

Ruling by Kufr is Haraam

PART (I)

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The 'Muslim News' published in its March 2002 issue (page *) in its 'Feature' section, 'Special' feature an article entitled: 'Islam is not allowed to be power-sharing - My Brother Ahmad Tamimi. The article argues in essence that ruling in Oufi governments and elections is effectively permissible even a duty for Muslims. Unfortunately Br. Tamimi should not admit that the other point of view is based on realistic and considerable train of thought) rather he insisted to belittle it and its advocates. For example he said: **[Islamists, who treat the questions of democracy or power-sharing as matters of 'Aqidah (faith), usually have no specialised or adequate knowledge in the humanities, and are indoctrinated with some shallow Islamic literature]**. This is most unfortunate! The following discussion will clearly expose Br. Tamimi's point of view as the easily founded and shallow one.

In the first four paragraphs or so Br. Tamimi summarises the position of Ayman al-Fahhahiri (a leader of one of the Egyptian Jihad movements) in his 'Bitter Harvest' and the position of Sayid al-Qutbi. I do not have currently a copy of 'The Bitter Harvest' but I am sufficiently familiar with Sayid al-Qutbi's struggle literature and thought) to describe Br. Tamimi's representation as essentially flawed and simplistic. Even historical facts are given inaccurately.

It is a matter of public record that, Sheikh Ahmad Ad-Daoud (member of Sayid al-Qutbi's movement) did not give after his election to the Jordanian Parliament the official oath of allegiance to the King of Jordan; hence the Jordanian Parliament minutes and records for this. As a matter of fact he sat with late founder and leader of Sayid al-Qutbi's movement, Sheikh Taqi-ud-deen An-Nabhani (may Allah bless him) for hours) to devise an oath formula affirming allegiance to Allah (His Messenger) the Prophet and the Jordanian people and not contradicting the party's classification of the Jordanian regime as a Oufi regime.

Br. Tamimi's claim that: -; nly Ad-ḡa'ur on "e#ause he entered into an arrangement ith the Muslim Brotherhood- is not su! ! orted "y histori# eviden#e1 Both ḡi/"-ut-Tahreer and the Muslim Brotherhood are .slaami# organisations. <o- o! eration and arrangements "et een them is their .slaami# duty. They should have "een doing it all the time intensively. 2nfortunately the Muslim Brotherhood ! referred to treat their Muslim "rethren as enemies to the e4tent that some resear#her "elieve that the Muslim Brotherhood as more o!! osed to ḡi/"-ut-Tahreer than to the <ommunist Party1 ;see) for e4am! le) Prof. ʔiyadh @usuf As- , u" h's arti#le series a"out -The ʔordanian .slaami# ! oliti#al ! arties and their im! a#t on so#iety and ! oliti#s-) in the London "ased ne s! a! er Al-Auds Al-Ara" i) #on#luded in No. 2*' %) of , aturdayḡ, unday %&ḡ20 Al ril %&&') ! age %*=. .f this is true than e have to as5 ourselves: Chi#h 5ind of -Muslim Brotherhood- is thisD1

Prior to those ele#tions of the early fifties) in hi#h ḡi/"-ut-Tahreer did ! arti#i! ate) as ell as ! rior to the ele#tions of the late eighties) in hi#h ḡi/"-ut-Tahreer did not ! arti#i! ate) ḡi/"-ut-Tahreer issued #ommuni>uEs in hi#h its ! oint of vie a"out ! arti#i! ating in ele#tions of Oufr systems) li5e the ʔordanian one) as ela" orated and #larified. That "asi# theory as develo! ed further in the ḡi/"-ut-Tahreer's maga/ine Al-Ca'i and other ! u" li#ations. Mem"ers of ḡi/"-ut-Tahreer and students in its #ir#les develo! ed and ! olished the theory further fsee: Memorandum of Advise "y a grou! of a#tivists) intelle#tuals and s#holars in Ara"iaḡ My "oo5 entitled: -Taa'at 2li-l-amr- ;: "edien#e to the ʔuler=H. Ce summarise it here for the "enefit of the readers.

+le#ted "odies are either la ma5ing) that is ma5ing essential la s) or not. The non la -ma5ing "odies are essentially administrative ;#lassi#al e4am! les are: <ity and regional #oun#ils) s#hool "oards ..et#=. They administer and manage ithin given -la s-) ena#ted "y a higher la -ma5ing authority ;Oing andḡor Parliamentḡ ʔevolutionary <oun#ilḡ Military ʔunta) <ardinal <onventḡ , anhedriḡ <entral <ommittee of the ʔuling Party in one ! arty di#tatorshi!) ... et#=. They do issue regulations and "y-la s) hi#h are administrative and ! ro#edural ;That is regulating the ho D henD ith hi#h meansD .. et#= in nature) rarely ena#ting essential la ;That is hat is o"ligatory) ! ermitted or for"iddenḡ #onditionals) #ausatives) e4#e! tions) aivers) valid) invalid) void ..et#=. .

, in#e the "asi# .slaami# ruling a"out administrative and ! ro#edural regulations that they ALL are ! ermitted in ! rin#i! le ;unless a s! e#ifi# ! rohi"ition ith its s! e#ifi# legitimate eviden#e #an "e sho n=) it should "e #lear that ele#tions and mem"ershi! in those "odies ;#ity) #ounty and regional #oun#ilsḡ s#hool "oardsḡ medi#al asso#iationsḡ l et#=-) as ell as administrative and management Jo"s and ! ositions in general are "asi#ally ! ermitted and not a ! ro"lem. .t is also not a ! ro"lem) for e4am! le) to or5 in agri#ultural "an5s ;li5e the , audi Agri#ultural Ban5= hi#h are designed to give interest free loans) e>ui! ment) fertilisers) seeds for #ash or instalment ! ayments.

