag, he sought forgiveness repenting for what he did**, until he reached the bag of the boy. He then said: "I don't think that this one took anything". They responded: "Rather, examine him". Ibn Wakee' related to us from @Amr bin Muhammad, from Asbaat, from As-Suddiy, who said: So, he began with their bags before the bag of his brother. Then when only the saddle bag of the boy remained he said: "This boy would not have taken it". They said: "By Allah, the matter is not left (or done) until you look inside his saddle bag so that we can leave and you be satisfied". He then inserted his hand and took it out from his saddle bag. Ibn Humaid related to us from Salamah, from Ibn Ishaaq, who said: When the Messenger (Yusuf) said to them: "And for he who produces it is [the reward of] a camel's load, and I am responsible for it" (Yusuf: 72). They said: "We have no knowledge of it being amongst us or with us". He said: "You will not be leaving until I search your goods (bags) and I pardon you for seeking it (i.e. the King's cup) from you". He then began with their bags, one after the other. He would search it and examine its contents, until he came to the bag of his brother and then he searched it and brought it (the king's cup) out from it. He was then detained and taken to Yusuf. Allah says: كَذَلِكَ كِدْنَا لِيُوسُفَ "Thus, in this way did We plan for Yusuf" (Yusuf: 76). Al-Qasim related to us from Al-Hussein, from Hajjaj, from Ibn Juraih, who said: **It has been mentioned to us that every time he searched a bag of a man from among them, he would seek forgiveness from his Rabb (Lord) to counter the sin**, as he knew the location of what he was seeking. That was until only his brother remained and he knew that what he was seeking was with him. He said: "I don't think that this boy took it and I don't mind refraining from searching his bag". His brothers then said: "It is better for your own satisfaction (and peace of mind) and for ours that you clear his bag (of the accusation) as well". Then when he opened his bag, he brought out what he was seeking from it. Allah said: كَذَلِكَ "Thus did We plan for Yusuf" (Yusuf: 76).

The scholars of Arabic differed in respect to the "Haa" and "Alif" in His Qawl: "يَتِمُّ اسْتِخْرَاجُهَا مِنْ وَعَاءِ أَخِيهِ" (Then he brought it out from the bag of his brother). Some of the grammarians of Basra said: It is a mention of the (king's) cup "الصُّوَاءُ". They said: It was made feminine. They said: It is for the one who came with the camel's load because he meant the (king's) cup. They said: The (king's) cup "الصُّوَاءُ" is masculine and from them there are those who made the (king's) cup "الصُّوَاءُ" to be feminine whilst meaning "السِّقَايَةُ" (Drinking vessel), which is feminine. They said: They are two names for one thing like "الْبُؤْبُ" and "الْمَلْحَقَةُ" (garment that covers) which are respectively masculine and feminine for one

thing. Some of the grammarians of Kufa said in relation to His Qawl: “فَمِنْ أَسْتَحْرِجَهَا مِنْ وِعَاءِ أَخِيهِ” (Then he brought it out from the bag of his brother) that the feminine is referring to “الْمَرْقُفَةُ” (the theft). They said: If the meaning of “الصُّوَاعُ” was according to the meaning of “الصَّاعُ” then it may be that the feminine pronoun is based upon that. They said: And if you wish, you could understand it as being the feminine of “الْبَيْتَقَايَةُ”. They said: “الصُّوَاعُ” is masculine and “الصَّاعُ” can be both feminine and masculine. Those who made it feminine said: “ثَلَاثُ أَصْوَعٍ” (three cubic measures) like “ثَلَاثُ أَدْوَارٍ” (Three houses) [i.e. Both use the feminine form]. It was said from those who mentioned that: “أَصْوَاعٌ” is like “أَبْوَابٌ”. Others said: “الصُّوَاعُ” was only made feminine because “الْبَيْتَقَايَةُ” was intended and it was mentioned when it was mentioned as “الصُّوَاعُ” was intended by it. They said: That is like “الْحَوَانُ” and “الْمَلَايِدَةُ”, “الزَّيْجُ” and “عَالِيَتُهُ” and what is similar in respect to that thing in which two names are combined; one of which is masculine and the other feminine.

Concerning His Qawl:

كَذَلِكَ كِدْنَا لِيُوسُفَ

“Thus, in this way did We plan for Yusuf” (Yusuf: 76).

He is saying: In this manner we made the path for Yusuf **until he freed his brother from his father and mother from his brothers from his father**, with acceptance from them that he had the right to take him from them, detain him and separate him from them. That is because when it was said to them: “Then what would be its recompense (penalty) if you turn out to be lying?” they replied: “The penalty should be that he, in whose bag it is found, should be taken as a slave”. That was their ruling (Hukm) in accordance with their Deen. And so Allah planned for Yusuf just as He described until he took his brother from them and he came to be with him through their Hukm (judgement) which Allah made happen for him.

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Concerning His Qawl:

مَا كَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ إِلَّا أَنْ يَشَاءَ اللَّهُ

He could not have taken his brother within the Deen of the king except that Allah willed (Yusuf: 76).

He is saying: Yusuf would not have been able to take his brother in accordance with the ruling of the king of Egypt, his judiciary or through obedience to him from them. That is because it was not the rule of that king and his judiciary that the thief be taken as a slave. As such, Yusuf was not able to take his brother by the ruling (or law) of the king of the land unless Allah willed that to happen through His planning that He planned for him, so that the one in whose bag the cup was found, his brothers and those in his company would submit to their own ruling upon him and be satisfied in themselves (i.e. as the ruling was based on their own judgement) for him to be handed over. The scholars of Ta'weel (interpretation and Tafsir) have said similar to what we have stated. From among those that said that: Al-Hasan related to us from Shababah, from Warqaa', from Ibn Abi Najeeh, from Mujahid, concerning His Qawl:

هَآكَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ إِلَّا أَنْ يَشَاءَ اللَّهُ

He could not have taken his brother within the Deen of the king except that Allah willed (Yusuf: 76).

Meaning that he would not have been able to do that except by an act planned by Allah for him and so Yusuf used that as his pretext. Muhammad bin ‘Amr related to me from Abu ‘Aasim, from ‘Isa, from Ibn Abi Najeeh, from Mujahid, the same as the above. Al-Muthanna related to me from Abu Hudhaifah, from Shibl, from Ibn Abi Najeeh, from Mujahid: “In this manner we planned for Yusuf” meaning that Allah planned it for him and this was the pretext for Yusuf. Al-Qasim related to us from Al-Hussein, from Hajjaj, from Ibn Juraih, from Mujahid:

هَآكَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ إِلَّا أَنْ يَشَاءَ اللَّهُ

He could not have taken his brother within the Deen of the king except that Allah willed (Yusuf: 76).

He said: **Except by the doing that Allah** planned and Yusuf used that as a pretext. Hajjaj related to us from Ibn Juraih, concerning His Qawl:

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كَذَلِكَ كِدْنَا لِيُوسُفَ

“Thus, did We plan for Yusuf” (Yusuf: 76).

It means: We made it happen (or orchestrated it). Ibn Wakee’ related to us from ‘Amr, from Asbaat, from As-Suddiy:

كَذَلِكَ كِدْنَا لِيُوسُفَ

“Thus, did We plan for Yusuf” (Yusuf: 76).

He said: We made it happen (or orchestrated it) for Yusuf. I was related to from Al-Hussein who said: I heard Abu Mu’adh saying: ‘Ubaid bin Sulaiman informed us saying: I heard Ad-Dahhak in relation to His Qawl:

كَذَلِكَ كِدْنَا لِيُوسُفَ

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“Thus, did We plan for Yusuf” (Yusuf: 76).

Saying: We made it happen (or orchestrated it) for Yusuf. The scholars of Ta’weel (interpretation and Tafsir) differed concerning His Qawl:

هَآكَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ إِلَّا أَنْ يَشَاءَ اللَّهُ

He could not have taken his brother within the Deen of the king except that Allah willed (that) (Yusuf: 76).

Some of them said: He would not have been able to take his brother by the authority (Sultan) of the king. From those who mentioned that: Muhammad bin Sa'd related to me from his father, from his uncle, from his father, from his father, from Ibn 'Abbas:

مَا كَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ

He could not have taken his brother within the Deen of the king.

That he said: This means by the Sultan (authority) of the king. It was related to me from Al-Hussein who said: I heard Abu Mu'adh saying: 'Ubaid bin Sulaiman related to us saying: I heard Ad-Dahhak in relation to His Qawl:

مَا كَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ

He could not have taken his brother within the Deen of the king.

Saying: (This means) By the Sultan (authority) of the king.

Others said: The meaning of that is: In respect to his rule and judiciary. From those who mentioned that: Bishr related to us from Yazid, from Sa'id, from Qatadah: Concerning His Qawl: "He could not have taken his brother within the Deen of the king except that Allah willed (that)". That this means: **That did not exist in the judgement of the King**, that a man is enslaved due to theft. Muhammad bin Abdul A'alaa related to us from Muhammad bin Thawr, from Ma'mar, from Qatadah: (Concerning) "Within the Deen of the king" he said: That did not exist within the Deen of the king. He said: Its ruling. Al-Muthanna related to me from Abu Salih Muhammad bin Laith Al-Marwazi, from a man he had mentioned, from Abdullah bin Al-Mubarak, from Abu Mawdud Al-Mudainiy, who said: I heard Muhammad bin Ka'b Al-Qurazhiy saying (concerning):

قَالُوا جَزَاؤُهُ مَنْ وَجَدَ فِي رَحْلِهِ فَهُوَ جَزَاؤُهُ ... كَذَلِكَ كِدْنَا لِيُوسُفَ مَا كَانَ لِيَأْخُذَ أَخَاهُ فِي دِينِ الْمَلِكِ

They [Yusuf's (Joseph) brothers] said: "The penalty should be that he, in whose bag it is found, should be held for the punishment (of the crime ... Thus did We plan for Yusuf (Joseph). He could not take his brother by the law of the king (as a slave), except that Allah willed it (Yusuf: 75-76).

In the Deen of the king, the one who stole was not taken in origin, however Allah planned in respect to his brother, so that they spoke about what they spoke about and then he took him in accordance with what they stated, whilst that did not exist in the judgement of the king. Al-Hasan bin Yahya related to us from Abdur Razzaq, from Ma'mar who said: It reached him in relation to His Qawl: "He could not have taken his brother within the Deen of the king". He said: It was the ruling of the king that the one who stole would have double the penalty (damage or fine) imposed upon him. Ibn Wakee' related to us from 'Amr, from Asbaat, from As-Suddiy (concerning His Qawl): "He could not have taken his brother within the Deen of the king", he said: In the Hukm (ruling or law) of the king.

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Ibn Humaid related to us from Salamah, from Ibn Ishaq (concerning His Qawl): "He could not have taken his brother within the Deen of the king", said: This means: By transgression. However, Allah planned for Yusuf for his brother to be joined with him. Yunus related to me from Ibn Wahab, from Ibn Zaid, concerning His Qawl: "He could not have taken his brother within the Deen of the king", he said: It was not in the Deen of the king for the thief to be taken (or detained) for his theft. He said: The ruling among the Prophets Ya'qub and his sons was: That the thief be taken due to his theft as a slave who is enslaved.

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Even if those who made the (above) statements have differed in their wordings in respect to the meaning of the Deen of the king, they are nevertheless close in meaning to each other. That is because the one who took him by the Sultan (authority) of the king is the one doing so in line with his action and it shows us that it is (in effect tantamount to) his taking if he did not change it. That represents a Hukm (ruling) from him upon him whilst his Hukm is (the same as) his judgement. And the origin (Asl) of the Deen is: At-Taa'ah (obedience) and that has been made evident in other than this place with its supportive evidences which have already been dealt with thoroughly with there being no need for them to be repeated here.

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Concerning His Qawl:

وَلَا أَنْ يَشَاءَ اللَّهُ

Except that Allah willed (that) (Yusuf: 76).

Then as it has been related to us from Ibn Wakee' from 'Amr, from Asbaat, from As- Suddiy: "Except that Allah willed (that)". We facilitated that for him by them (i.e. brothers of Yusuf) saying: "That is his recompense or penalty". Al-Muthanna related to me from Abu Hudhaifah, from Shibl, from Abu Abi Najeeh, from Mujahid (concerning His Qawl): "Except that Allah willed (that)". (That it means): Except by a reasoning that Allah planned and so Yusuf used that as a pretext] End of speech of At-Tabari, may Allah's mercy be upon him.

[In sum] Even if the participation in the systems of disbelief had been Mubah (permissible) in the Sharee'ah (law) of Yusuf, peace be upon him, for him specifically or for the people in general, it is definitely not Mubah in our final and complete Sharee'ah which abrogates all the previous revealed laws (Sharaa'i), a matter which is evident and certain from our study above. And Allah, the Most Exalted and High, did not make Yusuf the Uswah Al-Hasanah (best and model example) but rather He made his story with his brothers a lesson and admonition. It was not for the purpose of emulation!

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Even if we were to put aside the correct certain principle, concerning which there is no doubt in respect to the fact that "The Shar'a (revealed law) that came before us is not a Shar'a for us", and we claimed, contrary to the truth, that the previous laws are applicable until their abrogation is established, and we gave a chance to the false claim of "The permissibility of participating in the systems of disbelief and the permissibility of the partial and gradual application of the Ahkam (Islamic rulings)" in respect to the previous revealed laws, then the Haqq (truth) in relation to this issue in our Sharee'ah would still definitely be contrary to that. This Haqq (truth), under all circumstances, is: The Hurmah (prohibition) of participating in the systems of Kufr (disbelief) and the

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Hurmah of the partial and gradual application of the Ahkam (Islamic rulings). That is because we have in our possession clear proofs of abrogation which have previously been mentioned.

As for the view of some of them that the participation in the ruling with Kufr (disbelief) is from the Usool (fundamentals) of the revealed laws (Sharaa'i) and not its branches and that all of the revealed legislations share in that, and it is not permissible for them be abrogated. And consequently, Yusuf's participation in the ruling of Kufr is permissible for him and for other than him and this was not abrogated. Then this represents a **fragrant lie, false precipitateness** and the appointment of a higher authority than the Rabb (Lord), the Most Exalted and High, that governs over His command and His forbiddance and abrogates it. That is whilst Allah, the Most Powerful and Exalted:

اللَّهُ يَحْكُمُ لَا مُعَقِّبَ لِحُكْمِهِ

Allah judges, there is none to reverse His Judgement (Ar-Ra'd: 41)

And:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

He is not questioned about what He does, whilst they will be questioned (Al-Anbiya: 23).

The Sharee'ah of Adam, peace be upon him, did not contain the Salaah (prayer), Sawm (fasting) or other than that. It only contained one Hukm Shar'iy (legislated law):

لَا تَقْرَبُوا هَذِهِ الشَّجَرَةَ

Do not approach this tree (Al-Baqarah: 35).

And here we have Ibrahim, peace and blessings be upon him, who was commanded to sacrifice his son and then the ruling was abrogated just before its execution. So where is the Usool (fundamentals) which are not permitted to be abrogated o people of intellect and when was the sacrificial slaughter of the innocent sons from the branches?! Has there been anything heard more heinous than the one who passes judgement over his Rabb (Lord): Deciding what is permissible for Him to abrogate and what is not permissible?!

(2) The second specious argument (Shubha): That the Najashi (Negus), the king of Abyssinia, was a Muslim, however, he did not apply the Islamic rulings (Ahkam Ash-Shar'i), as is known by necessity from history, whilst the Prophet (saw) commended him and prayed the prayer of absence upon him, bearing witness to his having embraced Islam.

The truth is that the Najashi, may Allah be pleased with him, was sympathetic at first with the Muslims who sought refuge with him and he used speech from **which that can be understood**. That in turn led to an armed revolution against him (As related by Ahmad and others with the most authentic chains of transmission from Az-Zubair bin Al-'Awwam, may Allah be pleased with him, who was a witness to those events in Abyssinia). The Najashi was unable to overcome it except with the

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utmost difficulty and consequently, he was unable to openly announce his Islam when he embraced it and not even after he performed the Salaah (prayer) openly. That is because he was under compulsion and was excused: He was unable to manifest openly his Deen in his land and he was not capable of performing Hijrah (migration) to the Prophet (saw). That would have meant exposing Ja'far bin Abi Talib and those who had emigrated with him to Abyssinia to certain death. That was whilst **they were living in his refuge and under** his protection there in accordance with the command of the Prophet (saw), **whilst - moreover** he did not permit them to come to Al-Madinah except after the treaty of Al-Hudaibiyah. It is apparent that the Najashi (Negus) who became Muslim had passed away prior to that. As for the Najashi whom the Prophet (saw) wrote to along with the kings and tyrants of that time after Al-Hudaibiyah, then he was a different Abyssinian ruler, as has been reported in the Sahih collections.

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Then when the permission of the Prophet (saw) came, for Ja'far and his companions to come, the Muslims from the people of the household of the Najashi, may Allah be pleased with him, including his nephew Dhu Mukhmar, migrated to the Prophet (saw) and became from his companions. None of them remained in Abyssinia; not participating in the rule or in any other capacity.

That is because the Najashi, may Allah be pleased with him, had not been Muslim when he sought the rule and authority, nor had he initiated participation in the ruling after embracing Islam. Rather, he had been a disbelieving king who embraced Islam whilst he was king but was unable to manifest his Deen openly, not even in a purely individual capacity. By greater reason, he was unable to apply the Sharee'ah of Islam just as he was not able to give up the authority and migrate to the Dar ul-Islam (The Islamic homeland), due to a Shar'iy excuse. It may be that anyone who was in the situation like the situation of the Najashi be excused just as he had been. That is whilst observing that the Najashi, may Allah be pleased with him, passed away prior to the Prophet (saw) sending his letters to the kings and tyrants inviting them to Islam and before the completion of the Deen and the revelation of Surah Al-Ma'idah, At-Tawbah, An-Nur and what came after them. This must be observed with attention and care when studying the Fiqh of this interesting issue.

The most apparent understanding is that the remaining of Ja'far and his companions in Abyssinia, and the remaining of the Najashi, may Allah be pleased with him, due to coercion, in the post of the king, ruling by other than what Allah has revealed, represented a specific ruling for that collective which the Prophet (saw) sought to keep in Abyssinia. That was as a tactical precaution due to fear that the Muslims in Al-Madinah would be afflicted or eliminated. However, after Al-Hudaibiyah, the revelation came with glad tidings concerning the manifest victory and the promise of the Deen prevailing, even though the disbelievers detest it, the danger of elimination was removed. The Prophet (saw) sent for Ja'far and his companions and the rules related to the Hijrah (emigration) settled upon what they are to this day.

The Hukm (ruling) related to Hijrah (emigration) today, in respect to the one who is capable of undertaking it, is Fard (obligatory) in some circumstances and Mandoob (recommended) in others. As for the one who is incapable of Hijrah then Allah pardons him and he is not requested to undertake it due to his inability: Either due to sickness or **coercion and can't remain** where he is in prison or house arrest etc, or due to weakness which applies to women, children and those who are similar, as mentioned at the end of the Ayah (verse) of Al-Hijrah.

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As for the one who is capable of undertaking the Hijrah but is unable to openly manifest his Deen or fulfil the rulings of Islam which are required of him, then the Hijrah is obligatory upon him, due to what came stated in the Ayah of Al-Hijrah. Allah (swt) said:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ ۖ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ ۗ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا ۗ فَأُولَٰئِكَ مَأْوَاهُمْ جَهَنَّمُ ۖ وَسَاءَتْ مَصِيرًا

Indeed, those whom the angels take [in death] while wronging themselves, [the angels] will say: “In what [condition] were you?” They will say: “We were oppressed in the land”. The angels will say: “Was not the earth of Allah spacious [enough] for you to emigrate therein?” For those, their refuge is Hell and evil it is as a destination (An-Nisa’: 97).

The informing here means the command and it is from the forms of request. It is like He said: Emigrate in them (i.e. those lands). The request in this verse is linked to reinforcement or emphasis (Ta’keed) and to the threat of a severe punishment as a recompense for not undertaking the Hijrah. It is therefore a decisive request (Talab Jaazim), for certain with no doubt, thus indicating that the Hijrah in such a circumstance is Fard (obligatory) upon the Muslim and that he will be greatly sinful if he does not emigrate.

The intended meaning of “**The manifestation of the Deen**” (Izhaar ud-Deen) means: That he openly professes the Shahaadataini (two parts of the testimony of belief) and calls himself with the name of Islam where he calls himself Muslim and explicitly declares that the Deen of Islam is the Haqq (truth), that Allah does not accept other than it and the other Deens, beliefs, ideologies, schools and thoughts are false and invalid (Baatil), not accepted by Allah and will not save the person in the hereafter: This represents the minimum in respect to the manifestation of the Deen and the responsibility is not absolved without it. In further detail, it is not a condition that he be engaged in carrying the Da’wah (invitation to Islam) or exposing and refuting the beliefs of the disbelievers.

As for “**Fulfilling the rulings of Islam which are required of him**” then that means fulfilling the obligations which are Fard ‘Ain (Obligatory upon him in his capacity as a Muslim individual) in terms of: The Salaah (prayer, Zakaah, Siyaam (fasting), going to perform Hajj when capable, covering the ‘Awrah (that which is prohibited to reveal of the body to others), wearing the Shar’iy dress and similar such obligations. It also means refraining from the Muharramaat (prohibitions) such as Zina (fornication and adultery), homosexual acts, Ribaa (usury), gambling and Haram contracts and trade transactions and what is similar to these. That is in respect to every individual Muslim. There may also be designated upon some of the individuals that which is not obligatory upon other than them. That is like commanding the Ma’roof and forbidding the Munkar if there is no one other than him who is knowledgeable and capable, and like the ruling by what Allah has revealed if he possessed judicial or executive authority, and so on.

It is evident that the Najashi, may Allah be pleased with him, was incapable of manifesting his Deen, just as he was not able to undertake what Allah had obliged upon him. At the same time, he was able to perform Hijrah but only refrained from it due to a command from the Prophet (saw). The Deen was completed after that, the Risalah (message) was concluded and Abu I-Qasim (Muhammad) (saw) is no longer among us. As such, there no longer remained an argument for anyone to refrain from making Hijrah if he was capable of undertaking it, in the case where he was unable to manifest

his Deen or undertake what Allah had made obligatory upon him. From among the most important of these matters is to rule by what Allah has revealed alone and to completely and absolutely leave all that is other than it.

It is not permissible for it be said that the Prophet (saw) commanded the Najashi to do that in his capacity as head of state and consequently it is permissible for other than him from the rulers to command the Muslim who is unable to manifest his Deen and not able to undertake what Allah has commanded him to remain in Dar ul-Kufr (the land of disbelief) and not perform Hijrah. That is not permissible to be said because that is a Ma'siyah (sinful act of disobedience) and obedience to the rulers in the Ma'siyah is Haram in all circumstances.

Similarly, it is not permissible to be said that the Najashi, may Allah be pleased with him, did that Haram (by neglecting to perform the Hijrah), due to other than compulsion, but rather he did so due to a preponderant Maslahah (interest), which was none other than the protection of Ja'far and his companions, in accordance with the lie: **"The Sharee'ah is built (or based) upon repelling the Mafaasid (corrupting and harmful elements) and drawing the Masaalih (Benefits and interests)"** which has caused some of the scholars to slip up and to consider it to be a comprehensive Shar'iyah principle from which branch Shar'iyah rulings are deduced!

Yes, it is perceivable that for the Muslim to conceal his Deen whilst displaying Kufr (disbelief), including the participation in the systems of disbelief, if he was in Dar ul-Harb (the land of disbelief or war), in the case where he is a spy of war. That is due to the Shar'iyah texts stating the permissibility of lying at the time of war and because the Imam (leader of the Muslims) has the right to dispatch spies against the disbelievers. However, this is a specific case with its own specific evidences which require a precise study, whilst this is not the place for that.

(3) The third specious argument (Shubha): The Prophet (saw) commending the **"Hilf ul-Fudool"** and his statement that if he were to be invited to its like in Islam, he would respond positively to it! This is also a Batil (false and invalid) argument and ridiculous contention. That is because the Hilf ul-Fudool was between the chiefs of the tribes, where each one of them was equivalent to a head of state, whilst the Arab tribes at that time were equivalent to states today. As such, the commendation of the Prophet (saw) upon the Hilf ul-Fudool could be suitable as an evidence for the permissibility of the Islamic state participating in the founding and membership of international organisations, which are established among independent sovereign states, for the purpose of spreading justice, preventing oppression, delivering rights to those entitled to them, providing security to international trade routes and those travelling between the regions, and other such similar matters from among the **nice- better word?** and **legally**-legitimate aims (Maqaasid). That is upon the condition that the international organisation does not interfere in the internal affairs of the member states, does not assault their specificities, cultural civilisations, beliefs and thoughts, in addition to all the dealings among the states being absolutely equal. As such, this organisation would not be equivalent to a global state that imposes a particular Aqeedah (belief) or specific cultural civilisation. In other words, It would not impose a particular viewpoint of life upon the member states, **like the case currently in relation to the as is the case with the** United Nations, which is a disbelieving, oppressive and aggressive state which imposes the western liberal secular disbelieving belief upon the whole world. It represents a constant daily practise of coercion in respect to the Deen which enables a select group of powerful states to impose control over the weaker states and peoples. It presides over the expulsion of entire peoples like the oppressed Muslim Palestinian

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people from their land and then pass its ownership to others. It also participates in the genocide of complete peoples like it did in Bosnia, Iraq, Rwanda and other places!

The international organisations of the “**Hilf ul-Fudool category**” are therefore not a global state that rules, for it to be said that the participation of the Islamic state in it would represent participation within a rule of disbelief, like the imagination of those who call for participation in the Hukm (ruling) of Kufr (disbelief) has run away with.

(4) The fourth specious argument (Shubha): The Prophet’s (saw) agreement to the Sulh (truce treaty) of Al-Hudaibiyah even though it included clauses, the like of which are not permissible now to make an agreement upon. That is like handing over those Muslims who came (to Al-Madinah) to their disbelieving families or relatives (in Makkah) among other clauses. This Shubha (argument) is even more steeped in imagination than the former. That is because the Prophet (saw) is the conveyor from Allah whose conveyance is infallible. He informed the Ummah at that time that he had been commanded by his Rabb (Lord) to make that particular treaty which the Muslims were initially averse to and angered by. There was strong opposition led by ‘Umar ibn Al-Khattab, may Allah be pleased with him, until the Messenger of Allah (saw) made clear to them by his statement and action that this was a specific Wahy (revelation) from Allah and did not fall under the category of permissible treaties which the head of the Islamic state makes on behalf of the Ummah with their consultation and agreement. Just as he (saw) made clear that there should be no fear for those who are returned from the Muslims to the disbelievers as his Lord, glorified by His names, had guaranteed to him “**That he would make for them a relief and way out**”. As such, that prohibited condition was made permissible by way of an exception and specificity and then made prohibited after that. It is therefore not permissible to agree to such a matter ever again. Even that condition itself was revoked by the Rabb ul-‘Izza (Lord of Honour and Might) in relation to the women because returning them exposes them to the necessity of living with disbelieving husbands whom it is not Halal for them to share beds with. The Rabb of Honour and Might revoked the agreement in that partial aspect as a preservation for the honour of the believing women and out of concern for them. The Quraish then had no choice except to concede to that or to cancel the treaty and return to the state of war once again. So, the Quraish accepted and preferred to continue in the adjusted treaty whilst in a lowly and meek state. All praise and bestowal belong to Allah, how great a Rabb is He and how Generous, upon Him we have Tawakkul (reliance) and through Him we are supported!

(5) The fifth specious argument (Shubha): That it is obligatory upon the Muslim residing in Dar ul-Kufr (the homeland of disbelief) to submit to its laws as long as he is in their security and under their authority.

This is also a false (or invalid) principle if it is presented as such. That is because obedience is prohibited for the Muslim in every command of disobedience (Ma’siyah). It is a permanent firm prohibition and even applies if the one commanding is the Imam (leader) of the Muslims and from the rightly guided Khulafaa’. By greater reason, it is not permissible for him to obey the one who has no Shar’iyah (~~legally~~ legitimate) position of ruling in origin, in the Ma’siyah (act of disobedience to Allah). As for besides that, meaning in other than the Ma’siyah, then the obedience (Taa’ah), in terms of origin and principle, is only obligatory to the Ameer Ash-Shar’iy (~~legally~~ legitimate leader), and the Muslim would be sinful if he did not do that. It is not, in terms of origin and principle, obligatory at all, but rather only Mubah (permissible), to the one possessing a non-Shar’iy authority, as is the case in Dar ul-Kufr (the homeland of disbelief). The details of this have been thoroughly

covered in our book: “**The Obedience to the Uli l-Amr (rulers): Its limitations and restrictions**” and as such, it can be **revised- revisited?** there.

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Regardless of the fallacy or correctness of that principle, what is the relationship between participation in the ruling and obedience to the laws?! According to our knowledge, there is no system in the world that compels the people to participate in the ruling and authority. Indeed, the opposite is true, in the case where every ruling faction monopolises the ruling for itself and does not accept the participation of others unless it is compelled to. Where then is the legal obligation and where is obedience to the laws?!

(6) The sixth specious argument (Shubha): Using as evidence the drawing or acquiring of the “**Maslahah**” and repelling the “**Mafsadah**” or the perpetration of the “**Lesser of the two harms**” or “**Lighter of two Mafsadahs (harmful corrupting elements)**” or “**To neglect the lesser of two Maslahahs**” among other deceits and nonsenses. If were to ask them for the Daleel Ash-Shar’iy for these principles, it would be “**Shaitani**” whispers as they have no argument except the claim of Al-Istiqraa’ (examination) which makes apparent that the Sharee’ah has come to accomplish the Masaalih and repel the Mafaasid, as has been affirmed in His Qawl (swt):

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

And we have not sent you except as a mercy to the worlds (or mankind) (Al-Anbiya: 107)!

The truth is that this final Sharee’ah has come with ease, forbearance, lifting the hardship and troubles and lightening the burdens, as a mercy from Allah and a favour! However, if Allah had not made His slaves legally **encharged** with something in origin, that would have been easier **and more forbearing**, and had He made the Sharee’ah as a whole upon the basis of recommendation and advice, without obligation or compulsion, that would have been greater in kindness and **forbearance**, where it combines advice for that which is better and sounder, with no punishment and being taken to task. Even more **forbearing** than all of that and easier would be if Allah had not created the fire of hell in origin?!

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However, this is not why the revealed laws (Sharaa’i) descended. Rather, the origin of the legislation is to establish that the Rabb (Lord) has the greatest entitlement to the Siyadah (sovereignty) and that He is alone in respect to the Hukm (ruling) and Amr (command), just as He is alone in respect to creation. He, therefore, only created the creation for the purpose of ‘Ubudiyah (worship), manifested in hearing and obeying:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنسَ إِلَّا لِيَعْبُدُونِ

And I did not create the jinn and mankind except to worship Me (Adh-Dhariyat: 56).

This is the primary, highest and absolute consideration, that comes before any other consideration. The original position is therefore obedience to the command of Allah, whether that was easy or difficult, beneficial or harmful. Whoever is not content with that in terms of His command and **forbiddanceprohibition**, then he is exactly like the one who is not content with His Qadar (divine

decree), with no difference. Let him then exit His heavens and His earth and search for a Rabb other than Him!

In addition, **the mercy for the worlds** by the Prophethood of Muhammad bin Abdullah (saw), is only realised through the following of His Sharee'ah, obeying Him in all that He has commanded and abstaining from everything that He has forbidden and restricted. The result of that is salvation from the eternal curse and being removed far away from the everlasting fire. This represents the greatest mercy and the greatest Maslahah (interest and benefit). As for peace of mind in the Dunyaa (life of this world), family stability, easy living, and the spreading of security and peace in the local society and international community, then these are all partial, temporary advantages and limited secondary mercies! Even these are not properly accomplished unless the Sharee'ah is applied completely without deficiency and the Deen is established in full!

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The Maqaasid Ash-Sharee'ah (its aims) and its axioms which the 'Ulamaa' deduced by way of Istiqraa' (an examination of the texts), like that which was rendered by Imam Ash-Shatibi, are not permitted to return to their partialities with invalidation, as that would make the Sharee'ah contradictory and consequently not possible to be from Allah, Allah forbid! Or it would make the new created limited mind and its speculative examination, an authority higher than Allah the eternal and absolute Creator, obliging upon Him with a particular legislation, **thus negating from Him** that He is the Rabb (Lord) and Sayyid (master)! If Allah is not the Sayyid with complete Siyadah (sovereignty), and if it was permissible to place the Hukm of the mind before His Hukm (i.e. give it priority), even in only one Mas'alah (issue), then why is that not permissible in all issues?! And what is the benefit in wasting time studying His Sharee'ah, examining its axioms and tiring the minds in the study of the Qur'an and the Sunnah and dedicating the years of one's life in that?! And why do we not just start directly with the mind and approach the houses by their doors (i.e. not beat around the bush)?! Indeed, all of this is pure secularism, this is their proof, and this is the contradictory manner of their thinking!

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From among the reasons for the misguidance of those who present such arguments is their confusion between what Allah has legally charged them with (i.e. His legislative address related to the choice-based actions of slaves) and what is from His specificities. That is because Allah has legally charged us with the Da'wah (invitation) to Him and that includes the action of manifesting His Deen by a defined Shar'iyah methodology. However, the acceptance of the people of the Da'wah and consequently the actual manifestation of the Deen, and accounting them upon that (result), is **not from the acts of the slaves and they have not been made legally responsible for that**. Rather, that is from His act (swt):

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غَدَّكَزْ إِنَّمَا أَنْتَ مُذَكِّرٌ (21) لَسْتُ عَلَيْهِمْ بِمُصِيطِرٍ (22) إِلَّا مَنْ تَوَلَّى وَكَفَرَ (23) فَيُعَذِّبُهُ اللَّهُ الْعَذَابَ الْأَكْبَرَ

So, remind, [O Muhammad]; you are only a reminder (21) You are not over them a controller (22) However, he who turns away and disbelieves (23) Then Allah will punish him with the greatest punishment (Al-Ghashiyah: 21-24)

وَاتَّبِعْ مَا يُوحَىٰ إِلَيْكَ وَاصْبِرْ حَتَّىٰ يَخُذَ اللَّهُ ۚ وَهُوَ خَيْرُ الْحَاكِمِينَ

And follow what is revealed to you, [O Muhammad], and patient persevere until Allah passes judgement. And He is the best of judges (Yunus: 109).

فَقَاتِلْ فِي سَبِيلِ اللَّهِ لَا تُكَلَّفُ إِلَّا نَفْسُكَ ۚ وَحَرِّضِ الْمُؤْمِنِينَ

Then fight [O Muhammad] in the way of Allah. You are not tasked (held responsible) except for yourself and incite the believers (to fight along with you) (An-Nisa: 84).

It is strange that these claim that they seek the “Maslahah of the Da’wah” and the “Tamkeen (firm establishment) for the Deen” through participation in the ruling by other than what Allah revealed, in other words through disobeying the Deen! It is as if they are saying to their Rabb (Lord) (swt): We want to obey you by disobeying you, and whatever Allah wills will be!

Furthermore, the limited and imagined Masaalih (interests and benefits) attained from their participation in the ruling by other than what Allah revealed, as indicated to by the sensed reality, can scarcely be sensed or perceived, so how can they be put before the certain and sure Mafsadah?!

The imaginary claimed Masaalih, by way of example, albeit not restricted to these, include:

(a) To restore the confidence of the people in Islam and that it is capable of organising the affairs of life.

This, however, does not happen with their participation. Rather, if anything their participation distorts the image of Islam in the minds of the people and makes it obscure and muddled where its limits are unknown and its reality is not perceived. That is because Islam is (presented as being) democratic sometimes, socialist on occasions, republican at other times and monarchical at others etc ... It is presented in contradictory forms and with disparate concepts.

(b) To repel the plots targeting Islam and the Islamic movements by becoming informed about what is taking place secretly and to seek to cause them to fail. That can only take place through familiarity of the standing regime and knowing its inside workings and internal processes.

This as well has not happened at all. The secrets of the regime are preserved and concealed and none except the prominent personalities of disbelief and leaders of misguidance are made aware of them. That is while what has been called the ministries of (state) sovereignty like the interior, defence and foreign ministries, are prohibited for the “Islamists” to participate within.

(c) To train and teach the Islamic cadres through the training and dispatch programmes organised by the ruling department.

This is pure imagination, so why not make evident to us one single distinct case of such a reality?!

(d) To present models of successful Islamic politicians and to prove that they are not only those ascetic religious people.

This is also delusion and imagination as the majority of those who participate in the ruling systems of the Tawagheet (tyrannies) are played with and manipulated. They embroil them in side issues and

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political manoeuvres and games which makes them appear to be simple-minded, heedless and aloof from the affairs of life. They are preoccupied in issues such as the Hijab of the woman, the mandatory school uniform, female circumcision and other matters which earn them ridicule or make them appear to be benefit seekers and opportunists, which has the worst impact upon the Islamic Da'wah.

(e) To increase the experience of the Islamists in respect to ruling and administration and to train the cadres upon politics, its manoeuvres and games.

This also has not occurred. Yes, some "Islamists" have been trained, like the opportunist Dr. Hasan Turabi, upon trickery, hypocrisy and cheap political manoeuvres. However, they lost their perception of the vital issues and they did not undertake anything at all **related to strategic movements**.

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(f) To make a select group of the Islamists prominent so that they **come to be from emerge to become** -the people of influence within the society and ~~are~~ through that **they** are enabled to lead it and repel the harm from the less prominent carriers of the Islamic Da'wah.

This is also delusion and imagination. That is because the Jamaat-e-Islami in Pakistan, for example, was even unable recently to enter its members into the parliament, whilst their leaders and those lesser than them have no real weight within the society, so how is it possible for them to lead it? There is also the case of Ibrahim Anwar in Malaysia, who some believed to be a candidate to follow Mahathir Mohamad. He then fell from grace, was accused in respect to his honour and was unable to even defend himself.

(g) To increase the Islamic **centres of gravity** and increase the good, and to lessen the **attack of the centres of gravity of disbelief** and lessen the evil.

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(h) To benefit from the standing of authority and its power for the Maslahah (interest or benefit) of the Islamic Da'wah and its carriers.

If this or some of it was true, then show us its reality in Jordan, for example.

هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ

Produce your proof if you are truthful (Al-Baqarah: 111).