This does not mean) that in a Oufri domain ! ro"lems rarely arise) they do arise frequently1 3or e4am! le a #ity #oun#il may have to regulate '**red light districts**' made legal "y a higher la ma5ing authorities. A Muslim mem"er of the #ity #oun#il ill fa#e that and other dilemmas. The same a! ! lies to the Muslim ! u"li# servant in the domain of Oufri if he is ordered to draft and e4e#ute an interest ;?i" a= loan #ontra#t. These ! ro"lems arise) from time to time) in a Oufri or in an unjust #orru! t system) "ut they are not the standard day to day "asi# situation: They are a##idental and they are not an essential ! art of the Jo" or fun#tions definition. A Muslim should) for e4am! le) never "e a ! arty) itness or riter#drafter of a ?i" a #ontra#t) unless he is #omforta"le ith inviting the 9ivine #ourse invo5ed "y the Messenger of Allah on ?i" a) its ! arties) its itnesses and its riter1 8e #an never issue ! ermits for ! rostitutes or other '**red light district**' " usinesses.

As a matter of fa#t the Messenger of Allah ;PB28= said) in a strong ;, aheeh= 8adeeth) after arning of #oming times of #orru! t rulers: **(Should any one of you reach that time, do NOT be: 'Areef, Shurti, Jaabi, or Khaazin!))** narrated "y ." n 8i" "aan in his , aheeh.

;a= , hurti K Poli#eman or se#urity servi#e man. : " viously or5ing in se#ret servi#es is a #om! ounded #rime and even orse and more sinful.

;"= Ohaa/in: Literally , torage Oee! er) mostly used in the meaning of Treasurer.

;#= 7aa"i: <olle#tor of state revenues. This even a! ! lies to 6a5aat #olle#tion) "ut also to Oharaal ;land ta4=) #ustoms and e4#ises) and all other ta4es.

;d= 'Areef: Most diffi#ult to translate) literally -?e#ogniser-. 3rom other 8adeeth eviden#e e 5no that a 'Areef is some one ho 5no the ! eo! le in a village) #ity su"se#tion or a su"-tri"e) so he #ould re! ort their o! inion) marital status .. et#. This meaning is eviden#ed and e4! lained "y the follo ing in#ident: After the "attle of 8unain the Messenger of Allah de#ided to set his o n ! risoners of ar of the defeated tri"e of 8a aa/in free and as5ed the ! eo! le in #ongregation to do the same) ! ossi" ly in return for a future re-im"ursement. The masses shouted: @es) e do the same) "ut the Messenger of Allah insisted: -Lo to your #am! sl @our ;'Areefs= ill #he#5 ith ea#h of you one "y one and re! ort "a#5 to us) so that e 5no ho is really satisfied or not-.

This 8adeeth together ith the numerous Aur'aani# and Pro! heti# inJun#tions against Oufri o! ! ression) inJusti#e and their ! er! etuators and any su! ! ort for) even 'in#lination' or '#loseness' to) them are strong eviden#e of the ! rohi" ition of at least #ertain Jo"s and fun#tions under Oufri andBor 6ulm regimes) as Allah) "lessed "e 8is Names) says: **{Do not incline (or lean) towards the**

unjust one, else you would experience the touch of hell-fire, you will not find any protector besides Allah, nor shall you be helped or supported

;8ood6 %%%N=. , ome .slaamists argue even for #om! lete a"staining from any ! u"li# offi#e under su#h regimes) "ut the a"ove 8adeeth indi#ates other ise) "e#ause it enumerates #learly four #ategories instead of saying) for e4am! le: -9o not or5 ;or do not do any thing= for them1- More over 7ihaad is a duty and #alled for under the #ommand of even #orru! t and o! !ressive rulers.

. therefore argue that in !rin#i! le administrative fun#tions ;as !u"li# servant or as a mem"er of su#h administrative "odies= is in !rin#i! le !ermitted. Ce must in any #ase "e alert to the a"ove stated !rohi"ition of #ertain fun#tions and also ready to stand firm in any single #onfli#t situation ;usury #ontra#ts) 'red light distri#t') li#en#es for !rostitution) >uality #ertifi#ation for al#oholi# "everages) and mu#h) mu#h more=.

The dis#ussion a"ove as #on#erned : NL@ ith administrative fun#tion under Oufr ;dis"elief= and 6ulm ;o! !ressive= systems. The >uestion of la -ma5ing ;legislative= fun#tions and #ourt and tri"unal rulings ;Judi#ial= fun#tion has not "een yet addressed.

Ce must first #larify the different meanings and usages) in Aur'aan and ,unnah) of the word '8u5m' "est translated as '?ule'. .f e go through an inde4ed di#tionary of the Aur'aan ;see: Muhammad 3ou'aad A"dul-Ba>ee's famous inde4ed di#tionary= then e find the follo ing usages:

;a= ?uling ;mostly Judi#ial ruling=. The 7udge is also termed 8aa5im ;or Aaadi=.

;a.= Allah) "lessed his names) has the sole 8u5m in the day of 7udgement as in: Lhaafir ;*0:*\$=) Aal-.mraan ;N:(=) A/-6umar ;N&:*0=) Al-Ba>arah ;2:%%N=) An-Nisaa' ;*:%*%=) An-Nahl ;%0:%2*=) and many more.

;a.2= .n this orld this fun#tion is !erformed "y duly a! !ointed offi#ials ;Judges=) to ar"itrate and settle dis!utes. This is the most !rominent usage of the Aur'aan and ,unnah li5e in Al-Maa'idah ;(:*2=) An-Nisaa' ;*:(=\$=) An-Nisaa' ;*:%0(=) Al-An"iaa' ;2%:'\$=) ,aad ;N\$:22=) An-Nisaa' ;*:00=) Al-Maa'idah ;(:**-(0=) Al-Ba>arah ;2:%%\$= and many more. Most) "ut not all) these verses #ould and should "e also understood in the sense of general -rule- and govern) even manage and administer i.e. a! !lying #ertain la s and !rin#i! le in managing !u"li# affairs!

;a.N= ?uling in the intelle#tual sense6 .nformed o! inion6 7udgement of an o! inion or situation. Allah) "lessed "e 8is Names) #ondemns the !ra#ti#e of "urying "a"y girls: **{If one of them is informed about the birth of a baby girl his face darkens, and he is filled with inward grief! * Ashamed he**

hides himself from the people, because of the bad news he just received! Shall he retain it on sufferance and contempt, or bury it in the dust?! Oh how miserable they judge (rule)?!!} ;An-Nahl %O:(&=ġ , ee also @unus ;%O:NO=) As-, aaffaat ;N' :%(*=) Al-Aalam ;O\$:NO)N&=) Al-An'aam ;O:%NO= and many more.

;"= La -Ma5ing. The ord -8u5m- is used less frequently in this meaning in the Aur'aan. Ce have Allah) "lessed "e 8is Names) saying after ! rohi" iting hunting hile in the holy ! re#in#ts andBor in the state of .hraam: **{ ... Allah commands (rules) what he wants}** ;Al-Maa'idah (:%=. Ce have also Al-Maa'idah ;(: (O=) Al-Oahf ;%\$:2O=) @usuf ;%2:*O= and Al-Mumtahinah ;OO:%O=) and some others. The ord -8u5m- is used there in the meaning of #ommanding) ordering) or ena#ting a la . Normally the Aur'aan refers for su#h meanings of #ommanding and ma5ing la s to Allah "eing Lord ;?a""=) , overeign or Oing. The ord -Amr- meaning #ommand is more often used) li5e in: **{.. indeed His is the Creation (Khalq) and the Command (Amr), blessed be Allah, the Lord of the universes}** ;Al-A'raaf ' :(*=). The term ;Tashree'= is also some times used. This , overeignty or La -Ma5ing ! o er is the ! rivilege of Allah alone a##ording to the over helming eviden#e of Aur'aan) , unnah and ne#essities of the reason) any "elief to the #ontrary is ne#essarily **Shirk and Kufr**. The s#holars of 2sul-ul-3i>h ;! rin#i! les of la derivation= have used the term 8u5m to denote any s! e#ifi# legislation and 8aa5im as the la ma5er. All of them agree unanimously that Allah is the 8aa5im) not 8umans nor ?eason) nor anything else.

The -la ma5ing- ! ro#ess in .slaam is >uite #om! le4. Ce have:

;%= **Revelation:** The 9ivine revelation in Aur'aan and , unnah) hi#h is te4tual and #on#erned mainly) "ut not e4#lusively) ith the details of -essential- la s.

;2= **Ijtihad:** These te4tual referen#es must "e understood and a! !lied to real #on#rete situations. , o ! ro!er understanding of the te4ts and understanding of the reality and the essential ingredients of the situation is a ne#essary #ondition for 'e4tra#ting' the divine ruling for that s! e#ifi# situation. This ! ro#ess of e4tra#tion is #alled -.Jtihaad-. Jtihaad is "oth the **right** and **duty** of the Muslim 2mmah. The 2mmah is em! o ered) "y Allah "lessed "e 8is Names) to ! erform Jtihaad. .t is a duty on the 2mmah as an 2mmah. .t is -3ardh Oifaayah-. 3or any ne situation e fa#e in life there is a 9ivine ruling) hi#h e must find) else e "etray the reason of our e4isten#e: To orshi! Allah) that is) love) res! e#t) glorify) ! raise) o"ey and surrender to 8im. At least one Multahid must e4ist to fa#e the #hallenge and ! erform that duty) else the hole 2mmah "e#omes sinful.

The s#holars of 2sul-ul-3i>h ;! rin#i! les of la derivation= have studied the su"Je#t of Jtihaad in full detail) so e refer to their or5s in this matter. Ce stress only some very im! ortant fa#ts:

2.a= Every single Muslim man or woman is empowered to Jtihaad. You do not need an ordination or authorisation from any ruler or scholar. There is no hierarchy and no official clergy in Islam. Indeed you do need the necessary knowledge and other pre-conditions most likely you will have -Jaa/ah- that is certification from a scholar a university or any other scholarly body but this is **neither necessary, nor sufficient**. You have to argue for and Justify your Jtihaad in the community of the scholars and the believers in general but it is your responsibility in front of Allah) and Allah alone.

2.b= The Jtihaad is a human process and it is not infallible. The results of Jtihaad are not Revelation or Shari'a. They are the Mujtahid's or Shakh's understanding of the Revelation or Shari'a. The same is to be said about the validity of statements in the Shakh books. It is generally improper, immoderate and arrogant to say: This is Allah's ruling or the verdict of Islam) rather a more cautious and humble statement like: This is my understanding of Allah's ruling or of the verdict of Islam) or this is an Islamic point of view

N= **Adoption:** Because Jtihaad is fallible human process) and because a consideration of problems and questions do not admit a definitive statement= factual evidence and because a consideration of Shadeeth references is not of well established agreed upon authenticity; Because of all these main reasons and other minor reasons there will be a consideration of diverging points of view and results of Jtihaad today and possibly until the Day of Judgement. The believer will face sooner or later the problem which one of the different sometimes conflicting rulings he should follow : **This the problem of adoption**.

For individual Muslims the problem has been studied extensively by the scholars of Tasul-ul-Shakh ; Principles of law derivation= under the headers of ;**Taqleed**= and ;**Ijtibaa'**=. The conditions and permissibility of Taqleed) that is following a scholar on the merit of his personality reputation) ... etc.) but not on the merit of his argument for the specific ruling) has been extensively discussed. The same is done for ;Ijtibaa') that is following on the merit of the argument for the specific ruling.

Unfortunately the question of adoption in the public domain that is by the **STATE** has not been addressed in last centuries in any respectable length. All that the classical scholars have said is only: The legitimate Caliph-ul-Amr) or Ohaleefah generally has the right to adopt and must be obeyed) that is: his adoption) if duly enacted and published) becomes binding law .