The truth is that all of that was no more than (fanciful) expectations, dreams and hopes, which have no existence for them within the sensed reality, as opposed to the following certain Mafaasid (corrupting and harmful matters) which have taken place:

(a) The certain and not supposed falling into the Ma'siyah (sinful act of disobedience) and the Haram (prohibited), indeed falling into the action based Kufr, Zhulm and Fisq (disbelief, transgression and rebellious disobedience), in the least of circumstances (i.e. in accordance with the Madh'hab of Kufr Doon Kufr). It also means inclining to those who oppress, aiding and supporting them, in addition to what is built upon the act of disobedience (Ma'siyah) in general, in terms of Allah forsaking the doer of it and the lack of Tawfeeq. In addition, it means the increased danger of deviancy and selling the

Akhirah (hereafter) for the Dunya (life of this world). (If this is the case for the Ma'siyah) Then what is the case in respect to the one who has committed those horrendous major sins?!

(b) Falling into contradictions. That is because it is said, for example, to the one participating in the disbelieving rule: You state the prohibition of Riba (usury) whilst your government provides licenses to usurious banks. So how can you reconcile between that?! If he answers by saying "Tadarruj" (gradualism) and that he is working to eradicate it within ten years for example, it is said to him: Where did you get this ten years from?! Why is not one thousand years for example or six months?! Whatever they have determined the period to be, we can increase for them one day following another until they become the **joke of ages**.

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(c) The disbelieving or oppressive rulers take the participant from the Muslims as a decoration by which they adorn their hideous regimes and as a cover to cover their flaws with. There is also no doubt that the heinousness of the regimes must reflect upon them where something from the ugliness of the regime and its oppressiveness is inevitably attributed to them. The one whose work is emptying toilets, its rottenness and impurities must reach him!

(d) Exposure to being discarded and humiliated after the oppressors and disbelievers have exhausted everything they can get out of the participant. This includes within it the humiliation of the Muslim whom Allah has honoured with Islam, just as it leads to the people belittling Islam and the Islamists. This is also a sensed reality that has been witnessed in Jordan and Turkey during the past few months and years.

(e) Participation and particularly the participation of the righteous and sincere within the systems of disbelief, or with the oppressive rulers, inevitably represents patchwork that strengthens the regime.

(f) There is also a huge Mafsadah (corruption and harm) which most people can barely discern or recognise. That is providing the disbelievers an argument against Islam and the Muslims when they seek participation in the Islamic system. It is known that the participation of non-Muslims in ruling and authority in Dar ul-Islam (the homeland of Islam where the Sharee'ah is implemented) is not permissible and that it is a permanent prohibition, due to the Qawl of Allah (swt):

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

And never will Allah grant to the disbelievers a way (to triumph/gain supremacy) over the believers (An-Nisa': 141)

The granting here is a legislative and Deeny granting, whilst it is not formative and deterministic, by way of sensed and rational necessity, as has previously been mentioned and **just as it has been detailed in other than this place**. The certain consensus has been established upon this, that [The disbelievers do not have any participation (or sharing) in the Hukm (ruling) and the Sultan (authority) and that is because the Sultan (authority) is the Ummah's right and has been restricted to it]. That is whilst they (the disbelievers) enjoy, in other that, all the rights of citizenship and the complete provision of protection. It is permissible for them to participate in administrative work and roles, just as they have the rights of seeking redress for injustices and raising such cases to the courts.

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If the Islamists participate in the ruling by other than what Allah has revealed, where they become members in the ruling apparatus within Dar ul-Kufr (the homeland of disbelief), they are providing a justification for non-Muslims to demand participation within the ruling in Dar ul-Islam (the homeland of Islam), using the pretext of like for like treatment. Otherwise, they will be denounced by Islam and the Muslims as those who weigh with two scales, exactly like the Mutaaffifin:

وَيْلٌ لِّلْمُطَفِّفِينَ (1) الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ (2) وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ

Woe to the Mutaaffifin (those who give less [than due]), (1) Who, when they take a measure from people, take in full. (2) But if they give by measure or by weight to them, they cause loss (Al-Mutaaffifin: 1-3).

Al-Hamdu Lillah who has protected His believing slaves from the “atrocious” of participating in the ruling of disbelief and who made His Deen and Shar’a above Zhulm (transgression and oppression) and Tatfeef (measuring by two scales or double standards).

A mere survey of what the Islamists have done recently in Jordan at the end of the eighties of the last century and their strengthening of the throne of the Zionist Taghut (tyrant) ‘Hussein Bin Ali’ who had been on the verge of collapse and then what afflicted the Islamic Da’wah in terms of harm as a result of their foolish participation in that disbelieving system (or regime). There was also the disastrous participation of Erbakan in Turkey and what afflicted Anwar Ibrahim at the hands of his “sponsor” Mahathir Mohamed. Then there was the disaster in Sudan with the failure of the “experiment” of the opportunist At-Turabi. All of that clearly highlights the fallacy and invalidity of this weighing and even their corrupt and rotten principle, which Allah has not revealed any authority for!

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(7) The seventh specious argument (Shubha): There is no problem (or issue) with gradualism and the partial application because the legislation was gradual in its rulings and the Qur’an was revealed in parts!

Had it not been confirmed that some “Distinguished personalities” and “Intelligent people” repeated this nonsense, indeed whispers of the Shaytan, it would not have been permissible for us even to make mention of it.

It is known that it is Allah who revealed the Qur’an with His worded expressions in parts or instalments (i.e. not all at once) and that He also revealed to His Prophet (saw) the Sunnah Al-Qawliyah (speech based) and Al-Fi’liyah (action based) by meaning and not in wording, over a period of twenty three years or so. He is the same Rabb (Lord) who revealed some of the previous books and legislated previous revealed laws in one go (or instalment), as was the case with Musa (as). He, above all considerations, is the worshipped Ilah (deity) and the Sayyid (master) possessing absolute Siyadah (sovereignty). He is not questioned about what He does whilst they are questioned. It is not permissible to make analogy between the actions of the Rabb, the Khaliq (Creator), and the actions of the created slave. If it had been permissible to emulate Him, ‘Azza Wa Jalla, in respect to the revealing of the Book in instalments and impose the legislation gradually, it would have been permissible to emulate Him in respect to the origin of the legislation, without difference! We would then be able to make Halal and Haram and abrogate the Sharee’ah revealed upon Muhammad whenever we wished and however we wished!

In addition, most of what they call gradualism is delusionary and imagination, with no reality attached to it. So, take the issue of Al-Khamr (alcohol) for example. It remained Halal until its prohibition was revealed. As for the prohibition of praying whilst in a state of intoxication, then that was not a prohibition for Khamr but rather only a prohibition of the prayer of the one who is intoxicated. If someone had consumed Khamr at that time and not become intoxicated and if his clothes had become soaked with it, and then he prayed whilst emitting the smell of alcohol, his prayer would have been valid and he would be Muhsin (a good doer) with no sin upon him!

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Riba (usury) was made Haram in one go, whilst that which was “Ad’aafan Mudaa’afatan” (doubled and multiplied) was not prohibited first and then the rest of Riba following that, as some of those who are ignorant in respect to the Sunan and reports have believed. That is because the Ayah mentioning “Ad’aafan Mudaa’afatan” (doubled and multiplied) is in Surah Aali ‘Imran (ayah 130) which in truth is later (in time of revelation) than Surah Al-Baqarah which prohibited Riba (usury) in an absolute manner, including its simple form and its compound form.

Zina was made Haram in one go. It was not permitted for young men and women and prohibited upon older men and women, and thereafter made prohibited upon all. The same applies in respect to the remainder of the Ahkam (rulings).

What we have mentioned above is witnessed to and strengthened by the fact that the Prophet (saw) forbade specific employment roles with the foolish and oppressive rulers, those who delay the Salaah (prayer) from its set time. By greater reason that prohibition would be sterner in respect to those positions of employment within the system of Kufr (disbelief), indeed in respect to what is greater than these in terms of the Hukm (rule), Wilayah (ruling / governorship) and Qadaa’ (judiciary):

* It was related in the Musnad of Abu Ya’la from Abu Sa’id and Abu Hurairah, that they both said: The Messenger of Allah (saw) said:

ليأتين على الناس زمان يكون عليكم أمراء سفهاء يقدمون شرار الناس ويظهرون بخيارهم ويؤخرون الصلاة عن موافقتها فمن أدرك ذلك منكم فلا يكونن عريفا ولا شرطيا ولا جابيا ولا خازناً

“There will come upon the people a time (when): You will have foolish leaders over you who put forward the worst of the people whilst giving appearance of affection towards the best of them, and they delay the prayer from its set times. Therefore, whoever from among you reaches such a time let him not be a chief (advisor to ruler), law enforcer, tax collector or treasurer”. Ibn Hibban also recorded it in his Sahih. This Isnad is Qawwiyy Jayyid (strong – good). The Hadith is definitely Sahih with its collective paths and supportive evidences, just as has been demonstrated in the appendix.

The intended meaning of the complete and radical application of Islam in one go is the immediate declaration of that and invalidating everything that contradicts that in terms of rulings and legislations, even if the practical time to implement that takes time. For example, the Islamic state declares as soon as it is established the nullification of all usurious contracts which were made prior to the establishment of the state and that they are subject to elimination and accountability, just as

any new contract is to be forbidden and subject to punitive measures. However, the actual elimination and purification of the banks and exchanges from all usurious transactions and other prohibited transactions may take many months to accomplish.

Consequently, if a state was to be established in any region from the Islamic regions and it claimed to be Islamic, there would be no value to this claim in itself, but rather specific conditions have to be met for the claim to be accepted. The most important manifestations of that are the following:

Firstly: To declare the Siyadah (sovereignty) of the Shar'a and the invalidation of any legislation other than the Islamic legislation i.e. other than what has been deduced via a Sahih (correct) deduction from the definite sources, which are the Kitab and the Sunnah and what these two indicate to in terms of secondary sources, like the certain Ijma' (consensus) and Qiyas (analogy) upon the basis of a Shar'iy 'Illah (reason) stated within the text and what has been deduced from them both in terms of Qawaa'id Kulliyah (comprehensive principles).

Secondly: To give the Bai'ah (pledge of allegiance) to an Imam who fulfils the conditions of contraction, which is that he be male, Muslim, Baligh (post-puberty), 'Aqil (of sound mind), 'Adl (just) and Hurr (free), even if he does not fulfil the preferential conditions.

Thirdly: That his Bai'ah be upon the basis of the Kitab of Allah and the Sunnah of the Messenger of Allah (saw), completed by acceptance and choice, as the Imam of all of the Muslims in its description as being one single Ummah. That is where he has been delegated by the Ummah and as a deputy on their behalf to practise all of the mandatory powers of ruling (or governorship) and authority. This means that the Bai'ah (pledge) must fulfil its Arkan (pillars) and these are:

(1) Upon the basis of the Kitab of Allah and the Sunnah of the Messenger of Allah (saw) i.e. upon the basis of the Siyadah (sovereignty) of the Shar'a, the Hakimiyah of Allah (swt) and that He alone has the right of legislating.

(2) By the acceptance and choice from the Muslims, whilst being completely facilitated to express their opinion, in their capacity as being the original owners of the Sultan (authority), or from those who represent them in opinion and practising the Sultan (authority) from among the people of Ahl ul-Hall Wa l-'Aqd (people of influence and representation). This means that it occurs upon the basis that the authority (Sultan) belongs to the Islamic Ummah and that it has been entrusted and charged by Allah (swt) to apply the Shar'a, to comply with Islam and carry it to the world.

(3) The overall leadership (Imamah) of the Muslims in the whole Dunyaa (world). That means that it is upon the basis of the unity or singularity of the Islamic Ummah and the unity or singularity of the state. That is except for an 'Imarah Khassah (special leadership) in a particular region at the time of necessity! This necessity and its justifications must be declared openly and stated.

(4) A delegation to the Imam to practise all of the mandatory powers of the authority and the rule (or governorship) on behalf of the Ummah in accordance with what the contract of the Bai'ah has stipulated in terms of conditions. This means in accordance with the constitution upon the basis of which the election and Bai'ah are completed. That is when such a constitution exists, or such conditions are present.

The Bai'ah is invalidated if it is not contracted upon other than the Kitab and the Sunnah just as it is invalidated if it was for the leadership of a particular country or faction. (That is except for the case of the 'Imarah Khassah (special leadership) at the time of necessity, as previously mentioned, accompanied by making it evident along with its justification, explicitly stipulating it and declaring it to the whole Dunyaa (world) with its evidences).

Fourthly: That the application of Islam, domestically and in international relations equally, begins immediately, in addition to engagement in carrying the Islamic Da'wah (invitation) to the world. This specifically includes:

(1) Considering all of the lands of the Muslims as one single unit that is obligatory to incorporate into the Khilafah if it is existing (or obligatory to integrate them together to form the aspired for Khilafah). Consequently, their embassies are closed and embassies are not opened within them just as relations with them do not take place by the foreign affairs administration. That is because they are not foreign countries and the relations with them are not foreign relations.

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(2) The annulment of all international treaties which contradict Islam and specifically the military alliances and treaties with the disbelievers and the agreements to lease military bases to them etc.

(3) The immediate exit from the regional and international organisations like the Gulf Cooperation Council, the Arabic League and the United Nations.

The comprehensive and radical application is therefore an inescapable creedal Shar'iy necessity. That is because the ruling, even if only for one single moment, contradicts Islam, it is Kufr Bawah which permits armed rebellion against the one who perpetrated it and it loses the description of being the Khilafah if it was described as such prior to that (or a Shar'iy (legitimate) 'Imarah (rule / leadership), at the time of necessity). How can the Khalifah be Shar'iyah (legitimate) (or the Ameer be Shar'iy) if this is his condition from the beginning?

For further explanation about the Islamic state and the fundamental principles of the ruling system in it, then we leave that to the books of the Fuqaha' (jurists) in the chapters of leadership, judiciary, Jihad, Adh-Dhimmah and the rulings of Al-'Ahd (covenant) and Al-Aman (security). That is in addition to the specific books concerning Al-Amwal (funds), Al-Ahkam As-Sultaniyah (Rules pertaining to Authority and ruling) and the circumstances of the Ahlu dh-Dhimmah (non-Muslim citizens of the Islamic state).

Whoever desires a good contemporary treatment of this subject area, then he should refer to the book of Dr. Mahmoud Abdul Majeed Al-Khalidi. It is a valuable collection which addresses:

- (a) The principles of the ruling system in Islam.
- (b) The features of the Khilafah in the Islamic political thought.
- (c) The Bai'ah (pledge) in the Islamic political thought.
- (d) The judicial system in Islam.
- (e) The system of Shura (consultation) in Islam.
- (f) Western democracy in light of the Islamic Sharee'ah.
- (g) The ruling apparatus in the Islamic state.

-Section: There is no Malik (King) other than Allah

Hereditary monarchy (or kingship) is a system of disbelief that completely contradicts Islam and is incompatible with the Siyadah (sovereignty) of the Shar'a, not to mention what accompanies it in terms of tyranny and oppression.

- Abu Hurairah, may Allah be pleased with him, related that the Prophet (saw) said:

إِنَّ أَخْنَعُ اسْمٍ عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ رَجُلٌ تَسْمَى بِمَلِكِ الْأُمَلَاكِ

"The most despicable name to Allah on the Day of Judgement is that of a man who took the name of King of Kings".

It is a Sahih Hadith recorded by the two Sheikhs (Al-Bukhari and Muslim, Abu Dawud, At-Tirmidhi who said: "Hasan Sahih" and Al-Hakim, from other Sahih paths. In a Sahih narration recorded by Muslim, Ahmad and others, it was related (that the Prophet (saw) said):

مَا عَظِظُ رَجُلٍ عَلَى اللَّهِ يَوْمَ الْقِيَامَةِ وَأَخْبَنُهُ وَأَعْيَظُهُ عَلَيْهِ رَجُلٌ كَانَ يُسَمَّى مَلِكِ الْأُمَلَاكِ لَا مَلِكَ إِلَّا اللَّهُ

"The most despicable person in the sight of Allah on the Day of Resurrection, the most repulsive and target of His wrath, is the person who took the name of *Malik al-Amlaak (the King of Kings)*, as there is no king but Allah".

- Al-Hakim recorded in his "**Al-Mustadrak**" from Abu Hurairah that the Messenger of Allah (saw) said:

اشْتَدَّ غَضَبُ اللَّهِ عَلَى رَجُلٍ قَتَلَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، وَاشْتَدَّ غَضَبُ اللَّهِ عَلَى رَجُلٍ تَسْمَى مَلِكِ الْأُمَلَاكِ لَا مَلِكَ إِلَّا اللَّهُ عَزَّ وَجَلَّ

"Allah's anger was intensified upon a man killed by the Prophet (saw) and Allah's anger was intensified upon a man who took the name of *king of kings*. There is no Malik (king) other than Allah 'Azza Wa Jalla".

It is a Sahih Hadith, classified as Sahih by Al-Hakim and he said it is upon the conditionality of the two Sheikhs and Adh-Dhahabi concurred.

I say: The addition "**There is no king except for Allah**" is definitely established by the most Sahih chains of transmission the two Imams Muslim and Al-Hakim, and Al-Hujjah (evidential proof) is established by it. Observe that the Prophet (saw) did not say "The king of kings is Allah" or "There is no king of kings other than Allah" or similar to that. Rather he only said: "**There is no king except for Allah**". **This addition came upon the angle of providing reasoning, as the despicableness, repulsiveness and prohibition of taking the title "king", with the singular worded expression, was built upon that, even if the worded expression "king of kings" is deeper and greater in despicableness and repulsiveness.**

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As for some of the previous prophets being kings, specifically Dawud and Sulaiman, then that was in a previous Sharee'ah for Bani Isra'eel. Initially, the Bani Isra'eel did not have this cursed and repulsive monarchical system, however they requested it and insisted upon it. Talut was then appointed over them as a king. Then after him came Dawud, following dispute and evil, and he was then followed by Sulaiman with goodness and a famed just rule. Their kingdom was then split after Sulaiman into the northern kingdom of "Isra'eel" and the southern kingdom of "Yahuda". As for kingdom of "Isra'eel" then none became king in it except that he was a stubborn tyrant Mushrik apostate, until the Assyrians wiped it from existence and most of its inhabitants were taken into Assyrian captivity. They thereafter were wiped out, became extinct and left no trace in history. As for the kingdom of "Yahuda", then it was not much better in its condition and most of its kings, with the exception of two or three, were oppressive tyrants or disbelieving apostates. That was until the king of Babylonia Nebuchadnezzar conquered them, demolished the House of Allah Bait ul-Maqdis and led the prominent personalities of Bani Isra'eel into Babylonian captivity in a humiliated and lowly state. They then remained there for around half a century until the Persian king freed them and permitted that they return to Palestine.

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The legislation of monarchic rule for Bani Isra'eel was consequently a curse and punishment and it is from the bonds and shackles which had been imposed upon them. This destructive legislation reflects one of the matters which the statement of Abu Al-Qasim (saw), the seal of Prophets, attested to, when he said:

إِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ كَثْرَةُ مَسَائِلِهِمْ وَاخْتِلَافُهُمْ عَلَى أَنْبِيَائِهِمْ

"Verily, those who came before you were only ruined due to their excessive questioning and their disagreement with their Prophets".

- The following also came recorded in Imam Al-Bukhari's "Al-Jami' As-Sahih Al-Mukhtasar":
[Isma'eel related to us, from Malik bin Az-Zannad, from Al-A'araj, from Abu Hurairah, from the Prophet (saw), that he said:

دَعُونِي مَا تَرَكْتُكُمْ، إِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ بِسُؤَالِهِمْ وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ، فَإِذَا هَيَّيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ،
وَإِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ

"Leave me as I have left you, for the people who were before you were ruined because of their questions and their disagreements with their prophets. So, if I forbid you to do something, then avoid it. And if I order you to do something, then do of it as much as you are able".

This is as Sahih (authentic) as the sun, indeed it represents "As-Silsilah Adh-Dhahabiyah" (The golden chain) from the narrations of Abu Hurairah!

- It came in "Sahih Muslim" with the wording:

مَا هَيْبَتُكُمْ عَنْهُ فَاجْتَنِبُوهُ، وَمَا أَمْرُكُمْ بِهِ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ، فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ كَثْرَةُ مَسَائِلِهِمْ
وَاخْتِلَافُهُمْ عَلَى أَنْبِيَائِهِمْ

“What I have forbidden for you, avoid it. And what I have commanded you with, undertake it as much as you are able. For verily, the excessive questioning and disagreement with the Prophets destroyed those who came before you”.

- It also came recorded in “Sahih Muslim” with a different wording:

ذُرُونِي مَا تَرَكْتُكُمْ (وَفِي حَدِيثِ هَمَّامٍ مَا تَرَكْتُمْ) فَإِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ

“Leave me as I have left you (and in the Hadith of Hammam he said: What you have been left). For verily those before you were destroyed ...”.

- It has been recorded in most of the Sihhah (Books of Sahih Hadith), Sunan, Ma’aajim and Masaneed, with the most authentic chains of transmission (Asaneed), as has been detailed in our book: “**Kitab At-Tawhid**” where we have thoroughly discussed this subject in its specified chapter and it so, can be referred to.

We clarified there the meaning of the statement of the Messenger (saw):

حَدِّثُوا عَنِ بَنِي إِسْرَائِيلَ وَلَا خَرَجَ

“Relate (traditions) from (or about) Bani Isra’eel and there is no Haraj (harm)”.

And we have removed, and Allah praise belongs to Allah, many of the problematic issues which have arisen concerning it. There is therefore no harm in respect to pondering their history, taking a lesson from what afflicted them and examining their reported traditions from the angle of the fair critic, without there being a need to deny them or attest to them.

In this regard there are the early events related to the appointment of Talut as a king over Bani Isra’eel, the circumstances surrounding that and what took place in terms of discussion and dispute, as was mentioned in the Old Testament in the “Official translation” of the holy book Samuel 1 – Part 8:

[The Children of Isra’eel’s demand for a king:

1. Now it came about, when Samuel was old, that he appointed his sons as judges over Israel.
2. The name of his firstborn was Joel, and the name of his second, Abijah; they were judging in Beersheba.
3. His sons, however, did not walk in his ways but turned aside after dishonest gain, and they took bribes and perverted justice.
4. Then all the elders of Israel gathered together and came to Samuel at Ramah;
5. And they said to him, “Behold, you have grown old, and your sons do not walk in your ways. Now appoint us a king to judge us like all the nations.”

6. But the matter was displeasing in the sight of Samuel when they said, “Give us a king to judge us.” And Samuel prayed to the Lord.

7. And the Lord said to Samuel, “Listen to the voice of the people regarding all that they say to you, **because they have not rejected you, but rather they have rejected Me from being King over them.**

8. Like all the deeds which they have done since the day that I brought them up from Egypt even to this day—in that they have abandoned Me and served other gods—so they are doing to you as well.

9. Now then, listen to their voice; however, you shall warn them strongly and tell them of the practice of the king who will reign over them.”

- Warning from Allah to Bani Isra’eel:

10. So Samuel spoke all the words of the Lord to the people who had asked him for a king.

11. And he said, “This will be the practice of the king who will reign over you: he will take your sons and put them in his chariots for himself and among his horsemen, and they will run before his chariots.

12. He will appoint for himself commanders of thousands and commanders of fifties, and some to do his ploughing and to gather in his harvest, and to make his weapons of war and equipment for his chariots.

13. He will also take your daughters and use them as perfumers, cooks, and bakers.

14. He will take the best of your fields, your vineyards, and your olive groves, and give them to his servants.

15. And he will take a tenth of your seed and your vineyards and give it to his high officials and his servants.

16. He will also take your male servants and your female servants, and your best young men, and your donkeys, and use them for his work.

17. He will take a tenth of your flocks, and you yourselves will become his servants.

18. Then you will cry out on that day because of your king whom you have chosen for yourselves, but the Lord will not answer you on that day.

19. Yet the people refused to listen to the voice of Samuel, and they said: “No, but there shall be a king over us.

20. So that we also may be like all the nations, and our king may judge us and go out before us and fight our battles”.

21. Now after Samuel had heard all the words of the people, he repeated them in the Lord’s hearing.

22. And the Lord said to Samuel: “Listen to their voice and appoint a king for them”. So, Samuel said to the men of Israel: “Go, every man to his city” (End of quote].

This is how the story came in the 8th part of Samuel 1, and Allah knows best its authenticity.

However, the connotations for its authenticity are many whilst motives to lie about it are unlikely. Indeed, it reflects a clear condemnation of Bani Isra’eel and exposes their stubbornness, foolishness and their seeking to replace that which is better for that which is worse. Instead of the honour, dignity, consultation and politics of the Prophets, they sought lowliness, humiliation and the politics of the reigning kings. Despite the divine warning concerning the oppressiveness of the kings and being made scared that their supplications will not be answered if (or when) they complain about that oppression, despite all of that the people refused except to imitate other peoples, like the imitation of monkeys.

What concerns us here is the speech attributed to Allah, Glorified be He: **“Because they have not rejected you, but rather they have rejected Me from being King over them”**. Regardless of the authenticity of this, it nevertheless reflects the definite truth: No one is pleased with the repulsive

and cursed monarchic system except for the one who has rejected Allah, exalted be His mention, as King, a Sayyid (master), a Rabb (Lord) and Ilah (deity).

Yes, this is what we say and what is obligatory upon everyone who believes in Allah and the Last Day to say. And whoever disbelieves then Allah is rich from any need of the worlds.

The meaning of some of the Prophets having been kings is also irrelevant as those revealed legislations have all been abrogated in any case. Its subject and content have been abrogated and its wording and name has been abrogated. The “**monarchic system**” or “**hereditary monarchy**” is a system of Kufr (disbelief) that completely contradicts with the Islamic ruling system as has been indicated to by numerous Mutawatir texts and the definite and certain Ijma’ (consensus) of the Ummah. The Imamah (leadership) only comes into being by way of the Bai’ah (pledge) from the Ummah which is the view of the Ahl us-Sunnah and the majority of the people of Islam, or by way of the text and divine appointment upon a particular man or men, which is the view of a minority from the people of Islam from the various Shi’a Imamiyah groups. The people of Islam do not have any opinion other than this at all.

As for what has been related from some of the trusted great scholars, like Imam Ahmad bin Hanbal, may Allah be pleased with him, in respect to permitting the leadership which has come to power by force, then even though this is an error, it does not fall under this topic. That is because they justified that due to the dire necessity which permits the Haram (prohibited) and that is not the subject of this paper. Its place, by Allah’s permission, is in our book: “**Sultan Al-Ummah**” (The authority of the Ummah) which will be issued soon and can be referred to.

The Prophet (saw) wrote to the kings and tyrants surrounding him as has been related and is famous in the books of Hadith, Seerah and history. However, he did not address them with the title of “**Al-Malik**” (king) at all, even though that did not clash with the prevalent custom and principles of international “**diplomacy**” at that time. Rather, he only used the term “**Azheem**” (Chief) affixed to the nation or land. So, he said “**Azheem Ar-Rum**” (Chief or leader of the Romans) or “**Azheem Al-Qibt**” (Leader of the Copts) and “**Azheem Al-Faris**” (Leader of the Persians) etc.

- That is like what came related for example, summarized in Al-Bukhari and a longer version in Muslim:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، مِنْ مُحَمَّدٍ عَبْدِ اللَّهِ وَرَسُولِهِ إِلَى هِرَقْلَ عَظِيمِ الرُّومِ، السَّلَامُ عَلَى مَنْ اتَّبَعَ الْهُدَى، أَمَّا بَعْدُ

In the name of Allah, the Beneficent, the Merciful. From Muhammad, the slave of Allah and His Messenger to Heraclius, the Chief of Byzantines: Peace be upon him who follows the guidance (right path)! Amma Ba'du (Thereafter): ...

Muslim presented the remainder of the noble Prophetic letter, except Imam Muslim said: “**From Muhammad, the Messenger of Allah**”. Ibn Hibban recorded it in his Sahih like that recorded by Muslim with **its length**, just as An-Nasa’i, Imam Ahmad in his Musnad, and Al-Baihaqi in his Sunan Al-Kubra with his careful examination of the paths, as was his custom, also reported it. It was also recorded in summarized form by Abu Dawud and At-Tirmidhi. At-Tirmidhi said: “**Hasan Sahih**”. Just as it has been recorded by others besides them.

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It is known that “**Al-‘Azheem**” is from the Asmaa’ ul-Husnaa (Beautiful names of Allah) like “**Al-Malik**” (The King / Owner), which makes us certain that the condemnation of the naming “**Al-Malik**” (King) and worse than that “**King of kings**” came specifically for this wording and is not reasoned (i.e. it does not have an ‘Illah that can be extended to other than it). **If it had been based on reasoning (an ‘Illah) it would have been obligatory to make an analogy between it and every one of the Asmaa’ Al-Husnaa (Beautiful names of Allah), which has been invalidated by other texts, as has preceded.**

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This naming or provision of the title of “**Malik**” (**king**) for other than the Rabb (Lord), Al-Malik ul-Quddoos, glorified is His Majesty, was connected in the minds of the Sahabah to oppression, injustice, arrogance and tyranny. Examples of that include:

- As for what came in “**Sunan At-Tirmidhi**”: [Ahmad bin Manee’ related to us from Shareej bin An-Nu’man, from Hashraj bin Nubatah, from Sa’id bin Jumhan, from Safinah, who said: The Messenger of Allah (saw) said:

الْخِلَافَةُ فِي أُمَّتِي ثَلَاثُونَ سَنَةً ثُمَّ مُلْكٌ بَعْدَ ذَلِكَ

Al-Khilafah will be in my Ummah for thirty years, then there will be monarchy after that.

Then Safinah said to me: “Count the Khilafah of Abu Bakr, the Khilafah of ‘Umar and the Khilafah of ‘Uthman”. Then he said to me: “Count the Khilafah of ‘Ali”. He said: “So we found that they added up to thirty years”. Sa’id said: “I said to him: “Banu Umaiyah claim that the Khilafah is among them”. He said: “**Banu Az-Zarqa’ lie, rather they are a monarchy from the worst of monarchies**”. Al-Albani said: [Sahih], **I say: Al-Albani was correct in this as Sa’id bin Jumhan is Thiqah (reliable) and Sahih in Haith and nobody spoke about him in respect to Al-Hujjah (evidential proof).**

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- It has been recorded in the “**Sahih of Ibn Hibban**” as follows: [Abu Ya’la informed us (saying) that: ‘Ali bin Al-Ja’d Al-Jawhary related to us from Hammad bin Salamah, from Sa’id bin Jumhan, from Safinah who said: I heard the Messenger of Allah (saw) saying:

الْخِلَافَةُ بَعْدِي ثَلَاثُونَ سَنَةً ثُمَّ تَكُونُ مُلْكًا

The Khilafah after me is thirty years, then it will be a kingship

He said: Count the Khilafah of Abu Bakr, may Allah be pleased with him: Two years. And ‘Umar, may Allah be pleased with him: Ten (years). And ‘Uthman, may Allah be pleased with him: Twelve (years). And ‘Ali, may Allah be pleased with him: Six (years). ‘Ali bin Al-Ja’d said: I asked Hammad bin Salamah: Is Safinah the one who said: “Count”. He said: “Yes”. Sheikh Shu’aib Al-Arna’ut said: [Its Isnad is Hasan], **I say: Rather, it is Sahih as we have previously mentioned.**

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- It came summarised in the “**Sunan Al-Kubra**” of An-Nasa’i (as follows): [Ahmad bin Sulaiman related to us from Yazid, from Al-‘Awwam, from Sa’id bin Jahman, from Safinah the Mawla of the Messenger of Allah (saw), who said: The Messenger of Allah (saw) said:

الْخِلَافَةُ فِي أُمَّتِي ثَلَاثُونَ سَنَةً ثُمَّ مُلْكًا بَعْدَ ذَلِكَ

Al-Khilafah will be in my Ummah for thirty years, then there will be monarchy after that.

He said: So, we calculated and found Abu Bakr, ‘Umar, ‘Uthman and ‘Ali].

- It is also in the “**Musnad of Imam Ahmad bin Hanbal**”: [Bahz related to us from Hammad bin Salamah, from Sa’id bin Jahman and Abdus Samad: Sa’id bin Jahman related to me from Safinah, that he said: I heard the Messenger of Allah (saw) saying:

الْخِلَافَةُ ثَلَاثُونَ عَامًا ثُمَّ يَكُونُ بَعْدَ ذَلِكَ الْمَلِكُ

The Khilafah is thirty years. Then after that it will be the kingship (Al-Mulk)

Safinah said: Count the Khilafah of Abu Bakr, may Allah be pleased with him: Two years. The Khilafah of ‘Umar, may Allah be pleased with him: Ten years. The Khilafah of Uthman, may Allah be pleased with him: Twelve years. And the Khilafah of ‘Ali, may Allah be pleased with him: Six years]. It is also in the Musnad through another path: [Zaid bin Al-Habbab related to us from Hammad (meaning bin Salamah), from Sa’id bin Jumhan, from Safinah Abu Abdur Rahman, who said: I heard the Prophet (saw) saying:

الْخِلَافَةُ ثَلَاثُونَ عَامًا ثُمَّ الْمَلِكُ

The Khilafah is thirty years. Then kingship (Al-Mulk) ...].

- It is also in the “**Musnad of Imam Ahmad bin Hanbal**” in a longer version: Abu An-Nadr related to us from Hashraj bin Nubatah Al-Abasi Kufi, from Sa’id bin Jumhan, from Safinah, who said: The Messenger of Allah (saw) said:

الْخِلَافَةُ فِي أُمَّتِي ثَلَاثُونَ سَنَةً ثُمَّ مُلْكًا بَعْدَ ذَلِكَ

The Khilafah in my Ummah is thirty years. Then it will be a Mulk (kingship) after that.

Safinah then said: “Count the Khilafah of Abu Bakr, the Khilafah of ‘Umar, the Khilafah of Uthman and count the Khilafah of ‘Ali, may Allah be pleased with them”. He said: We found that it was thirty years (in total). Then I looked after that in respect to the Khulafa’ and I did not find that thirty (years) conformed to them. I said to Sa’id: “Where did you meet Safinah?” He said: “In Batn Nakhl at the time of Al-Hajjaj. I stayed with him for eight nights asking him about the Ahadeeth of the Messenger of Allah (saw)”. He said: I asked him: “What’s your name?”. He said: “I will not inform you. The Messenger of Allah (saw) called me Safinah”. I asked: “And why did he name you Safinah?” He said: “The Messenger of Allah (saw) went out (travelling) with his companions. Then their baggage became heavy for them. So, he said to me: “Spread out your garment”. I then spread it out and they began to place their baggage in it for me to carry. The Messenger of Allah (saw) then said to me: “Carry, for verily you are a Safinah (ship)”. If I had carried that day the load of a camel, or two, or three, or four, or five, or six, or seven, they would not have been too heavy for me ...].

- It was also recorded in “**Al-Ahaad Wa Al-Mathaaniy**”: [Abu Bakr bin Abi Shaibah related to us from Yazid bin Harun, from Al-’Awwaam bin Hawshab, from Sa’id bin Jumhan, from Safinah, may Allah be pleased with him, who said: The Messenger of Allah (saw) said:

لِلْخِلَافَةِ فِي أُمَّتِي ثَلَاثُونَ سَنَةً

The Khilafah in my Ummah is thirty years.

He said: We then calculated and found Abu Bakr was two years and ‘Umar and Uthman, may Allah be pleased with them. He said: It was said to him that ‘Ali was not considered to be from the Khulafa’. So, he said: That is the matter of Bani Zarqa’. For he (‘Ali) is counted to be from that!].

- And from another path recorded in “**Al-Ahaad Wa Al-Mathaaniy**”: [Hudbah related to us from Hammad bin Salamah, from Sa’id bin Jumhan, from Safinah, that he said: The Messenger of Allah (saw) said:

لِلْخِلَافَةِ ثَلَاثُونَ سَنَةً ثُمَّ يَكُونُ بَعْدَ ذَلِكَ مُلْكًا

The Khilafah is thirty years. Then after that it will be a kingship.

Safinah said: “So take the two years of Abu Bakr, the ten of ‘Umar, the twelve of Uthman and six of ‘Ali”. He said: He had been white (in complexion) and then his complexion changed to ashen in the year of the famine. He swore an oath that he would not eat anything added to food until the plight had been lifted from the people. It was for that reason that his complexion changed colour, may Allah be pleased with him].

- Just as it came recorded in the “**Musnad of Ibn ul-Ja’d**”: [‘Ali related to us from Hammad, from Sa’id bin Jumhan, from Safinah, that he said: I heard the Prophet (saw) say:

لِلْخِلَافَةِ ثَلَاثُونَ سَنَةً ثُمَّ يَكُونُ مُلْكًا

The Khilafah is thirty years. Then after that it will be a kingship.

He then said: “Count the Khilafah of Abu Bakr as two years, ‘Umar ten, Uthman twelve and ‘Ali six”. ‘Ali said: I asked Hammad: “Was it Safinah who said to Sa’id: Count”. He said: “Yes”].

- It is also recorded in “**Al-Mu’jam Al-Kabir**” (At-Tabarani) from paths: [‘Ali bin Abdul ‘Aziz related to us from Hajjaj bin Al-Minhal, from Al-Muqaddam, from Asad bin Musa who both said: Hammad related to us from Sa’id bin Jumhan from Safinah the Mawla (servant) of the Prophet (saw), from the Prophet (saw) that he said:

لِلْخِلَافَةِ ثَلَاثُونَ سَنَةً ثُمَّ يَكُونُ مُلْكًا

The Khilafah is thirty years. Then after that it will be a kingship.

He said: "Calculate the two years of Abu Bakr, ten of 'Umar, twelve of Uthman and six of 'Ali, may Allah be pleased with them].

- Another Hadith came recorded in the "**Musnad of Abu Ya'la**": [Abu Khaithama related to us from Jarir, from Laith, from Abdur Rahman bin Saabit, from Abu Tha'laba Al-Khushani who said: Abu 'Ubaidah bin Al-Jarrah and Mu'adh bin Jabal were talking quietly among themselves concerning a Hadith so I said to them: What you have retained is a bequest of the Messenger of Allah (saw) ..."] They said: "We did not mean to keep anything private from you. We were only mentioning a Hadith that the Messenger of Allah (saw) said". They then began to mention it to him saying: "**This matter began with Prophethood and mercy, then it will be a Khilafah and mercy, then a biting monarchy, then it will be haughty, tyrannical and a source of corruption in the Ummah. They will make silk, alcohol, illegal sexual relations and corruption Halal (lawful) in the Ummah. They will be supported over that and sustained continuously until they meet Allah**". Ash-Sheikh Hussein Asad said: [Its Isnad (chain of transmission) is Da'eef (weak)]. He is correct in that as Laith bin Abi Salim is like the one upon whom there is a consensus concerning his weakness, in addition to their consensus that **he writes his Hadith for consideration** and that his weakness is due to his memory and not his truthfulness (or honesty). As such, this is strengthened if it also came related from another independent path, which we will come to soon.