The problem of scope and limits of the state's adoption were addressed in a quite elaborate level in the -Draft of Constitution- ;Mashroo'-ud-Dustoor=) together with its Justification in the -Prologue to the Constitution- ;Muqadimat-ud-

Qustoor= ! u" lished "y 8i/" -ut-Tahreer over *0 years ago in the early fifties of the t entieth #entury. 8i/" -ut-Tahreer invited s#holars) movements and all Muslims to ! arti#i! ate in the further develo! ment of those drafts) to no avail. No" ody else) in#luding the leading .slaami# movements) a##ording to my 5no ledge) #ontri" uted any thing signifi#ant to this most im! ortant #onstitutional de" ate. .t is rather regretful that mem" ers of su#h movements) li5e Br. Tamimi) ! referred to indulge in mo#5ery of su#h or5s) "elittlement of their Muslim "rethren and admire instead Cestern demo#rati# thought) hi#h is "ased on a #om! letely different vie of Lod) man) life and the universe.

3urther develo! ments ere made in the a"ove-mentioned -Memorandum of Advi#e-) in hi#h the ! ro"lem of -**essential**- and -**procedural**- la has "een addressed and largely #larified. This has "een further develo! ed in my "oo5 -Taa'at 2li-l-amr- ;: "edien#e to the ?uler=. Therein the most signifi#ant ! ro"lem of ado! tion in ".aadat ;! ure #ulti# a#tivities and a#ts of orshi! = and 'A>a'id ;#reed= has "een addressed and signifi#ant solutions suggested. **It is not an exaggeration to state, that a satisfactory resolution of those constitutional problems is a necessary condition for the survival of the Islaamic state in our modern times in competition with secular materialistic West.**

.t is also interesting to note that the -9raft of The <onstitution- ;Mashroo'-ud-9ustoor=) together ith its Justifi#ation in the -Prologue to the <onstitution- did address and) at least ! artly) resolved the ! ro"lems of e4isten#e and ! ermissi" ility of multi! le ! arties in the **Islaamic** state) ele#tions in general and of the head of state ;.maam or Ohaleefah= in ! arti#ular) a##ounta" ility of the government) #onstitutional #ourt) ! ermissi" le ta4es) ! u" li# and ! rivate o nershi!) and omen ! arti#i! ation in ele#tions and mem" ershi! in ele#ted assem" lies and many other im! ortant #onstitutional issues. n those times ;the fifties of the t entieth #entury= the .5h aan-ul-Muslimoon) the "iggest **Islaamic** movement) as arguing for one-! arty-system and ere at loss) to say the least) a"out omen's role and ! arti#i! ation in ! arty a#tivities) not to sl ea5 from ele#ted "odies of the **Islaamic** state11 +ven the .5h aan-ul-Muslimoon's more 'li"eral' daughter organisation in , udan is still stu#5 ith a military one-! arty di#tatorshi! and still una"le to firm their o! inion a"out su#h a sim! le ! ro"lem li5e #urren#y e4#hange over "orders: .s it 8alaal or 8araam) and if 8araam should any one) "e#ause of it) fa#e #a! ital ! unishment) as they did administerD1 The "rothers should fear Allah and edu#ate themselves more thoroughly a"out **Islaamic** thought) "efore even starting ith Lo#5e and 7ohn , te art Mill) or even dare to assume government res! onsi" ility1

.t is o"vious) from the a"ove) that la ma5ing in .slaam is >uite involved1 +la"orate develo! ments are needed to #larify the ! rin#i! le of 9ivine , overeignty ;Lod's ?ulershi! = and its relation to human authority and res! onsi" ility. Ce must distinguish shar! ly "et een , overeignty and ?ule ;, iyadah or 8aa5imiyyah=)

hi#h is Lod's e4#lusively) and Authority ; , ultaan=) hi#h "elongs to the 2mmah ;or to a divinely a!ointed .maam in the , hi'a's s#hool of thought=. Cestern Li"eral <a!italist demo#ra#y is on the other hand "ased on human sovereignty or) theoreti#ally at least) sovereignty of the reason. Things are sim!le there: Peo!le meet and de#ide ith a suita"le majority) or ele#t an assem"ly) hi#h has the right to ena#t) in a suita"le majority de#ision) essentially any thing: The most "ase #rimes) li5e **Sodomy** !unisha"le "y death in times !ast) "e#omes res!e#ta"le e4!ression and assertion of human -dignity- and -self-determination- and a legally !rote#ted right after a sim!le vote of the !arliament!

No sin#e ena#ting ;essential= la s is the 9ivine !rivilege) any one doing the same is transgressing against the 9ivine ?an5 and Majesty of Lod Most 8igh and tres!assing on the se#luded 9ivine 9omain of the , overeign Most 2ltimate and A"solute and hen#e #ommitting a #rime of #osmi# !ro!ortion: **Shirk and Kufr**. .f re"ellion against a orldly 5ing is high treason) then re"ellion against the Oing of 5ings is the 8ighest of 8igh Treason!! This ought to "e 5no n) "y ne#essity) from Aur'aan) , unnah) and !rin#i!les of reason and #onsensus of s#holars) even #onsensus of all rational "eings.

This is for ena#ting of la s) "ut hat a"out ruling) governing) Judging) administering a##ording to any la ena#ted not a##ording ith the !rin#i!le of 9ivine , overeignty or Lod's ?uled!

Allah) "lessed "e 8is Names and e4alted "e 8is Attri"utes) #ondemned su#h a#ts) that is ruling) governing) Judging) administering a##ording to any thing not san#tioned "y the 9ivine la) as #riminal. These a#ts are #lassified as a#ts of: Oufir ;dis"elief=) 6ulm ;o! !ression and inJusti#e= and 3is> ;manifest and !u"li# re"ellion and diso"edien#e=. The a!!ro!riate verses in Aur'aan are ell 5no n and lengthy. . ill not >uote them) rather . ould Just give their referen#es. Please refer first to the verses of Al-Maa'idah ;(: *%-(0= as main authority in the su"Je#t) "ut the Aur'aan is full ith other relevant dire#t and indire#t eviden#e for this most fundamental fa#t) see also An-Nisaa' ;*:%0(=) , aad ;N\$:22=) An-Nisaa' ;*:(00)0(=) and many more. The s#holars are in agreement that a Judge a!!lying any thing other than **Islaamic** la is Oaafir) unless he has valid e4#use li5e #om!ulsion ... et#. They have had never any argument a"out that. The only dis!ute as a"out intentional misa!!li#ation of the .slaami# la for a monetary gain ;"ri"e= or for family) tri"al) national or !oliti#al "ias. , ome s#holar regard a Judge in su#h a #ase as only 3aasi> ;sinful= Muslim) others insisted in regarding him a Oaafir) that is a dis"eliever and e4#lude him from the domain of .slaam and out of the #ommunity of the "eliever) "ut all agree on the e4treme seriousness of this #rime.

It is obvious that a Judge is obliged to apply the valid law and hence in a Oufi system he must generally apply Oufi rules and laws, which Judges deserve then all the condemnation and the titles of Oafir (infidel) disbeliever, oppressor, unjust and tyrant; rebellious) disobedient according to Al-Maa'idah; (: *%-(0=) !ossi"le e4em! tion are Judges in some Muslim countries in special courts) for e4am! le family courts) who apply **only and exclusively Islaamic law** in marital and other special disputes.

The head of state, prime minister and cabinet ministers whose constitutional duty is to protect the constitutional order, to govern, manage the internal affairs, administer and participate in the law-making process as all members of law-making bodies in their law-making capacity are in a Oufi system necessarily in an even bigger transgression against the Divine, sovereignty as detailed above.

So then should it "be conceived" for a Muslim to agree to fall in, (his) Oufi) Gulf and his for the return of a miserable -share- of Oufi or Gulf or other human beings are not treated to e4er#ise !o er or share in !o er) rather they are treated to orshi! Allah) Most High) that is to love) respect) glorify) raise) obey and surrender to non "ut 8im. This, 2??+N9+? legitimises and empowers them to establish God's rule and a system of true Justice on earth) based on a firm moral and spiritual base.

The train of arguments of Br. Tamimi has not yet been discussed here in full. His representation of the theory of .maam Ash-, haati"i in Al-Muaafa>at) his invocation of the !rin#i! le of -necessity- and their relevance or rather irrelevance for the !ro"lem at hand deserve another more lengthy discussion in a future article. Some fine points of the membership in Oufi law-making bodies and the !ermissi"ility of using such bodies as a platform and an instrument for overthrowing the government ought also to be treated in our future article.

Meanwhile let us agree on the fact that it is very difficult to live and (or) 2N9+? Oufi and Gulf regimes) "ut the difficulties escalate to higher order of magnitudes if you want to (or) C.T8 them. Br. Tamimi and the other advocates of !o er-sharing should fear Allah) do their homework studying the relevant Qur'aan verses and Hadeeths before indulging in simplistic seeing and virtually useless general statements and empty slogans about !o er-sharing-

Ruling by Kufr is Haraam

PART (II)

In a previous article entitled: "Ruling by Kufr is Haraam Part I" the present author argued for the general non-permissibility of power-sharing in Kufr and Gulm regimes. It was argued specifically that in a Kufr system that is in Shar-ul-Kufr the law-making function of the Parliament (but also the ruling) that is: sharing in law-making (essentially Governing) Managing "civil" affairs (defending the constitutional system) + establishing law and order ... etc. normally performed by the head of state) Prime-minister and Cabinet minister) in their capacity as Cabinet members) are necessarily: Kufr; disbelief) Gulm; injustice and oppression and is manifest rebellion against Allah according to the definite ruling of the Qur'an, Sunnah) and consensus of the Companions and all generations of scholars till today.

One should not overlook the fact that Parliaments do have other functions to perform besides their basic first function of law-making these are:

(2) **Control and Check** of the government; mainly the executive (power) and

(3) **Intellectual and Media Platform** that is representing and arguing for or against certain ideas and views being widely discussed in the society.

It is known from Islam that appointing the rulers is a fundamental right of every single Muslim (man or woman) of every group or organisation and of the whole Ummah as an Ummah; see any standard references about Al-Amr bil Ma'roof an-Nahyi 'an-il-Munkar-) also our book: **(Muhaasabat-ul-Hukkaam)**. Actually it is the duty of the Ummah as an Ummah that it is -**Fardh Kifaayah**- if it is not performed in sufficient number the whole Ummah becomes sinful and is punished (leaving those who are struggling to perform individually and collectively) that fundamental duty is the obligation to elect representatives to perform these duties.

Cestern Li"erals for !unishing -love- and interfering ith !ersonal -#hoi#e-) -freedom- and -self-determination-. Both) the Muslims and the Cestern Li"erals) are doing their -duty- and a##ounting their ruler a##ording to their -9een-) that is their ideology and ay of life) .slaam and Cestern Li"eral , e#ularism res! e#tively.

The a##ounting !ro#ess entails many a#tions "y a !arliament ;or any other ele#ted "ody= and its mem"er. The fun#tion of a##ounting) #he#5 and #ontrol #an ta5e many forms) !ro#edures and styles: Live de"ates) **votes of no-confidence** re"uttals) ritten and oral >uestions) !arliamentary investigations) !etitions) om"udsman a#tion) #onfirmation of #ertain offi#ials in #ertain systems ;Ameri#an <ongress=) and many others. All are only !ro#edures) and as su#h) in !rin#i!le) !ermitted for Muslims if "ased on .slaam and .slaam alone.