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- In the "**Musnad of Abu Dawud At-Tayalisi**": [Jarir bin Hazim related to us from Laith, from Abdur Rahman bin Sabit, from Tha'labah Al-Khushani, from Abu 'Ubaidah bin Al-Jarrah and Mu'adh bin Jabal, may Allah be pleased with them, from the Prophet (saw), that he said: "**This matter began with Prophethood and mercy, then it will be a Khilafah and mercy, then a biting monarchy, then it will be forceful and tyrannical and a source of corruption in the earth. They will make illegal sexual relations, alcohol, and silk Halal (lawful)**". They will be supported over that and sustained continuously until they meet Allah"]].

- It came in recorded "**Al-Mu'jam Al-Kabir**" as: ['Ali bin Abdul 'Aziz related to us from Ahmad bin Yunus, from Al-Fudail bin 'Iyad, from Laith, from Abdur Rahman bin Sabit, from Abu Tha'labah Al-Khushani, from Mu'adh and Abu 'Ubaidah, that they said: The Messenger of Allah (saw) said: "This matter began as a mercy and Prophethood, then it will be a mercy and Khilafah, then a biting monarchy, then it will be forceful, tyrannical and a source of corruption in the earth. They will make silk, illegal sexual relations and alcohol Halal (lawful). They will be sustained over that and supported until they meet Allah 'Aza Wa Jalla"]].

- Similar to that also came reported in "**Al-Mu'jam Al-Kabir**": ['Ali bin Abdul -Aziz and Al-'Abbas bin Al-Fadl Al-Asfati related to us saying: Ahmad bin Yunus related to us from Fudail bin Iyad, from Laith, from Abdur Rahman bin Sabit, from Abu Tha'labah Al-Khushani, from Mu'adh and Abu 'Ubaidah, that they said: The Messenger of Allah (saw) said: "This matter began as a mercy and Prophethood, then it will be a mercy and Khilafah, then a biting monarchy, then it will be haughty, tyrannical and a source of corruption in the earth. They will make silk, illegal sexual relations and alcohol Halal (lawful). They will be sustained over that until they meet Allah"]].

- In "**Al-Mu'jam Al-Kabir**" it came reported via a different path: [Mu'adh bin Al-Muthanna related to us from Muhammad bin Al-Minhal the **brother of? Hajjaj**, from Abdul Wahid bin Ziyad, from Laith bin Abi Salim, from Abdur Rahman bin Sabit, from Abu Tha'labah Al-Khushani, from Mu'adh bin Jabal and 'Ubaidah, who said: We heard the Messenger of Allah (saw) say: "This matter began as a mercy and Prophethood, then it will be a Khilafah and mercy, then a biting monarchy and tyranny and

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corruption in the earth. They will make illegal sexual relations, silk and alcohol lawful, and they will be supported upon that and sustained until they meet Allah, Glorified and Exalted”].

- It came reported in the “**Sunan Al-Kubra of Al-Baihaqi**” as follows: [Abu Bakr bin Fawrak related to us from Abdullah bin Ja’far, from Yunus bin Habib, from Abu Dawud, from Jarir bin Hazim, from Laith, from Abdur Rahman bin Sabit, from Abu Tha’labah Al-Khushani, from Abu ‘Ubaidah bin Al-Jarrah and Mu’adh, may Allah be pleased with them, from the Prophet (saw), that he said: “Verily Allah began the matter with Prophethood and mercy, it will (then) be a Khilafah and mercy, then a biting monarchy and then it will be **haughty, tyrannical and a? corruption in the Ummah**. They will make illegal sexual relations, alcohol and silk lawful. They will be supported upon that **and sustained continuously until they meet** Allah ‘Azza Wa Jalla”].

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These are three of the trusted and reliable well known Imams: Abu An-Nadr Jarir bin Hazim Al-Azadi Al-Basri, Al-Imam Al-Qudwa (model example) Sheikh ul-Islam Abu ‘Ali Al-Fudail bin ‘Iyad At-Tamimi Al-Yarboo’i and Abu Bishr Abdul Wahid bin Ziyad Al-‘Abdi. All of them relate the same Hadith from Laith bin Abi Salim. Consequently, the Hadith as a whole, or some of it, **is affirmed by any possible corroboration for Laith**. Such corroboration exists Al-Hamdu Lillah, and it is as follows:

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- As mentioned in “**Al-Mu’jam Al-Kabir**”: Bakr bin Sahl related to us from Abdullah bin Yusuf, from Yahya bin Hamzah, from Abu Wahb, from Mak’hool, from Abu Tha’labah, that the Messenger of Allah (saw) said: “**Verily, your Deen is Prophethood and mercy, then Khilafah and mercy, then a monarchy and tyranny, then a biting monarchy, they will make illegal sexual relations and silk lawful in it**”].

- Also recorded in “**Musnad Ash-Shamiyin**” via another path: [Muhammad bin Yazid bin Abdus Samad related to us from Hisham bin ‘Ammar, from Yahya bin Hamza, from Abu Wahb, from Mak’hool, from Abu Tha’labah Al-Khushani, from the Prophet (saw), that he said: “**The beginning of your Deen is Prophethood and mercy, then Khilafah and mercy, then kingship (or monarchy) and tyranny. Illegal sexual relations and silk will be made lawful in it**”].

- From a third path recorded in “**Sunan Ad-Darimi**”: [Marwan bin Muhammad related to us from Yahya bin Hamza, from Ibn Wahb, from Mak’hool, from Abu Tha’labah Al-Khushani, from Abu ‘Ubaidah bin Al-Jarrah, who said: The Messenger of Allah (saw) said: “The beginning of your Deen is Prophethood and mercy, then Mulk (kingship) and mercy, then a A’afar (dusty) kingship, then kingship and tyranny, in which alcohol and silk will be made lawful”. Abu Muhammad said: He was asked concerning the meaning of A’afar and he said: It is similar to the dirt or dust of the ground and there is no good in it].

Ibn Wahb was mentioned in the chain of transmission here in the error of transcription as it should be Abu Wahb. Similarly. His statement “Kingship (Mulk) and mercy” directly after the Prophethood, is certainly an error of the narrators or in transcription as all of the other paths are upon the order of: “**Prophethood and mercy, then Khilafah and mercy, then biting (or dusty) kingship and then kingship and tyranny**”. Even if this was to be affirmed in this way from Marwan bin Muhammad, it is a Shaadh (irregular) and that Shudhoodh (irregularity) is when the Thiqah (trustworthy narrator) contradicts someone who is more trusted (or reliable) than him. Marwan bin Muhammad is not of a higher status than Abdullah bin Yusuf and particularly when Abdullah bin Yusuf is corroborated in the case where Hisham bin ‘Ammar corroborates him here. Some “**foolish people**” have relied upon this irregular text that holds no value and left the numerous other texts due to it conforming to their

desires, in the case where they applied it upon the reality of Mu'awiyah bin Abi Sufyan, to make the claim that his days were those of "**Kingship and mercy**". We say in response: You are being deliberately dishonest, may Allah's refuge be sought, **as there does not exist in the world except a kingdom that is biting and dust coloured, or that which is haughty and tyrannical!**

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This corroboration is acceptable as it does not include in its chain of transmitters anyone who requires examination apart from Abu Wahb and he is Abu Wahb At-Ta'iy or Al-Kala'iy and his name is Al-Harith Himsi, as was stated in "**Lisan Al-Mizan**" without adding anything further to that. The following was also mentioned in "**Tahdhib At-Tahdhib**": [Abu Wahb Al-Kala'iy related from Abdullah bin 'Amr and 'Abdur Rahman bin Marzooq from him as Al-Bukhari mentioned in "Al-Kuna Al-Mujarradah". Ibn Yusuf said in "Tareekh Misr" that he is to be examined]. **I say:** In addition, Yahya bin Hamzah related from him and he is from the Thiqah (trusted and reliable) Imams upon whom there is a consensus concerning their reliability. He is related from in the Sahihain (Al-Bukhari and Muslim), the Sunan, all of the Masaaneed and Ma'aajim. As for Al-'Uqaily mentioning him in "**Ad-Du'afaa' Al-Kabir**" (The major weak narrators) then that was because he was accused with Al-Qadr. Al-'Uqaily also listed the great Imam 'Ali bin Al-Madini there and as such earned the rebuke of Adh-Dhahabi who said: "Where is your 'Aql (mind) O 'Uqaily?!". Al-'Uqaily has other similar disgraceful matters associated with him. We also say in respect to Imam Yahya bin Hamzah the judge of Damascus "Where is your 'Aql (mind) O 'Uqaily?!". In any case, Al-'Uqaily is not from those who are relied upon in respect to Al-Jarh Wa-t-Ta'deel (The science related to the acceptance and rejection of transmitters of Hadith)!

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- There is also a third corroboration in "**Al-Mu'jam Al-Kabir**": [Muhammad bin Abdullah Al-Hadrami related to us from Abu Kuraib, from Firdaus Al-Ash'ari, from Mas'ud bin Sulaiman, from Habib bin Abi Thabit, from a man from Quraish, from Abu Tha'labah who said: I met the Messenger of Allah (saw) and said: "O Messenger of Allah, point me in the direction of a man who is good at teaching". He directed me to Abu 'Ubaidah bin Al-Jarrah and said to me "I Have directed you to a man who is good to teach you and refine you". I then went to Abu 'Ubaidah bin Al-Jarrah whilst he and Bashir bin Sa'd Abu An-Nu'man bin Bashir were speaking. When they both saw me they stopped talking so I said: "O Abu 'Ubaidah, by Allah, **this is not the manner concerning which the Messenger of Allah (saw) spoke to me**". He then said: "You came whilst we were speaking about a Hadith we heard from the Messenger of Allah (saw). So, sit so that we can relate to you". He then said: The Messenger of Allah (saw) said: "**There will be among you the Prophethood, then there will be a Khilafah upon the methodology of the Prophethood and then there will be a Mulk Jabriyah (Tyrannical kingship)**". Yes, it is true that this Isnad (chain of transmitters) has an unknown man (narrator) in it and he is not Mak'hool for certain. This Hadith is therefore independent from the previous corroboration.

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With this and the earlier and later substantiations (or supportive evidence), the important paragraph from the Hadith of Laith is authenticated, which is: "**This matter began with Prophethood and mercy, then it will be a Khilafah and mercy, then a biting monarchy, then it will be haughty, tyrannical and a source of corruption in the Ummah. They will make silk, alcohol, illegal sexual relations and corruption Halal (lawful) in the Ummah**". As for the paragraph following it: "They will be supported over that **and sustained continuously until they meet Allah**", then it did not come mentioned at all from another path which has good in it. It is therefore not permissible to attribute it to the Prophet (saw) and consequently it is not permissible to believe in it or make it part of the Deen. The preponderant view is that this is the speech of one of the narrators who was astonished by those corrupt tyrants enjoying support and consolidation, even for a while with their bad condition!

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The aforementioned Hadith of Laith bin Abi Salim also has Shawaahid (supportive evidence). From that is the Hadith related by Sa'id bin Jumhan from Safinah mentioned previously which is Sahih. There is also the following well known Hadith upon the tongues of the people, which is also Sahih, and the praise belongs to Allah:

- As recorded in the **"Musnad of Al-Imam Ahmad bin Hanbal"**: [Sulaiman bin Dawud At-Tayalisi related to us from Dawud bin Ibrahim Al-Wasiti, from Habib Bin Salim, from An-Nu'man bin Bashir, who said: "We were sitting in the Masjid of the Messenger of Allah (saw), Bashir was someone who use to hold back his Hadith. Abu Tha'labah Al-Khushani came and said: "O Bashir bin Sa'd, have you memorized a Hadith of the Messenger of Allah (saw) related to the 'Umaraa' (rulers)". Hudhaifah (then) said: "I have memorized his Khutbah (speech)". Abu Tha'labah then sat and Hudhaifah said: The Messenger of Allah (saw) said: **"The Prophethood will be amongst you for as long as Allah wishes it? to remain. He will then remove it when He wills to remove it. Then there will be a Khilafah upon the methodology of the Prophethood and it will remain for as long as Allah wishes it to remain. Then He will remove it when Allah wills for it to be removed. Then there will be a Mulk 'Aad (biting kingship) and it will remain for as long as Allah wills it to remain. Then He will remove it when He wishes to remove it. Then there will be a Mulk Jabriy (tyrannical Kingship) and it will be for as long as Allah wishes it for it to be. Then He will remove it when He wishes for it be removed. Then there will be a Khilafah upon the methodology of the Prophethood"** He was then silent. Habib said: When 'Umar Ibn Abdul 'Aziz was appointed, Yazid bin An-Nu'man bin Bashir was among his companions. I wrote to him with this Hadith reminding him of it and I said to him: I hope that the Ameer ul-Mu'mineen (meaning 'Umar ibn Abdul 'Aziz) has followed the Mulk 'Aad and Jabriyah (the biting and tyrannical kingships). He then took my letter to 'Umar bin Abdul 'Aziz who was pleased by it].

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- The same Hadith has been recorded in the **"Musnad of Abu Dawud At-Tayalisi"** with an explicit chain as follows: [Dawud Al-Wasiti, and he was Thiqah (trustworthy / reliable). He said: I heard Habib bin Salim. He said: I heard Nu'man bin Bashir bin Sa'd ... the Hadith...]. It mentions within it the additional benefit of Imam Abu Dawud At-Tayalisi's authentication of Dawud bin Ibrahim Al-Wasiti.

I say: This Isnad (chain of transmission) is Sahih and proof is established by it. Muslim and Al-Jamaa'ah (collective of Hadith collectors) recorded the Hadith of Habib bin Abi Salim Al-Ansari and Al-Bukhari was alone in respect to not accepting him. He was authenticated by Abu Hatim, despite his strictness and obstinance. The Hafizh (i.e. Abu Hatim) summarized his status when he said in "At-Taqreeb": [Habib Bin Salim An-Ansari, the Mawlaa of An-Nu'man bin Bashir and his scribe: **"There is no issue (or problem) with him"**, he is from the third generation].

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There are, in addition, other Ahadeeth and Aathar (reported traditions), which include:

- What came mentioned in the **"Musnad of Abu Dawud At-Tayalisi"**: [Hammad bin Salamah related to us from 'Ali bin Zaid, from Abdur Rahman bin Abi Bakrah, who said: "We travelled to Mu'awiyah with Ziyad and Abu Bakrah was with us. We entered upon him (in his room) and Mu'awiyah said to him (Abu Bakrah): "Relate to us a Hadith that you heard from the Messenger of Allah (saw), so that Allah may benefit us by it". He said: "Yes, the Prophet (saw) used to like the righteous visions and ask concerning them. As such, the Messenger of Allah (saw) asked one day: "Which one of you has seen a vision?!" A man responded: "I have O Messenger of Allah. I saw a vision, it was like a scale was hanging from the sky (or heaven). I then weighed you by Abu Bakr and you outweighed Abu Bakr.

Then Abu Bakr was weighed by 'Umar and Abu Bakr outweighed 'Umar, then 'Umar was weighed by Uthman and 'Umar outweighed Uthman". The Messenger (saw) was displeased by it and then said: **"The Khilafah of Prophethood, then Allah will give the Mulk (kingship or authority) to whom he wills"**. Mu'awiyah then became angry and ejected us. Ziyad then said to Abu Bakrah: "Could you not have found from among the Hadith of the Messenger of Allah (saw) a Hadith other than this?" He said: "By Allah, I will not relate to him other than it until I depart from him". He said: Ziyad continued to request permission (i.e. to see Mu'awiyah again) until he gave us permission. He let us enter and Mu'awiyah said: "O Abu Bakrah, relate to us a Hadith from the Messenger of Allah (saw), so that Allah may benefit us by it". He then related to him the same Hadith as he related the first time. Mu'awiyah then said to him: "You have no father: You inform us that we are kings. Indeed, we have become content to be kings!"]].

I say: 'Ali bin Zaid bin Jud'an is not an evidence (Hujjah) but he is also not completely disreputable. Ahmad related a lot from him and Al-Hakam declared Hadith **Sahih ferom him**. Adh-Dhahabi said: [(He is) Salih (upright)]. As such his Hadith are in the least suitable to bear in mind and to take into consideration.

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This understanding was not however exclusive to Abu Bakrah, may Allah be pleased with him, as the mannerisms of the Sahabah (companions) crystallized upon this understanding, in terms of condemning "Kingship (or monarchy)" and linking it to tyranny and gaining the upper hand. Even Mu'awiyah comprehended that, was angered and ordered that Abu Bakrah be ejected from his presence and he attempted, in vain, to flee from this censure. He then surrendered to the matter and was unable to escape from it, as is apparent in the previous reported tradition. This was also the manner of Safinah, may Allah be pleased with him, when he said in relation to Banu Umayyah: **"Banu Az-Zarqa' lie, rather they are a monarchy (or kingship) from the worst of (types of) monarchies!"**

A lot more other than this has also come reported, including that which was affirmed from Thumamah bin 'Adiy Al-Qurashi, the Amir (leader) of Sanaa appointed by 'Uthman bin 'Affan, may Allah be pleased with him.

- It came related in **"Al-Mu'jam Al-Kabir"** as follows: [Muhammad bin Abdullah Al-Hadrami related to us from Muhammad bin Yusuf Al-Anbari, from Dawud bin Al-Muhabbar Abu Qahdham, from Abu Qilabah, from Abu Al-Ash'ath As-San'ani, who said: He was the Amir (leader) over Sanaa. Abu Qahdham said: "He was called Thumamah bin 'Adiy. He had companionship (i.e. from the Sahabah). When the news of the death of so and so person reached him, he cried excessively. Then when he regained control of himself, he said: **"This is a time when the Khilafah of the Prophethood has been removed and has become a kingship and tyranny. Whoever gains the upper hand over something will take it as his"**].

- From another Mursal path in **"Al-Mu'jam Al-Kabir"** the following was recorded: [Ishaq bin Ibrahim Ad-Dabari related to us, from Abdur Razzaq, from Ma'mar, from Ayub, from Abu Qilabah: That a man from Quraish called Thumamah was appointed over Sanaa. Then when Uthman, may Allah be pleased with him, was killed, he gave an address and cried excessively. When he gained control over himself, he said: **"Today the Khilafah of the Prophethood has been taken away from the Ummah of Muhammad (saw) and it has become a kingship and tyranny. Whoever takes something he takes control over it"**].

- It also came recorded in “**At-Tabaqat Al-Kubra**” via the path of Ayub from Abu Qilabah. Imam Muhammad bin Sa’d said: [’Arim bin Al-Fadl related to us from Hammad bin Zaid, from Ayub, from Abu Qilabah, who said: When the news of the killing of Uthman reached Thumamah whilst he was the Ameer (leader) appointed over Sanaa and he had companionship, he cried intensely and then said: “**This is a time when the Khilafah of the Prophethood has been taken away from the Ummah of Muhammad and has become a kingship and tyranny. Whoever gains the upper hand over something he devours it**”]. This is Mursal however we are aware of the narrator whom Abu Qilabah failed to mention and he is Abu Al-Ash’ath As-San’ani, as stated previously and as is stated explicitly in the following path of transmission:

- In “**At-Tabaqat Al-Kubra**”, Imam Muhammad bin Sa’d, after the previous Hadith said: [Ahmad bin Ishaq Al-Hadrami related to us from Wuhaib bin Khalid, from Ayub, from Abu Qilabah, from Abu Al-Ash’ath As-San’ani, from Thumamah bin ’Adiy: The same as previous narration except he said: He was from Quraish].

I say: These chains of transmission are like the sun leading back to Abu Qilabah. As for Abu Al-Ash’ath As-San’ani, then he came to Ash-Sham (Greater Syria) after that. He is Thiqah (trusted / reliable transmitter) of regard. He is from the transmitters of Imam Muslim and was mentioned by Ibn Hibban among the reliable transmitters (Thiqaat). Abu Qilabah related a lot from him and the following trusted and reliable transmitters (Thiqaat) related from him: Abdur Rahman bin Yazid bin Jabir, Yahya bin Al-Harith and Hassan bin ’Atiyah among others.

The following has also been recorded concerning ’Umar bin Al-Khattab and Salman:

- In “**At-Tabaqat Al-Kubra**”, Imam Muhammad bin Sa’d stated: [Muhammad bin ’Umar related to us from Qais bin Ar-Rabi’, from ’Ata’ bin As-Sa’ib, from Zadan, from Salman that ’Umar asked him: “Am I a king or a Khalifah?”. Salman said to him: “**If your levy from the land of the Muslims a Dirham or less than that or greater, and then designated it in its right place, you are a Khalifah!**” ’Umar then wept].

- He also recorded in “**At-Tabaqat Al-Kubra**”: [Muhammad bin ’Umar informed us that Abdullah bin Al-Harith related to him from his father, from Sufyan bin Abi Al-’Awjaa’, who said: ’Umar bin Al-Khattab said: “By Allah, I don’t know whether I am a Khalifah or a king: If I am a king then this is a great matter!” Someone said: “O Amir ul-Mu’mineen (Leader of the Believers): There is a difference between them!” He asked: “What is it?” He said: “**The Khalifah does not take except a right and he does not designate it except in its right place. You, and all praise belongs to Allah, are like that. That is whilst the king acts tyrannically with the people and so takes from that and gives this (i.e. by his whim)**”. ’Umar was then silent]. **I say:** This resembles the meaning of the previous narration, except that it is a different incident!

There is nothing impairing in these chains of transmission apart from the well-known speech concerning Muhammad bin ’Umar Al-Waqidiy as most of the scholars of Hadith have classified him among the Matrookeen (those who are left and not transmitted from). **I say:** They greatly wronged the man in this regard and we may lift this wrong from him in another place as it is a long and complicated study. In any case, the statement of ’Umar, Salman or other than them from the Sahabah is not a Hujjah (evidential proof). We only made mention of it for the purpose of bearing in mind and with that we come to the end of the transmissions related to this matter, and all praise belongs to Allah the Lord of the worlds.

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These therefore reflect the attitudes and sentiments of the Sahabah: That kingship (or monarchical system) is tyranny and oppression whilst the Khilafah is the opposite of that. And this is expected as this is the attitude and sentiment of those who graduated from the school of our master Abu I-Qasim, Muhammad bin Abdullah bin Abdul Muttalib, as a mercy for the worlds, who will be carrying the flag of praise on the Day of Judgement, the master of high standing and glory.

Where are the tyrants who have taken the titles of kings in the Muslim lands in respect to this? Further to that, they are not even tyrant “**kings**” in truth, but rather contemptible slaves and lowly servants who are obedient to their masters from the major states of arrogance and colonialism, treacherous and betraying to their Ummah and peoples, forfeiting their rights and interests!

Chapter: The State’s Adoption of the Ahkam Ash-Shar’iyah

It is not allowed for the fair reader to have any doubt, following the detailed study we have presented, that the Hakimiyah (sole right to pass judgement) and Siyadah (sovereignty) of the Shar’a represent Islam’s spinal column, as there is no Islam and no Iman without them. Likewise, it is not permissible to have the least amount of doubt that what they call “**Ibadah**” (worship) with the meaning of a host of ritual acts of worship or even the total sum of apparent and unapparent acts and statements which Allah loves and is pleased with, does not represent the “**essence**” of the ‘Ibadah. Rather, ‘Ibadah means “**obedience to the command**” with that. ‘Ibadah is therefore the “**Taa’ah**” (obedience), Iman is “**Taa’ah**” (obedience) and Islam is the submission (and surrender) to the command of Allah, which means “**Taa’ah**” (obedience). Obedience to the command of Allah is therefore Islam, Iman and ‘Ibadah, and returning to Allah and His Messenger is Islam, Iman and ‘Ibadah. It is not the Salah (prayer, Zakah, Hajj, Sawm (fasting), Jihad, commanding the Ma’roof and forbidding the Munkar. That is not its “**essence**” but rather it is “**obedience to the command**” with that.

However, in respect to the practical application of that, some problematic matters could arise and indeed have arisen. These include:

(1) That the commands of Allah and His prohibitions contained within the texts of the preserved and infallible “**Dhikr**” revealed upon Muhammad (saw) are not all known to everyone and many of them are not Qat’iy Ath-Thuboot (definite in transmission) or Qat’iy Ad-Dalalah (definite in meaning). This leads the believers who refer to Allah and His Messenger to differ in respect to what they arrive at in terms of particular rulings and opinions.

I say: This problem only exists with superficial thinking and feeble intellect. That is because Iman and Islam only means referring back to Allah and His Messenger. It is not the Sujoood (prostration) itself but rather obedience to the command to prostrate and the same applies in all matters. As such, the

Hukm (ruling) of Allah in respect to anyone seeking the Hukm of Allah is that which he has arrived to by his Ijtihad after expending the capability and exhausting the effort, as long as he was referring back to Allah and His Messenger. As for attaining correctly what Allah had intended, which is the knowledge of Allah, then that is not possible for everyone. Rather, it is a blessing that Allah bestows upon whom He wills from His slaves. The Mujtahid, whom we are referring to above, may not be questioned and taken to account for his error as has been established by definite certain evidences, Rather, he would be rewarded for his Ijtihad with a single rewards as has been affirmed in the Ahadeeth. If he attains correctly what Allah intended then he could by the favour of Allah and His bestowal, attain double the reward and perhaps more than that, which is also from the knowledge of Allah. The one who is not a Mujtahid, then he is a follower of the evidence if he is capable of that. Otherwise, he would be a Muqallid (imitator) who asks the people of knowledge, as Allah has commanded him to. All of these are referring back to Allah and each of them is a Muslim and believer.

(2) That obedience to the Shar'iy (legitimate) Waliy ul-Amr (ruler) is obligatory, in accordance with the limits set by the Shar'a. At the same time many of the commands issued by the authority are in reality in the form of constitutions, laws and statutes which have a general descriptive quality and as such appear as if they are legislation from other than Allah. Perhaps, it actually was like that and consequently be Kufr Bawah which nullifies the legal legitimacy of the ruler and permits rebellion against him. What then are the limits of the mandatory powers of the Shar'iy Waliy ul-Amr (ruler) in respect to enacting constitutions and laws, and how do the "Laws" which the "Waliy ul-Amr" enacts differ from those enacted in western democracy, or hereditary monarchy or any other system of Kufr (disbelief)?!

Indeed, it is true that the state scholars and ignorant Mashayikh have been successful in respect to generating major confusion among the Muslims in relation to the Shar'iyah controls related to the limitations of the mandatory powers of the Shar'iy Waliy ul-Amr concerning the enactment of laws. That was until the people began to believe that the Islamic state was a totalitarian dictatorship and that their rulers were Pharaohs who even had the right to interfere in the thoughts of the people, their beliefs, marriages, the particularities of their homes and their personal secrets, all of which is absolutely at odds with the definite Shar'iyah texts from the Kitab and the Sunnah, and contrary to the methodology of the Sahabah, the Tabi'een and those who followed them from the Salaf As-Salih (righteous predecessors).

Al-Hasan Al-Basri said: [They govern from our affairs five (matters): Al-Jumu'ah, Al-Jama'ah, Al-'Eid, Ath-Thughoor (protection of the frontiers) and Al-Hudood (the set punishments)]. Sahl bin Abdullah At-Tasatiri said: [Obey the Sultan (leader) in seven (matters): Minting the Darahim and Dananeer (i.e. Gold and silver coinage), the measures by volume and weight, Al-Ahkam, Al-Hajj, Al-Jumu'ah, the two Eids and Al-Jihad]. The understanding from these two statements is that there is no governance of the rulers in other than these matters. It is true that we don't hold that view, but rather believe that the mandatory powers of the Sultan are wider than that. However, we presented this to demonstrate that some of the Imams of the Salaf had stated such restrictions as opposed to those of the modern day from among the ignorant masses or deceitful Mashayikh, who have named themselves as "Salafiyah" in a false and fraudulent claim!

The matter has been made worse by the obscurity of some of the issues related to the "Limitations of the mandatory powers of the ruler" and their need for deep and enlightened thought to be

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applied to them is almost entirely non-existent among the vast majority of the Mashayikh and those affiliated to the Shar'iy knowledge.

The need for that deep and enlightened thought is a very dire need in order to become aware of the types of systems and laws, the limitations of restricting the Mubah (permissible), and the manner of how to adopt and deduce correctly. That is so that contrary to the Shar'a is not enacted in these areas, so that the rulers are not obeyed in the disobedience of Allah, the Highest, and so that the system of Islam does not deviate and transform into an abominable repressive dictatorship that diverts people from the path of Allah and drives them away from "Islam". That is after its image becomes distorted and the doors of the cursed disbelieving secularism are opened, leading the people affected by it to the eternal doom and everlasting fire. Consequently, it is necessary to deal with this matter in detail regardless of the length of the study, as it is extremely vital.

It is known that Islam came in its texts with Akhbar (information) and Ahkam (rulings). That is because the Shari' Al-Hakim, the Kitab and the Sunnah, is divided like any speech into that which is Khabar (informative) and that which is Inshaa' (linked to request).

As for the Khabar, then the action is not connected to it, but rather relates to the belief or denial of a reality that was existent, is existent now or will be existent in the future. The mere belief or denial is decided in the self, based upon the evidence or what is imagined to be an evidence. There is no choice for the slave in that and no accountability or punishment upon him in respect to it. However, the Iqraar (firm affirmation) is a voluntary choice, just as pursuing knowledge or being in opposition to it are voluntary acts, which the slave is held to account for and rewarded or punished upon.

The Kitab and Sunnah are abundant in these Akhbar: Some are related to the previous nations, some relate to the creation (universe), the human being, life and their specificities. Most of them and the most important relate to Allah (swt) and His names and attributes, to prophecies and their realities, and to the Day of Judgement and what is associated with it in terms of account, reward and punishment. The Muslim scholars have deduced from those texts directly or indirectly, utilising a variety of styles of linguistic and rational deduction numerous informative (Ikhbaariyah) statements which are usually included in the books of 'Aqeedah (belief), the studies of Tahwid and sometimes the books of Usool ul-Fiqh.

An examination reveals that these statements are categorised into two categories:

Firstly: That which its Daleel (evidence) is Qat'iy (definite), meaning Qat'iy Ath-Thuboot (definite in transmission) and Qat'iy Ad-Dalalah (definite in meaning). It is what has been established by explicit and definite texts in meaning from the Qur'an and the Sunnah Al-Mutawatirah. As such, it becomes known from the Deen by necessity and consequently a measure for Kufr (disbelief) and Iman (belief). Therefore, whoever believes in it is a Muslim and believer from the people of the Qiblah, whilst whoever does not believe in it is a Kafir (disbeliever) outside of the domain of Islam.

These statements in their entirety represent an Usool Kulliyah, like those related to Allah, His names, attributes, actions, His being alone in terms of Rububiyah, His sole entitlement alone and without partner to the Uluhiyah, and His being alone in respect to the right to legislate, possess the sovereignty and Hakimiyah. Similarly, it includes that related to the Prophethood of our master Muhammad (saw), the sealing and concluding of the prophecies and messages through him, his conveyance of it from Allah in an infallible and explanatory manner, which is not abrogated until the

Last Hour, and the circumstances of the Last Day in terms of the resurrection of the bodies, the account, reward and punishment. That also includes the denial of the beliefs of those who believe in the eternity of the world and deny the resurrection and those who believe in reincarnation. It includes belief in the great Shafaa'ah (intercession) of our Prophet Muhammad (saw) and that of others from the Prophets and **the** righteous. There are also branch Akhbar which are not Usool Kulliyah like the innocence of our master Yusuf, peace be upon him, from the accusations of the wife of the 'Aziz, the innocence of the Mother of the Believers 'Aa'ishah and that 'Ammar was killed by the rebellious faction, among other such similar matters.

These Akhbar represent that which is deserved to be called "**The Islamic Aqeedah**", upon the basis of which people are categorised in terms of being a believer or disbeliever. They are also the solid basis upon which the state is established, in the case where it is not permissible for there to be anything or matter in its entity, organs, accountability or any matter related to it, except that it emanates from the Islamic Aqeedah, which at the same time must inevitably be the basis of the constitution, laws, systems, statutes and all administrative instructions etc. Therefore, it is impermissible for the state to have any concept, conviction, measure, constitution, law or system that does not emanate from the Islamic Aqeedah. That is as it is not permissible to make the basis of the state the Islamic Aqeedah by name only. Rather, the presence of this basis must be demonstrated in everything related to the state's existence and in every matter, large of small, in all of its affairs.

It is therefore not permissible for the state to have any concept related to life or ruling unless it emanates from the Islamic Aqeedah and it does not allow for a concept that does not emanate from it. This manifests as follows:

- (1) It is therefore not permissible for the western concept of democracy to be adopted in the state because it does not emanate from the Islamic Aqeedah, in addition to it being in opposition to concepts that emanate from it. That is because it includes as a matter of fact that the people are the ruler and the legislator, or that the people are the source of all authorities including the legislative authority. That is whilst it is known by necessity in the Deen of Islam that only Allah is the Sayyid (master possessing the Siyadah), the Rabb (lord), Ilah (Deity worthy of worship) and legislator, alone with no partner.
- (2) It is not permissible for there to be any regard given to the concept of nationalism (Qawmiyah) because it does not emanate from the Islamic Aqeedah, not to mention that the concepts emanating from the Islamic Aqeedah have come rebuking nationalism. Forbidding it and explaining its danger.
- (3) It is not valid for there to be any existence for the concept of patriotism (Wataniyah) as it does not emanate from the Islamic Aqeedah, in addition to it being contrary to the concepts which emanate from the Islamic Aqeedah.
- (4) It is not valid for there to be in its ruling system and its dealing with the people any concept of empire, kingship or republic, because all of these concepts do not emanate from the Islamic Aqeedah and they are contrary to the concepts emanating from it.
- (5) In addition, there is an absolute prohibition for accounting to take place upon a basis other than the Islamic Aqeedah, neither by individuals, movements or collective structures. Such accounting upon a basis other than the Islamic Aqeedah is therefore forbidden. Likewise, the establishment of

movements, collective structures, organisations, parties, unions, clubs, administrated groups or any other kind of collective gathering upon other than the basis of the Islamic Aqeedah is forbidden.

That is because the Islamic Aqeedah being the basis of the state obliges all of this from it and obliges it upon the subjects whom it governs. Its life in its description as being a state, the life of every matter emanating from it in its description of being a state, every action connected to it in its description as being a state, and every relationship that is established with it in its description as being a state, its basis must be the Aqeedah of the state, the Islamic Aqeedah.

This is the meaning of establishing the state upon the Islamic Aqeedah, the meaning of the Islamic system being a host of beliefs, thoughts, convictions, concepts and Ahkam (rulings) which includes the constitution, laws, systems (or codes), statutes and administrative instructions among other matters. None of this has any relationship to the beliefs of the individuals and the constituents of their consciences.

The first category of the statements is established in itself and does not require adoption by the state. That is because adoption does not occur except in the matters in which there is disagreement (or difference in opinion). **Although** **Even though** it is a belief established by the heart and consequently a purely individual matter that does not touch upon public life and the authority has no relationship to it, legislative matters connected to public life **and** **do** have an impact upon the relationships of the people in society **and with the authority do result from it_ as a result of the authority that comes from it.**

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The classification of the people as Muslims and disbelievers is undertaken upon its basis. Therefore, whoever affirms it, declaring it openly, uttering the Shahadatain, is a Muslim who enjoys all the rights of Muslims and their obligations, apart from that which the Shar'a has exempted due to a specific reason like the exemption of the one who has had judgement passed upon him due to his Fisq (sinful act of rebellious disobedience) from being qualified to be appointed to the public positions of ruling, judiciary and having his testimony accepted. Some of these **me**-may inwardly be disbelievers whilst in reality they are hypocrites, from those who are from the lowest depths of hellfire, may Allah provide us refuge from it. If, however, a person is outwardly Muslim the rulings of the people of Islam apply upon him and the state deals with him in accordance with the treatment of the Muslim with all the associated rights and obligations.

We are not aware of a specific ruling for the Munafiq (hypocrite) apart from that which the texts have indicated **to** in terms of the impermissibility of praying over him and seeking forgiveness for him in respect to the one who knew his condition (of disbelief) by way of certainty or by a preponderant view which his heart is contented upon and his Nafs is at peace with. This exception does not go beyond him to other individuals and by greater reason it does not extend to the state. Indeed, the one who knows the condition of the hypocrite is not obliged to declare that and inform others unless there is a Shar'iy dictate. That is in accordance with what was known from the action of the Prophet (saw) in relation to some of the hypocrites who were made known to him via the revelation and also the behaviour of Hudhaifah bin Al-Yaman, may Allah be pleased with him, and his refraining from informing the Amir ul-Mu'mineen, 'Umar ibn Al-Khattab, may Allah be pleased with him, of their names and Hudhaifah's insistence upon that until his death!

As for the one who does not affirm these statements, then he is a Kafir, and the following is applicable to him:

(1) The Ahkam of the Murtaddeen (apostates) if his contract of Islam had previously been valid.

(2) Otherwise, he would be a disbeliever in origin and is dealt with in accordance with the situation that he is upon in terms of being a Mushrik (polytheist) or from the Ahl ul-Kitab (People of the Book). [Included in this category are the children of the apostates who were born to them after the apostacy, did not apostatise themselves and are likewise considered to be original disbelievers].

The validity of the contract of Islam is not an 'Aqadiyah (Creedal) or Khabariyah (informative) issue but rather a practical issue regulated by the Ahkam Ash-Shar'iyah, some of which are subject to difference of opinion. As such, it may require the state to adopt in that in accordance with the strongest Shar'iy Daleel (evidence) which lifts the disagreement among the executors and judges, so that the treatment of all those carrying **subject status- Citizenship?** of the Islamic state is unified.

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Secondly: Other statements, in relation to which the majority have **not been established settled** upon a definite evidence (Daleel Qat'iy) **from the aspect of Dalalah** (indicative meaning). That is like the complicated and difficult studies concerning the Siffaat (attributes) and whether they are the essence of the self or other than that, or not this or that. That is like the difference of opinion among the Sahabah in respect to whether Muhammad (saw) saw his Rabb (lord). Most of the differences of the people concern the detailed issues related to the Qadr and other matters. Some are from the angle of the Thuboot (transmission). Like that related to the statement that Allah "Created Adam upon His image" as there is discussion concerning the Thuboot of the Hadith, not to mention what it brings in terms of a long and wide examination from the perspective of the meaning and its relationship to the Haqeeqah (literal meaning) and Majaaz (metaphorical meaning).

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None of this has a relationship with the Asl (fundamental origin) of Iman and does not enter into the classification of people being Muslims or disbelievers. That is the correct view established by the evidences (and is detailed in another place). That is even if the dispositions of the hobbyists of declaring Bid'ah and Fisq, who are numerous among those who call themselves "**Salafiyah**" do not agree, may Allah not make their number large!