.t is) for e4am!le) outrageous and una##e! ta"le from any Muslim to give his vote of #onfiden#e to any government a! !lying Oufr la . This is !re#isely the "lunder) that a -Muslim Brotherhood- mem"ers of the 7ordanian !arliament #ommitted arguing that: -A vote of #onfiden#e has no relation to a! !lying Oufr or .slaam-11 A vote of #onfiden#e for Oufr la means that e trust it to ma5e human "eings ha!!y in this orld and) as a #onse>uen#e) in the hereafter! .f so) than hy .slaam in the first !la#eD1 Chy then s#ream all the time: **(Islaam is the solution)**D1 Chy then the fero#ious) some times "loody) #onfrontation ith the se#ular regimes in Muslim #ountriesD1

The fun#tion of ele#ted "odies) la -ma5ing or not) as **intellectual and media platform** is very intriguing) s!e#ifi#ally in these modern times of mass media) hi#h is "eing de#lared -the fourth !o#er- in the !u"li# domain) the three other !o#ers "eing the legislative) e4e#utive and Judi#ial !o#ers. A Muslim mem"er of su#h a "ody ill have an over !ro!ortional share in the media !o#er and if is he a #ommitted Muslim) then he is "y ne#essity a 9aa'iyah) a #aller and inviter to .slaam: .ts #reed) its la s) morality) #ode of #ondu#t and all of its ay of life. Almost all !arliamentary fun#tions and a#tions #an "y intelligently used for 9a' a and e4!ressing the .slaami# !oint of vie) "ut there are) for this !ur!ose) s!e#ifi# a#tions !ossi"le: Motions) >uestions) ritten and oral) to offi#ials) de"ates) re"uttals and non-"inding resolutions.

.t should "e #lear no that a **Muslim** #ould nominate himself for la -ma5ing Oufr !arliament under the follo ing #onditions:

(1) A"stain from la -ma5ing !ro#ess. All Muslims ould agree that this entails voting against any la #ontradi#ting .slaam in its #ontent. . do not "elieve that this is enough) "e#ause derivation of the la "y referen#e to Aur'aan and , unnah is as essential as) even more im!ortant than) the #ontent of the la . Corshi! !ing Allah ne#essitates surrender and su"mission to 8im ithout any >uestion to #ontent of 8is #ommand. Ce su"mit "e#ause 8e is the Lord) the Oing) the , overei#n8 8e #ommanded !er se) not "e#ause 8e #ommanded this s!e#ifi# regulation) hi#h e may li5e or disli5e! 8en#e the !ro#ess of referring to the revelation is the test for .slaam and .maan. .t is very ell !ossi"le) that our understanding of a #ertain revelation is rong) "ut this does not ma5e us Ouffaar ;dis"eliever=) a#tually not even sinful if e did our "est .Itihaad. But not referring to the revelation ma5es us sinful Ouffaar! , o a Muslim should never a##e! t any

la not **derived by a an acceptable Ijtihad**) regardless of the content. A Muslim member of any elected body must vote against such law : This is the minimum

A more cautious Muslim member could abstain completely from any law-making regarding essential law because a Ummah Parliament is enacting them based on the belief of its right- to enact laws: it is original law-making based on the sovereignty of the People, the King of the realm or the Reason or what-so-ever. In any case it is not derivation and then adoption from revelation

(2) controlling) controlling and Accounting the government based on Sharia. No vote of confidence for Ummah rule is possible; let alone membership in such governments in the first place.

(3) Prohibiting the Sharia point of view in every occasion) at every question and towards every issue.

(4) Refusal of any oath or statement which entails allegiance) even a statement of the Ummah regime. The usual way out is to devise a suitable oath formula or statement which is acceptable to the Sharia and sufficiently embarrassing for the regime for example instead of allegiance to the King) an oath to **serve the nation and protect its interests based on Islam** may be substituted. This may not work and could result in termination of membership of such an elected body before it is even really started) but there is no way out. The principle of necessity- does not apply here) as elaborated below.

(5) Electorates must be clearly informed about these points) so they can make their choice and vote accordingly. They must know that the candidate) if elected as their representative) is going to adhere to the points given above. The elected representative is like any carrier of a power of attorney (CaSaalah) in a position of trust. Any non-disclosure is criminal cheating and breaking of trust.

These conditions may sound almost impossible to fulfil) but the Ummah of the Adh-Dhahira (of the Ummah) has elected to the Jordanian Parliament the %&(Os) and strictly adhered to them in other ways: it is difficult) but not impossible. It sounds also quite meagre for a power-hungry haram) but at any rate) but the **reason of the creation and the purpose of life is not power, full power or share in power, rather it is to become spiritual by acknowledging and surrendering to Allah's Sovereignty and Lordship and worshipping Him alone, thus achieving Divine pleasure, that is achieving eternal happiness!**

Now that the individual Muslim is supposed to do in Shar-ul-Ummah) that is a domain of Ummah rule or Ummah rule (remains) with a Muslim majority like Jordan or a non-Muslim majority like Britain) : obviously again orshi! Allah alone and hence still to Salaah and avoid Haram. As Muslim is not permitted to do Haram) he is not permitted to authorise Haram. , so he cannot vote for a Muslim candidate who is committing Haram by not adhering to the conditions given above. The authorisation is then invalid and the act is sinful) possibly an act of Ummah

The same applies for a non-Muslim candidate too) "because he is not permitted by Islamic law to rule or have an all-over authority over Muslims like the one exercised by the Head of State (Prime Minister) <as the Members and the like> in short he is not permitted to be a ruler. He may manage and administer but only according to Islamic law and under an ultimate and supreme Islamic authority!

Putting a non-Muslim into a position of authority (rule) even if he could actually rule only Islamic law) violates the principle of Islamic supremacy in any case! Putting a non-Muslim or an un-Islamic party (with Oufi ideology and program) and hence also proving that ideology and/or program) is a fundamental crime! This cannot be ignored and is vastly and essentially different from (or reading) selling and eating by non-Muslims) which Islamic law expressly forbids for them.

Br. A/Am Tamimi says: ***(But what if such supremacy is not established in the land. Should all Muslim affairs be put on hold? Should Muslims go to sleep for 309 years like the "people of the cave")***. : "Obviously they should not) but unfortunately **his** answer is! articulating in **Kufr** which he gives a nice name: **Power-sharing**! Again here he lump's vastly different cases and sub-cases into one pile and suggests a seemingly alternative general solution) like the old alchemist who dreamed all his life of the immortal life-elixir) which in one stroke cures all ills and saves youth for ever!

Let give things their right names. the land in which **Islamic** supremacy; that is Rule of Islamic Law and authority and order for the Muslims= is not established is called Dar-ul-Oufi (an old fashioned name) which many people like Br. Tamimi do not like) but it is extremely rare and desirable. , which a Dar-ul-Oufi could be one of several cases:

(1) The majority of the citizens are Muslims. The domain is then a Muslim country. It is then obligatory on Muslims to do their utmost best to convert their domain into a domain of Islamic supremacy that is Dar-ul-Islam. They (as majority) should normally have no excuse in not doing so. If they do not do then they are all except those who are struggling individually and/or collectively to establish Islamic supremacy) committing Sin and are sinful. This sinful state of affairs is not improved at all by adding the sins of articulating in Oufi rule) rather it is worsened and compounded!

The existence of a military dictatorship) implicitly veiled like in Turkey or Egypt) is not an excuse. **No dictator can rule without the silent approval of ignorant or coward masses. The job of the Islamists is to educate, mobilise and lead the masses, NOT to betray their belief and defeat their goal by sanctioning Kufr through power sharing.**

In the battlefield Muslims are not permitted to retreat if confronting a fighting enemy of no more than their strength in numbers and equivalent

gear. , o it may "e argued) that the same o"ligation e4ist for Muslims) to stand firm and rea#h for full .slaami# su!rema#y) if their fra#tion in the ! o! ulation e4eeds a third! They are a minority) "ut a signifi#ant one. .n su#h a situation every Muslim is fa#ing roughly no more than t o o! ! onents in the ideologi#al and ! oliti#al struggle. The situation ought to "e even "etter than in military #onfrontation in the "attle field: .f Muslims are su#h a strong and signifi#ant ;one third) or more= minority) then so#iety is normally dee! ly fragmented) divided and no seriously organised #ounter for#e is to "e e4! e#ted.

Any ina"ility to !erform as des#ri"ed a"ove indi#ates essential defe#ts in the Muslims themselves: .n their understanding of .slaam) in their #ommitment and/or in their illingness to sa#rifi#e. .f so) then Muslims are not >ualified to e4er#ise !o er and rule in the name of .slaam. They are also !rohi"ited) as ela"orated a"ove and in the !revious arti#le from ruling "y anything other than .slaam) so 9a' a) that is intensive #ulturing) edu#ation and !urifi#ation) that is self "etterment) is needed first) leading to self organising and identity assertion. There is no need for illi#it !o er sharing. This is the only via"le alternative .slaami#ally.

(2) The Muslims are a ;non signifi#ant= minority of the #iti#ens of the realm fa#ing #onsidera"le so#ial for#es !reventing them from esta"lishing .slaami# su!rema#y) "ut they enjoy some "asi# !rote#tion of their life and individual li"erties li5e in Britain or the 2, . .n su#h #ases the order of the hour is to 5ee! the .slaami# identity) #arry 9a' a and invite others to .slaam) to in#rease the num"er of Muslims) as to "e#ome a signifi#ant minority or even a majority in the long run. This is not !ossi"le in .solation. .t is only !ossi"le "y **interacting** ith the so#iety) hile 5ee!ing their distinguished #hara#ter and identity) and also not "y integration and hen#e melting a ay in the surrounding Oufir so#iety. The slogan should "e: **Interaction, but not Integration**¹

+sta"lishing a strong .slaami# s#hooling system) in the short run) is of utmost im!ortan#e in su#h #ases. This ne#essitates) at least !artial e#onomi# self suffi#ien#y:

(a) to esta"lish a ;small starting= num"er of !rivate .slaami# s#hools) and

(b) to a#hieve suffi#ient media !resen#e to start e4er#ising !ressure on the !o er #entres in the surrounding so#iety for#ing them to a#5no ledge the ne#essity of a! !roving and funding of further .slaami# s#hools.

This a#ting as a !ressure grou! for ell-defined and limited o"je#tives ;.slaami# s#hools) non #o-edu#ational !u"li# s#hools) non mi4ing in s!ort) more say in #ertain !arts of the #urri#ulum ... et#.= means #on#entrating the limited resour#es on a small target and hen#e a higher !ro"a"ility of a#hieving !enetration and su##ess.

The limited !arti#i!ation in the !oliti#al and administrative !ro#ess des#ri"ed a"ove) hi#h is !ermitted "y .slaam) is more than ade>uate. . ould !ersonally regard any !arti#i!ation higher than lo#al #oun#ils and s#hool "oard in su#h a situation) although .slaami#ally !ermitted) as #ounter-!rodu#tive. , u#h a !arti#i!ation may a"sor" the energies of talented Muslims in early "attles against

e#onomi#) ta4) ! enal legislation ;homose4uality) in#est) ... et#.=) hi#h ill "e
asteful a" use of limited ! re#ious resour#es.

+ven if -! o er-sharing- on higher levels of government ;ruling and la -
ma5ing= ere ! ermitted "y .slaam ; hi#h is not the #ase=) it ould) in most #ases)
"e vie ed "y the surrounding so#iety ;or "y any ! o erful se#tion thereof= as
dangerous and ! rovo#ative) leading to #onfrontations) #ra#5do ns and disru! tive
severe #onfli#ts) and "e#ome hen#e #ounter-! rodu#tive. The #urrent e4am! le of
Tur5ey) hi#h should "e follo ed and evaluated very) very #arefully ;R=) and the
re#ent e4am! le of Algeria should remind and arn any rational thin5er. .n other
#ases .slaamists) ho are) unfortunately) less ! oliti#ally and ideologi#ally a are
li5e the -Muslim Brotherhood- in 7ordan) may "e a" used as tools to sta"ilise and
serve the Oufi regimes for a limited time and then later dis! osed off in a
disgra#eful ay: ea5ened or eliminated "y ! oliti#al manoeuvres and dirty
games) a ! ro#ess) in full s ing) going no in 7ordan11

(3) The Muslims are an o! ! ressed minority) threatened in their lives) ealth
and li"erties and ! reverted from ! erforming their "asi# individual duties) ith no
#a! a" ilities to #ounter or fight the o! ! resors and ith no ! o erful .slaami# state
around to ! erform 7ihaad for their res#ue. .n su#h #ases -! o er-sharing-)
irres! e#tive of "eing 8alaal or 8araam) #ould not "e #on#eiva"ly a matter of
#onsideration1

A ! erson) or a fe ! ersons) may hide their "elief ;Tu>yah= and -snea5- in a
! o er ! osition and hel! a fe Muslims here and there) "ut #ould not ! ossi"ly
"ring any real relief for the o! ! ressed general Muslim minority. , u#h #ases may
"e Justifia"le under the ! rin#i! le of ne#essity) "ut they are singular and largely
a##idental admitting no general theory of ! oliti#al a#tion1 The only real solution is:
.mmigration to any realm of se#urity) ! refera"ly to an .slaami# domain if it e4ists.