In addition, the correct view is that declaring Fisq in the l'tiqaad (belief) has no basis for it in the Shar'a. That is because the Fisq (rebellious disobedience) and Ma'siyah (act of disobedience) are Ahkam related to the voluntary act of the slave and not due to his mere Tasdeeq and l'tiqaad (belief). Consequently, the one who commits a Haram act by his choice and deliberately is 'Aasi (disobedient and sinful). If he did that openly and insisted upon it, he is a Fasiq and the Shar'iyah rulings related to the Fasiq in public life apply to him. As for the accounting in the hereafter and encompassing what is in the breasts of the people in terms of Kufr (disbelief), Iman (belief) or Nifaaq (hypocrisy), then these are specifically left to Allah 'Azza Wa Jalla, and the state has no relationship to that.

The original (de facto) position is that the state does not adopt a specific opinion in this second category as it does not touch upon the public life and **nor have an impact within upon it!**

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The correct position as indicated ~~to~~ by historical occurrences is that adoption in matters such as this afflicted the Muslims with the worst anguish, hardship and harm. It generated Fitnah (discord) and resentment as what occurred with the Fitnah of the creation of the Qur'an at the hands of Al-Ma'mun, Al-Mu'tasim and Al-Wathiq who committed a crime against the Ummah when they wanted

to bring the people by force to adopt the opinion of the creation of the Qur'an. Al-Mutawakkil then attempted, after them, to rectify the crime by committing another crime when he forced the people upon the opposite. The effects of this Fitnah still remain to this day as you find some people, **resting on the mouths of the dirt roads**, declaring those holding this or that opinion to be disbelievers.

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It is also because afflicting the Muslims with anguish and hardship is prohibited and the one who does that is deserving of the supplication of the Messenger of Allah (saw), when he said:

اللَّهُمَّ مَنْ وَلِيَ مِنْ أَمْرِ أُمَّي شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْقُقْ عَلَيْهِ

"O Allah, whoever has been made a ruler over my Ummah and then oppresses them, then deal with him harshly!"

- Imam Muslim recorded from Abdur Rahman ibn Shumasah, who said: [I came to 'Aa'ishah and asked her about a matter. She asked: "What people are you from?" I said: "from the people of Egypt". She then asked: "How was your governor's conduct with you in your war?" He said: "We did not experience any vindictiveness from him. If the camel of a man from us died, he would bestow on him a camel. If any one of us lost his slave, he would give him a slave. If anybody was in need of the basic necessities of life, he would provide them with provisions". She said: Behold! What was done to my brother, Muhammad b. Abu Bakr, does not prevent me from telling you what I heard from the Messenger of Allah (saw), who said in this house of mine:

اللَّهُمَّ مَنْ وَلِيَ مِنْ أَمْرِ أُمَّي شَيْئًا فَشَقَّ عَلَيْهِمْ فَاشْقُقْ عَلَيْهِ

"O Allah, whoever has been made a ruler over my Ummah and then oppresses them, then deal with him harshly!"].

This is a Sahih Hadith, definitely reliable and evidential proof is established by it. Muslim recorded it from numerous paths, just as Ahmad did, and all of them are Sahih.

Indeed, the Messenger of Allah (saw) used to leave going out for Jihad, whilst it was the most beloved matter in the Dunyaa for him, so as not to cause hardship upon his Ummah or anguish. That is apparent from the following:

- It was related from Abu Hurairah that he said: The Messenger of Allah (saw) said:

تَضَمَّنَ اللَّهُ لِمَنْ خَرَجَ فِي سَبِيلِهِ لَا يُخْرِجُهُ إِلَّا جِهَادًا فِي سَبِيلِي وَإِيمَانًا بِي وَتَصَدِيقًا بِرُسُلِي فَهُوَ عَلَى ضَامِرٍ أَنْ أُدْخِلَهُ الْجَنَّةَ أَوْ أُرْجِعَهُ إِلَى مَسْكَنِهِ الَّذِي خَرَجَ مِنْهُ نَائِلًا مَا نَالَ مِنْ أَجْرِ أَوْ غَنِيمَةٍ . وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ مَا مِنْ كَلِمٍ يُكَلِّمُ فِي سَبِيلِ اللَّهِ إِلَّا جَاءَ يَوْمَ الْقِيَامَةِ كَهَيْئَتِهِ حِينَ كَلِمَ لَوْنُهُ لَوْنٌ دِيمٌ وَرَيْحُهُ مِسْكٌ وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَوْلَا أَنْ يَشْتَقَّ عَلَى الْمُسْلِمِينَ مَا قَعَدْتُ خِلَافَ سَرِيَّةٍ تُعْزُو فِي سَبِيلِ اللَّهِ أَبَدًا وَلَكِنْ لَا أَجِدُ سَعَةً فَأَحْمِلُهُمْ وَلَا يَجِدُونَ سَعَةً وَيَشْتَقُّ عَلَيْهِمْ أَنْ يَتَخَلَّفُوا عَنِّي وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَوَدِدْتُ أَنِّي أَعْزُو فِي سَبِيلِ اللَّهِ فَأُقْتَلَ ثُمَّ أَعْزُو فَأُقْتَلَ فَأُقْتَلَ ثُمَّ أَعْزُو فَأُقْتَلَ

“Allah has guaranteed for the one who goes out to fight in His way, where nothing has brought him out except the desire to fight Jihad in my way, believing in Me and affirming the truth of My Messengers, the guarantee that He will admit him to Paradise or bring him back to his home from where he set out with a reward or (his share of) booty. By the One in Whose Hand is the life of Muhammad. If a person gets wounded in the way of Allah, he will come on the Day of Judgment with his wound in the same condition as it was when it was first inflicted; its colour being the colour of blood but its smell will be the smell of musk. By the One in Whose Hand is Muhammad's life, **if it were not to be too hard upon the Muslims**, I would not stay behind from any expedition which is setting out to fight in the cause of Allah. But I do not have abundant means to provide them (to be able to go and fight), nor do they have the means (to provide themselves with for Jihad), **whilst it is hard for them to be left behind (in one narration: That it is difficult for them to accept)**. By the One in Whose Hand is Muhammad's life, I would have loved to fight in the way of Allah and be killed, to fight and again and be killed and to fight again and be killed”].

This Hadith is of the utmost authenticity from the most Sahih Hadith of the Dunyaa. It was related by Muslim and Ahmad in full length and by Malik, Al-Bukhari, An-Nasa'i, Ibn Majah in parts and summarised, with the soundest of chains of transmission!

The definite historical evidence also establishes that adoption in issues **such as these and Muslims were afflicted with severe anguish**, hardship and suffering, just as Fitnah and resentment were generated. This has actually taken place and is not just a theoretical probability or imagined occurrence. In addition, this should not take place as the Shar'iyah principles have stated that “**Ad-Dararu Yuzaal**” (The harm is removed) and “**Al-Waseelah Ila I-Haram Haram**” (The means to Harm is Haram”. For these reasons, the correct opinion is that the adoption of the Imam in issues of belief (Al-I'tiqaad), or informative matters upon which there is disagreement, **is not only in opposition to the Asl (origin)** and contrary to the reality of adoption and its conditions, as some of the Mujtahideen have stated, but it is Haram which makes the Imam a Fasiq and Zhalim who deserves to be deposed by the established Shar'iyah method.

This relates to the Akhbar (informative matters). As for the Inshaa' (those matters related to action), incorporating the commanding of Al-Ma'roof and forbidding of the Munkar, like the Ahkam At-Taklifiyah: Al-Wujoob (obligation), Al-Istihbaab (recommendation), Al-Ibahah (permissibility). Al-Karahiyah (dislike) and At-Tahrim (prohibition). In addition, incorporating the Ahkam Al-Wad'iyah (rules connected to the undertaking of the Taklifiy rulings), like making something a Sabab (cause) for another matter and the rulings of the Rukhsah (exemptional permission), Al-'Azeemah (the original rule), Al-Fawr (immediacy) and At-Taraakhi (delay) and others besides them which are numerous. These include:

(1) - That which is designated to the responsibility of the individual in his individual capacity. It has no relationship to the collective (Jama'ah) or the state, and it does not at all impact the public life. That is like the Ahkam related to the **established?set the Sunah anda, Witr prayers** and what is similar from the acts of worship, just as it includes the Akhlaq (moral behaviours and manners) and individual acts of obedience, whether they were Qat'iyah (definite) or Zhanniyah (not definite).

(2) - Ahkam which regulate the individual relations of people with each other like marriage, inheritance, sales and all the remainder of the trade transactions.

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(3) - Ahkam which regulate the relations of the Ummah and the state with other nations and states.

This obviously falls under that which from the essence of the jurisdiction of the state and its actions.

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(4) - The Furood Kifayah (the collective obligations of sufficiency) which are obligatory upon the Jama'ah (collective). If some fulfil it in the correct Shar'iy manner meeting its sufficiency, it is

fulfilled, otherwise all will be sinful.

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These obligations of sufficiency are of two categories:

The first: A category designated to the responsibility of the state like the undertaking of the obligation of Al-Jihad, collecting the Zakah and spending it upon those who are entitled to it.

The second: That which the state has no interference in and that is like the such as Ijtihad which is a collective obligation of sufficiency upon the Ummah.

In addition, there are individual Mubahaat (permissible acts) which the state is not permitted to interfere in like marriage and the selective pairing of husbands and wives, and others related to the public life which the state is permitted to interfere in accordance with Shar'iyah conditions and controls which we explain in detail in the following section.

Section: The controlling principles related to imposing restrictions upon the Mubah (permissible acts / matters)

It has become widespread among the masses that it is permitted for the state to "Prevent and compel in the Mubah" due to what has been called the public benefit based upon the premise that the Shar'a has provided the legally responsible person (Mukallaf) with choice in respect to the Mubah between doing it and not doing it. An unwholesome, erroneous or deviant view has arisen from this corrupt belief. That is the prohibition (Tahreem) of what Allah and His Messenger made Halal and obliging that which He (swt) did not make obligatory, compelling the subjects upon that and punishing them for its violation without any clear Shar'iy restriction or the permission of the Shaari' (legislator) to do that. Allah (swt) has rebuked the one who makes Haram what He has made Halal with the greatest rebuke and has named the one who has done that from a legislative perspective as a Mushrik (idolator / polytheist). Allah (swt) says:

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سَيَقُولُ الَّذِينَ أَشْرَكُوا لَوْ شَاءَ اللَّهُ مَا أَشْرَكْنَا وَلَا آبَاؤُنَا وَلَا حَرَمْنَا مِنْ شَيْءٍ

Those who associated with Allah will say: If Allah had willed, we would not have associated [anything] and neither would our fathers, nor would we have made anything Haram (Al-An'am: 148).

And He 'Azza Wa Jallah said:

قُلْ أَرَأَيْتُمْ مَا أَنْزَلَ اللَّهُ لَكُمْ مِنْ رِزْقٍ فَجَعَلْتُمْ مِنْهُ حَرَامًا وَحَلَالًا قُلْ اللَّهُ أَدْنَىٰ لَكُمْ ۗ أَمْ عَلَى اللَّهِ تَفَرُّونَ

Say: Have you seen what Allah has sent down to you of provision of which you have made [some] unlawful (haram) and [some] lawful (Halal)? Say: Has Allah permitted you [to do so], or do you fabricate [something] upon Allah? (Yunus: 59).

And He (swt) said:

قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلَادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ وَحَرَّمُوا مَا رَزَقَهُمُ اللَّهُ افْتِرَاءً عَلَى اللَّهِ

Indeed, lost are they who have killed their children, from folly, without knowledge, and have forbidden that which Allah has provided for them, inventing a lie against Allah (Al-An'am: 140).

That is an addition to other verses. The Sharee'ah has forbidden the person from compelling himself to refrain from a Mubah action, even if it was with the intention of worship. That is like the rebuke of the Messenger (saw) to the one who made an oath that he would not sit or seek shade. If this is the case in respect to the Mukallaf who intended worship by leaving the Mubah, then how is it Halal for the state to prohibit some of the Mubah generally or to make his action rest upon its permission or license? The detailed Shar'iyah evidences have only indicated that it is permissible for the state to intervene by compelling or preventing a matter from the Mubah matters in a temporary manner in specific circumstances which are restricted by clear Shar'iyah principles. We will now present these circumstances in order to remove any ambiguity in this subject matter:

The first circumstance: That the Mubah is leading to a harm or to a Haram. The legitimate ruler can always intervene in this circumstance to prevent the occurrence of the harm or prohibited matter. That is like preventing the one who is sick with aids or contagious leprosy, may Allah protect us from that, from marrying in order to prevent the contagious spread, or like preventing the one who is losing his sight or has weak eyesight from driving vehicles on the roads in order to prevent the occurrence of any harm. This principle is established by the Ahadeeth related to preventing the harm and its reciprocation. As for the principle of preventing that which leads to Haram, then it is like the prohibition of insulting the deities of the Mushrikeen if it is known that they will insult Allah aggressively and ignorantly. Or like the Messenger's (saw) forbidding the storage of the meat of the ritually slaughtered animals beyond three days due to the harm of famine. Or like what Uthman, may Allah be pleased with him, did by compelling the recital of the Mus'haf in the tongue of Quraish due to the grave fear of the occurrence of what Allah had prohibited in terms of divisions between the Muslims and their discord across regions if he were not to do that. The precursors of such division had already occurred and the early signs of Fitnah had manifested. It is stipulated in respect to all of this that this Mubah matter be definitely leading to harm (Ad-Darar) or the Haram, **in the case where neither fall back from being in itself a "Waseelah Kaafiyah" (sufficient means) or an "Illah Kaafiyah" (sufficient reason), as the scholars of logic state.** It is not permissible for it to be leading to that by way of probability or possibility (Ihtimaal), speculative thought (Zhann) or imaginary impression (Al-Wahm), as all of that is not sufficient to pass the Hukm (verdict) of prevention (or prohibition) upon it.

The second circumstance: That the Mubah matter relates to the specific affairs of the state like the affairs of its army, employees and what is similar to these. In such a circumstance it has the right to compel and prevent (or forbid) those related to that in terms of its employees and army personnel in order to accomplish a Shar'iy aim and purpose, but not for the mere purpose of imposing dominance, to curtail them or based on mere whims. That is like imposing upon the employees of

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the state particular work and hours of work or a specific uniform for the army personnel and so forth. This had been established in the Sunnah and the actions of the rightly guided Khulafaa', like when the Messenger (saw) forbade his governors from accepting gifts, whilst 'Umar, may Allah be pleased with him, used to stipulate the wealth of his governors and forbade them from placed locked doors and barriers between them and their subjects.

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The third circumstance: The regulation of the public amenities and funds which the Muslims share in. That is where the Sunnah has established that there are amenities which the Muslims have a share in like the water, pastureland, fire, public roads or paths, and what relates to the public funds in terms of the Fay' (booty) and Ghana'im (spoils). That is because the regulation of these matters is left to the state in order to accomplish a Shar'iy aim or purpose without favouring anyone over anyone else in respect to it and to accomplish the well-being of the Muslims through its distribution. It also has the right, in such a circumstance, to compel or forbid some of the Mubah matters upon this Shar'iy basis. That is in the case where the Prophet (saw) made the Naqee' (a place near Al-Madinah where camels were kept) a protected sanctuary and he asked Abyad bin Hammaal to return a salt flat due to the people's need for it. He (saw) also distributed the properties of Hunain to the Muhaajireen due to their poverty and to attract the hearts, whilst he did not distribute it upon the Ansar, may Allah be pleased with them all. He (saw) commanded that the road be made seven cubits wide to regulate its passage and he passed judgement by his judgement in respect to stream al-Mahzur that its water should be held back till it reached the ankles, and that the upper waters should then be allowed to flow to the lower. 'Umar ibn Al-Khattab, may Allah be pleased with him, made Ash-Sharaf and Az-Zabdah protected sanctuaries and there are many other examples, all of which indicate that the Imam (leader) and state have the right to intervene in order to regulate the amenities and public funds, to achieve a Shar'iy Maqsad (aim and purpose).

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The fourth circumstance: The implementation of the Furood Al-Kifayah (the collective obligations of sufficiency) which are the responsibility of the state. That is as the Shar'a has made the state responsible over the execution of some of the collective obligations of sufficiency, like the collection of the Zakah and Al-Jihad. In such a circumstance, it is for the state to compel and forbid those whom this relates to. The Messenger (saw) legislated registration for Al-Jihad and compelled those who were registered to attend and not be absent unless he gave permission to the person. Uthman used to specify a specific month for the collection of the Zakah as was mentioned in Al-Muwatta'. Therefore, whatever has been made the responsibility of the state in terms of the collective obligations of sufficiency, it has the right to regulate that by way of compulsion and prohibition/forbiddance in order to accomplish its establishment in accordance with the Shar'a.

If, however, the obligation of sufficiency is not related to the state like the obligation of Ijtihad to deduce the Ahkam (rulings) and to be creative and inventive in the various fields of sciences, arts, manufacturing and crafts, then the state has no right to interfere or to prevent the scholars, scientists or inventors, or compel them. Rather, the state must make available all of the capabilities and facilitate the means to enable the Ummah, in its collective (capacity?), and every individual from among its individuals, to undertake and fulfil those obligations of sufficiency.

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Examples of that include: The opening of schools, universities, higher learning institutes, centres for research and thought of the highest standards and levels, whilst designating grants and bursaries to researchers, students and teachers, and other such matters. That is in order to meet the objective conditions to generate from the Ummah a great mass of Mujtahideen, thinkers and inventors in all fields: The Shar'iyah, natural, medical and engineering sciences. That is to enable the Ummah, as a

whole, and every capable and desiring individual from its sons to fulfil the obligation of sufficiency in those areas.

From this presentation of Shar'iyah principles based on the specific circumstances in which the Shar'a has permitted the state to intervene by way of compelling or forbidding some of the Mubah matters for the purpose of accomplishing a Shar'iy aim, it is clearly evident that in other than these circumstances, the original position is that it is not for the state to prohibit the Mubah, forbid (or prevent) it, oblige it, or restrict and limit it to the one who has been provided with a licence to undertake it. That is because the Ibahah (permissibility) is a Hukm (ruling) from the Creator of the slaves and their Rabb (Lord) (swt). When the permissibility (Ibahah) of an action has been established by the Shar'iy Daleel (evidence) it is not for the creation at all to prevent or compel it. That is affirmed by the Sahih Hadith of 'Adiy bin Hatim concerning the Qawl of Allah (swt):

اتَّخَذُوا أَحْبَابَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللَّهِ وَالْمَسِيحِ ابْنِ مَرْيَمَ وَمَا أُمُّرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ إِلَّا هُوَ ۚ سُبْحَانَ عَمَّا يُشْرِكُونَ

They took their scholars and monks as lords besides Allah, and [also] the Messiah, the son of Mary. And they were not commanded except to worship one Ilah; there is no deity except Him. Exalted is He above whatever they associate with Him (At-Taubah: 31).

This is in respect to what relates to the Mubah (permissible). As for what relates to the rest of the legislations in the state, in terms of the systems (codes), statutes and so forth, then it is known from the Deen of Islam by necessity that it is obligatory to go to the Shar'a of Allah for judgement and His judgement in all of the affairs of the individual, family and state, in addition to the relationship of the Ummah with the state and the relationship of the state and Ummah with other states and nations. It is also known from the Deen that it is obligatory for the Shar'a of Allah alone to be dominant over everything else and for the Siyadah (sovereignty) of the Shar'a to be completely realised in all the actions of the state, its systems, conducts, statutes and all aspects of life, as has been explained in detail in this paper of ours "Al-Hakimiyah and Siyadat Ash-Shar'i". As such, it was necessary to explain issues comprehensively related to the reality of the systems and how to base them upon the Shar'a.

Firstly: The types of systems and how they were formed

The deep and through examination of the systems, statutes and commands makes it apparent that they comprise two types of Ahkam (rulings) or articles.

The first type: The legislative articles or rulings and these are the articles which deal with Takleefiy Ahkam, whether that is by way of compulsion (Al-Wujoob), or prevention (At-Tahrim) or the permission and allowance (Al-Ibahah) or deal with the explanation of the causes (Asbab), conditions (Shuroot), exceptions, Mawaani' (preventors), Sihhah (validity), Fasad (corruption), or Al-Butlan (invalidation), which all represent the Takleefiy Ahkam. This type, from the articles of the systems, relates to the original (or fundamental) actions of the Mukallafeen, and the scholars of the Usool of the Sharee'ah have given the name of Khitab At-Takleef and Khitab al-Wad' for this type. However, it is observed that there does not exist in the **standing systems** of the current states the ruling of Istihbaab (recommendation) or Al-Karaahiyah (dislike) as these are related to the reward and punishment of the hereafter and as such do not fall under the purview of the worldly ruling systems when they introduce or enact their rulings.

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The second type: The procedural articles or rulings and these are the articles which deal with the rulings related to the material means and styles to implement the legislative rulings. This is what the scholars of the Usool of the Sharee'ah have sometimes named "Al-Maslahah Al-Mursalah".

For example: The collection of the Zakah from the specified properties, specifying what is due from them and distributing them upon the specific categories of people, is all considered to be from the legislative rulings. That is because the **ruling concerned with** the obligation **of** the state to collect the Zakah, the impermissibility of giving it to other than its entitled recipients, the conditions of Zakah in terms of a year passing, the Nisab (specified amount) and its cause, and what is forbidden to be taken from in terms of a debt, are all legislative Ahkam (rulings) for the actions of the Mukallaf (legally responsible and accountable) slaves, by way of the Takleef or the **Wad'** **(any translation of this word?)**.

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As for the styles utilised to undertake this legislative ruling in terms of the means of transport, written or electromagnetic records, the manner of how the collectors meet with the people whether that is by going to them or inviting them to give their Zakah in a specified Zakah office, or by writing to them by recorded post, the period that this takes place in in relation to the beginning of the year, its middle or end, then all of these matters are considered procedural rulings related to the style and means utilised to undertake and fulfil the legislative Hukm (ruling).

Another example: The peoples sharing in the roads, the public benefits and their permissibility of the right to benefit from them by travelling upon them, and the prohibition of specifying some to the exclusion of others, are considered legislative rulings. As for the regulation of the execution of these rulings by various means and styles like the pavements with their specifications, traffic lights and signs, and the necessary required procedural steps to make sure that the drivers of vehicles are qualified and fit to do so, then all of this is considered to be from the procedural rulings.

A third example: The system (or codes) for companies in most states stipulate that the rulings of the system apply upon the companies specified by it, which usually encompass joint liability commercial, limited partnership, joint venture and share companies etc. The system then states the invalidity of every company that does not adopt the mentioned forms and shapes. This article is considered to be a legislative ruling because it has given a ruling upon the action of the Mukallafeen in respect to partnership or companies. The ruling is valid if it conforms to the form and shape specified by the types of companies and invalid upon that which does not conform to that. It also imposes specific kinds of actions for the Mukallaf if he wants to **contract a company** and these are forms of the company which have been specified by the system.

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There could be another article in the system stating that all of the contracts, billing reports, advertisements and other such matters from the documentation of the company must carry its name, make evident its type and its headquarters. The system could state in a third article that the share company board at the end of each financial year must prepare an inventory of the company's assets, the company budget, the accounts of profits and losses. Whilst a fourth article may designate the ways of categorising the budget and profit and loss accounts. These latter articles which define the material means and procedures through which the companies execute their work are regarded to be procedural rulings ... and so on.

It is evident from this that every system or law or even constitution, where the constitution represents the basic or fundamental law or system for the ruling, contains articles of the two types of Ahkam as mentioned above, and they are:

(1) The legislative rulings and (2) The procedural rulings.

It is therefore necessary to comprehend this when passing judgement in accordance with the Shar'a upon the systems, as the judgement upon any system can only occur after knowing the type of its rulings and according to its sources.

As for the legislative rulings, whether it is from the Khitab Al-Takleef or Khitab Al-Wad', then the Hukm in respect to it is to Allah (swt) alone.

As for the procedural rulings, then they are for the legitimate Waliy ul-Amr (i.e. the state or the Imam) to set and intervene in respect to their regulation, in accordance with what fulfils the Shar'iy aims (Maqaasid). This is what will be explained later in what follows.

Secondly: The legislative rulings must be derived from the Shar'iy evidences and it is Haram (prohibited) to take them from another source

The Islamic sovereignty (Siyadah) belonging to the Shar'a dictates that all of the legislative Ahkam (rulings) be derived via a correct Ijtihad from the Shar'a evidences which are, the Kitab and the Sunnah and what these two indicate in terms of other detailed evidences and **paths of** deducing the Ahkam by way of Qiyas and other than that as has been detailed in the books of Usool ul-Fiqh. That is as Allah (swt) has made it obligatory to return to His Kitab and the Sunnah of His Messenger (saw) in every matter and has made that a condition of Iman. Allah (swt) said:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ

But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning (all) that over which they dispute among themselves (An-Nisa': 65).

And He (swt) said:

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ

And judge between them by (all) what Allah has revealed (Al-Ma'idah: 49).

And:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ

It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair (Al-Ahzab: 36).

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That is in addition to many other Aayaat. And the Messenger of Allah (saw) said:

مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ

Whoever innovates something in this matter of ours, that is not from it, then it is rejected.

Allah (swt) made referring to and going to judgment to other than His Shar'a a manifest (and clear) misguidance (Dalaal) and He called every Shar'a other than His Shar'a a Taghut. Allah (swt) said:

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا

Have you not seen those who claim to have believed in what was revealed to you and what was revealed before you? They want to refer legislation to Taghut, while they were commanded to disbelieve in it; and Shaytan wishes to lead them far astray (An-Nisa': 60).

The Salaf (righteous predecessors) of the Ummah have held a consensus over the obligation of going to judgement to the Shar'a of Allah, submission to it and that no one is permitted to exit outside of it. It is for that reason that the Salaf of the Ummah from among the Sahabah, may Allah be pleased with them, fought against those who apostatised and withheld the Zakah. As such, the legislative rulings must be confined to its source and evidences from the Shar'iyah evidences of the Deen of Islam. The acceptance of any source other than Islam for the legislative rulings is considered to be going to judgement to Taghut. This act is Haram (prohibited) whether the Taghut agreed with the Shar'a by coincidence or was contrary to it. That is because the obligation upon the Muslim is to disbelieve in Taghut and disassociate from it completely, under all circumstances.

Consequently, referring to the French criminal law for the rules related to punishments or to the Egyptian civil law for the rules of companies for example, and ruling the people by them, is not permissible at all, regardless of whether they agreed with the Shar'a or were contrary to it. That is because referring to them means seeking the judgement of Taghut and belief in it, which results in manifest misguidance (Dalaal), Kufr, Fisq and Zhulm, may Allah's refuge be sought from that.

Thirdly: The procedural rulings must not be contrary to the Shar'a and they are adopted in accordance with their realisation of the legislated aims (Maqaasid).

The Kitab Al-'Aziz (Al-Qur'an) has indicated that the material means in the creation are Mubah (permissible) to benefit from due to Allah (swt) placing them at His creation's disposal to utilise and as a bestowal from Him. Allah (swt) said:

هُوَ الَّذِي خَلَقَ لَكُمْ مِمَّا فِي الْأَرْضِ جَمِيعًا

It is he who created for you all that is in the earth (Al-Baqarah: 29).

Just as the Sunnah, the actions of the rightly guided Khulafaa' and the Ijma' (consensus) of the Sahabah indicates that the procedural rulings and purely worldly rulings are permissible generally, as

long as a specific evidence has not come prohibiting a matter or thing from them. That is like what has been affirmed in the Hadith related to the pollination of palm trees, when he (saw) said:

أَنْتُمْ أَعْلَمُ بِأَمْرِ دُنْيَاكُمْ

You are more knowledgeable with the affair of your worldly life (Dunya).

Another example is the digging of the trench as a defensive strategy which was taken from the Persians and the utilisation of the Diwan (register) to regulate the matters related to expenditures procedurally employed by ‘Umar, may Allah be pleased with him, which was taken from non-Muslims, among other such examples. Consequently, when it is established that the ruling is procedural, then any means or style used to execute the legislative ruling derived from the Shar’a evidences, is permitted to adopt from elsewhere:

(1) In accordance with its precise accomplishment of the Maqaasid (aims) and in the best and most complete of manners.

(2) With due diligence to simplify these procedures and their management.

(3) And with gentleness with the people when enacting them if they relate to the state.

These means and processes represent what the scholars of Usool ul-Fiqh have named “**Al-Maslahah Al-Mursalah**”. That is due to the consideration that there is no Daleel (evidence) relating to them specifically but rather fall under the general legislative ruling which is considered to represent the means and style to implement or execute it.

—Section: Who is the Shar’iy (legally legitimate) “Waliy ul-Amr (ruler)”?

We have previously stated that the regime scholars and ignorant Mashayikh have succeeded in generating a major confusion among the masses of the Muslims in respect to the Shar’iyah principles related to the limits of the mandatory powers (or jurisdiction) of the Shar’iy (legitimate) Waliy ul-Amr (ruler) in respect to the enactment of laws. That was until the people came to think that the Islamic state was a totalitarian dictatorship and that their rulers were Pharaohs who even had the right to interfere in the thoughts of the people, their beliefs, marriages, the particularities of their homes and their personal secrets, all of which is absolutely at odds with the definite Shar’iyah texts from the Kitab and the Sunnah, and contrary to the methodology of the Sahabah, the Tabi’een and those who followed them from the Salaf As-Salih (righteous predecessors).

This is not all that they have been successful in. Rather, you will find them talking about the “**Waliy ul-Amr**” in an unqualified manner with underhandedness, stupidity and simple mindedness, as if it was synonymous with the “**Shar’iy Waliy ul-Amr**”, in a way that generates among the people the belief that anyone “Possessing authority” is a Shar’iy (legally legitimate) Waliy Amr. It is therefore no wonder to find some of those traitors or “**Donkeys**” “**preaching**” to the Muslims in France that the disbeliever president of the secular French republic is the “**Waliy ul-Amr**”?!

To expose this underhanded attempt to misguide and to eradicate it from its roots, we say: The head of state is either:

- An Imam Shar'iy for the generality of the Muslims (or an Ameer Shar'iy in an Imaarah Khaassah (special or specific rule) for at least some Muslims, in the circumstances of necessity, as has been detailed in our book: "**Obedience to the Uli l-Amr: Its limitations and restrictions**").

- Or he is not that meaning that he is neither a Shar'iy Imam nor Ameer, for any reason from among the reasons for that. That is like when:

(a) He is a disbeliever in origin, or

(b) He had apostatised after having been Muslim, or

(c) He is from those who do not rule by what Allah revealed, meaning that his system (or regime) is one of disbelief, or

(d) He was a Muslim who had not fulfilled a condition from among the contractual conditions upon which a consensus has been formed and is established definitely, for example, like the one who does not possess a sound mind, and similar such conditions. The contract to him would be invalid and as if it had not occurred, or

(e) He was a Muslim fulfilling the contractual conditions however he assumed the rule by other than the Shar'iyah Bai'ah (pledge) by having usurped the authority and pouncing upon it, or through inheritance, or merely a democratic election without a Shar'iyah Bai'ah, or by way of appointment from someone who does not possess the right to appoint someone, and what is similar to these, or

(f) After his appointment to the rule and his legitimate contraction in a correct manner, something happens in respect to him that leads to his exiting from the position of ruling and its automatic annulment. That could include:

(1) Disbelief by apostatising from Islam and insisting upon that, or

(2) Falling into captivity of an overpowering enemy in the case where he is not able to escape and there is no hope in his being released, or

(3) Complete insanity from which there is no awakening from.

In these three circumstances and what is similar to them in respect to the ruling, the Khalifah exits from the Khilafah and every Ameer is removed from his Wilayah (position of ruling). He is deposed at once and even if the judgement has not been passed for his deposal or the decision of the one possessing the jurisdiction had not been issued. It is therefore not obligatory to obey him or execute his commands for anyone whom it has definitely been established for him that one of these three circumstances is present (in the ruler). It is not obligatory to obey him in these the circumstances by the mere occurrence of one of them and all of his actions related to the position of leadership (Imamah or Imaarah) become invalid from the time of the occurrence of the circumstance.

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However, it is obligatory to prove that these circumstances have happened to him and for that proof to be in front of the specified court "The Court of Unjust acts" or "The Constitutional Court" or The High Shar'iyah Court" or what is similar to these titles. The court would then judge that he has exited from the position of ruling (Wilayah) has been proven and pass judgement with his dismissal upon such and such a date and the invalidation of his actions from that time. That would be announced before everyone so that another can be appointed. In this manner no disagreement or dispute would take place among the masses.

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(g) The definite final Shar'iy judgement has been issued for his dismissal by the specific or special court "The Court of Unjust Acts", because something had happened in respect to him that obliges his dismissal, meaning one of the circumstances in which it is obligatory in the Shar'a to depose him, however, obedience to him, in other than the Ma'siyah (sinful act), remains obligatory and his actions which conform to the Shar'a remain valid and applicable, until his removal is actually completed! These refer to the matters where the change that occurs in his condition do not remove him from the Khilafah or the Imaarah, however it is not permissible in accordance with the Shar'a for him to continue in them (i.e. positions of ruling). These matters are numerous and include:

(1) That his 'Adaalah (justness) is invalidated in the case where Fisq becomes apparent, as has been fully explained in detail, Al-Hamdu Lillah, in our book: **"Obedience to the Uli l-Amr: Its limitations and restrictions"**.

(2) That he changes to a female or to an unclear hermaphrodite.

(3) That he loses his mind or is insane (Majnoon) in an incomplete manner where sometimes he is aware and at other times, he does not possess the mind. In this situation it is not permissible for an agent or representative to stand in his place. That is because the contract of the Khilafah or the Imaarah has occurred upon his personal self and it is not valid for someone to stand in for him. He is the delegated representative himself via the delegation of the Ummah provided to him in his personal self. It is delegation that does not provide him the right to delegate other than him "all" that is delegated to him, even if he has the right to delegate others in respect to "some" of what he has been entrusted with, in accordance with the need and what the necessities of caretaking the affairs of the people demands.

(4) The incapability of undertaking the burdens of the Khilafah or the Imaarah for any reason, whether that was the absence of a bodily organ or a terminal illness where recovery is not anticipated, which prevents him from undertaking the work that he was given the Bai'ah (pledge) to fulfil. The key point here is his inability to undertake the work. That is because his inability to undertake the work that he was appointed to undertake as the Khalifah leads to matters of the Deen and the interests of the Muslims being disrupted, which is a Munkar that must be removed. It is not permissible to remain silent over that and it is not removed except by deposing him so that another Khalifah or Ameer can be appointed. Therefore, in such a situation his deposal becomes Wajib (obligatory).

(5) The case where he is being subjugated and is consequently made incapable of dispensing with the interests of the Muslims by his own opinion in accordance with the Shar'a. Therefore, if a subjugator subjugates him to the point where he becomes incapable of taking care of the interests of the Muslims by his opinion alone in accordance with the Ahkam of the Shar'a, then he is considered to be incapable, by ruling, to undertake the burdens of the Khilafah and it is obligatory

for him to be removed, just like the one who is physically incapable, and in accordance with the same Shar'iy reasoning. This is conceivable to happen in certain circumstances, which include:

The first circumstance: That an individual or individuals from his entourage gain dominance over him and solely take over the implementation of the matters. They subjugate him and make him proceed in accordance with their opinion, in the case where he becomes incapable of opposing them and is compelled to proceed by their opinion. In such circumstances, the matter is examined. If there is hope that he will be able to escape from their dominance within a short period of time he is put on notice and provided this short period of time to distance them and free himself from them. If he accomplished that then the Mani' (preventer) is eliminated and the inability is removed. Otherwise, it is obligatory to depose him.

The second circumstance: That his situation comes to resemble that of the one who is captive. That is by his falling under the dominance of the enemy, under his influence where he directs him as he wishes and dispossessing him of his own independent will in respect to managing the interests of the Muslims. In this circumstance, the issue is examined. If it is hoped that he will be able to free himself from falling under the control within a short period of time, he is provided with that short period. If he was able to free himself and can escape from the control of the enemy, the Mani' (preventer) is eliminated and the inability is removed. Otherwise, then it is obligatory for him to be deposed.

In these five circumstances and what follows their Hukm (ruling), it is obligatory to depose the Khalifah or the Ameer when any of those circumstances occur. However, their occurrence requires proof to be established and takes place before the "**Mahkamat ul-Mazhaalim**" (Court of Unjust Acts), which then passes the judgement of the annulment of the contract of the Khilafah or Imaarah and the dismissal of the Khalifah or Ameer!

In all that has preceded the Ameer would not be Shar'iy (legally legitimate), even if he practised the authority and was actually in full control over it. Rather, in accordance with the Shar'a he follows the ruling of the one that does not exist or has no presence!

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If it was the first circumstance, where he was a Shar'iy Imam or Ameer, and what was rightfully a "Shar'iy Waliy Amr", then obedience to him is obligatory in all of his commands with the exception of two cases, which are:

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- **The first case: It is prohibited for us by way of definite prohibition**, to obey him in any matter in opposition to the Shar'a i.e. in a Ma'siyah (sinful act of disobedience to Allah), whether that was a Haram act or the command to leave a Wajib (obligation). Rather, it is obligatory upon us to disobey him in that particular command, by way of "**Peaceful disobedience**" i.e. **refraining from obedience and refusing to execute that particular command!**

Examples of commanding with a Ma'siyah include that he commands that the private properties of the people be insured, or he commands his army to prevent the Muslims to reach occupied Palestine to fight the aggressing usurper Zionists, or he commands affiliation to the United Nations or the Arabic league and other than them from the international and regional organisations and institutions of disbelief, or he commands the formation of an internal spying agency to spy upon the subjects and degrade them, or he commands the scholars to refrain from issuing Fatawa (verdicts) or providing their opinion in any issue from among the issues, or other than in terms of preventing the obligation or commanding the Haram. In this situation it is not permissible to obey him in these

matters, indeed it is absolutely prohibited to do so **حُرِّمَ** that is due to what has been affirmed from the statement of the Messenger (saw):

عَلَى الْمَرْءِ الْمُسْلِمِ السَّمْعُ وَالطَّاعَةُ فِيمَا أَحَبَّ وَكَرِهَ إِلَّا أَنْ يُؤْمَرَ بِمَعْصِيَةٍ فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ

It is obligatory upon the Muslim to hear and obey in that which he likes and that which he dislikes, unless he is commanded with an act of disobedience. So, if he is commanded with an act of disobedience, there is no hearing and no obeying. (Al-Bukhari and Muslim).

That is in addition to many other certain and Mutawatir texts which have been mentioned previously. Indeed, it is obligatory to disobey him without bringing out weapons and without rebelling by fighting. This means that he must be confronted by “**civil disobedience**” or “**peaceful disobedience**” just as it is obligatory for him to be accounted, discussed with and complained against to the court of unjust acts, to compel him to leave the command to undertake a Ma’siyah (disobedience) to Allah, or to issue the judgement of his dismissal if he insists and persists and is not repelled.

- **The second case: It is not obligatory to obey him but it is not prohibited. If the Muslim wishes he can obey him and if he wishes he can disobey him.** That is if he exceeds the limits of the mandatory powers that the Shar’a has set. For example, if he adopted Shar’iyah rulings which he compels the people within the areas of the individual obligations which the Shar’a has delegated to the individuals. That is like the rulings related to the manner of performing the Salah, the rulings of fasting, or in the Mandubaat (recommended actions) and the Sunan Ar-Rawaatib (fixed and ordered Sunnah prayers), or marriage, or the collective obligations of sufficiency (Furood Kifaayah) which the Shar’a did not delegate to the state like that of Ijtihad, or if the state interferes in that which Allah (swt) has made permissible for the people to do as they wish and where this permissible act was not from that which the Shar’a had demanded that the state or rule interfere in or regulate. That is like if the ruler compelled the people to build their houses upon a single specific architectural style with the aim of beautifying the towns or cities, or he compelled the farmers to store their produce through the **agricultural marketing organisation**, or he forbade the traders from importing specific materials under the pretext of protecting local industry, and so on. This relates to other than the category of other permissible matters which the people have a share in whilst the Shar’a has requested that the ruler intervenes in and regulate, like the provision of irrigation water to the farmers from the rivers, regulating the traffic in the roads, specifying the measures by weight and volume, designating the way that employees are selected and the remainder of the public administrative statutes within the state.

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In these circumstances **it is not obligatory to obey him, however, it is not Haram.** It is therefore permissible for the Muslim to obey just as it is permissible for him to abstain from obedience. Regardless of that, the Ameer would be Zhalim (oppressive) and aggressing against the rights of the people and his mandatory powers (or jurisdiction). The Prophet (saw) left the people to do these **matters** and what is similar to them from the Mubahaat without interfering in them or infringing upon them. The right of the Muslims remains standing in respect to accounting, criticising and complaining to the Shar’iy judiciary (i.e. to the “**Mahkamat ul-Mazhaalim**”), to compel him to leave this infringement upon the mandatory powers, or to issue his dismissal if he insists, persists and does not reverse this.

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These two scenarios are the only two which can be conceived to take place within the Islamic state. If, however, the great calamity was to occur, in the case where the head of state is not a Shar'iy Ameer, like if he was a hereditary king, president of a republic or the head of the revolutionary leadership council, for example, then it is not obligatory to obey him in any command from his commands without exception, whether they conformed to the Shar'a or were contrary to it. Even if he commanded that the obligatory Zakah be collected it is not obligatory to obey him. That is whilst it is Haram to obey him, as an obvious matter of necessity, with a definite and absolute prohibition, if he was to command the undertaking of a Ma'siyah (i.e. a contravention of the Hukm Shar'iy).

The Ma'siyah is that which contradicts or is in opposition to the effective system:

(1) This means whatever contradicts the definite Ahkam Shar'iyah upon which there is a consensus. That is because these are effective by way of Shar'iyah necessity as dictated by the Siyadah (sovereignty) of the Islamic Shar'a.

(2) Or the Ahkam Ash-Shar'iyah which were actually adopted by a recognised constitutional method, just as been partially explained previously.

As for the case when there is no adoption by the state in a particular issue of difference of opinion, then it is permissible for anyone who needs to know the Hukm of Allah in that issue to take that which he believes most likely to be the Hukm (ruling) of Allah in the Mas'alah based upon the strength of the evidence and its conformity with the reality. Consequently, if the judge, for example, was to do that and judged in accordance with it, it is not permitted to reverse that judgement, for that reason, as the Ijtihad is not reversed by an Ijtihad at all. We will detail the discussion concerning adoption and its problematic issues and objections upon it in an independent chapter due to its great importance.

Chapter: Problematic issues related to the adoption (At-Tabanni)

What we have mentioned previously concerning "Adoption" and its limits is established and correct without any doubt in respect to it in terms of principle. However, there are problems that arise at the point of practical application. The most significant of which is that the classification of the Haram and the Halal is not all Qat'iy (definite) in all of the issues as some of it, as is known, is subject to difference of opinion. For example, the Ameer could adopt the permissibility of musical instruments and songs and command that anthems and music be used with the military forces. Is this then considered to be a command to undertake a Ma'siyah where he is being disobedient in that? No, as the subject area of musical instruments and songs is one of disagreement and subject to Ijtihad.

It is not possible to solve this problem except by distinguishing between the systems and statutes and what is from their category in terms of public arrangements which can conform to many sample partialities and between the states dealing with the partial and particular circumstances.

As for the partial and particular issues, whether they relate to administration and execution or subject to judicial review, it is not permissible for the judge, administrator, executer, rulers with all

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of their ranks rising to the Khalifah or the high Imam, to contradict or violate the effective system. That is because it is not permissible for the Khalifah and whoever is lower than him to violate the Shar'a under any circumstances in the **partial and particular** matters.

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The **effective system** is the binding Shar'a in relation to the Khalifah and whoever is lower than him in terms of rulers (Wulaat ul-Amr), leaders (Umaraa'), judges and those possessing mandatory powers or jurisdiction. Any violation of that is considered to be a Ma'siyah and any command issued in opposition **efo** that is considered to be a command to undertake a Ma'siyah.

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As for the **effective system** then it consists of numerous components:

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(1) The Ahkam Ash-Shar'iyah which the definite (Qat'iy) Daleel (evidence), in terms of transmission (Thuboot) and indicative meaning (Dalalah), has established. These are considered to be effective automatically (or by default) due to the dictates of the Siyadah (sovereignty) belonging to the Islamic Shar'a. Their implementation does not require any action by the state but rather they are implemented automatically or by default from the moment the Wahy (divine revelation) descended with them upon our master Muhammad (saw) and remain so until the day of judgement. Whoever claims that they need to be brought into effect by the state or from any other creation, is a disbeliever or a person confounded in ignorance and his riding animal has more intelligence and knowledge than him!

(2) The Ahkam Ash-Shar'iyah which have been adopted by the Imam according to the strength of the evidence (Daleel) and its conformity with the reality. These Ahkam are the Shar'iy Hukm of Allah in relation to the Imam himself and all of the departments and organs of the state. It is not permissible to violate them.

It should not be said that the Imam is the one who adopted them and as such he has the right to violate them in some specific particular issues. That is not said because he did not adopt them except based on the belief that they were the Hukm of Allah in the Mas'alah (issue) by the strength of evidence and also as the mere adoption of them they become the Hukm of Allah in respect to him which are not permitted to be violated or exited from. Yes, it is permissible for him to re-examine that adoption and indeed he must do that if he has any doubt in the correctness of the former adoption, where its error has become evident to him, and to then adopt in the same subject another ruling based upon what became apparent to him in terms of new evidences in the days that followed the original adoption or in terms of new information concerning the reality of the issue. At such a time it is permissible for him **to change the adoption and enact new rulings according to their situation and levels**: Constitution, systems (codes), laws and statutes. These would then become after their enactment by the recognised constitutional method, the **effective system**, and not prior to that.

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However, a problem could arise here and particularly in relation to the Mujtahideen from among the judges or even within the executive departments. That is when the judge (or executor) believes that the adoption of the Imam is contrary to the Shar'a, as is apparent to him from the deep thought upon the known Shar'iyah texts or due to his awareness concerning texts that he believes have been concealed from the Imam. In such a case, what is the sound procedure?! Does the judge pass judgement by what he believes to be correct in disobedience to the Imam and completely discard his adoption?!

The truth is that the solution to that is contained in the Ayah of the ‘Umaraa’ (rulers):

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you are believing in Allah and the Last Day. That is the best [way] and best in result (An-Nisa': 59).

Here there is a dispute between the judge (or the executor) and his Ameer whom he is supposed to obey in that which is Ma'roof (good and in conformity with the Shar'a). It is not possible to solve except by referring to Allah and His Messenger. After the passing of the Prophet (saw), this can not take place except by referring to the body that possesses the mandatory power or jurisdiction to resolve the dispute by issuing the Hukm Ash-Shar'iy upon the basis of compulsion, which means referring to the judicial authority.

In the case where the dispute between the authority that passes rulings itself and between the Ameer is envisaged and raising the case to the judicial authorities is rationally impossible to resolve the matter and represents a tasking that in accordance with the Shar'a is beyond one's capability, it becomes obligatory, by necessity of the Shar'a and the mind, for there to be an ultimate authority to deal with such matters. That would be the "High Constitutional Court" or "High Shar'iyah Court" or "Court of Unjust Acts" or any other naming or title indicating its meaning, the judgement of which would be final, definitive and intrinsically binding immediately upon its issuance. It does not require the command of the Imam, the command of anyone other than him, the affirmation or certification of any secondary body, or other process other than the judgement of the court itself undertaken by itself. It does not require anything from that for its execution and the Imam and whoever is lower than him are compelled to implement the judgement immediately, each in its area and in line with its jurisdiction, in accordance with what has been stated in the judgement of the court.

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For the Hukm (judgement or verdict) of the court to truly reflect a referral, not merely in shape and form, to Allah and His Messenger, it is necessary to not appoint to it except only the best Mujtahideen and 'Ulamaa' of firm knowledge, from the most pious believers present within the Ummah. Otherwise, the Ummah as a whole, the Imam who appoints them, the people of Shura who undertake monitoring and accounting upon that, and other than them everyone else related to the matters of ruling and authority, are all sinful with the greatest sin, disobedient to Allah and betrayers of the Amanah (trust)!

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Then, when this court issues its verdict, it is binding upon everyone including the Imam, judges and all executors to submit to it and abide by it, even if it was contrary to their own convictions. Whoever can not bear patience or is unable to stand it, then nothing remains for him apart from resignation and to step down from his position, whether that is the Imam, judge, executor or anyone else equally!

This is the process that the Imam of guidance, the rightly guided Khalifah, the Ameer ul-Mu'mineen, 'Umar ibn Al-Khattab followed when a disagreement and dispute concerning the manner of dealing with the lands of Egypt, Iraq and other conquered lands arose. The Imam held the view that its neck

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be retained for the Bait ul-Maal (treasury) of the Muslims permanently, in the case where the Mujahideen and the protection of the borders be funded from that in addition to other expenditures of the Ummah. That is whilst a group of the warriors, at the head of whom were Az-Zubair and Bilal bin Al-Harith, may Allah be pleased with them, viewed the obligation of dividing them, as they were, among those who fought, just like the case with the rest of the Ghanaa'im (spoils). Those in opposition viewed that the process of 'Umar was contrary to the Shar'iy text and as such the matter was not about which of the two processes was the best to accomplish the Maslahah, meaning it wasn't a political disagreement related to how to deal with the Mubah (permissible matter), but rather it was a disagreement about the ~~legal~~ legitimacy (Shar'iyah) of a system from the systems of the state, or a law from among its laws!

The judgement did effectively return to a group of Fuqaha' (scholars) from the Sahabah and the matter settled upon the legitimacy of the understanding of 'Umar. He then issued his command to the regions and that process become the effective law and Az-Zubair, Bilal and those who were in opposition with them **were only able to submit and surrender to it.** That was even though a group from among them, at the head of whom was Bilal, remained in opposition and criticism of 'Umar's opinion. 'Umar would supplicate to Allah to suffice him from Bilal and his companions!

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Someone should not say that the "**Mahkamat Al-Mazhaalim**" (Court of Unjust Acts) was not present at that time. The truth is that it did effectively exist and the Fuqaha' from among the Sahabah, those who were well-known and famous, were its judges. The same applies in respect to the Majlis Ash-Shura (Council of Consultation), in the case where it was composed of the eminent Sahabah, **even if there was a major interconnection between the two organs and the administrative arrangements and formal procedures had yet to be developed.**

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There is no doubt that the Islamic state at the time of its founding at the hands of the Prophet (saw), was upon the utmost simplicity and original nature, in relation to what relates to styles and means, meaning that which is related to its organs, administrative arrangements, official offices, the writing of their systems (or codes) and statutes, the separation of jurisdictions into distinct and independent organs. Indeed, the documentation of the judgements of the courts in a permanent and organised manner did not begin except in the period of Mu'awiyah!

This is only in respect to the means and styles. As for the legislative rulings, meaning the Ahkam of At-Takleef and Al-Wad'i, which are compulsory upon mankind until the Day of Judgement, then they were present and complete since the descent of His Qawl (swt):

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ

This day, I have perfected (completed) your Deen for you (Al-Ma'idah: 3)

The Ayah which was revealed shortly prior to the passing of the Prophet (saw) by a few months.

Concerning the opinion of Al-Albani in his "**As-Silsilah As-Sahihah**": [... That it is not obligatory upon the judge to adopt the opinion of the Khalifah if it appears to be contrary to the Sunnah. Do you not see that Usaid bin Zhuhair refrained from the judging by what Mu'awiyah commanded and said: "I will not judge as long as I have been appointed (i.e. in the position of judiciary) by what Mu'awiyah has said". This contains an explicit refutation of what Islamic parties today have viewed in terms of

the obligation to obey the righteous Khalifah in respect to what he adopts and even if it contradicts the text from the point of view of the one being commanded. They claim that this was the practise from the earliest Muslims and this is a false claim and there is no way to prove it, How could this be when it is invalidated by tens of texts, from which this is one?! From among these texts is that Ali', may Allah be pleased with him, was contrary to 'Uthman bin 'Affaan during his Khilafah. He did not obey him and indeed he was explicit in being contrary to him, as has been recorded in Sahih Muslim: From Sa'id bin Al-Musayyib: "'Ali and 'Uthman (Allah be pleased with them) met at 'Usfan; and Uthman had forbidden (people) performing Tamattu' and 'Umra (during the period of Hajj), whereupon 'Ali said: "What is your opinion about a matter which the Messenger of Allah (saw) did but you forbid?" Thereupon Uthman said: "Leave us alone". He ('Ali) then said: "I cannot leave you alone". When 'Ali saw this, he put on Ihram for both of them together (both for Hajj and 'Umrah)"] End of quote of Al-Albani.

- Section: Response to the speech of Al-Albani in respect to the issue of "adoption"

The speech of Al-Albani mentioned above is an indication of the weakness of his Fiqh (understanding) in this issue and his lack of comprehending the issue of "adoption" in all of its dimensions, some of which we have detailed above. That is not to mention his falling into partisanship as it appears that his objection is directed towards the "Liberation Party" which holds this view of adoption in its fundamentals, via partisan motivations which the Sheikh and his students are known for, and Allah knows best.

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That is made clear by Al-Albani using as evidence the action of one of the minor Sahabah, Usaid bin Zhuhair, whilst it is known that the actions and statements of the Sahabah, and consequently those lesser than them, is not a Hujjah (evidential proof), but rather the Hujjah is only the Wahy (divinely inspired revelation): The Kitab and the Sunnah alone. That is whilst we have explained that what we have detailed above is by necessity what the verse related to the Umara' (rulers) dictates in addition to what has come in Tawatur form in respect to the texts of the Sunnah in respect to the obligation of obeying the A'immah (i.e. Imams) in the Ma'roof (i.e. that which is Shar'iy).

In addition, what makes the statement of Usaid bin Zhuhair preponderant and stronger than the statement (or opinion) of Mu'awiyah?! This is an outweighing without that which outweighs! Similarly, the procedure followed by Usaid bin Zhuhair, may Allah be pleased with him, does not resolve the disagreement or settle the dispute. That is as Mu'awiyah remains in his position of leadership capable of dismissing Usaid bin Zhuhair and implement his invalid opinion (with the assumption that it was invalid) upon other than him from the judges with less knowledge, weaker personality and less grit!

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If we were to suppose that he kept clear of that confrontation, due to his well-known shrewdness, and did not dismiss Usaid, his command (which is invalid based on our assumption), remained effective upon the rest of the judges and the majority of the Muslims. Consequently, there would be disparity in respect to the dealing with the subjects. There would be the fortunate minority in the regional locality of the judge Usaid bin Zhuhair and those like him who enjoyed the blessing of the "Correct" Hukm Shar'iy, if we were to concede for the sake of argument that it was the Hukm of Allah in truth, whilst other than them from the majority were upon the corrupt opinion of Mu'awiyah (upon our assumption). Does this then represent the sound Shar'iy solution for the issue? Or is it to raise the matter to the "Mahkamat Al-Mazhaalim" (Court of Unjust Acts) which possesses the final and definitive decision?!

Then, why is the judge alone **specified uniquely bestowed** with the right of “Rebellion” and disobedience to the Imam. **Is this not, if we were to concede its legal legitimacy, a right of every Muslim who claims that he has a text that it is not permissible to violate?!** Would there be any result after that except chaos and the dissolution of the “Jama’ah” (Muslim collective)? What then is the solution to this problem and what are the principles to prevent the division and disobedience in Al-Albani’s view?!

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In addition, the statement of Usaid bin Zhuhair, may Allah be pleased with him: “**I will not judge as long as I have been appointed (i.e. in the position of judiciary) by what Mu’awiyah has said**”, then this supports and conforms with exactly what we have said. He rejects the judgement by the opinion of Mu’awiyah as long as he remains a Waliy (in position of his appointment), which means that he would hand in his resignation from the position of judiciary if he was compelled by a particular opinion. There is nothing in that indicating that it is binding upon the whole Ummah or upon other judges or that Mu’awiyah has or does not have the right to adopt and by greater **reason it does not indicate to an examination of the issue of “adoption”**. None of that is indicated by the speech of Usaid bin Zhuhair and **whoever has attributed that to him and deemed lying to be light and pursued that which he does not have knowledge of.**

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Al-Albani was also not accurate in his relating of the opinion of “**Liberation Party**” as the party does not at all say that the judge, **or other than him**, have nothing for **them to do other than except to “act” by in accordance with the adoption of the Imam**. The “**adoption**” of the Imam does not bind him. But rather he has the right to be opposed **to him in his** opinion, to invite to his own opinion and be critical of the opinion of the Imam secretly and openly. Indeed, it is permissible for an Islamic political opposition party to be formed!

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The Liberation Party also did not restrict that to the “**Righteous Khalifah**” **but rather it** is a right for every legitimate (Shar’iy) Khalifah, even if he was a Fasiq and obligatory to be dismissed, as long as he remains in his post and has yet to be deposed. This is a right that has been indicated to by the certain evidences as has been detailed in the chapter “**The invalidity of the Wilayah (rule) of the Fasiq**” from our book “Obedience to the Uli l-Amr (rulers)”!

As for ‘Ali’s opposition to Uthman, as has been recorded in Sahih Muslim and so its extraction is Sahih. However, ‘Ali, may Allah be pleased with him, was not a regular person, but rather he was from the ruling apparatus. At that time, he was also the most knowledgeable of the Sahabah with the greatest understanding and absolutely the strongest judgment from among them. As such, he was by necessity, the “**Qadi Al-Mazhaalim**” (Judge of unjust acts) and he had also been that during the days of Abu Bakr and ‘Umar, possessing the mandatory power or jurisdiction to declare the invalidity of the adoptions of the Khalifah. This is one angle.

From another angle, the matters of worships are individual affairs which do not impact upon the public system and are not from the matters that the Khalifah has a right to adopt in, so as not to beleaguer the Ummah and afflict it with prohibited distress and hardship. The adoption of Uthman in respect to that, regardless of the validity of its content or its invalidity, was invalid from this consideration, unless it had been issued from him by way of non-binding advice and instruction, in which case there would not have been a problem in origin. As such, whoever wishes to follow it can do so and whoever wishes to act contrary to it can do so.

It is strange that Al-Albani completely ignored the issue related to the lands of the forcibly conquered lands, despite it being famous, its having been transmitted by Tawaatur, its having taken place before the ears and sight of the Sahabah and the consensus of the Sahabah being convened over it, who at that time, prior to the Fitnah, had been many in number and gathered together. The consensus was not convened over the opinion of 'Umar itself in respect to the issue as they disagreed and disagreement concerning it still remains among the Fuqaha' (scholars of Fiqh). Rather, the consensus was over the "**Haqq**" (right) of 'Umar in respect to the binding "**adoption**" and its implementation upon all by it. In addition, there was his adoption in relation to the divorce "**by three pronouncements**" and its implementation over all and numerous other judgements. May the following of desires and ugly partisanship be destroyed by Allah!

It may be that upon this occasion it is a good time to make mention of a word of truth concerning Sheikh Nasir ud-Deen Al-Albani. The Sheikh came to prominence at a time when the esteem for the Sunnah and its study had virtually died out in the Islamic world. He then made grate efforts which are deserving of gratitude to revive the sciences of the Sunnah and in inviting to it and defending it. The boldness of the Sheikh and his self-confidence assisted him in that at a time when the arena was empty and the major 'Ulama' were detached, who numbered a few in any case, and had isolated themselves from the public life and withdrawn to their **temples**!

Then a group of young students of knowledge began to gather around the Sheikh from those who were impressed by his personality, more **than that** they benefited from his knowledge. They began to **regard him a corrupted view resembling that of sanctification**. Thereafter titles began to arise like: "The Muhaddith of the age", "The Imam of the school of As-Salafiyah", "The Nasir (supporter) of the Sunnah" and what is similar to these. Indeed, some of his followers from the students considered him to be a Mujtahid Mutlaq and gave preference to his opinions over those of the early great Imams!

The truth is that the Sheikh did not possess an outstanding Fiqhiy mentality, despite what he possessed **with respect to** ~~of~~ correct opinions and **good** stances like his position related to the second Gulf war. The truth however, concerning which there is no doubt, is that the Sheikh was a Muhaddith (scholar of Hadith) before being a Faqih (scholar of Fiqh).

The Sheikh does have some lapses and slips even in the aspect related to the Hadith, just as he has a lack of care with precision and thoroughness in respect to the verification of books, their printing and publication, to the point where he had **been** accused by some critiques **withof** having an unjustified harshness, which makes us believe that he is "**A book trader**" or "**Paper maker**" and nothing besides that. From his books a lack of care with the cleanness of the text and rectification of printing and spelling errors has been observed, which has obliged some to classify the Sheikh among those who are excessive in his errors i.e. among the "**weak**" Muhadditheen (Scholars of Hadith) and there is no might or power except with Allah Al-'Aliy ul-'Azheem.

The break in relations of the Sheikh with the regime of the family of Saud, after their major crime of bringing the disbelieving foreign troops to the Arabian Peninsula, led to many of the sincere "**Salafis**", who could not accept the crime of the family of Saud, to rally around him. He thus became the uncontested "**Imam**" of Salafiyah! In turn, this attracted a number of the regime scholars and ~~from~~ **the young men agents of the Jordanian intelligence apparatus and other places**, like the criminal Muhammad Ibrahim Shaqrah, the agent of the Jordanian palace, to the Sheikh's domain. They only had one primary concern however and that was to establish that the rulers who ruled by

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other than what Allah revealed were Muslims, legitimate, obligatory to obey and prohibited to rebel against. This was **assisted by the** old age of the Sheikh and his openness or proneness to suggestion. Then from that circle surrounding him calamities and tribulations arose like the opinions that insulting the Mus'haf (Qur'an) and the Prophet (saw) are not Kufr (acts of disbelief) in themselves but rather only the one who made that Halal had committed disbelief. We ask Allah to grant us 'Aafiyah and we seek His refuge from disgrace and abandonment!

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Section: Is the drafting of constitutions and laws a Bid'ah (innovation)?

Sheikh Abdul Qadir bin Abdul 'Aziz said in his book "**The Comprehensive Guide in respect to Seeking Honourable Knowledge**" (The 2nd part, p778) under the heading "**The Bid'ah of Setting a Constitution**": [Setting constitutions, like we have briefly mentioned before, is from the rotten fruits of secularism which is the modern day Jahiliyah (period of non-Islamic pre-Islamic ignorance). The disbelievers set these constitutions because they do not have a correct Deen or upright Sharee'ah to refer to. They had tasted the woes of their deviant Sharee'ah in which the monks and priests alter in it as they wish based on the decisions of the assemblies of the Church. The disbelievers then sought to make peace by setting books which would realise their interests according to what the limited minds of man can comprehend. These are constitutions and they came to refer to them for judgment as if they were divinely revealed books etc.].

I say: This speech is unfortunate and is even more so when it has come from a good student of knowledge whose sincerity is not doubted, someone who struggles against the leaders of disbelief and heads of misguidance who have imposed their tyrannical control over the Muslims and has a strong relationship to the Egyptian "**Al-Jihad**" group, where he is regarded to be one of its proponents. This speech of his, however, reflects a series of pure errors, which include:

Firstly: The Dustoor (constitution) is the main or fundamental system of the state. This means that it is the fundamental law which regulates the relationship between the ruler and the ruled and the commitment of each towards the other. In its reality, in the ideal case of course, it has two aspects:

(1) The Qaanoon (law) i.e. the Amr Sultaaniy (command issued by person in authority) because: "**Al-Qaanoon (law) is the Amr (command) of As-Sultan (authority or person in authority)**".

(2) The regulation of the relationship between the ruler and the ruled by way of mutual consent between the two parties i.e. by way of contract and agreement. It could be written in a single document or multiple documents, just as it may not be written.

The norm during recent eras has been for the constitutional documentations to only include the general principles, the fundamental rights and the essence of the structure of the main departments or components of the state. The details were then left to the laws and regular detailed systems of codes whilst the procedural and administrative details were assigned to executive statutes and administrative codes.

The norm has also been that the processes related to enacting or changing the constitution are more difficult and complicated than the processes related to enacting and changing the regular laws whilst the enactment of statutes and administrative codes are delegated to the executive authority.

As for the regular non-constitutional laws, then they are exclusively commands of the authority which have been issued by the authorities which possess the constitutional jurisdiction to execute the laws over the people, in addition to the statutes and administrative codes.

It is known that the rightly guided Khulafaa' and the Muslim rulers who came after them used to issue such commands, whether it was written or unwritten. Abu Bakr As-Siddiq commanded that the apostates be given a choice between a "war of removal" or a "humiliating peace". He also commanded that the **wealth and offerings** be distributed equally just as he commanded many other matters. After him 'Umar commanded the giving of preference in respect to the distribution of the **wealth**, thus cancelling the command of Abu Bakr, and he wrote his famous letter to Abu Musa concerning the judiciary and retaining the lands of the conquered countries as a permanent Waqf (endowment) for the Ummah, a command that generated a fierce debate as we have previously mentioned. He also commanded the adoption of Diwans, gathering the people behind one single Imam for the Tarawih prayer, concluded divorce by the wording of **three said three times** and issued many other commands. Then Uthman came and he commanded that the script and recital of the Masahif (plural of Mus'haf) be unified. He also commanded the collectors of the Zakah to collect half of it for the Bait ul-Maal (state treasury) and to leave the other half to those upon whom it is obliged to give by himself to those he knows from among the entitled categories, just as he also issued many other commands. These are constitutional or law-based texts whilst they are definitely not Qur'an or Sunnah.

Uthman, may Allah be pleased with him, was given the Bai'ah (contracting pledge) upon the Kitab of Allah, the Sunnah of His Messenger and upon adherence to the Seerah (way) of the two Sheikhs (Abu Bakr and 'Umar) who occupied the post of Khalifah before him. This means that he was given the contractual pledge upon conditions and this represents a constitutional restriction. The Bai'ah (pledge) "Upon the Kitab of Allah and Sunnah of His Messenger" does not contradict with or lie in opposition to the Bai'ah including specific conditions, spoken or written, organised within a prior constitutional document or spontaneous which had been agreed upon at that moment, at the time of the Bai'ah.

The correct view of Abu Bakr, 'Umar and Uthman, may Allah be pleased with them, and the Sahabah around them, obliges definitively that they deduced that from the Qur'an and the Sunnah, meaning that they referred back to Allah and His Messenger, where the reference point is the "**Siyadah (sovereignty) of the Shar'a**" which can also be called the "**Hakimiyah of Allah**". This is Islam and Iman: That Allah is the Malik, the Sayyid, Al-Haakim and Al-Hakam.

Referring to Allah and His Messenger does not mean that everything deduced is correct and conforms to what Allah intended and remains in the knowledge of Allah. Rather, it could be an error in Ijtihad (deduction process) which is not at all harmful. That is because Islam and Iman mean referring to Allah and His Messenger and expending the effort and exhausting the capability in that. It is not hitting the **correct mark as that (i.e. being right in the deduction) as that** is a Fadl (favour) from Allah and a Ni'mah (blessing), which may or may not occur!

As for the secular state, then it issues its commands as a constitution and laws, according to the opinion of the majority which pleases, even if only in theory, the majority of the people. The reference here is the Siyadah (sovereignty) of the people where the people are the source of the **authorities**, which is Kufr (disbelief). The secular state does not go to the constitution for judgement but rather implements the constitution. As for the judgement then that belongs to the possessor of

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the Siyadah and that is the people. The people are the Sayyid (master possessing sovereignty) and the Haakim (judge).

The monarchical empire does the same except it is upon the desires of the king or emperor, which is also Kufr. The judgement here is to the will of the king or emperor who possesses the sovereignty and is the Sayyid and Haakim. As for the constitutions or laws then they are commands for the purpose of application consisting of a particular form representing the will of the possessor of the Siyadah, which are open to being changed if the Sayyid (master) wanted that.

In any state there is no escape from the issuing of authoritative commands and an explicit or implicit agreement with the ruler. It is not extremely important whether this is written or not just as the names and terminologies are unimportant. The important matter revolves around to whom is the reference: Is it to Allah and His Messenger, thus making it Iman and Islam, or is it to other than them in which case it is Kufr (disbelief)?

In other words: It is impossible to find a state in the world except that it has a constitution and laws. This is the only possibility.

It is true that the constitution and laws could be extremely basic in primitive states like those of the roaming Bedouin tribes which upon examination represent an entity that is equivalent to a state, the existence of which can barely be perceived by the deep thinker except with difficulty whilst some would mistakenly believe that it is non-existent.

Even the Catholic church has a Church "Law" which is neither the "**Old Testament**" nor the "**New Testament**" which is considered to be a divine book in their view. Rather, it is something else and it (the church law) is very old, existing before the emergence of secularism and even before a single secularist was born into the world.

That is because the constitution is not a divinely revealed book nor is it an alternative to a divinely revealed book, neither in the view of the secularist, the church or other than them, as Sheikh Abdul Qadir imagined. Rather, it represents the command of the Sultan (possessor of authority) and his covenants with his subjects, and the law is the command of the Sultan.

The existence of some old constitutions which rarely change like the American constitution and the people venerating it to the point of "**sanctification**" does not change the true realities of matters at all. Even that semi "**Sacred**" American constitution had articles attached to it prohibiting the trading of alcoholic beverages by the authority of the United States of America following the First World War. It then failed in terms of application and the judgement was referred to the people who possess the sovereignty. Those articles were then **abolished and the matter concluded after a few years of their adoption**.

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Secondly: After the reality of the constitutions, laws and their essence have been clarified and after making clear **that they are existent by necessity** within every state and even if they are not written or pronounced from the first instant. It may be that the Sheikh's objection is only in relation to its writing and making it in the form of an ordered, categorised document with codified articles, as is apparent from his speech. If that is the case, then this is a practical procedural matter and is from the definite Mubahaat (permissible matters) and it is not viable to describe it as being a Bid'ah which means an innovation in the Deen or an alteration or changing of its Ahkam (rulings).

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Sheikh Abdul Qadir discusses himself, in the afore mentioned book, how Fiqh and the recording of its books arose and that it had been mixed with the Hadith at the beginning and then the Fiqh was separated into independent books. He proposed that the student of knowledge study particular books from that and he did not classify that as being Bid'ah, even though it represented a written, chaptered and ordered form of what had been deduced from the Qur'an and the Sunnah by fallible people. Just as he did not criticise or comment negatively upon the books of Imam Mansur bin Yusuf Al-Bahuti Al-Hanbali (DoD: 1051 AH) at the forefront of which was the book "Kash'shaaf Al-Qanaa' 'An Matn il-Iqnaa'" which is relied upon by the scholars of the Wahabiy Da'wah movement, in the case where he said: [It is the pillar of the 'Ulamaa (scholars) of the Arabian Peninsula since the days of Sheikh Muhammad bin Abdul Wahhab (DOD: 1206 AH) until this day. From them there are those who adhere to it and from them there are those who adopt the choices of Ibn Taymiyah when a disagreement exists]. He did not criticise their "adherence" to it, meaning that it came to be equivalent to the effectively applied law, even though they were purely books of Fiqh which barely mentioned evidences from the Kitab and the Sunnah. They were definitely not Qur'an or Sunnah but rather the matter represents good thinking-benefit of the doubt? (Husn Azh-Zhann) towards what has been deduced in them, those who wrote them and those who implemented or applied them, in so far as that they did not desire in that except to refer to Allah and His Messenger!

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In fact, the book "Kash'shaf Al-Qanaa'" itself does not require except some a small amount of refinement, a small minor revision of its arrangement and then codification for it to become codified articles of law in the best form of laws in terms of arrangement and formation. It was for this reason that it was the preferred source of reference among the judges in the Arabian Peninsula, because they were the most in need from among the people for this type of classification and ordering!

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Thirdly: It is established that the Prophet (saw) had written a constitutional document and adopted it to regulate some of the relations in Al-Madinah, the capital of the arisingemerging Islamic state:

- That is like what came recorded with the most Sahih (authentic) of chains of transmission in the "Sunan of Abu Dawud": [Muhammad bin Yahya bin Faris related to us from Al-Hakam bin Nafi' from Shu'aibn bin Az-Zuhri, from Abdur Rahman bin Abdullah bin Ka'b bin Malik, from his father who was from the three whose repentance had been accepted.

Ka'ab bin Al Ashraf used to deride the Prophet (saw) and incited the disbelievers of the Quraish against him. When the Prophet (saw) came to Al-Madinah, its people were a mixture, some of them Muslims, others were polytheists who worshipped idols and Jews. They used to abuse the Prophet (saw) and his Companions (through verbal abuse). Then Allah, the Most High, commanded His Prophet to show patience and overlook them. Allah then revealed about them

وَلَتَسْمَعُنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا

And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse ... to the end of the Ayah (Aali 'Imran: 186).

When Ka'ab bin Al Ashraf refused to desist from harming the Prophet (saw) the Prophet(saw) ordered Sa'd bin Mu'adh to send a band to kill him. He sent Muhammad bin Maslamah (He then

mentioned the details of his killing). When they killed him, the Jews and the polytheists were frightened. **They came to the Prophet (saw) set off the next day to the Prophet (saw) and said:** “Our Companion was attacked at night and killed”. The Prophet (saw) informed them about what he (Ka’b) had been saying. The Prophet (saw) then invited them so that he could write a document between him and them **which they would refer to**. He then wrote a document “Sahifah” between him and them and the Muslims in general].

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Al-Albani said: [Its Isnad is Sahih]. **I say:** This is definitely from Abdur Rahman bin Abdullah bin Ka’b bin Malik from his father Abdullah bin Ka’b bin Malik who was the one who used to guide Ka’b after he became blind, from his father the Sahabi Ka’b bin Malik, one of the three who stayed back (from the march to Tabuk) and whose repentance was accepted. He has many Ahadeeth related by Al-Bukhari and Muslim and as such the Isnad (chain) is Sahih upon both their criteria **conditionalities**.

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- It has come mentioned in a more complete form in the “**Sunan Al-Kubra of Al-Baihaqi**”: [Abu Bakr Ahmad bin Al-Hussein Al-Qadi informed us from Abu Sahl bin Ziyad At-Qattan, from Abdul Karim bin Al-Haitham, from Abu Al-yaman, from Shu’aib bin Az-Zuhri, from Abdur Rahman bin Abdullah bin Ka’b bin Malik (I believe he related from his father and he had been one of the three whose repentance was accepted): That the Jew Ka’b bin Al-Ashraf was a poet and he used to deride the Messenger (saw) and incite the disbelievers of Quraish against him in his poetry. The Messenger (saw) came to Al-Madinah and its people were a mixture. There were from them Muslims who had been gathered together by the Da’wah of the Messenger of Allah (saw), there were those who associated partners with Allah (Mushrikeen) who worshipped idols and from them there were Jews who were the people of weapons and fortresses and were allies of the inhabitants (of Al-Madinah) from the Aws and Khazraj. When he arrived in Al-Madinah the Messenger of Allah wanted to make peace with them all. A man would be Muslim whilst his father would be a Mushrik (polytheist) and a man would be a Muslim whilst his brother was a Mushrik. (In addition) the Mushrikeen and Jews of Al-Madinah used to severely abuse the Messenger of Allah (saw) and his companions, and so Allah commanded His Messenger and the Muslims to persevere with patience upon that and overlook them. Allah revealed concerning them:

وَلَتَسْمَعَنَّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا

And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse ... to the end of the Ayah (Aali ‘Imran: 186).

And Allah, glorified be His praise, also revealed concerning them:

وَدَّ كَثِيرٌ مِّنْ أَهْلِ الْكِتَابِ لَوْ يَرُدُّونَكُم مِّنْ بَعْدِ إِيمَانِكُمْ كُفَّارًا حَسَدًا مِّنْ عِندِ أَنفُسِهِم مِّنْ بَعْدِ مَا نَبَيَ لَهُمُ الْحَقُّ ۖ فَاعْفُوا وَاصْفَحُوا

Many of the People of the Scripture wish they could turn you back to disbelief after you have believed, out of envy from themselves [even] after the truth has become clear to them. So pardon and overlook (Al-Baqarah: 109).

Then when Ka'b bin Al-Ashraf refused to desist from abusing the Messenger of Allah (saw) and the Muslims, the Messenger of Allah (saw) commanded Sa'd bin Mu'adh, may Allah be pleased with him, to dispatch a group to kill him. So, Sa'd bin Mu'adh dispatched Muhammad bin Maslamah Al-Ansari, Abu 'Abas Al-Ansari and Al-Harith the nephew of Sa'd bin Mu'adh to him as part of a group of five (The Hadith then mentioned his killing). He (the narrator) said: Then when they killed him the Jews and those who were allied to them from the Mushrikeen were frightened. They set off to the Messenger of Allah (saw) when they awoke and said: "Our companion's door was knocked upon at night and he is a master from among our nobles and he was killed!" The Messenger of Allah (saw) then mentioned to them what he (Ka'b) had been saying in his poetry. He forbade them from that and the Messenger of Allah (saw) invited them to write between him and them and the Muslims a **written document that they would refer to**. The Prophet (saw) then wrote between him and them and between the Muslims in general a Sahifah (written document). The Messenger of Allah (saw) wrote it under the date palms of the house of the daughter of Al-Harith. That Sahifah (document), after the passing of the Messenger of Allah (saw), was with 'Ali bin Abi Talib, may Allah be pleased with him].

I say: This Isnad (chain of transmission) is also Sahih and the text contains a significant benefit by stating that the Sahifah "**Sahifah Al-Madinah**" came to be in the possession of the Amir ul-Mu'mineen, the Imam of guidance, 'Ali bin Abi Talib, may Allah's pleasure and peace be upon him. We will present some of what came mentioned in that Sahifah (document) soon by Allah's permission.