. admit that the a"ove division in three main #ase may not e4haust all
relevant su"-#ases) "ut it should "e a guide to more thorough dis#ourse.

. tried my "est to see ho the argument of -ne#essity- fits generally in this
study) to no avail. As far as . 5no there is no #om! ulsion on any one to
! arti#i! ate in ele#tion) a#tively or ! assively. Ce did not hear yet of ma#hine-gun
holding soldiers for#ing the ! o! ula#e into ele#tion "oots. .n #ertain #ountries you
may ! enalised for not ! arti#i! ating) "ut all hat you need to do is to go to the
"oot and give an invalid or em! ty "allot sli! 1 +ven enduring the mild) mostly
monetary) ! enalty should not "e a ! ro"lem and does not #onstitute a #ase of
ne#essity or #om! ulsion "y any stret#h of imagination. , o #ould any intelligent
human "eing out there sho me here is the general -**necessity**- mentioned "y
Br. Tamimi in his arti#leD1

.t is also very im! ortant to note) as e mentioned #asually in the a"ove)
that non-Muslims are not ! ermitted under .slaami# su! rema#y that is in 9ar-ul-
.slaam to ! arti#i! ate in -ruling-. They enjoy other ise the full ! rote#tion) all the

rights and privileges of citizenship together with exemption from certain duties. This is inherently established in Islamic thought and rationally acceptable for any fair-minded person completely comprehending the meaning of Islamic domain or Islamic state

The fundamental principles of equity (Justice and reciprocity) require Muslims to abstain for **no more than that** in any Islamic domain) even if some Islamic regimes like Liberal, secularism; in a self-contradicting way grants them more Islamic treats all humans in equal manner) there are no privileged People of Lodith all privileges) and -Lentiles- with treatment like animals! For these reasons it is also obvious that the political behaviour (past failures) successes; and achievements; of Jewish minorities in the world should never be a model or a worthy example for true Muslims) however remarkable those were and however great is the temptation!

When Br. Azzam Tamimi concludes: **(Should all Muslim affairs be put on hold? Should Muslims go to sleep for 309 years like the "people of the cave")** the answer must be neither nor. There is plenty of permitted (halal) effective and wise things to do) most likely exceedingly available (religious manpower and resources of Muslims) which are still very limited indeed. If all resources are pooled together) then may we will have soon an Islamic educational network with model schools) renowned for academic excellence) with little or no drug problems) with little or no teenage pregnancy problems) with little or no violent bullying problems. I trust we will have long waiting lists of Muslims and non-Muslims alike. Non-Muslims attending 2? schools will come to see the true face of Islam. They will be 2? ambassadors to the surrounding society. Ce 9: N: T need to be subverted into the 3LT8 ideology and politics of Labour and conservatives; in the 20s or 90s rats and ?eulians; in the 2, =) or whatever. <: M+ : N) Brothers and Sisters: They just want your vote to gain power) or else in power they will sell you out. 9: NIT B+ fooled "y the Zionist example: The Zionist and the 2, establishment) for example) are joined in disbelief and are allied in aggression and injustice. @ou will never achieve the same without clearly and openly denouncing Islam and committing apostasy. If that is what you really want) then "y all means: 9: T1

Moreover the **"people of the cave"** were true) committed) rightly guided young believers who deserted their society and did not share in any Islamic power. They refused to mix with Islamic and Jewish and even isolated themselves hysterically. They did not go to sleep) rather Allah (blessed be His Names) made them to do so) to show a miracle for all mankind! They are actually a crime counter-example to Br. Tamimi's theory of power sharing!

It is amazing how the largest Islamic movements) which diverted the energies of hundred thousands of young dynamic Muslims during the last half century into politically and socially counter-productive (charity-activities) and other petty activities like boycotts) are now struggling to lead the Muslims in the abyss of **"power-sharing"** which has proven disastrous and counter-productive in the past. **Even worse: It is Haraam, sometimes-even Kufr!**

The large .slaami# movements) Br. Tamimi and the other advo#ates of !o er-sharing should fear Allah) revie o"Je#tively) and ith devotion to Allah) their rong and misguided -theory- and re!ent. **{O, Who you believe turn to Allah with sincere repentance, in the hope that your Lord will forgive your evil deeds and admit you to gardens beneath which rivers flow!}**
;At-Tahreem6 00: \$=

END

;%= An a"ridged version of the first arti#le as !u"lished in Muslim Ne s) No.&0) on 3riday 2(A! ril %&&' ;%\$B%2B%*%' 8=) Page 0H.

;2= These arti#les ere edited for the last time on Tuesday 20th of August 2002.

;R= Note added on Cednesday %& Novem"er %&&' : That as ritten originally on Tuesday 2& A! ril %&&') hen +r"a5an as still in !o er. .t loo5ed li5e a !ro!heti# statement) "ut it is not: it is a sim!le rational #on#lusion! The !re#arious #urrent situation of +r"a5an) an the even more misera"le one of his !arty should "e a lesson for all of us. The future may hold things orse in store. May Allah have mer#y on the Muslims in Tur5ey11

;RR= Note added on Tuesday 20th of August 2002: The ,udanese regime esta"lished 9r. 8assan At-Tura"i is for all !ra#ti#al !ur!oses !oliti#ally finished. This sho s also that o!!ortunisti# and ma#hiavellian !oli#ies must fail. .slaam #annot "e served this ay1