The statement "**a document that they will refer to**" represents an accurate expression for the reality of the written document and that in its true reality is a constitution as it represents the final point of reference which means that they must abide by what is contained in it. At the same time, it is a contract and charter (or agreement). Observe here that it was he (saw) who initiated it and invited them to that written document, as the invitation came from him and not from them!

- The incident also came reported in "**Al-Mu'jam Al-Kabir**" (At-Tabarani) via another path of transmission containing the details of the killing of Ka'b bin Al-Ashraf: [Isma'eel bin Al-Hasan Al-Khaffaf related to us from Ahmad bin Salih, from Wahb, from Haywah bin Shuraih, from 'Uqial bin Khalid, from Shihab, from Abdur Rahman bin Abdullah bin Ka'b bin Malik: That the Jew Ka'b bin Al-Ashraf was a poet and he used to deride the Messenger of Allah (peace be upon him) and his companions and incite the disbelievers of Quraish against them in his poetry. The Messenger of Allah (peace be upon him) came to Madinah and its people were a mix; consisting of the Muslims who were unified by the Da'wah (call) of the Messenger of Allah (peace be upon him), the Mushrikeen (polytheists) who worshiped idols and the Jews including those from them who were the people of weaponry and fortresses and they were the allies of the inhabitants (of Yathrib); the Aws and the Khazraj. When the Messenger of Allah (peace be upon him) arrived in Al-Madinah he wanted to remedy the situation of them all and make a treaty with them. A man would be a Muslim and his father a Mushrik (polytheist) and a man would be Muslim and his brother a Mushrik. When the Messenger (peace be upon him) came to Al-Madinah, the polytheists and Jews **would bring great abuse** to the Messenger of Allah (peace be upon him) and his companions. Allah, the Most High, commanded his Prophet (peace be upon him) and the Muslims to persevere patiently upon that and overlook them. Allah, the Most High, revealed in respect to them:

وَلْتَسْمَعْنَ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَمِنَ الَّذِينَ أَشْرَكُوا أَذًى كَثِيرًا

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And you will surely hear from those who were given the Scripture before you and from those who associate others with Allah much abuse ... until His Qawl "That is of the matters [worthy] of determination" (Aali 'Imran: 186).

And Allah, the Most High, also revealed concerning them:

وَدَّ كَثِيرٌ مِّنْ أَهْلِ الْكِتَابِ لَوْ يَرُدُّونَكُم مِّنْ بَعْدِ إِيمَانِكُمْ كُفَّارًا حَسَدًا مِّنْ عِندِ أَنفُسِهِمْ مِّنْ بَعْدِ مَا تَبَيَّنَ لَهُمُ الْحَقُّ ۖ فَاعْتَفُوا وَاصْفَحُوا

Many of the People of the Scripture wish they could turn you back to disbelief until His Qawl Until Allah comes with His command": (Al-Baqarah: 109).

Then, when Ka'b bin Al-Ashraf refused to refrain from abusing the Messenger of Allah (peace be upon him) and harming the Muslims, the Messenger of Allah (peace be upon him) commanded Sa'd Ibn Mu'adh and Muhammad bin Maslamah Al-Ansari, along with Al-Harithy, Abu 'Eisaa bin Habr Al-Ansaari and Al-Harith the nephew of Sa'd bin Mu'adh, as part of a group of five. They then approached him at night whilst he was in their seated gathering at Al-'Awaaliy. When Ka'b bin Al-Ashraf saw them, he resented **their affair** and was frightened of them. He said to them: "What has brought you here?" They replied: "A need has brought us to you". He said: "Then, let some of you draw near to me to discuss with me this need". So, some of them drew near to him and said to him: "We have come to you to sell you our armour plates so that we can spend from its **price-suggested** **edit - proceeds**". He (Ka'b) replied: "By Allah, If you were to do that. Indeed, you have become overburdened since this man has settled amongst you". He then arranged for them to come to meet him in the evening when he was less busy with the people.

They came and a man from among them called for him. He then arose to leave his house and his wife said to him: "They are not knocking at your door at this time for something that you will like". He replied: "Indeed, they have already spoken to me about their matter". So, he went out to meet them. Muhammad bin Maslamah then grabbed hold of him and said to his companions: "Don't let him getaway even if you kill me and him at the same time". Some of them then thrust him in his side with their swords.

Then, after they had killed him the Jews and the polytheists with them were greatly alarmed, **they** **and set off** early to see the Messenger of Allah (peace be upon him) when they awoke in the morning. They said: "Verily, our companion was called upon at night, who is one of our main noblemen, and was killed". Then the Messenger of Allah (peace be upon him) reminded them of what he (Ka'b) used to say in his poetry and how he would harm them with it.

Then, the Messenger of Allah (peace be upon him) invited them for there to be written between him and them and the Muslims in general, a Sahifah (document), which would **encompass the affair** of the people. And then the Messenger of Allah (peace be upon him) had it written."

- It also came through a third path in "Al-Mu'jam Al-Kabir" (At-Tabarani): [Abdan bin Ahmad related to us from Abu At-Tahir bin As-Sarh, from Ibn Wahb, from Ibn Lahee'ah, from 'Uqail, from Ibn Shihab, from Abdur Rahman bin Ka'b bin Malik: That the Jew Ka'b bin Al-Ashraf was a poet and he use to deride the Messenger of Allah (peace be upon him) and his companions and incite against them, **saying "Who is for Ka'b? (i.e. who will deal with him)"** Then, when he refused to refrain from harming the Messenger of Allah (peace be upon him) and harming the Muslims, the Messenger of

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Allah (peace be upon him) commanded Sa'd Ibn Mu'adh, Muhammad bin Maslamah, Abu 'Eisaa bin Al-Harith the nephew of Sa'd bin Mu'adh, as part of a group of five. They then approached Ka'b ... And he mentioned the same (i.e. as the previous narration)].

- Some of what was contained in the Sahifah of Imam 'Ali, may Allah's pleasure and peace be upon him, came recorded in "**Al-Jami' As-Sahih Al-Mukhtasar**" of Al-Imam Al-Bukhari, with the most authentic of chains of transmission: [Qutaibah bin Sa'id related to us from Jarir, from Al-A'amash, from Ibrahim At-Taimiy, from his father who said: 'Ali, may Allah be pleased with him, said: We have no Book to recite except the Book of Allah (Qur'an) and this Sahifah. Then 'Ali took out the paper, and behold! There was written in it, legal verdicts about the retaliation for wounds, the ages of the camels (to be paid as Zakat or as blood money). In it was also written: **Al-Madinah is a sanctuary from 'Air (mountain) to Thaur (mountain). So, whoever commits a crime in it or gives shelter to such a criminal, will incur the curse of Allah, the angels and all the people, and nothing will be accepted from him on the Day of Judgement. And whoever (a freed slave) takes as his master (i.e. be-friends) some people other than his real masters without the permission of his real masters, will incur the curse of Allah,** the angels and all the people, and none of his compulsory, or optional good deeds will be accepted on the Day of Resurrection. And the asylum granted by any Muslim is to be secured by all the Muslims, even if it is granted by one of the lowest social status among them; and whoever betrays a Muslim, in this respect will incur the curse of Allah, the angels, and all the people, and nothing will be accepted from him on the Day of Judgement].

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- It is also recorded in "**Al-Jami' As-Sahih Al-Mukhtasar**" via the path: [Muhammad bin Kathir related to us from Sufyan, from Al-A'amash, from Ibrahim At-Taimiy, from his father, from 'Ali, may Allah be pleased with him: That he said the same as the above narration]. It is also recorded in the "**Sunan of Abu Dawud**" with the same Isnad (chain of transmission) and Matn (textual content).

- It was recorded in the "**Sahih of Ibn Hibban**" via the path: [Al-Fadl bin Al-Habbab related it to us from Muhammad bin Kathir with its full Isnad and Matn].

- It came in another place in "**Al-Jami' As-Sahih Al-Mukhtasar**" with some summarization by the path: [Muhammad related to me from Wakee', from Al-A'amash, from Ibrahim At-Taimiy, from his father who said: 'Ali addressed us and said: The same as above].

- It was also recorded with the following path in "**Al-Jami' As-Sahih Al-Mukhtasar**": [Muhammad bin Bashar related to us from Abdur Rahman, from Sufyan, from Al-A'amash, from Ibrahim At-Taimiy, from his father, from 'Ali, may Allah be pleased with him, that he said the same as it].

- And it was recorded in "**Al-Jami' As-Sahih Al-Mukhtasar**" as follows: [Umar bin Hafs bin Ghiyath related to us, my father related to me from Al-A'amash, from Ibrahim At-Taimiy, my father related to me, who said: 'Ali, may Allah be pleased with him, addressed us **from Minbar of brick** and he was wearing his sword and it had a Sahifah attached to it: He then said the same].

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- And in "**Sahih Muslim**" it came with some additions: [Abu Bakr bin Abi Shaibah, Zuhair bin Harb and Abu Kuraib all related to us from Abu Mu'awiyah: Abu Kuraib said Abu Mu'awiyah related to us from Al-A'amash, from Ibrahim At-Taimiy, from his father who said: 'Ali b. Abi Talib (Allah be pleased with him) addressed us and said: **Whoever claims that we have besides the Book of Allah anything else that we recite and this Sahifah (document) has lied.** [He said: The Sahifah was attached to the sheath

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of his sword]. It (the Sahifah) contains the ages of the camels, and matters related to the wounds. And in it the Prophet (saw) said: Al-Madinah is sacred from 'Air to Thaur. So, whoever commits a crime or gives refuge to a criminal, the curse of Allah, the angels, and all the people will fall upon him, and Allah will not accept anything from him on the Day of Judgement. And the protection granted by the Muslims is one and must be respected by the lowest of them (in status). Whoever makes a false claim to paternity or being a client of other than his own masters, there is upon him the curse of Allah, the angels, and all the people. Allah will not accept from him anything from him on the Day of Judgement]. Imam Muslim said: [The hadith transmitted on the authority of Abu Bakr and Zuhair ends with (these words): "The lowest of them" and they did not mention what follows. It is and in their Hadith they mention: The document was attached on the sheath of his sword].

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- It also came in "Sahih Muslim" as: [Ali bin Hajar As-Sa'diy related to me from 'Ali bin Mus'hir, Abu Sa'id Al-Ashajj and Wakee' all related from Al-A'mash with this Isnad like the Hadith of Abu Kuraib from Mu'awiyah to the end and he added to the Hadith: "So, whoever broke the covenant made by a Muslim, then the a-curse of Allah, his angels, and of all whole people is upon him, and nothing would be accepted from him on the Day of Judgement"]. Muslim said: [Their Hadith does not include "Whoever makes a false claim to paternity" and the narration of Wakee' did not include a mention of the Day of Judgement].

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- Also, in "Sahih Muslim": [Abu Bakr bin An-Nadr bin Abu An-Nadr related to us from Ubaidullah Al-Ashja'iy, from Sufyan, from Al-A'mash with this Isnad, like the previous narration and he did not mention the Day of Judgement but added: "And the protection granted by the Muslims is one and must be respected by the lowest of them (in status). Whoever broke the covenant made by a Muslim, then the curse of Allah, the Angels and all the people is upon him. Nothing will be accepted from him on the Day of Judgement"].

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- The Hadith has also come in long and shortened forms in the "Sunan of At-Tirmidhi", the "Musnad of Imam Ahmad bin Hanbal", the "Sunan Al-Kubra", the "Sunan of Al-Baihaqi Al-Kubra", the "Musnad of Abu Dawud At-Tayalisi" and the "Musnad of Abu Ya'la" among other collections via numerous paths. Each one of them is Sahih and definite evidential proof is established by them.

- The following was recorded in the "Musnad of Imam Ahmad bin Hanbal": [Muhammad bin Ja'far related from Shu'bah, from Sulaiman, from Ibrahim At-Taimiy, from Al-Harith bin Suwaid who said: It was said to 'Ali (may Allah, the Most-High, be pleased with him): "Did your Messenger enjoin upon you (i.e. believers) a matter to the exclusion of the general people". He replied: "The Messenger of Allah (saw) did not enjoin upon us any matter which he did not enjoin upon the people, with the exception of that which is in the scabbard of this sword of mine". He then took out a document (Sahifah) which contained information (or ordinances) concerning the ages of camels (i.e. for Zakah) and stated that "Al-Madinah is a sanctuary from the 'Ayr (mountain) to the Thawr (mountain). Whoever commits a crime in it or provides shelter to a criminal, then the curse of Allah, the angels and all the people will be upon him and nothing will be accepted from him on the Day of Judgement. The protection granted by Muslims is one. And whoever breaks the covenant made by a Muslim, then the curse of Allah, his angels and all the whole people is upon him, and nothing would be accepted from him on the Day of Judgement. And whoever takes loyalty of a Mawla (freed slave, client) without their permission, then the curse of Allah, his angels and all the whole people is upon him, and nothing would be accepted from him on the Day of Judgement"]. The same is also recorded in the book "Fada'il As-Sahabah".

It has been said that Shu'bah was **at variance – should this be in disagreement** with this as he had related it from Al-Aa'mash from Ibrahim At-Taimi from Al-Harith bin Suwaid from 'Ali. Ad-Daraqutni said in "Al-'Ilal": [And the correct view is the Riwayah (narration) of Ath-Thawri and those who followed him]. **I say:** The view of Ad-Daraqutni is **not to be taken for granted** because Shu'bah related the other Hadith from Al-Aa'mash, from Ibrahim At-Taimi from his father, from 'Ali. This is what came stated in the "**Musnad of Abu Dawud At-Tayalisi**". Shu'bah is Thiqah Thabat (trustworthy and reliable) in terms of evidence and as such there may be two narrations: The first is the well-known one from Al-A'amash, from Ibrahim At-Taimiy, from his father from 'Ali, which the majority recorded. It was the narration which Al-A'amash perfected and would usually narrate and suffice with. Then that narration was followed by the second rarer one from Al-Aa'mash, from Ibrahim At-Taimiy, from Al-Harith bin Suwaid from 'Ali. This may have been in the book (i.e. collection) of Al-Aa'mash, recorded following the previous one. He would not bring it forth apart from to those who specifically requested it and he would urge that the books be examined. This is in line with the custom of Shu'bah in respect to pressing the Shuyukh hard and putting them to the test.

This view is supported by the fact that this narration was preceded by an explicit question which the people asked 'Ali: "Did the Messenger of Allah enjoin upon you (i.e. believers) a matter ..." and it is implicitly understood, even if it did not come mentioned explicitly in the other paths. In any case, whatever the matter may be, Abu Ibrahim Yazid bin Sharik At-Taimiy and Al-Harith bin Suwaid are both Thiqah (trustworthy). Indeed, Al-Harith bin Suwaid is even stronger and more reliable!

- There is also in the Musnad of Ahmad bin Hanbal another Hadith related to this subject area:

[Bahz related to us from Hammam, from Qatadah, from Abu Hassan: That 'Ali (may Allah the Most High be pleased with him) was commanding a matter. It was brought and then it was said: "We did such and such a thing" and he would say: "Allah and His Messenger spoke the truth". He (the narrator) said: Al-Ashtar then said to him ('Ali): "This thing that you say has spread among the people. Is there anything that the Messenger of Allah (peace be upon him) enjoined upon you?!" He replied: "The Messenger of Allah (peace be upon him) did not enjoin upon me anything specific that he did not enjoin upon the general people, apart from a thing that I heard from him and it is in the Sahifah (document) in the scabbard of my sword". He (the narrator) said: They were still with him until **he took out the Sahifah (document)** and it contained within it: "Whoever perpetrates a crime or provides shelter to a criminal, then the curse of Allah, the angels and all of the people will be upon him; nothing will be accepted from him". He (the narrator) said: It contained within it: "Verily, Ibrahim made Makkah an inviolable sanctuary and I make Al-Madinah an inviolable sanctuary. What lies between the two stony areas (i.e. mountains) and its sanctuary is all inviolable (or sacred). Its shrubs are not uprooted, its game is not chased away, Luqatah (fallen/lost items) are not picked up unless it is by a person who has identified it, no tree is cut unless it is so that a man can give fodder to his camel and a weapon is not carried in it for fighting". He (the narrator) said: It contained within it: "The believers are equal in respect to their blood, their offer of protection is covered by the lowest of them (in status) and they are one hand against other than them". Indeed, no believer is killed for a disbeliever and nobody who has a covenant during his covenant"].

I say: If the Abu Hassan mentioned here (in the Isnad) is Fudail bin Zaid Ar-Riqashiy, who is Thiqah (trustworthy) from among the distinguished Taabi'een (successors), then the Hadith is very authentic. However, Qatadah is not well-known to relate from him. Consequently, if the Abu Hassan

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is instead the one whom Qatadah is well-known to relate from, then he is Muslim bin Abdullah Al-Basri, Al-A'raj Al-Ajrad (the lame, the hairless). He is also Thiqah (trustworthy), however, according to what is apparent, he did not meet 'Ali. Consequently, the Isnad (chain of transmission) would be Munqati' (interrupted). Despite that, the authenticity of the Matn (worded text of the narration) makes one realise that he took it from someone who was trustworthy (Thiqah) and precise (Mutqin). It could be from Ubaidah Al-Salmāni, the distinguished trustworthy Taabi' (successor), in the case where he would be the **connection** between Abu Hassan and 'Ali, like the reported chains in Sahih Muslim and other collections.

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- The sacred inviolability of Al-Madinah is also mentioned in "**Sahih Muslim**" by Rafi' bin Khadij: [Abdullah bin Maslamah bin Qa'nab related to us from Sulaiman bin Bilal, from 'Utbah bin Muslim, from Nafi' bin Jubair: That Marwan bin Al-Hakam addressed the people mentioning Makkah, its inhabitants and its inviolable sacredness but he did not mention Al-Madinah, its inhabitants and its inviolable sacredness. Rafi' bin Khadij called out to him and said: "What is this that I hear you making mention of Makkah, its inhabitants and its sacredness, but you did not make mention of Al-Madinah, its inhabitants and its sacredness, while the Messenger of Allah (saw) has also declared sacred (the area) between its two lava lands? And (we have record of this) with us written on Khaulani parchment. If you like, I can read it out to you". Thereupon Marwan became silent and then said: "I too have heard some part of it"].

I say: It may be that this Khawlanī parchment contained a copy of the aforementioned "**Sahifah of Al-Madinah**" which is conceivable. That is because an important Sahifah (document) such as this would necessarily have numerous copies: The original of the Prophet (saw), copies in the possession of some of the Ansar, others in the hands of the Jews and so on.

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- The sacredness of Al-Madinah is a Mutawatir matter established via numerous other paths like what has been demonstrated in the "**Sunan Al-Kubra**" from Sa'id Al-Khudriy: [Hammad bin Ahmad Isma'eel bin Ibrahim said my father related to me from Wuhaib, from Yahya bin Abu Ishaq that he related it from Abu Sa'id the Mawla of Al-Mahriy, that Abu Sa'id Al-Khudri said: We went out (on a journey) with the Messenger of Allah (saw) and he said: "O Allah, verily Ibrahim declared Makkah sacred and verily I have declared Al-Madinah sacred throughout the area between its two mountain paths, that no blood may be shed in it, that weapons are not carried in it for fighting, and leaves may not be beaten off trees in it except for fodder. O Allah bless us in our Madinah. O Allah bless us in our Saa'a. O Allah bless us in our **Mudd**. O Allah bless us in our **Saa'a**. O Allah bless us in our **Mudd**. O Allah bless us in our Madinah. O Allah make with its blessing two blessings and the **One in His hand is my soul**, there is no small mountain path or passage except that it has two angels guarding them"]. **I say:** This Isnad is Sahih upon the conditionality of Muslim.

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Concerning the statement of 'Ali, may Allah be pleased with him: "The Messenger of Allah (saw) did not enjoin upon us any matter which he did not enjoin upon the people, with the exception of that which is in the scabbard of this sword of mine". He then took out a document (Sahifah)", as was stated in the narration of Imam Ahmad, **which gives the** impression that the Sahifah itself was originally in the possession of the Prophet of Allah (saw) and then he **specified** 'Ali with it thus coming to be in his possession. This is in harmony with the Sahih narration of Al-Baihaqi which states that the "**Sahifah of Al-Madinah**" came to be in the possession of 'Ali after the passing away of the Prophet of Allah (saw).

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It is clear that the narrators only concerned themselves with part of what was in the Sahifah of 'Ali and especially the important principles. As for what was mentioned in the narrations in terms of the ages of the camels for Sadaqah (i.e. Zakah) or the blood monies for wounds and their **kinds- like?**, then some of them only mentioned them in a general undetailed manner whilst others did not mention them at all. It is possible that they also did not care to mention what could have been mentioned in it in terms of regulating the relationship with the Jews, as all of that had become a **non-subject -issue** at the time when Abu I-Hasan ('Ali) read it to them, may Allah's pleasure and peace be upon him or when he published it before them and then they read it. There is therefore no contradiction between not mentioning anything of that within their narrations related to the contents of the Sahifah of 'Ali and between the fact that the regulation of the relationship with the Jews took up a large portion of the "Sahifah of Al-Madinah" as related by Imam Ibn Ishaq in full length in his book of Maghazi (Seerah) and similarly in "**As-Seerah An-Nabawiyah**" of Ibn Hisham. The following is the text in full:

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The following came stated in "**As-Seerah An-Nabawiyah**" with the revision of Ibn Hisham (Vol: 3 p: 30 onwards): Ibn Ishaq stated:

[The Messenger of Allah (peace be upon him) wrote a written document between the Muhajirin (emigrants) and the Ansar (helpers) and within it he made a peace agreement (Muwada'ah) and treaty (Mu'ahadah) with the Jews and affirmed their right to practise their religion **and - their rights? over their properties**, and made conditions for them and stipulations upon them:

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In the name of Allah, Ar-Rahman Ar-Rahim

This is a document from Muhammad, the Prophet (peace be upon him), between the believers and Muslims from Quraish and Yathrib, and those who followed them, joined with them and strove alongside them, that they are one single Ummah (nation) to the exclusion of all the people.

The Muhajirin of the Quraish are upon their **standard practise** responsible for dealing with their cases of blood money **among them**. And they ransom their captives on a reasonable, fair basis **and** according to justice, **among the believers**.

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Banu 'Auf are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu Sa'idah are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu Al-Harith are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu Jusham are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu An-Najjar are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu 'Amr bin 'Awf are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu An-Nabit are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers. Banu Aws

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are upon their **standard practise** responsible for dealing with their cases of blood money. Each group will ransom their captives on a reasonable basis and according to justice among the believers.

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Verily, the believers shall not leave any indebted person from among them without him being provided for, on a fair and reasonable basis, in respect to ransom or blood money. A believer shall not enter into alliance with the Mawla (freed slave who maintains loyalty or a client) of a believer without the latter's consent. The believers and **the God-fearing** stand together against the one who rebels or seeks to **insert-perpetrate, or commit?, injustice, crime, aggression** or corruption among the believers. Their hands are all united against him, even if he was the son of one of them.

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A believer shall not kill another believer for the sake of a disbeliever. He shall not support a disbeliever against a believer. The protection of Allah is one and its extension upon the least of them is applied to all of them. The believers are allies and protectors of one another to the **exclusion of the people.**

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Whoever from the Jews follows us, receives support and assistance. They are not wronged and support is not provided to others against them.

The peace of the believers is one. No peace is made by a **Muslim separate to another Muslim** in the fighting in the way of Allah, except upon the basis of mutual even handedness and justice. In respect to every military attachment that goes out with us, it will be followed one after the other. The believers will retaliate for the blood of one another [that is shed] in the way of Allah.

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The God-fearing believers are upon the best and most correct guidance. No polytheist shall protect a property or person belonging to Quraysh; nor shall he protect him against a believer. Whomever it has been established by evidence, that he has killed a believer (without right), then he is subject to retaliation unless the blood heir of the one killed is satisfied (i.e. with blood money). The believers must stand against him altogether and it is not permissible for them except to stand against him. It is not permissible for a believer who affirms what is stated in this document and believes in Allah and the last day, to provide assistance or shelter to a criminal. And whoever helps or shelters him, will have the curse and anger of Allah upon him on the Day of Judgement. Nothing will then be accepted from him.

Whatever you have differed upon in any matter, then it must be referred to Allah 'Azza Wa Jalla and to Muhammad (peace be upon him).

The Jews shall share in the spending with the believers when they are in a state of war.

The Jews of the Banu 'Awf, their allies and themselves, are an Ummah (collective) alongside the believers. The Jews have their Deen (religion) and the believers have their Deen, except for the one who transgresses (commits injustice) and commits a sin (crime), as he will only be hurting himself and his household. The same applies to the Jews of Banu An-Najjar that applies to the Jews of Banu 'Awf. The same applies to the Jews of Banu Al-Harith that applies to the Jews of Banu 'Awf. The same applies to the Jews of Banu Sa'idah that applies to the Jews of Banu 'Awf. The same applies to the Jews of Banu Jusham that applies to the Jews of Banu 'Awf. The same applies to the Jews of Banu Al-Aws that applies to the Jews of Banu 'Awf. The same applies to the Jews of Banu Tha'laba that applies to the Jews of Banu 'Awf, except for the one who transgresses (commits injustice) and commits a sin (crime), as he will only be hurting himself and his household. Jafnah are only a clan of

Tha'labah and hence they are like them. And the same applies to Banu Ash-Shatna that applies to the Jews of Banu 'Awf. Good and upright conduct is demanded and not bad or criminal conduct (i.e. from the parties of the Sahifa). The allies of Tha'labah are like them. And the close or intimate friends/associates of the Jews are like them.

None from among them shall go out [to war] without the permission of Muhammad (saw). But none shall be prevented from taking retaliatory vengeance for wounds inflicted.

Whoever acts on his own account (in vengeance) [involves] himself and his family, except he who has been wronged. Allah is accepting of what is most upright.

The Jews must bear their expenses and they are due sincerity and upright conduct without bad conduct (being undertaken against them). No one must perpetrate a crime against his ally. Support must be provided to the transgressed against. The Jews shall share in the spending with the believers when they are in a state of war.

Yathrib shall be an inviolable place for the people of this Sahifah (document). The neighbour is like the self; not being harmed and not having a crime perpetrated against him. No woman is to be provided protection except with the consent of her family.

Any occurrence or quarrel between the people of this document, the corruption (or harm) of which is feared, must be referred to Allah 'Azza Wa Jalla and to Muhammad (peace be upon him).

Allah is (witness) over that which is most God-fearing and upright in this document.

No protection is provided to Quraish or to those who support/help them. They must support one another against whoever attacks Yathrib.

If they (the Jews) are invited to a Sulh (peace treaty) which they (the believers) are concluding and engaging in, then they must conclude and engage in it. And if they (the Jews) invite to something similar to that, then the believers should respond to that, except with the one who makes war on account of the Deen (religion). And each people are to fulfil their share from their side to those they are responsible for.

The Jews of Al-Aws, their allies and selves, are upon the same as the people of this document, in terms of receiving purely upright conduct from the people of this document.

Good and upright conduct is demanded and not bad or criminal conduct (i.e. from the parties of the Sahifa). No person earns anything except that he earns it against himself.

Verily Allah is (witness) over that which is most truthful and righteous in this Sahifah (document). This document does not protect any wrongdoer or sinful person (criminal).

The one who exits is safe and secure and the one who remains is safe and secure in Al-Madinah, except for one who transgresses and perpetrates a sin (crime).

Verily, Allah is the protector of the one who acts well and is God-fearing. And Muhammad is the Messenger of Allah (saw)"] [End].

I say: Abu Ubaid Al-Qasim bin Salam, may Allah's mercy be upon him, has spoken about the ambiguous wording of this Sahifah in his book "Al-Ghareeb", just as **others than him have**, and the one who wants to increase his understanding of the precise meanings can refer back to it.

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There are other narrations indicating to a document or alliance, which may be this Sahifah. Imam Ibn Kathir, may Allah's mercy be upon him, summarised some of this as follows:

- It came mentioned in "**Al-Bidayah Wa An-Nihayah**" (Seerah) (Vol: 3 p: 224) as follows: [Imam Ahmad said 'Affan related to us from Hammad bin Salamah, from 'Asim Al-Ahwal, from Anas bin Malik who said: "The Messenger of Allah made an alliance between the Muhajirin and the Ansar in the house of Anas bin Malik".

- Imam Ahmad also related in addition to Al-Bukhari, Muslim and Abu Dawud from numerous paths from 'Asim bin Sulaiman Al-Ahwal from Anas bin Malik who said: "The Messenger of Allah made an alliance between the Quraish and the Ansar in my house".

- Imam Ahmad said Nasr bin Bab related to us from Hajjaj (and he is Ibn Artah) who said: Suraij related to us from 'Abbad, from Hajjaj, from 'Amr bin Shu'aib, from his father, from his grandfather: That the Prophet **wrote a document between the Muhajirin and the Ansar that they should deal with their cases of blood money and ransoming in a good and reconciling manner among the Muslims**.

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- Ahmad said Suraij related to us from 'Abbad, from Hajjaj, from Al-Hakam, from Qasim, from Ibn 'Abbas similar to this. Imam Ahmad was alone to relate it (i.e. with this specific chain).

- In Sahih Muslim from Jabir: "**The Messenger of Allah wrote (or made it obligatory) upon every clan to fulfil their blood money dues**".

We can observe that the Sahifah related by Ibn Ishaq did not contain any mention of the ages of camels and wounds in contrast to the Sahifah of 'Ali. This is not a major problem however as most of the narrations concerning the Sahifah of 'Ali do not attribute that to the Prophet (saw) explicitly, in contrast to the other clauses. It is possible that the ages of the camels and wounds were only attached by Imam 'Ali after that to that same Sahifah or that only some of the clauses or important causes of the Sahifah of 'Ali attached to his sword scabbard were transcribed whilst other matters from what had been heard from the Prophet (saw), external to the (original) Sahifah, had been added to it.

We also observe that there is no mention in the Sahifah "The Sahifah of Al-Madinah" of Banu Quraizah, Bani An-Nadir and Banu Qainuqa' by their names. Therefore, they were either not included in it, which is possible, or they were mentioned with their allies of the Ansar, which is also possible. Their inclusion in it would therefore not have been from the **angle of independence** but rather in accordance with prior alliances.

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Just as we observe from a mere passing read of the Sahifah, it is apparent that as a whole it reflects constitutional texts which regulate the relationship between different factions of a society that has been formed on a tribal basis. The tribes represent important units or blocks in society. Some of

them, like the Jewish tribes which possessed independent fortifications and towns, such as Banu Quraizhah, Banu An-Nadir and Banu Qainuqa' were equivalent to states.

It should not be said that the Sahifah's inclusion of the relations with the Jewish tribes which possessed independent fortifications and towns, such as Banu Quraizhah, Banu An-Nadir and Banu Qainuqa' and were equivalent to states, upon the assumption that they were indeed included within it, means that it was purely an international agreement like that of Al-Hudaibiyah! That cannot be said because:

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(1) Most of the texts concerning the "Sahifah of Al-Madinah" relate to the organisation of the relationship between different tribes and groupings of Muslims, with their definite stated text of "They are one Ummah to the exclusion of all the people". They also organise the matters related to security in Al-Madinah, specify the sacred inviolability of Al-Madinah from a geographical perspective and organise the social mutual responsibilities between the contracting parties.

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(2) Al-Hudaibiyah was a treaty and truce between two independent entities which were at war with each other, concerning which the Quraish rejected the mere title of the Prophet (saw), the title of the status of Prophethood, as he was in their view only Muhammad bin Abdullah.

As the "Sahifah of Al-Madinah" stated that the whole affair returns to Muhammad the Prophet or Messenger of Allah, it is like all the parties had acknowledged him as the high head of the "Union/Confederation", or "International Collective" or "Alliance" which they had formed through the dictates of the Sahifah. The acceptance and affirmation of Muhammad (saw) with the title of Messengership and Prophethood in the Sahifah does not necessarily mean that they all believed in him and followed him as it could be due to purely "diplomatic" considerations, where each party uses the title they have given themselves, which is apparent from the relationship of the Jews with him in Al-Madinah.

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This "Union" which the "Sahifah of Al-Madinah" established resembles:

(1) "The International Organisation of Francophones". It is novel that the French constitution has influence over it, some of its rulings rest upon it and states that the president of France is also its president, just like the "Sahifah of Al-Madinah".

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(2) "The British Commonwealth". This is also stated upon in text in the British laws containing different organisational rulings. These laws are considered by the constitutional scholars to possess a constitutional character.

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Therefore, we must conclude with there must be definiteness, certainty and decisiveness in that the "Sahifah of Al-Madinah" is a constitutional document and that it is not possible to be regarded as anything other than that at all.

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Yes, it is true that the framing of the articles of the document of the "Sahifah of Al-Madinah" came in most of its paragraphs in a manner which is contrary to the legal canonical framing and contrary to the Fiqhiy (juristic) framing, especially that was employed in "Kash'shaf Al-Qana' 'An Matn Al-'Iqna'". However, this is something that was inevitable because it was from the dictation of our Master Muhammad, the Messenger of Allah and seal of Prophets, who was provided with "Jawami' Al-Kalam" (The encompassing and precise speech) and whose "Speech was summarized in a concise

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manner". Its style is therefore the style of the "Wahy" (Divine revelation) which is a different kind of speech and does not fall under the category of the speech of the Jurists, rulers, philosophers and Mutakallimin. This distinguished style does not take it out from being a constitutional document as it is without doubt or question a constitutional document possessing a distinct style.

One issue remains and that is that an objector may say: That the "**Sahifah of Al-Madinah**" was transmitted in a Mursal manner and we are not aware of a Muttasil (connected) chain of transmission for it. As such it does not stand as a Hujjah (evidential proof) and is not permissible to be used as such. **We say:** What you have mentioned is true and we do not use as evidence anything from its paragraphs for the detailed Hukm Shar'iy. Rather, we studied it as a whole from the perspective of it being a constitutional document or international treaty, meaning from the perspective of its general nature. In this it is sufficient to establish its general frame regardless of the level of reliability of its detailed sentences (or articles), each one in itself. What we have presented in terms of Sahih chains of transmission affirm that an organisational document had been written. In addition, the Sahih chains have come stating some of the important paragraphs of the Sahifah of 'Ali and all of these, under all circumstances, are considered to be constitutional paragraphs. They testify to the resembling paragraphs found in the "**Sahifah of Al-Madinah**" as related by Ibn Ishaq. This is sufficient to establish its existence and the reliability of the specific constitutional paragraphs within it. It is inconceivable after this for the rest of it as a whole to be objectively false. This does not exist in the world at all as the text of the Sahifah is of the utmost degree of integrity and order. The Nafs (inner self) is reassured that exactly as it has been presented is just as the Messenger of Allah (saw) had it written.

I say: The collection of evidences and the previous discussion are adequate to establish necessary knowledge that the constitutional documents are a praiseworthy Sunnah and not a blameworthy Bid'ah (innovation), as was perceived by Sheikh Abdul Qadir. We believe that this statement of his came as a reactionary response to the fierce secular attack causing the Sheikh to move from one antithesis to another: **[And the Deen of Allah is a middle course between the valuable contained in it and the coarse that has been removed from it]**.

Upon this occasion, we advise ourselves and our brothers from those who invite to Allah in these murky times to avoid these reactionary responses. That is because that can push the person from one falsehood to another which could be even worse than the falsehood that we were fleeing from. This is the calamity of the "**Khawarij**" who arose as a reactionary response to negligence and dereliction, the majority of which was slight and only a small amount was major. It was a reaction that turned into excessiveness and deviation all of which was major, devastating and destructive, the consequences of which were much worse than the original negligence and dereliction.

The kneejerk reactionary responses, in most cases, are a **notification-indication of "The defeated spirit-mentality?"** which impose upon its companion defensive stances and negative reactionary responses, instead of rational attack, taking the initiative and engaging in constructive and positive activities.

These feelings of defeat and mentality of being besieged and ghettoized is what drives many of those involved in Islamic activity to adopt kneejerk reactionary stances and repulsive imbecilic statements, which sometimes resemble the statements of the "**delusional and paranoid**" and indeed on some occasions "**those institutionalised in mental illness hospitals**". It also drives some

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towards isolation, withdrawal and despair from the Dunya and people, or towards reliance upon the supplication for the “**Awaited Mahdi**” to appear quickly, may Allah hasten such a person’s relief!

Likewise, we invite everyone to revise all of the Islamic draft constitutions that have been issued during the last century in a precise legislative manner, to adopt the strongest evidence and employ the most accurate formulation in respect **to its bands**, seek to **complete its deficiencies** and produce a polished and solid draft that is suitable to become a basis for the Islamic state, the Khilafah state, upon its establishment, soon by Allah’s will.

In all of this, there is no problem with benefiting from the style of juristic and legal formulation existing among other peoples and especially the west, as they have reached great heights in that area at a time when Islamic Fiqh stagnated and then declined after it had flourished in bygone eras. The juristic and legal formulation halted **great** the partial Ahkam (rulings), some Fiqhiy principles, the study of **likenesses and parallels**, and other such matters. That is while the western jurisprudence progressed to the stage of juristic theories: The theory of the truth, of contracts and liability etc. All of this is from the perspective of styles and has no relationship to the legislative source of reference, meaning it has no relationship to the question: Who does the Siyadah (sovereignty) belong to? i.e. who is the Sayyid, who is the Legislator and who is the Haakim (judge). Rather it only relates to the question: How does the Faqih (jurist) formulate or draft what he had deduced in terms of rulings (Ahkam) and what is the ideal style in respect to breaking it down and composing it, presenting its fundamentals and branches, in addition to categorising, arranging and ordering it. Consequently, there is no problem in respect to adopting this irrespective of its source.

Section: Benefiting from the experiences or expertise of the nations and peoples

Examining the circumstances of the other peoples, benefiting from their experiences and taking the good and well-developed from their styles and means **as** is demanded from the sound mind: That the human benefits from the available fruits and ready results. **In this way he can then direct his effort towards innovation in respect to inventing and generating what is new instead of repeating the inventions made by others and their experiences, in other words “Reinventing the wheel” as they say.**

This is also what the final blessed Sharee’ah came with:

- Like what came in “**Al-Muwatta**”, where Imam Malik related from Muhammad bin Abdur Rahman bin Nawfal that he said that ‘Urwah bin Az-Zubair informed him from ‘Aa’ishah, the Mother of Believers, from Judamah the daughter of Wahb Al-Asadiyah, that she informed her that she heard the Messenger of Allah (saw) saying: “**I had considered to forbid Al-Gheelah until it was mentioned that the Romans and Persians do that but it does not harm their children**”. Malik said: “Al-Gheelah” is that a man has intimate relations with his wife whilst she is breastfeeding. This Hadith is Sahih, indeed of the highest level of authenticity!

- Muslim recorded it as: Khalaf bin Hisham related to us from Malik bin Anas, from Yahya bin Yahya and his wording was: I received the same from Malik. Muslim said: [As for Khalaf then he said Judhamah Al-Asadiyah (i.e. with a Dhaal) whilst what Yahya said was correct with a Daal!].

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- Muslim said: Ubaidullah bin Sa'id and Muhammad bin Abi 'Umar said: Al-Muqri'u related to us from Sa'id bin Abi Ayub, from Abu I-Aswad, from 'Urwah, from 'Aa'ishah, from Judamah the daughter of Wahb, sister of 'Ukasha, the same as it in full length. Muslim said: Abu Bakr bin Abi Shaibah related it to us from Yahya bin Ishaq, from Yahya bin Ayub, from Muhammad bin Abdur Rahman bin Nawfal Al-Qurashiy, from 'Urwah, from 'Aa'ishah, from Judamah the daughter of Wahb Al-Asadiyah: That she said: I heard the Messenger of Allah (saw): She then mentioned like the Hadith of Sa'id bin Ayub.

- At-Tirmidhi said: 'Eisa bin Ahmad related to us from Wahb, from Malik, from Muhammad bin Abdur Rahman bin Nawfal and so on. And he said: 'Eisa bin Ahmad, from Ishaq bin 'Eisa, from Malik, from Abu I-Aswad: The same Hadith! Abu 'Eisa said: [This Hadith is Hasan Gharib Sahih].

- An-Nasa'i said: Ubaidullah and Ishaq bin Mansur related to us from Abdur Rahman, from Malik, from Abu I-Aswad ... to the end, the same as it-~~it~~.

- Abu Dawud said: Al-Qa'nabiy related to us from Malik, from Muhammad bin Abdur Rahman, from Malik, from Abu I-Aswad ... to the end, the same as it-~~it~~.

- Ahmad said: Abdur Rahman bin Mahdi related to us from Malik, from Abu I-Aswad ... to the end, the same as it.

- Ahmad said: Abu Salamah Al-Khuza'iy said: Malik related to us from Muhammad bin Abdur Rahman bin Nawfal ... to the end, the same as it.

- Ahmad said: Abdullah bin Yazid related to us from Sa'id (meaning Ibn Abi Ayub), who said: Abu I-Aswad related to me ... to the end, the same as it.

- Ad-Daaramiy recorded it as: Khalid bin Makhlad related to us that Malik related to us the same as it. Abu Muhammad: ["**Al-Gheelah**" is to have intimate relations whilst the wife is breastfeeding].

We will speed matters along and say: Here we are not delving into an elaborate discussion related to the "**Consideration of the Prophets**". Is such a consideration infallible and in conformity with the Haqq (truth) or does it occur in accordance with human nature, where it could be a consideration upon the truth just as it can be upon that which is false, in which case Allah would avert the Prophet from any action, statement or consent resulting from that false consideration. We are not delving into a detailed discussion of that and we will leave that to our study "**Hamm ul-Anbiyaa**" (The consideration of the Prophets) where we established the definite evidence that the consideration of the Prophets is not infallible and as such is not a legislative proof, meaning that such a consideration occurs in accordance with human nature and could be a consideration upon truth just as it could be false. Then, if it was false Allah would divert the Prophet from any action, statement or consent resulting from that false consideration. This diversion from Allah would occur by the manner that Allah wishes: It could be by removing the consideration and its taking the form of will and adamance, or by a revelation forbidding the execution of the consideration, or by inspiring an alternative consideration, or by whatever means Allah Al-'Aziz Al-Hakim desired.

We will move on quickly also and clarify that we used this Sahih Hadith as evidence, as it is a definite Hujjah (evidential proof), whilst in our study of "**Al-'Azl (coitus interruptus) and Birth Control**" we rejected the evidential proof status of the **item-narration2** which was attributed to the Prophet (saw)

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in the sentence: “**Al-Maw’oodat us-Sughra**” (Minor infanticide) in his speech concerning the ‘Azl (coitus interruptus). This did not happen in an arbitrary manner or by way of double standards. Rather, it was to establish the definite evidence upon its falseness and that it must by necessity be considered to be from among the erroneous impressions or errors of the narrators. As for the remainder of the Hadith, then it is Sahih, safe from objection and evidential proof is established upon it. And Allah is Most Knowledgeable and Most Precise.

In the reality mentioned above, Allah protected His Prophet from forbidding “Al-Gheelah” (intimate relations with the wife whilst she is breastfeeding) which he had considered forbidding due to the fear of the harm that it may cause to the child, and diverted his consideration by inspiring him with a new Sunnah: To examine the circumstances of the other peoples and to benefit from their experience which establish in this aspect the practice of Al-Gheelah by whole peoples without the emergence of harm to their children, throughout the ages.

As the consideration of the Prophet (saw) to forbid Al-Gheelah was only for the sake of the protection of the health of the child and to prevent harm in its development, which reflects a matter that can be perceived by the senses and mind directly, it is permissible to look at and examine the experiences of peoples with there being no difference in that regard between the believer and disbeliever, the idolator and person of the book. By greater reason it is permitted to examine the results of the reliable and confirmed scientific and medical research, which is what Allah inspired His Prophet with. So, to Allah belongs all Praise and Benevolence, there is no Ilah except for Him, upon Him we have Tawakkul and by Him we seek assistance.

He (saw) did not suffice himself with this examination but rather directed others towards undertaking the same action to regard and examine the experiences of the nations and peoples and to the results of their reliable and confirmed scientific and medical research. That is as follows:

- The following was recorded in “**Sahih Muslim**”: [Muhammad bin Abdullah bin Numair and Zuhair bin Harb (and the wording is from Ibn Numair) said: Abdullah bin Yazid Al-Maqbari related to us from Haywah, from ‘Ayyash bin ‘Abbas: That Abu An-Nadr related to him from ‘Amir bin Sa’d that Usamah bin Zaid said that his father informed him: Sa’d ibn Abi Waqqas reported that a man came to the Messenger of Allah (saw) and said: “I perform coitus interruptus with my wife”. The Messenger of Allah (saw) asked: “**Why do you do that?**” The man answered: “I feared for her child (or children)”. The Messenger of Allah (saw) then said: “**Had that been harmful, then the Persians and Romans would have been harmed by that!**” And Az-Zuhair said in his narration: “**If it is for that reason, then no (don’t do it). That (practise) did not harm the Persians and the Romans!**”]. The same as the Hadith of Zuhair bin Harb has also been recorded in the “**Musnad of Ahmad**”, “**Al-Mu’jam Al-Awsat**”, “**Sunan Al-Kubra of Al-Baihaqi**” and “**Sharh Ma’aani Al-Aathaar**”, along with their chains of transmission and all of them are Sahih

I say: Reflect upon his statement (saw): “**If it is for that reason, then no (don’t do it). That (practise) did not harm the Persians and the Romans!**”. That is because it contains what we mentioned above, except here it has come in the form of educating the questioner. Consequently, our opinion is affirmed and all Praise belongs to Allah the Lord of the Worlds.

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Appendix

Studies related to Hadith

Section: The Hadith: “Obedience to the Imam is a Haqq (right) due upon every Muslim person”

- Tamnam recorded in his “Al-Fawaa'id”: Al-Hasan bin Habib related to us from Badr bin Al-Haitham Ad-Dimashqi, from Sulaiman bin Abdur Rahman, from Abdur Rahman bin Al-Maghra', from Ubaidullah bin 'Umar, from Sa'id bin Abi Sa'id Al-Maqbariy, from his father, from Abu Hurairah, who said: The Messenger of Allah (saw) said:

طَاعَةُ الْإِمَامِ حَقٌّ عَلَى الْمَرْءِ الْمُسْلِمِ مَا لَمْ يَأْمُرْ بِمَعْصِيَةِ اللَّهِ عَزَّ وَجَلَّ فَإِذَا أَمَرَ بِمَعْصِيَةِ اللَّهِ فَلَا طَاعَةَ لَهُ

“Obedience to the Imam is a right due upon every Muslim person as long as he did not command a disobedience of Allah ‘Azza Wa Jalla. If he commands a disobedience of Allah, then there is no obedience to him”.

- Al-Hasan Al-Habib, Abu ‘Ali the Shafi’iy Faqih (jurist), who was well known with the name Al-Khadaayiri. He is Thiqah and Thabat (trustworthy and reliable) as stated by Ibn ‘Asakir in his biography of him: [One of the Thiqaat and Athbaat (trustworthy and reliable narrators), born in the year 242 and passed away in the year 338 AH].

- Badr bin Al-Haitham, Abu I-Qasim Al-Lakhmi, the judge from Kufa who settled in Baghdad. He is Thiqah (trustworthy narrator). Al-Khateeb said in biography of him: [He was Thiqah, from among the seniors, he died in the year 338 AH].

- Sulaiman bin Abdur Rahman. He was Abu Dawud Sulaiman bin Abdur Rahman bin Hammad, At-Talhiy At-Tammar, from the offspring of Talhah bin Ubaidullah, from Kufa, Thiqah (trustworthy). He died in the year 252 AH and was from the Shuyukh (scholars) of Abu Dawud. Al-Haafizh (Al-Asqalani) said in his biography of him: [Sadooq (very truthful/honest)].

- Abdur Rahman bin Maghra’, Abu Zuhair Ad-Dausiy Al-Kufiy, Thiqah (trustworthy), he only spoke in his Hadith from Al-A’amash, and this is not from them. Al-Hafizh (Al-Asqalani) said: [Sadooq (very truthful/honest), he spoke in his Hadith from Al-A’amash].

The remainder in the chain of transmission of this Hadith are well known Thiqat (trustworthy narrators) and the Matn (worded textual content) of the Hadith has integrity and the abundant texts of the Kitab and the Sunnah testify for it. The Hadith is therefore definitely Sahih and Al-Albani fell short when he said: [(It is) Hasan], alone!

Section: The Hdith of ‘Adiy bin Hatim in relation to the Tafsir of the verse: “They took their Rabbis and Monks to be Lords besides Allah” (At-Tawbah: 31).

- The following came mentioned in the Tafsir of this verse from ‘Adiy bin Hatim, may Allah be pleased with him, that he said: [I came to the Messenger of Allah (saw) whilst I was wearing a cross of gold upon my neck, He then said: “O Adiy, cast away this (symbol of) idolatry from your neck!” He (‘Adiy) said: So, I cast it away and stopped where he was whilst he was reciting Surah “**Al-Baraa’ah**” (At-Tawbah). He then recited the verse:

لَا تَتَّخِذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ

“They took their Rabbis and Monks to be Lords besides Allah”.

He (‘Adiy) said: I said: “O Messenger of Allah, we did not worship them!” He said: Did they not make Haram what Allah had made Halal and then you made it Haram? And make Halal what Allah made Haram and then you made it Halal?” He said: I said: “Yes, indeed”. He said: “Then that was their

worshipping". In another narration he was recorded to have said: "Yes you have spoken the truth, however they used to make Halal what Allah made Haram and they would then make it Halal, and they would make Haram what Allah made **Haram -shouldn't this be halal?** and then they would make it Haram". It was related by At-Tabari in his "Tafsir" and this is its wording via the path of Abu Kuraib. He said: Abu Kuraib and Ibn Wakee' related to us. They said: Malik bin Isma'eel related to us from Ahmad bin Ishaq. He said Abu Ahmad related to us, all of it, from Abdus Salam bin Harb who said: Ghateef bin A'ayun related it to us from Mus'ab bin Sa'd, from 'Adiy bin Hatim. It also has in At-Tabari other paths for it in full and summarised forms.

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At-Tabarani also related it in "Al-Mu'jam Al-Kabir" via a number of paths, just as it was related in the Tareekh of Asbahaan, the Sunan of Al-Baihaqi and the Sunan of At-Tirmidhi, who said: [This Hadith is Ghareeb. We are not aware of it except via Abdus Salam bin Harb and Ghateef bin A'ayun is not known in respect to the (relation of) Hadith]. All of them are via Abdus Salam bin Harb and he is Thiqah (trustworthy) and Haafizh (of good memory). As for Ghateef bin A'ayun then he has very few Hadith. Abdus Salam bin Harb and Ishaq bin Abi Farwah related from him and Ibn Hibban mentioned him in his "Thiqaat" upon his general principle. Al-Bukhari mentioned him in his "Tareekh Al-Kabir" when mentioning this Hadith without Jarh and Ta'deel (an assessment of the condition of the narrators). Ad-Daraqutni classified him as Da'eef (weak) in a stubborn manner which was presented in a Mursal manner without an explanation for why he found him to be unacceptable. Al-Hafizh (Al-Asqalani) followed him in that without providing a Hujjah (evidential proof) and as such, he did not hit the mark or do well (in respect to that).

The truth is that nothing reproachable has been related concerning Ghateef bin A'ayun. His 'Adaalah (integrity) is established by two Thiqaat relating from him whilst no explained declaration of unreliability worthy of consideration at all has come in relation to him. He is therefore Hasan and there is no issue in respect to him. Consequently, the Hadith is Hasan in itself, its Matn (textual content) is sound, evidential proof is established by it and Imam Abu Muhammad 'Ali bin Ahmad bin Hazm Al-Andalusi classified it as Sahih and relied upon it in his "**Al-Ihkaam**" and it is also sahih upon the conditionality of Ibn Hibban. It is definitely Sahih with its supportive evidences (Shawaahid):

- At-Tabari said in his "**Tafsir**": [Muhammad bin Bashir related to us from Abdur Rahman bin Mahdi, from Sufyan (Ath-Thawri), from Habeeb bin Abi Thabit, from Abu Al-Bakhtari, from Hudhaifah bin Al-Yaman, may Allah be pleased with him, that he was asked concerning the Qawl of Allah (swt):

اتَّخَذُوا أَحْبَارَهُمْ وَرُهَبَاءَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ

"They took their Rabbis and Monks to be Lords besides Allah".

"Did they use to worship them?". He said: "No, (and in a reported relation: They did not use to fast for them or pray to them, however) when they (The Rabbis and Monks) made something Halal for them, they would make it Halal and when they made something Haram for them, they would make it Haram].

This Isnad is sufficient in terms of strength! At-Tabari recorded it with its full length from a number of Sahih and Hasan paths from Habeeb bin Abi Thabit. Al-Baihaqi related the same as it just as At-Tabari recorded it from another path from Hudhaifah in a summarised form with the wording: [They did not worship them but they obeyed them in Ma'aasiy (acts of disobedience to Allah)!].

- At-Tabariy recorded with its Sanad (chain of transmission) from Ibn ‘Abbas in relation to the Tafsir of this verse, that he said: [They made obedience to them appear favourably].

- He recorded with another Sanad from As-Suddiy who said: Abdullah bin ‘Abbas said: [They did not command them to **prostrate** to them, however they commanded them with the disobedience to Allah and then they obeyed them (in that) and that is why Allah named them as Lords].

- He recorded with its Sanad from Al-Hasan Al-Basri in his Tafsir, that he said: [It relates to obedience].

- He recorded, with its Sanad, from Rabee’ bin Anas, from Abu Al-‘aliyah, in his Tafsir of the verse, that he said: I asked Abu Al-‘Aaliyah: “How was the Rububiyah (ascribing of Lordship) which was present among Bani Isra’eel?” He said: “... What they commanded us with we followed and what they forbade us from we refrained from, whilst they found in the Book of Allah what they were commanded with and what they were forbidden from. Then they began to seek counsel from the men and throw the Book of Allah behind their backs!”.

- Section: The statement of Ibn Mas’ud: “Bribery in the ruling (i.e. by rulers) is Kufr (disbelief)”

- The following was recorded in the Musnad of Abu Ya’la: Muhammad related to me from Uthman bin ‘Umar, from Fitr bin Khalifah, from Mansur, from Salim bin Abi Al-Ja’d, from Masruq, who said: [I was sitting in attendance to Abdullah and a man said to him: “What is As-Suht (illicit gains)?” He said: “Ar-Rishaa (bribery)!” He then asked: “(And) in the ruling?” He said: “That is Al-Kufr (disbelief). He then recited:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma’idah: 44)].

Sheikh Hussein Asad said: [Its Isnaad (chain) is Sahih] and it is as he said as the Athar (report) from Ibn Mas’ud is solid and Sahih for certain, especially with its corroborations, paths and supportive evidences, as follows:

- In the Sunan Al-Kubra of Al-Baihaqi: Abu Abdullah Al-Hafizh and Abu Bakr Al-Qaadi related to us from Al-‘Abbas Muhammad bin Ya’qub, from Ibrahim bin Marzuq, from Makkiy bin Ibrahim, from Fitr bin Khalifah, from Mansur bin Al-Mu’tamir, from Salim bin Abi Al-Ja’d, from Masruq, that he said: [Abdullah Ibn Mas’ud was asked concerning As-Suht (illicit gains) and so he said: “It is Ar-Rishaa (bribery)”. He (the questioner) then asked: “And in the Hukm (ruling)?” So, Abdullah Ibn Mas’ud said: “That is Al-Kufr (disbelief)!” And he recited this verse:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

And whoever did not rule by what Allah has revealed, then those are the disbelievers (Al-Ma'idah: 44)].

This is also a Sahih Isnad (chain of transmission).

- Fitr bin Khalifah is corroborated as was recorded in the Sunan Al-Kubra of Al-Baihaqi: Abu Abdullah Al-Hafizh related to us from Abu Bakr Ahmad bin Ishaq, from 'Umar bin Hafs, from 'Asim bin 'Ali, from Shu'bah, from Mansur, from Salim bin Abi Al-Ja'd, from Masruq: Who said: [I asked Abdullah (meaning Ibn Mas'ud) about As-Suht and he said: "Ar-Rishaa (bribery)" and I asked him about Al-Jawr (injustice/oppressiveness) in the Hukm (ruling) and he said: "That is Al-Kufr (disbelief)"]].

- It also came mentioned via another path from Masruq as recorded in "Al-Mu'jam Al-Kabir" (At-Tabarani): A'li bin Abdul 'Aziz, from Abu Nu'aim, from Sharik, from As-Suddiy, from Abu Ad-Duha, from Masruq, that Abdullah was asked about As-Suht (illicit gains). He said: "Ar-Risha (bribery)". It was asked: "(And) in the Hukm (ruling)?" He said: "That is Al-Kufr! (disbelief)".

- It came recorded via a third path from Masruq as stated by An-Nasa'i in "Al-Mujtaba Min As-Sunan": Qutaibah and 'Ali bin Hujr related from Khalaf (meaning Bin Khalifah), from Mansur bin Zadaan, from Al-Hakam bin 'Utiabah, from Abu Wa'il, from Masruq, who said: [If the judge takes the gift he has taken As-Suht (illicit gain) and if he accepts bribery it makes him reach Al-Kufr (disbelief)]. Al-Masruq said: [Whoever drinks Al-Khamr (alcohol) has disbelieved and his Kufr is that he does not have Salah (prayer) (i.e. accepted)]. This is also Sahih in itself, as we have corroborated the confusion or bad memory of Khalaf bin Al-Khalifah bin Sa'id Al-Ash'ja'i, as he used to muddle in the end. We corroborated that through the testimony of the previous and coming corroborations.

- Indeed, it came by other than the path of Masruq. In the "Mu'jam Al-Kabir" it was related as follows: Muhammad bin 'Ali As-Saani' Al-Makkiy related to us from Sa'id bin Mansur, from Hammad bin Yahya Al-Abahh, from Abu Ishaq, from Abu Al-Ahwas, from Ibn Mas'ud, that he said: [Ar-Rishwah (bribery) in Al-Hukm (ruling) is Kufr (disbelief) and among the people it is As-Suht (illicit gains)].

- This is also the opinion of Masruq and his action (i.e. what he followed) as came reported in At-Tabaqaat Al-Kubra: 'Amr bin Al-Haitham Abu Qutn related from Al-Mas'udiy, from Bukair bin Abi Bukair, from Abu Ad-Duha: That Masruq interceded for a man. Then he (that man) gifted him with a female slave and he (Masruq) became angry and said: [Had I known that this was in you I would not have spoken in it (i.e. interceded) and I will never talk in what remains. I heard Abdullah bin Mas'ud saying: "Whoever intercedes for a right to be returned or for an injustice to be repelled and is then offered a gift for that and accepts it, then that is As-Suht (illicit gain)!" They (those in attendance) said: "We did not view the Suht except the taking upon the position of ruling?!" He said: "The taking upon the rule is Kufr (disbelief)". This Isnad is Sahih as we have corroborated the Ikhtilaat (confusion and bad memory) of Al-Mas'udiy, as he used to muddle at the end. We have corroborated that as 'Amr bin Al-Haitham, Abu Qutn, received Hadith from Al-Mas'udiy and also due to the testimony of the previous corroborations.

- Section: The Hadith "He should not be a 'Areef (Chief of people who informs the Ameer of their affairs), a Shurtiy (law-enforcer) nor a tax collector".

- The following came recorded in the Musnad of Aby Ya'la: Ishaq bin Ibrahim Al-Marwazi related to us from Jarir bin Abdul Hamid, from Raqabah bin Masqalah, from Ja'far bin Iyaas, from Abdur Rahman bin Mas'ud, from Abu Sa'id and Abu Hurairah, who (both) said: The Messenger of Allah (saw) said:

لَيَأْتِيَنَّ عَلَى النَّاسِ زَمَانٌ يَكُونُ عَلَيْكُمْ أُمَرَاءُ سُفَهَاءُ يُقَدِّمُونَ شِرَارَ النَّاسِ وَيُظْهِرُونَ بَخَائِرَهُمْ وَيُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا فَمَنْ أَدْرَكَ ذَلِكَ مِنْكُمْ فَلَا يَكُونَنَّ عَرِيفًا وَلَا شَرْطِيًّا وَلَا جَائِيًّا وَلَا خَازِنًا

“There will come upon the people a time (when): You will have foolish leaders over you who put forward the worst of the people whilst placating the best of them, and they delay the prayer from its set times. Therefore, whoever from among you reaches such a time let him not be a chief (advisor to ruler), law enforcer, tax collector or treasurer”. Ibn Hibban also recorded it in his Sahih. This Isnad is Qawwiyy Jayyid (strong – good). The Hadith is definitely Sahih with its collective paths and its Shawaahid (supportive evidences).

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As for Sheikh Shu'aib Al-Arna'ut in his commentary upon the Sahih of Ibn Hibban: [Its Isnad is Da'eef (weak)]. It may be that he was unaware of “Abdur Rahman bin Mas'ud”. However, Sheikh Hussein Asad, in his commentary upon Abu Ya'la said: [Abdur Rahman bin Mas'ud has been authenticated by Ibn Hibban and Al-Haithami and the rest of the narrators (in the chain) are Thiqaat (trustworthy and reliable relaters)]. This indicates that Ibn Hibban was not alone in authenticating him. As for Al-Albani, then he mentioned in the Sanad (chain) of the Hadith: “Abdur Rahman bin Abdullah bin Mas'ud” and placed an exclamation mark (!) after the speech of Al-Haithami concerning him being “Abdur Rahman bin Mas'ud”. Al-Albani then said: [This Isnad is Sahih, its transmitters (Rijal) are the transmitters of the two Sheikhs, apart from Abdur Rahman bin Abdullah bin Mas'ud and he is Thiqah (trustworthy / reliable)]. This, however, is a shortcoming from him as Abdur Rahman bin Abdullah bin Mas'ud is from among the Rijal (transmitters) of the two Sheikhs, even if they did not relate from him except one single Hadith!

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Consequently, if Abdur Rahman bin Mas'ud is indeed Abdur Rahman bin Abdullah bin Mas'ud, as is the case in the recorded copy of Al-Albani, then the Isnad is definitely Sahih. However, this is not the preponderant view and is rather unlikely. That is because Abdur Rahman bin Abdullah bin Mas'ud, who was from the major Tabi'een (second layer), is not known to have related from Abu Sa'id and Abu Hurairah. It is also possible that he is Abdur Rahman bin Mas'ud bin Nayyar, from the lower middle layers of the Tabi'een (fourth layer). However, he is also not known to have related from Abu Sa'id or Abu Hurairah, just as Ja'far bin Iyaas bin Abi Wahshiyah is not known to relate from him. Therefore, this is also unlikely. In addition, Abdur Rahman bin Mas'ud bin Nayyar has related very few Hadith and no Jarh (critique) has come in respect to him at all. He is categorised as “Maqbool” (acceptable) only by Al-Hafizh and Ibn Hibban authenticated him upon his principle. Al-Bazzar said: He is known. Ibn Al-Qattan Al-Faasiy said: However, his condition is not known.

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The preponderant view is that Al-Haithami is correct and our relater Abdur Rahman bin Mas'ud is Al-Yashkuri Al-Basri, from the middle range of the Tabi'een (the third layer). He is known for relating from Abu Hurairah and that Ja'far bin Iyaas bin Abi Wahshiyah Al-Yashkuri Al-Basri related from him. Indeed, this is our man without doubt and he is the one who related about the Fadl (virtue) of Al-Hussein, may Allah's pleasure and peace be upon them, as recorded in the Musnad of Ahmad and the Mustadrak of Al-Hakim. He had also only a small number of Hadith related from him. Ibn Hibban

and Al-Hakim authenticated him and Ahmad recognised him in Al-Musnad. No Jarh (critique) has come related to him at all and as such is upon the original position of “Amaanah” (trustworthiness) and “Sidq” (truthfulness / honesty). He is therefore closer to Thiqah (reliability) and firmness of character.

Whichever Abdur Rahman bin Mas’ud he may be, the Hadith is definitely Sahih (with the exception of the wording “**treasurer**” mentioned in it). Its authenticity is established based on the following supportive evidences (Shawaahid):

- At-Tabarani recorded in “**Al-Mu’jam Al-Saghir**”: ‘Ali bin Muhammad bin ‘Ali Ath-Thaqafiy Al-Baghdadiy related to us from Mu’awiyah Bin Al-Haitham bin Ar-Rayyan Al-Khurasaniy, from Dawud bin Sulaiman Al-Khurasaniy, from Abdullah bin Al-Mubarak, from Sa’id bin Abi ‘Arubah, from Qatadah, from Sa’id bin Al-Musayyib, from Abu Hurairah, may Allah be pleased with him, that he said: The Messenger of Allah (saw) said:

يَكُونُ فِي آخِرِ الزَّمَانِ أُمَرَاءُ ظَلَمَةٌ ، وَوُزَرَاءُ فَسَقَةٌ ، وَفُضَّاءَةٌ خَوْنَةٌ ، وَفُقَهَاءُ كَذِبَةٌ ، فَمَنْ أَدْرَكَ مِنْكُمْ ذَلِكَ الزَّمَنَ فَلَا يَكُونَنَّ هُمْ جَائِيًا وَلَا عَرِيفًا وَلَا شَرْطِيًّا

“There will be at the later times leaders who are oppressors, assistants who are rebelliously disobedient (to Allah), treacherous judges and lying jurists (scholars). Whoever from among you reaches that time, let him not be a tax collector, **Chief (informer to the ruler)** or law enforcer”.

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At-Tabarani said: [No one related it from Qatadah except Ibn Abi ‘Arubah and no one related from him except Ibn Al-Mubarak. Dawud bin Sulaiman was alone in relating it and he is a Sheikh, there is no issue (problem)] in respect to him. Al-Khateeb recorded similar to it in “Tarikh Baghdad” via the path of this Dawud bin Sulaiman Al-Khurasaniy.

This Dawud bin Sulaiman Al-Khurasaniy who was authenticated by At-Tabarani when he said: “He is a Sheikh, there is no issue in respect to him”. He is from the eighth or ninth layer. It is not definite that he is the Dawud bin Sulaiman whom Al-Azadiy abandoned as that was Jazariy. It may be that he is from the same layer (of Tabi’een) who related from Qais bin Rabi’ and was located in Makah as mentioned in “**Lisan Al-Mizan**”. It is also most likely that the latter related from Khazim bin Jabalah concerning whom Al-Azadiy said: [Very Da’eef (weak), Al-Khurasaniy]. This one appears to be from a later layer and may be from the tenth as is apparent from the layer of his Shuyukh in “**Lisan Al-Mizan**”. Even if it was him, then Al-Azadiy is known for his inflexibility (or intransigence) and Al-Azadiy did not explain the reason for his Jarh (unacceptability due to fault) apart from his narrating a Munkar (rejected) Hadith from Khazim bin Jabalah, from his father, from his grandfather. That is while this Khazim bin Jabalah is Da’eef (weak), Matruk (left i.e. not related from), his Hadith are not written and his father and grandfather are unknown. It is therefore more valid and proper to direct the accusation towards them and not towards Dawud bin Sulaiman Al-Khurasaniy who At-Tabarani commended. That is if he is our person in origin and not another man!

This is consequently a path that has no problem or issue with it and is completely independent from the path of Abu Ya’la and elevates the Hadith of this section (with the exception of the word “**treasurer**”) to the grade of Sahih for certain.

There are further supportive evidences from that which is Marfoo' (raised in transmission to the Prophet (saw)) and from the guidance of the Sahabah, may Allah be pleased with them:

- The following came recorded in **"Musnad Ash-Shamiyeen"**: [Abdullah bin Wahb Al-Al-Ghazi, from Muhammad bin Abi As-Sariy, from Muhammd bin Harb Al-Abrash, from Abu Salamah Sulaiman bin Salim, from Salih bin Yahya bin Al-Miqdam, from his father, from his grandfather who said: The Messenger of Allah (saw) said:

أَفْلَحْتَ يَا قَدِيمَ إِنْ لَمْ تَلْقِ اللَّهَ جَابِيًا وَلَا شُرْطِيًّا وَلَا عَرِيفًا

"You have been successful O Qadim (old one) if you do not meet Allah as a tax collector, law enforcer or chief (informer to the ruler)".

- The following came recorded in **"Al-Mu'jam Al-Kabir"** (At-Tabarani): Via the path of Ishaq bin Ibrahim, from Abdur Razzaq, from Ath-Thawriy, from Abu Hussein, from Ash-Sha'biy, from Mahdiy who said: Ibn Mas'ud said: "How would you be, O Mahdi, if the best of you were placated and the newest or worst of you were appointed over you and the prayer was performed in other than its set times?" I said: "I don't know!" He said: "Do not be a tax collector, chief (informer to the ruler), law enforcer or **postman**. And perform the prayer at its set times!"

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- And the following was recorded in the **"Musnad of Ibn ul-Ja'd"**: Salam bin Miskeen said I heard Muhammad bin Waasi' relate from Al-Mahriy who said: Abu Hurairah said: **[Woe to you! Do not be an 'Areef (chief of people who informs to the ruler), tax collector of law enforcer!]**. This Isnad is Sahih and it is as if it is a summary of longer speech and resembles the speech of the previously mentioned Athar (report) of Ibn Mas'ud.

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Section: The Ahadeeth related to the invalidation of the Wilayah (office of ruling) of the Fasiq.

- The first Hadith: From Abdullah Ibn Mas'ud that the Prophet (saw) said:

سَيَلِي أُمُورَكُمْ بَعْدِي رِجَالٌ يُطْفِئُونَ السُّنَّةَ وَيُعْمَلُونَ بِالْبِدْعَةِ وَيُخْرِجُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا. فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنْ أَدْرَكْتَهُمْ كَيْفَ أَفْعَلُ؟ قَالَ: تَسْأَلُنِي يَا ابْنَ أُمِّ عَبْدٍ كَيْفَ تَفْعَلُ لَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

"Your affairs after me will be governed by men who extinguish the Sunnah, act by the Bid'ah (innovation) and delay the Salah (prayer) from its set timings". I asked: "O Messenger of Allah, if I live to see them, what should I do?" He replied: "You are asking me O Ibn Umm 'Abd, what you should do?! **There is no obedience to the one who has disobeyed Allah**".

It was related by Ibn Majah and by Ahmad. The above wording is that recorded by Ibn Majah.

As for the Lafzh (wording) of Ahmad, then it was as follows:

إِنَّهُ سَيَلِي أَمْرَكُمْ مِنْ بَعْدِي رَجَالٌ يُطْفِئُونَ السُّنَّةَ وَيُحْدِثُونَ الْبِدْعَةَ وَيُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا قَالَ ابْنُ مَسْعُودٍ:
يَا رَسُولَ اللَّهِ، كَيْفَ بِي إِنْ أَذْرَكْتُهُمْ؟ قَالَ: "لَيْسَ، يَا بَنُ أُمِّ عَبْدِ طَاعَةٍ لِمَنْ عَصَى اللَّهَ"، قَالَهَا ثَلَاثَ مَرَاتٍ

"Your affair after me will be governed by men who extinguish the Sunnah, innovating the Bid'ah (innovation) and delaying the Salah (prayer) from its set timings". Ibn Mas'ud asked: "O Messenger of Allah, how should I be if I live to see them?" He said: "**O Ibn Umm 'Abd, there is no obedience to the one who has disobeyed Allah**". He said it three times].

Abdullah bin Ahmad said: "I myself heard similar to it from Muhammad bin As-Sabah" and Ibn 'Asakir and At-Tabarani related from him. This wording of Ahmad is complete and full and Sheikh Ahmad Shakir classified it as Sahih. Al-Baihaqi recorded it in his "**As-Sunan Al-Kubra**" and "**Dalaa'il An-Nubuwwah**" by the path of Muhammad bin As-Sabah.

The Isnad of Imam Ahmad is: Muhammad bin As-Sabah related to us from Isma'eel bin Zakariya, from Abdullah bin Uthman bin Khuthaim, from Al-Qasim bin Abdur Rahman, from his father, from Abdullah bin Mas'ud who said: "The Hadith ...".

- Muhammad bin As-Sabah Al-Dulabiy, Abu Ja'far Al-Baghdadiy. He is Thiqah Thabat Hafizh (trustworthy, reliable and strong in memorisation) and there is a consensus upon his authentication. He was authenticated by Ahmad, Ibn Ma'een, Al-'Ijliyy, Ya'qub bin Shaibah and others. He (Al-Hafizh Al-Asqalani) said concerning him in "At-Taqreeb": [Thiqah Hafizh].

- Isma'eel bin Zakariya bin Murrah Al-Khulqaniy Al-Asadiy. He is Sadooq (truthful) and Ahmad said that he is Thiqah and said once: "There is no issue (or problem) with him" And on another occasion he said: "His Hadith are Muqaarib (roughly suitable)" and An-Nasa'i said: "I hope that there is no problem (or issue) with him". Ibn Hibban mentioned him among the Thikaat (trustworthy and reliable transmitters) and Adh-Dhahabi said in "Al-Kashif": "He is Sadooq". Ibn Ma'een differed in respect to him as he regarded him as Qawwiyy (strong) on one occasion and classified him as Da'eef (weak) on another. Al-Hafizh (Al-Asqalani) summarised his state in "At-Taqreeb" as: [Sadooq (truthful) who errs a little].

- Abdullah bin Uthman bin Khuthaim. He (Al-Hafizh Al-Asqalani) said about him in "At-Taqreeb": [Sadooq] and he is from the transmitters of Muslim and Al-Bukhari related from as corroborative evidence (Mutaaba'ah).

- Al-Qasim bin Abdur Rahman bin Abdullah bin Mas'ud Al-Hudhaliy. He (Al-Hafizh) said about him in "At-Taqreeb": [Thiqah 'Abid (trustworthy/reliable and a worshipper)].

- Abdur Rahman bin Abdullah bin Mas'ud Al-Hudhaliy. He (Al-Hafizh) said about him in "At-Taqreeb": [Thiqah ... He heard from his father but only a small amount]. His hearing (and receiving Hadith) from his father is an established matter by the testimony of the major Imams such as Sufyan Ath-Thawri, Ibn Ma'een, Al-Bukhari and Abu Hatim. Al-Bukhari stated his hearing of this Hadith concerning the "**delay of the Salah**" in his "Tareekh Al-Kabir" and "Al-Awsat" just as Ibn Hajar did in "**At-Tahdheeb**". The Isnad of this Hadith is therefore Jayyid Hasan in itself due to the presence of a little discussion concerning Isma'eel bin Zakariya bin Murrah Al-Khalqaniy.

However, Isma'eel bin Zakariya bin Murrah Al-Khalqani was not alone in relating it but rather was corroborated by a collective, as will be shown. They include: Dawud bin Abdur Rahman Al-'Attar who is Thiqah (trustworthy, reliable), Yahya bin Salim Al-Qurashi who is Sadooq (truthful) has bad memory although he is accurate in the Hadith of Abdullah bin 'Uthman bin Khuthaim, which is the case here, and Isma'eel bin 'Ayyash who is Sadooq in his Hadith from the people of his land, the people of Ash-Sham (Greater Syria), although he is muddled in **respect to other than them**, and this is unfortunately from them (i.e. from other than the people of his land). However, he did not muddle here as is evident and we only require him as a third corroboration and no more than that.

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The Hadith is therefore Hasan Sahih with its paths, supportive evidences (Shawaahid) and corroborations (Mutaaba'aat) and is consequently suitable be used as evidential evidence.

As for what Al-Buseeriy said in "**Az-Zawaa'id**" concerning the Isnad of Ibn Majah: [(Concerning) This Isnad, its Rijal (transmitters) are Thiqaat (trustworthy / reliable), however Abdur Rahman bin Mas'ud confused the last part of it and consequently it is deserving to be left (i.e. not related)]. The speech of Al-Buseeriy here is not correct because the relater in this Sanad is Abdur Rahman bin Abdullah bin Mas'ud whilst the one whom Al-Buseeriy meant was Abdur Rahman bin Abdullah bin 'Utbah bin Mas'ud Al-Mas'udiy who was from among the students of this Al-Qasim bin Abdur Rahman and not from his Shuyukh (i.e. teachers), which was the situation of our relater Abdur Rahman bin Abdullah bin Mas'ud Al-Mas'udiy. Our relater here was mentioned by Ibn Hibban among his Thiqaat (trustworthy and reliable) transmitters. As for the other, then he was placed upon those who had been found to have fault or weakness making his narration not accepted (Majrooh).

If, for the sake of argument, we were to concede that the speech of Al-Buseeriy is correct, although it certainly is not, it is devoid of detail. That is because this Hadith is from that which his son "Ibn ul-Qasim" related from him before the **muddling or confusion** set in. Ibn Hajar said in relation to Abdur Rahman bin Abdullah bin 'Utbah bin Mas'ud Al-Mas'udiy: [And what Al-Qasim related from him is authentic ...] Therefore, whichever Abdur Rahman bin Abdullah bin Mas'ud it is, the Hadith from him is Sahih, under all circumstances!

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As for the wording recorded by At-Tabarani:

سَيَكُونُ عَلَيْكُمْ أُمَرَاءُ يُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا، وَيُخَدِّثُونَ الْبَدْعَ. قَالَ ابْنُ مَسْعُودٍ: فَكَيْفَ أَصْنَعُ؟ قَالَ: تَسْأَلُنِي يَا ابْنَ أُمِّ عَبْدِ كَيْفَ تَصْنَعُ؟ لَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

["There will be over you (in authority) leaders who delay the prayer from its set timings and innovate innovations". Ibn Mas'ud asked: "What should I do?" He replied: "You ask me O Ibn Umm 'Abd what you should do?! **There is no obedience to the one who disobeyed Allah**"].

Al-Baihaqi recorded it with a similar wording.

The Isnad of At-Tabarani is: Muhammad bin 'Ali As-Saa'igh Al-Makkiy related to us from Ibrahim bin Muhammad Ash-Shaafi'iy, from Dawud bin Abdur Rahman Al-'Attaar, from Ibn Khuthaim, from Al-Qasim bin Abdur Rahman, from his father, from Abdullah bin Mas'ud, who said: ...

- Muhammad bin 'Ali bin Zaid Al-Makkiy As-Saa'igh, Abu Abdullah, is an Imam who is Thiqah Thabat (Trustworthy and reliable).

- Ibrahim bin Muhammad bin Al-'Abbas Al-Matlabiy Al-Makkiy Ash-Shaafi'iy, is from the group of Imam Ash-Shaafi'iy. He is Thiqah and An-Nasa'i and Ad-Daraqutniy authenticated him. Abu Hatim said: [(He is) Sadooq (truthful)].

- Dawud bin Abdur Rahman Al-'Attaar. He (Al-Hafizh) said concerning him in "At-Taqreeb": [(He is) Thiqah].

Imam Ibn Majah recorded it saying: Suwaid bin Sa'id related it to us from Yahya bin Sulaim, from Hisham bin 'Ammar, from Isma'eel bin 'Ayyash, who said: Abdullah bin Uthman bin Khuthaim narrated to us: (Then like the above).

- Suwaid bin Sa'id, Sheikh (teacher) of Imam Muslim, he recorded more than 50 Hadith of his in his Sahih. He is Sadooq (truthful) in himself, He became blind and as such began to ascribe the Hadith incorrectly.

- Yahya bin Sulaim Al-Qurashiy. Yahya bin Ma'een and Ibn Sa'd authenticated him and Ahmad said: [He had become proficient in the Hadith of Ibn Khuthaim]. However, Al-Hafizh (Al-Asqalani) said in "At-Taqreeb": [Sadooq (truthful), bad memory], **I say:** However, he is proficient in the Hadith of Ibn Khuthaim as stated by Imam Ahmad, may Allah's mercy be upon him and that is what is important here as we are not relying upon him by himself but rather we only require his corroboration and both Imams Al-Bukhari and Muslim have recorded from him in the "**Sahih**" among the Mutaaba'at (corroborations)!

- Hisham bin 'Ammar, from the Mashayikh (teachers) of Al-Bukhari. He recorded from him in his "Sahih". He is Sadooq. He became elderly and began to ascribe the Hadith incorrectly. Therefore, his older Hadith are the most Sahih!

- Isma'eel bin 'Ayyash. He (Al-Hafizh) said concerning him in "At-Taqreeb": [Sadooq in his narrations from the people of his land and muddled in other than them]. His narration here is from the people of Makah and as such there is the possibility of weakness and muddling. However, Yahya bin Sulaim corroborates him in the previous first Isnad and as such the possibility of confusion or muddling (Al-Akhtilaat) is averted.

We have already spoken about the remainder of the transmitters in the Sanad. This Hadith is therefore Hasan Sahih and suitable to be used as evidential evidence (Hujjah), if Allah wills, and Allah is most knowledgeable.

The Hadith of Abdullah ibn Mas'ud is therefore undoubtedly Sahih through the sum of its paths. Al-Albani stated in "As-Silsilah As-Sahihah": [Its Isnad is Jayyid (good) upon the conditionality of Muslim]. Consequently, the Hadith has been classified as Sahih by both the great scholar Ahmad Shakir and Al-Albani.

And the statement of the Messenger of Allah (saw) in the Hadith of Abdullah Ibn Mas'ud: "**There is no obedience to the one who disobeyed Allah**" is definite in meaning (Dalalah) in respect to the nullification of obedience to the "**one who disobeyed Allah**".

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- **The second Hadith: Related by ‘Ubadah bin As-Samit** from the Messenger of Allah (saw):

إِنَّهُ سَيَلِي أُمُورَكُمْ بَعْدِي ، رَجُلٌ يُعَرِّفُونَكُمْ مَا تُشْكِرُونَ ، وَيُنْكِرُونَ عَلَيْكُمْ مَا تَعْرِفُونَ ، فَلَا طَاعَةَ لِمَنْ عَصَى اللَّهَ
فَلَا تَعْتَلُوا بِرَبِّكُمْ

Your affairs will be governed after me by men who make that which you consider to be Munkar (evil – unlawful) Ma’ruf (good – lawful), and that which you consider to be Ma’ruf (good -lawful) Munkar (evil – unlawful). Then, **there is no obedience to the one who disobeyed Allah**. So do not be haughty with your Lord.

It was recorded by Ahmad (and this is his wording), At-Tabarani, Al-Hakim, Ibn Abu Shaibah, Abdullah bin Ahmad, Abu Bakr Al-Bazzar, Al-‘Uqailiy and Ash-Shaashiy.

Imam Ahmad said: Al-Hakam bin Nafi’ Abu Al-Yaman related to us from Isma’eel bin ‘Ayyash, from Abdullah bin Uthman bin Kuthaim, from Isma’eel bin Ubaid Al-Ansariy. He then mentioned the Hadith in full and ‘Ubadah mentioned at the end of it that he heard the Messenger of Allah (saw) saying it.

- Al-Hakam bin Nafi’, Abu Al-Yaman Al-Bahrani, is from the Mashayikh (teachers) of Ahmad and the Imams of Hadith. He (Al-Hafizh) said concerning him in “At-Taqrīb”: [Thiqah Tahbat (trustworthy and reliable)].

- Isma’eel bin ‘Ayyash. He (Al-Hafizh) said concerning him in “At-Taqrīb”: [He is Sadooq (truthful) in his narrations from the people of his land and muddled (Mukhtalit) in respect to other than them]. His narration here is from the people of Makkah and so there is a possibility of weakness and muddling (Ikhtilaat), however, Yahya bin Sulaim corroborates him in the narration of Abdullah bin Ahmad and the narration of Al-Hafizh Ash-Shaashiy. Consequently, the possibility of muddling or confusing is repelled.

The following are the corroborations (Mutaaba’aat): As for the first: Imam Abdullah bin Ahmad bin Hanbal in his additions to the Musnad recorded: Suwaid bin Sa’id Al-Harawiy related to us from **Yahya bin Sulaim**, from Ibn Khuthaim, from Isma’eel bin ‘Ubaid bin Rifaa’ah, from Abu Ubaid bin Rifaa’ah, from ‘Ubadah bin As-Samit: The same as it (i.e. the Hadith).

The second corroboration: Imam Al-Hafizh Ash-Shaashiy in his Musnad: Muhammad bin Ishaq As-Saghaniy related to us from Muhammad bin ‘Abbad, from **Yahya bin Sulaim** ... until the end of the Hadith.

- Muhammad bin Ishaq As-Saghaniy is: Thiqah Thabat (trustworthy / reliable).

- Muhammad bin ‘Abbad is Ibn Az-Zabraqaan Al-Makkiy: Yahya bin Ma’een said: There is no problem (or issue) with him. He (Al-Hafizh) said in “At-Taqrīb”: [Sadooq (truthful) but some lack of accuracy].

- Yahya bin Sulaim Al-Qurashiy: Declared Thiqah by Yahya bin Ma’een and Ibn Sa’d. Ahmad said: [He was proficient in the Hadith of Ibn Khuthaim]. However, Al-Hafizh said in “At-Taqrīb”: [Sadooq

(truthful but bad in memory]/ I say: However, he is proficient in the Hadith of Ibn Khuthaim as stated by Imam Ahmad, may Allah's mercy be upon him, and that is what is important here. We are not relying upon him in himself but rather we only require his corroboration. (In addition), the two Imams Al-Bukhari and Muslim have recorded from him in the "Sahih" among the Mutaaba'at (corroborations)!

- Abdullah bin Uthman bin Kuthaim. He (Al-Hafizh) said about him in "At-Taqreeb": [Sadooq (truthful)] and we have previously discussed him.

- Isma'eel bin 'Ubaid bin Rifaa'ah. He (Al-Hafizh) said about him in "At-Taqreeb": [Maqbool (acceptable)].

- 'Ubaid bin Rifaa'ah: Thiqah (trustworthy / reliable) and classified as Thiqah by Al-'Ijli and Ibn Hibban.

In addition, each of Isma'eel bin 'Ayyash and Yahya bin Sulaim have been corroborated and as such the least amount of the possibility of muddling, confusion (Ikhtilaat) or bad memory has been negated. Included among those corroborations is what was recorded by the Imam Al-Hafizh Al-Bazzar in his Musnad, when he said: Khalid bin Yusu bin Khalid As-Samtiy was classified as Da'eef (weak) by Adh-Dhahabi in "Al-Mizan" whilst Ibn Hibban mentioned him among the Thiqaat and said: His Hadith are considered in other than what he related from his father. As for his father, then he is very weak (Da'eef) and Adh-Dhahabi said: [Haalik (i.e. his Hadith are not at all accepted)].

There are other corroborations from other than the path of Ibn Khuthaim. Imam Al-Hakim said: Abdullah bin Muhammad bin Musa Al-'Adl related to me from 'Ali bin Al-Hussein bin Al-Junaid, from Al-Mu'afa bin Sulaiman Al-Harani, from Zuhair bin Mu'awiyah. And Abu 'Awn Muhammad bin Mahan Al-Khazzaz related to me (in Makkah), from 'Ali bin Abdul 'Aziz, from Sa'id bin Mansur, from Muslim bin Khalid Az-Zanjiy. Both of them related from Isma'eel bin Ubaid bin Rifaa'ah from his father from 'Ubadah bin As-Samit ... He then mentioned the Hadith.

- The following is the text of the corroboration of Muslim bin Khalid Az-Zanjiy which was indicated to by Imam Al-Hakim, also in his "**Al-Mustadrak 'Ala-s-Sahihaini**": Abu 'Awn Muhammad bin Mahan Al-Khazzaz informed us of it in Makkah. He related it from 'Ali bin Abdul 'Aziz, from Sa'id bin Mansur, from Muslim bin Khalid, from Isma'eel bin 'Ubaid bin Rifaa'ah, from his father: That 'Ubadah bin As-Samit **stood standing** in the middle of the house of the Amir ul-Mu'mineen Uthman bin 'Affan, may Allah be pleased with him, and said: Verily, I heard the Messenger of Allah (saw), Abu I-Qasim, saying:

سَيَلِي أُمُورَكُمْ مِنْ بَعْدِي رِجَالٌ يُعْرِفُونَكُمْ مَا تُنْكِرُونَ ، وَيُنْكِرُونَ عَلَيْكُمْ مَا تَعْرِفُونَ ، فَلَا طَاعَةَ لِمَنْ عَصَى اللَّهَ ،
فَلَا تَعْتَبُوا أَنْفُسَكُمْ ، فَوَالَّذِي نَفْسِي بِيَدِهِ ، إِنَّ مُعَاوِيَةَ مِنْ أَوْلِيكَ " ، فَمَا رَاجِعُهُ عَنْمَنْ خَرُفًا

"Your affairs will be governed after me by men who make that which you consider to be Munkar (evil – unlawful) Ma'ruf (good – lawful), and that which you consider to be Ma'ruf (good -lawful) Munkar (evil – unlawful). Then, there is no obedience to the one who disobeyed Allah". "So do not reprove yourselves, for by the One in whose hand is my soul, verily Mu'awiyah is from those" Uthman did not revise a single letter (i.e. of what he had said)].

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Al-Hakim said: [This Hadith has been related with a Sahih Isnad upon the conditionality (Shart) of the two Sheikhs in respect to Ubadah bin As-Samit appearing before Uthman bin 'Affan raising an injustice, by a summarised text] and Adh-Dhahabi was silent about him in At-Takhlees.

- Abdullah bin Muhammad bin Musa Al-'Adl Al-Ka'biy An-Naisaburiy, Al-Hakim said about him: A Muhaddith (scholar of Hadith) who journeytravelled and heard (received) a lot. He is Sahih in Samaa' (hearing/receiving). Adh-Dhahabi said: [The Muhaddith the scholar the Sadiq (truthful)].

- 'Ali bin Al-Hussein bin Al-Junaid. He is an Imam Thiqah Thabat (reliable and trustworthy). He was classified as Thiqah by Ibn Abi Hatim and Adh-Dhahabi said: [Al-Imam Al-Hafizh Al-Hujjah].

- Al-Mu'afa bin Sulaiman Al-Jazariy Ar-Ras'aniy Al-Harani: He (Al-Hafizh Al-Asqalani) said about him in "At-Taqreeb": [Sadooq (truthful)].

- Zuhair bin Mu'awiyah bin Khudaij, Abu Khuthaimah Al-Ja'fiy Al-Kufiy. He is an Imam from the famous Imams of Hadith. He (Al-Asqalani) said about him in "At-Taqreeb": [Thiqah Thabat, except for his hearing from Abu Ishaq in his latter life].

As such this Isnad has sufficiently been established in terms of strength to Isma'eel bin 'Ubaid bin Rifaa'ah!!

As for the other path, then here is its study:

- Abu 'Awn Muhammad bin Mahan Al-Khazzaz. He is from the Shuyukh (teachers) of Al-Hakim.

- 'Ali bin Abdul 'Aziz bin Al-Marzaban bin Saabur, Abu I-Hasan Al-Baghawiy. Ad-Daraqutni said about him: [Thiqah Ma'mun (Reliable and trustworthy)]. Ibn Abi Hatim said: [He was Sadooq (truthful)] and Adh-Dhahabi said about him: [Al-Imam Al-Hafizh Al-Sadooq!].

Sa'id bin Mansur bin Shu'bah Al-Khurasaniy, Abu Uthman Al-Marwaziyy, the famous Imam and compiler of written collections (or works). He (Al-Asqalani) said about him in "At-Taqreeb": [Thiqah Musannif (Reliable / a compiler)]. Abu Hatim said: [Thiqah from the reliable pious people from those who collected and compiled].

- Muslim bin Khalid Az-Zanjiy: He (Al-Asqalani) said about him in "At-Taqreeb": [Faqih (scholar / jurist), Sadooq (truthful), many Awhaam (errors or erroneous impressions)].

These paths demonstrate that Abdullah bin Uthman bin Khuthaim did not muddle in respect to the Isnad as some have erroneously thought. Rather, he related two different Hadith: The Hadith of Abdullah bin Mas'ud via the path of Al-Qasim bin Abdur Rahman, from his father, from Abdullah bin Mas'ud, and the second Hadith of 'Ubadah bin As-Samit via the path of Isma'eel bin 'Ubaid bin Rifaa'ah, from Abu 'Ubaid bin Rifaa'ah, from 'Ubadah bin As-Samit, may Allah be pleased with him.

Yes, the problem remains that Isma'eel bin 'Ubaid bin Rifaa'ah requires a Mutaaba'ah (corroboration) because Al-Hafizh (Al-Asqalani) said about him [Maqbool (acceptable)], which means if he is corroborated, he is accepted or otherwise, he would be Da'eef (weak). It is apparent that his status is much better than that as Al-Bukhari made a biography for him and Ibn Hibban classified him

as Thiqah (reliable / trustworthy), just as numerous Thiqaat (reliable relaters) transmitted from him including: Abdullah bin Uthman bin Khuthaim, Zuhair bin Mu'awiyah and Muslim bin Khalid Az-Zanjiy. He is therefore well-known, even if not among many, and the Mutoon (textual contents) of his Hadith are good and clean. Al-Hakim has categorised a number of his Hadith as being Sahih and Adh-Dhahabi concurred with him over that.

Despite that, he has been corroborated in this Hadith by a Matn (textual content) that is similar. That is because the story (or incident) is established and there is no doubt concerning that. That is while a difference in the wordings is a natural occurrence due to the disparity in the memory of the narrators and in their levels of care.

As for the other paths for the Hadith, the Hadith of 'Ubadah bin As-Samit, then they include:

- What was recorded by Imam Al-hakim in **"Al-Mustadrak 'Ala s-Sahihaini"**: 'Hamzah bin Al-'Abbas Al-'Aqabiy informed us in Baghdad, relating from Ibrahim bin Al-Haitham Al-Baladiy, from Muhammad bin Kathir Al-Museesiy, from Abdullah bin Waqid, from Abdullah bin Uthman bin Khuthaim, from Abu Az-Zubair, from Jabir from 'Ubadah bin As-Samit: That he entered into the presence of Uthman bin 'Affan, may Allah be pleased with him, and then said: I heard the Messenger of Allah (saw) saying:

سَيَلِيكُمُ أُمَرَاءُ بَعْدِي يُعَرِّفُونَكُم مَّا تُنْكِرُونَ ، وَيُنْكِرُونَ عَلَيْكُم مَّا نَعْرِفُونَ ، فَمَنْ أَدْرَكَ ذَلِكَ مِنْكُمْ فَلَا طَاعَةَ لِمَنْ عَصَى اللَّهَ

"Your affairs will be governed by rulers after me who make that which you consider to be Munkar (evil – unlawful) Ma'ruf (good – lawful), and that which you consider to be Ma'ruf (good -lawful) Munkar (evil – unlawful). Then, in respect to whoever reaches that time from among you, there is no obedience to the one who disobeyed Allah"].

Al-Hakim said: [This Hadith is Sahih in its Isnad but they (Al-Bukhari and Muslim) did not record it. It has been narrated by Zuhair bin Mu'awiyah and Muslim bin Khalid Az-Zanjiy from Isma'eel bin 'Ubad bin Rifaa'ah, from Abdullah bin Uthman bin Khuthaim with some additions in it]. Adh-Dhahabi said in **"At-Takhlees"**: [It has been narrated by Abdullah bin Waqid alone and he is Da'eef (weak)].

- Abdullah bin Waqid is Al-Harith bin Abdullah Al-Hanafiy, Abu Rajaa' Al-Harawiy. Ibn Hajar said about him is **"At-Taqreeb"**: [Thiqah (reliable, trustworthy), described with the characteristics of goodness].

- Hamzah bin Al-'Abbas Al-'Aqabiy. He is Abu Ahmad Hamzah bin Muhammad bin Al-'Abbas Al-'Aqabiy. Al-Khateeb said: [[(He is) Thiqah] and Adh-Dhahabi said: [He was Mawaththiq (strong)].

- Muhammad bin Kathir As-San'aniy Al-Museesiy. He (ibn Hajar) said concerning him in **"At-Taqreeb"**: [Sadooq (truthful) who often errs].

- Abu Az-Zubair, Muhammad bin Muslim bin Tadrus Al-Makkiy. He (Al-Hafizh) said about him in **"At-Taqreeb"**: [Sadooq (truthful) except that he performed Tadleees and he did not make clear here that he heard from Jabir, may Allah be pleased with him].

The rest of the Isnad has previously been discussed. As for the objection of Adh-Dhahabi against Abdullah bin Waqid, then that is a strange matter! It may be that he was confused between him and between Abdullah bin Waqid Al-Khurasaniy (Abu Qatadah), concerning whom Ibn Hajar said in "At-Taqreeb": [Matrook (abandoned i.e. weak and not related from)] whilst Imam Ahmad used to commend him and make excuses for him. He would say: It may be that he has become elderly and confused (some matters) just as he would engage in Tadlees (i.e. make omissions in the Isnad).

As for the Abdullah bin Waqid mentioned in our Isnad here, then he is Abu Rajaa' Al-Harawiy whom Abdullah bin Uthman bin Khuthaim was from his Shuyukh (teachers), whilst Muhammad bin Kathir Al-Museesi was from among his students as is apparent in the Isnad above. In addition, he was not alone in transmitting the Hadith as has become apparent from our study.

It is worth mentioning here that Imam Adh-Dhahabi wrote his commentary upon Al-Mustadrak at the beginning stage of his pursuit of knowledge as is known. For that reason, we often find him passing judgement upon the transmitters of Al-Hakim in his "At-Talkhees" by speech that contradicts what he wrote concerning those transmitters in his book "Al-Mizan", which he wrote after the completion of his maturity and his knowledge and experience had grown to the full in this science and his foothold had become firm. In this regard it is necessary to excuse him as he was following Al-'Uqailiy and perhaps others who perpetrated the same error.

There is therefore nothing in the above Isnad that harms it, with the exception of the "'An'anah" associated with Abu Az-Zubair, a matter which Imam Muslim tolerated in a few hundred Ahadeeth in his Sahih! The truth is that Abu Az-Zubair Al-Makkiy had heard (directly) most of his Hadith, with the exception of a few, from Jabir, and he made an oath upon that in the vicinity of the Ka'bah. For that reason, it is more appropriate to tolerate his 'An'anah in respect to the connection and hearing (or receiving), as long as there is no reason dictating other than that in terms of contradicting a Thiqah or due to the (Matn) being Nakaarah (rejectable), among other reasons.

Al-'Uqailiy said in "Ad-Afaa' Al-Kabir": [Muhammad bin Ahmad bin Al-Waleed related to us from Muhammad bin Kathir from Abdullah bin Waqid, from Abu Az-Zubair, from Jabir: That he said: 'Ubadah bin As-Samit stood up ... He then mentioned the same aforesaid Hadith].

- Muhammad bin Ahmad Al-Waleed. He is Thiqah and classified as such by Ad-Daraqutni. An-Nasa'i said about him, whilst diminishing his right: He is Saalih (viable, sound)! And Adh-Dhahabi said: the Imam Ath-Thabat (reliable).

We have already discussed the remainder of the transmitters in this chain. There is also within this Isnad nothing that harms it apart from the 'An'anah of Abu Az-Zubair, in addition to the omission of the link between Abdullah bin Waqid and Abu Az-Zubair, who was Abdullah bin Uthman bin Khuthaim, as was stated in the preceding chains of transmission. It is most likely that this error is from among the errors of transcription because the path of Al-Hakim is connected and does not have an omission in the chain.

Imam Ibn Abi Shaibah also recorded the following via a path independent from the previous one in his Musannaf: Khalid bin Makhlad related to us from Sulaiman bin Bilal from Sharik bin Abdullah bin Abi Namir, from Al-A'ashaa bin Abdur Rahman bin Mukmil, from Azhar bin Abdullah, that he said: 'Ubadah bin As-Samit came as a pilgrim from Ash-Sham (Greater Syria) to Al-Madinah. He went to

'Uthman bin 'Affan and said: "O Uthman! Shall I not inform you of something I heard from the Messenger of Allah (saw)?" He said: "Of course". He ('Ubadah) said: "Verily, I heard the Messenger of Allah (saw) saying:

سَتَكُونُ عَلَيْكُمْ أُمَرَاءُ يَأْمُرُونَكُمْ بِمَا لَا تَعْرِفُونَ وَيَعْمَلُونَ مَا تُنْكِرُونَ فَلَيْسَ أُولَئِكَ عَلَيْكُمْ طَاعَةٌ

"There will be over you rulers who command you with that which you do not recognise (i.e. to be from Islam) and who do that which you condemn. Obedience to those is not a duty upon you".

Also, via the path of Khalid bin Makhlid, Al-Bukhari also recorded it in his "At-Tareekh Al-Kabir" just as Al-Hakim recorded it in his "Al-Mustadrak". He said: Abu I-'Abbas Muhammad bin Ya'qub related to us from Al-'Abbas bin Muhammad Ad-Dawriy, from Khalid bin Makhlid ...

- Khalid bin Makhlid. He (Al-Hafizh Ibn Hajar) said about him in "At-Taqrīb": [Sadooq (truthful), Yatashayyi'u (Shi'ah or factional tendency) and he has Afraad (individual narrations)].

- Sulaiman bin Bilal Al-Qurashiy. He (Al-Hafizh) said about him in "At-Taqrīb": [Thiqah (reliable / trustworthy)].

- Sharik bin Abdullah bin Abi Namir Al-Qurashi. In "At-Taqrīb" he said: [Sadooq (truthful) who makes errors].

- Al-A'ashaa bin Abdur Rahman bin Mukmil Al-Madaniy. He has a biography (Tarjama) in "Al-Jarh Wa-t-Ta'deel" and Ibn Hibban mentioned him among the Thiqaat (reliable / trustworthy transmitters).

- Azhar bin Abdullah. Abu Hatim said concerning him: I do not know who he is! Ibn Hibban mentioned him among the Thiqaat (trustworthy and reliable transmitters). And I fear that he is: Azhar bin Abdullah bin Jamee' Al-Harazi, who is from the minor Tabi'een. Al-Hafizh said concerning him: Sadooq, who has been accused of An-Nasb (attribution), thus making the Isnad Munqati' (interrupted), as Azhar did not meet Uthman. If it is other than him then he is covered in it by ignorance, even if Ibn Hibban placed him among the Thiqaat.

This Isnad is therefore acceptable as a whole in respect to corroborations (Mutaaba'at) and supportive evidences (Shawaahid).

- 'Ubadah bin As-Samit said: The Messenger of Allah (saw) said:

سَتَكُونُ عَلَيْكُمْ أُمَرَاءُ مِنْ بَعْدِي، يَأْمُرُونَكُمْ بِمَا لَا تَعْرِفُونَ، وَيَعْمَلُونَ بِمَا تُنْكِرُونَ، فَلَيْسَ أُولَئِكَ عَلَيْكُمْ بِإِثْمَةٍ

"There will be over you rulers after me who command you with that which you do not recognise (i.e. to be from Islam) and who do that which you condemn. Those are not Imams (leaders) over you".

Al-Haithami said: [At-Tabarani related it and in it (the Isnad) is Al-A'ashaa bin Abdur Rahman and I did not know him. The rest of the transmitters are Thiqaat]. I say: We have already spoken about Al-A'ashaa bin Abdur Rahman bin Mukmil and Ibn Hibban authenticated him as reliable. Therefore, if

Al-Haithami's words about the remainder of the transmitters in the Isnad is correct, along with integrity from interruption, the Hadith would then be Sahih upon his conditionality (of Ibn Hibban). As for the Matn (textual content of the Hadith) then it stands up as the texts of the Kitab, the Sunnah and the other Ahadeeth of this chapter testify for its soundness.

Consequently, the Hadith, the Hadith of 'Ubadah is definitely Hasan Sahih with its Shawaahid (supportive evidences) and Mutaaba'aat (corroborations). Al-Albani also classified it to Sahih in his "Sahih Al-Jaami' As-Sagheer" and his "Silsilat ul-Ahadeeth As-Sahihah".

This statement of the Messenger of Allah (saw) in the Hadith of 'Ubadah bin As-Samit: **"There is no obedience to the one who disobeyed Allah 'Azza Wa Jalla"** is also definite in Dalalah (meaning) in respect to the nullification of the Wilayah (ruling) of the Fasiq and the prohibition of obedience to him.

Similarly, the wording "Those are not Imams (leaders) over you" is definite in Dalalah (meaning for the invalidation of the Fasiq Imam. Indeed, it is more apparent and evident in terms of its indicative meaning (Dalalah) than the prior wordings!

- Imam Ahmad said in his Musnad: [Abdus Samad related to us from Harb bin Shaddad, from Yahya bin Abi Kathir: 'Amr bin Zunaib Al-Anbary said: That Anas bin Malik related to him that Mu'adh bin Jabal said: "O Messenger of Allah, what is your view if we have over us rulers (or leaders) who do not abide by your Sunnah and do not follow your command. What do you command us in respect to their affair? The Messenger of Allah (saw) then said:

لَا طَاعَةَ لِمَنْ لَمْ يُطِيعِ اللَّهَ عَزَّ وَجَلَّ

"There is no obedience to the one who did not obey Allah 'Aza Wa Jalla"].

Abu Ya'la also recorded it in his Musnad with this chain of narrators (Isnad).

- Abdus Samad bin Abdul Warith. He was classified as Thiqah (reliable) by Ibn Hibban, Ibn Sa'd and Al-Hakim. Abu Hatim said: Sadooq (truthful) Salih Al-Hadith (i.e. his Hadith are good/accepted). He (Al-Hafizh) said about him in "At-Taqreeb": [Sadooq] and he was Thabat (reliable) in the view of Shu'bah.

- Harb bin Shaddad Al-Yashkuriy. Ahmad said he is Thabat (reliable) among all the Mashayikh. The author of "At-Taqreeb" said: [Thiqah] but this was inadequate from him as he is closer to be classified as Thiqah Thabat!

- Yahya bin Abi Kathir. He is an Imam from the Imams over whom there is a consensus for his Thiqah. The author of "At-Taqreeb" said: [Thiqah Thabat], however he makes omissions in the Isnad (Tadlees) and relates what is Mursal. Ibn Hajar mentioned him among the second grade of those who engage in Tadleees (Mudliseen) i.e. from those whose Hadith are accepted whether they explicitly stated that they had heard (the Hadith) or they related by way of 'An'anah etc. Despite that, he explicitly stated that he had heard (the Hadith) in the Riwayah (report) recorded by Abu Ya'la.

- ‘Amr bin Zunaib (it has been said: Ibn Bilal) Al-‘Anbariy. Al-Bukhari biographized him “Al-Kabir” and he did not mention in respect to him any Jarh or Ta’del, which is usual for him with many of the Thiqaat. However, he affirmed his hearing (or receiving) from Anas bin Malik. Ibn Abi Hatim said in his “**Al-Jarh Wa-t-Ta’del**”: [They differed in respect to him. I heard my father saying that. More than one had related from him and so (the status of) being unknown has been lifted from him. Ibn Hibban verified him as Thiqah and he was not alone in that as others have done so]. Ibn Abi Hatim also said: [No Manakeer (rejected) Hadith have been attributed to him at all]. He is therefore Sahih in Hadith by the conditionality of Ibn Hibban. The truth is that he is: Sadooq, Sahih Al-Hadith.

Al-Bukhari recorded it in his “At-Tareekh Al-Kabir” via the path of Ibn Mansur and Hajjaj: Abdus Samad related to us ... with this Sanad (the same abovementioned chain of transmission).

The Hadith with this Isnad therefore has no issue with it and it is Sahih upon the Shart (conditionality) of Ibn Hibban and its Matn (textual content) is clean and sound. It is therefore definitely Hasan in itself and it is Sahih and evidential proof (Al-Hujjah) is established by it, with its supportive evidences and corroborations. Al-Albani also classified it as Sahih in his “**Sahih Al-Jaami’ As-Saghir**”.

Also, his statement (saw) in the Hadith of Anas bin Malik “**There is no obedience to the one who did not obey Allah ‘Azza Wa Jalla**” is also Qat’iy Ad-Dalalah (definite in indicative meaning) in respect to the nullification of the obedience to the “**one who did not obey Allah**”, which means the nullification of the Wilayah (rule) of the Fasiq (the one who is rebelliously disobedient to Allah) and the prohibition of obeying him.

- It was related from Abu ‘Utbah (and it has been said Abu ‘Inabah) Al-Khawlaniy, that he said: The Messenger of Allah (saw) said:

لَا تُخْرِجُوا أُمَّتِي - ثَلَاثَ مَرَّاتٍ - اللَّهُمَّ مَنْ أَمَرَ أُمَّتِي بِمَا لَمْ تُأْمُرْهُمْ بِهِ فَإِنَّهُمْ مِنْهُ فِي حِلٍّ

“Do not oppress or bring difficulty upon my Ummah (he repeated that three times). O Allah, whoever commands my Ummah with that which they have not been commanded with, **then they are absolved from him**”.

Al-Khateeb recorded it in “Tareekh Baghdad”. He said: Abu Al-Qasim Al-Azhariy related to me from Uthman bin ‘Ali bin Al-Hasan Al-‘Atakiy Al-Khateeb Al-Antaakiy, from Uthman bin Abdullah bin Uthman Al-Faraa’idiy, from Ahmad bin Abdur Rahman Al-Kazbaraniy Al-Haraniy, from Muhammad bin Sulaiman bin Abi Dawud, from Ibrahim bin Muhammad bin Ziyad Al-Alhaaniy, from his father, from Abu ‘Inabah Al-Khawlaniy, from the Prophet (saw), who said: ... The above-mentioned Hadith.

- Abu Al-Qasim Al-Azhariy ‘Ubaidullah bin Ahmad bin Uthman Al-Baghdadiy. Al-Khateeb said about him in “Tareekh Baghdad”: [He was from those who transmitted many Hadith via writing and hearing and of those who specialised in it, with his truthfulness, trustworthiness, authenticity and integrity]. Adh-Dhahabi said in “As-Sair”: [Al-Muhaddith Al-Hujjah (The great authentic scholar of Hadith) ... He was from the seas of narration].

- Uthman bin ‘Ali bin Al-Hasan Al-‘Atakiy Al-Khateeb Al-Antaakiy. No Jarh nor Ta’del has been written in respect to him (i.e. no acceptance or non-acceptance).

- Uthman bin Abdullah bin Uthman Al-Faraa'idiy. We did not find a biography for him.

- Ahmad bin Abdur Rahman Al-Kazbaraniy Al-Haraniy. Al-Khateeb said about him: [I have not known anything about his condition (or status) except good]. And ibn Hibban mentioned him among the Thiqaat (reliable transmitters).

- Muhammad bin Sulaiman bin Abi Dawud Al-Haraniy. He (Ibn Hajar) said about him in "At-Taqreeb": [Sadooq (truthful)].

- Ibrahim bin Muhamd bin Ziyad Al-Alhaaniy Al-Himsiy. He was a Sheikh concerning whom no Jarh or Ta'deel has been mentioned. Al-Bukhari biographized him but did not go into Jarh and Ta'deel in respect to him, as was his custom with many of the Thiqaat (reliable transmitters). The same applies in relation to Abu Hatim and Ibn Hibban classified him as Thiqah (reliable).

- Muhammad bin Ziyad Al-Alhaaniy. He (ibn Hajar) said about him in "At-Taqreeb": [Thiqah] and he was also classified as such by Ahmad, Ibn Ma'en, Abu Dawud, At-Tirmidhi and An-Nasa'i.

Al-Haithami recorded the narration in his "Zawaa'id" and said: In it (the Isnad) there is Ibrahim bin Muhammad bin Ziyad and I have no knowledge of him whilst the rest of the narrators are Thiqaat (reliable transmitters). It is apparent that Al-Haithami meant the following Hadith:

- As was recorded in "**Musnad Ash-Shamiyeen**": [Abu 'Uqail Anas bin Sulaim Al-Khawlaniy related to us from 'Amr bin Hisham Al-Haraniy, from Muhammad bin Sulaiman bin Abi Dawud, from Ibrahim bin Muhammad bin Ziyad Al-Alhaaniy, from his father, from Abu 'Inabah Al-Khawlaniy, who said: The Messenger of Allah (saw) said: "**Do not oppress or bring difficulty upon my Ummah (he repeated that three times). O Allah, whoever commands my Ummah with that which they have not been commanded with, then they are absolved from him!**"].

The Isnad is therefore Hasan in itself and is consequently the Hadith is Hasan Sahih upon the Shart (conditionality) of Ibn Hibban. That is from the perspective of the Isnad. As for the Matn (textual content), then it is clean and sound with no irregularity (Shudhoodh) in it or defect ('Illah) as the previous Ahadeeth have attested to.

As for his statement (saw): "**Then they are absolved from him**", then it is Qat'iy Ad-Dalalah (definite in indicative meaning) in respect to the nullification of the Wilayah (rule) if the Fasiq. That is because the intended meaning is that they are absolved from obedience to him, or absolved from his leadership, or from the Bai'ah (pledge) to him, or other than that which cannot possibly mean other than the fall or nullification of his Wilayah (rule or position of ruling).

- Imam Al-'Uqaily said in "Du'afaa' Al-Kabir": Ja'far bin Ahmad bin 'Asim Al-Antaakiy related to us from Hisham bin 'Ammar, from Isma'eel bin 'Ayyash, from Abdul 'Aziz bin 'Ubaidillah bin Hamzah bin Suhaib, from Shahr bin Hawshab, from Abdullah bin 'Amr bin 'Aas, from the Messenger of Allah (saw), that he said:

إِنَّهُ سَيَكُونُ بَعْدِي أُمَرَاءُ يُعْرِضُونَكُمْ مَا تُنْكِرُونَ وَيُنْكِرُونَ عَلَيْكُمْ مَا تَعْرِفُونَ فَلَا طَاعَةَ لَهُمْ عَلَيْكُمْ

“Indeed, there will be after me rulers who will make Ma’roof (lawful) upon you that which you consider to be Munkar (unlawful) and will make Munkar (unlawful) that which you consider to be Ma’roof (lawful), and therefore there is no obedience to them due upon you”.

- Ja’far bin Ahmad bin ‘Asim Al-Antaakiy is Abu Muhammad Al-Bazzaz Ad-Dimashqiy. Ad-Daraqutni classified him as Thiqah (reliable).

- Hisham bin ‘Ammar bin Nusair. He was classified as Thiqah by Ibn Ma’een and others. Ad-Daraqutni said: [Sadooq (كثير الخيل)]. Ibn Hajar said in “At-Taqrīb”: [Sadooq (truthful), a teacher. He became elderly and came to employ At-Talqeen and as such his older Hadith (i.e. earlier ones) are more Sahih].

- Isma’eel bin ‘Ayyash. He is Sadooq in his relations from the people of his own land from the people of Ash-Sham (greater Syria) but muddled when relating from other than them. Here, his narration is from the people of his land, the people of Ash-Sham, and as such is Jayyid (good) and Maqbool (accepted).

- Abdul ‘Aziz bin ‘Ubaidullah bin Hamzah bin Suhaib. He (ibn Hajar) said about him in “At-Taqrīb”: [Da’eef (weak) and none except Isma’el bin ‘Ayyash have related from him].

- Shahr bin Hawshab Al-Ash’ariy. He (ibn Hajar) said about him in “At-Taqrīb”: [Sadooq (truthful) (but) often transmits Mursal Hadith and has Awhaam [errors]]. **I say:** It is apparent that his narration from Abdullah bin ‘Amr bin Al-‘Aas is not Mursal as Ibn Abi Hatim and Al-‘Alaa’iy did not mention him among the Sahabah whom Shahr bin Hawshab used to transmit from in a Mursal manner, may Allah’s mercy be upon him. Consequently, the stain in this Hadith is Abdul ‘Aziz bin Ubaidullah bin Hamzah. However, despite that, the Matn (textual content of the Hadith) is sound and the previous established Ahadeeth testify to it just as the majority of the texts of the Kitab and the Sunnah. The Hadith is therefore Hasan due to other than itself (as opposed to in itself and upon its own standing). It is definite in indicative meaning in respect to the nullification of the leadership or rulership of the Fasiq [End].

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