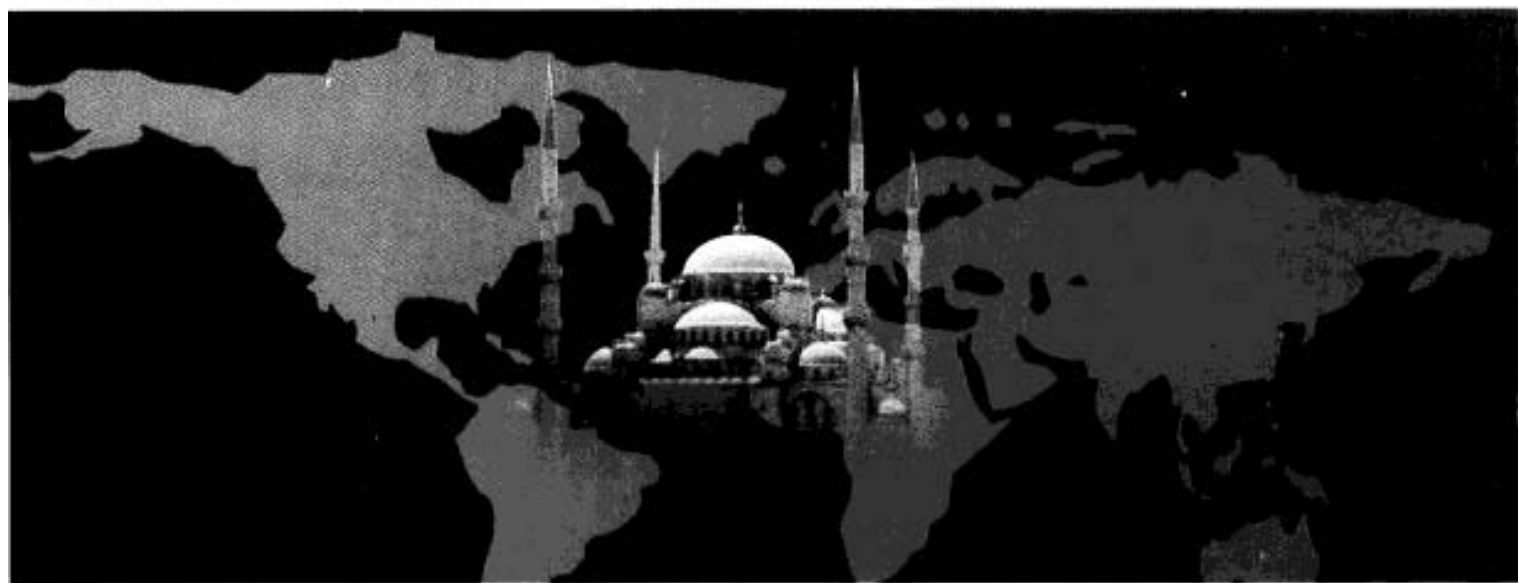


STATE IN ISLAM



Sheikh
Yusuf al-Qaradawi

من فقه الدولة في الإسلام

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

STATE IN ISLAM

Sheikh Yusuf al-Qaradawi

AL-FALAH FOUNDATION

For Translation, Publication & Distribution

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Preface

"To establish a mighty civilization is to establish a capable state whose foundations constitute the pillars for this particular civilization." This statement is perfectly true in regard to all civilizations throughout the history of mankind. From the dawn of history, man felt the need for establishing some kind of organization to have self-protection even from his own self. This organization has always been comprehended as some kind of state or authority. This conception was developed through a series of human experiences and civilizations until it reached its perfect culmination in the form of an Islamic civilization. It is also a well-known fact that strength of any civilization stems from the rights and duties observed by the subjects of its state. We should bear in our minds that the various forms of state that emerged throughout history were inspired only by the human "incapable" intellect, that's something totally different from that of the Islamic State.

Although foundations of the Islamic State are laid down by the One Who created all humans and Who knows their needs, humans are granted rights and roles to play in this state but within the framework established by Allah the Ever-Knowing. The ideal form of Islamic State was brought into existence at the hands of Prophet Muhammad and his Rightly-Guided Caliphs. Unfortunately, this form did not last for long after them. As many distortions and misconceptions have

emerged till the fall of Islamic Caliphate at the hands of Kamal Ataturk, 1924. Afterwards, the Muslim world was brought many man-made systems for ruling through foreign imperialism.

Due to this, the original form of Islamic State got forsaken and was not employed by any of the Muslim countries of the world. But, thanks to Allah who sends for this *Ummah* every now and then men who restore its pristine religion. This is represented in the Islamic Awakening that is nowadays witnessed all over the world.

Unfortunately, changes and challenges of modern age made some supporters of the Islamic Awakening differ even among themselves in comprehending the real status of the Islamic State and the way to establish it. Proponents of other ideologies took opportunity and began to doubt the originality of the Islamic System and the difficulty of putting it into action. Among all these trends stands the trend of "Moderation" that shoulders the responsibility of clarifying all about the Islamic System and the way to put it into action. Moreover, the moderate began to refute all doubts raised by the opponents. This is the idea around which this book is revolving.

STATE IN ISLAM highlights many topics and arguments raised by those people who are against or - at least - doubt the validity of applying Islamic *Shari`ah*. Among these topics are: Multi-party system, democracy, status of woman and non-Muslims in Muslim countries and other points as well.

Since translation is an intricate task that requires much precision and dedication, we have exerted every effort to properly produce this precious work; however, perfection is only Divine. In addition, due to the delicate nature of the subject as well as the special style of the Arabic language, the translation in hand is not literal; our translators and revisers have exerted their best to render the text presentable and

legible. On various occasions they have amended the Arabic text; paraphrasing, rearranging and summarizing it.

Al-Falah Foundation would like to thank **Raw`ah Nazar**, **`Ali as-Sayyid al-Halawani** and **Mustafa al-Basuni** for their sincere efforts in translating and revising this precious book. Finally, all praise and thanks are due to Allah, without Whose Help and Guidance nothing can be accomplished.

General Director

Sheikh Muhammad `Abdu

Introduction

All praise is due to Allah, and prayer and peace be upon the Messenger of Allah and his Family, Companions and those who follow him rightly till the Day of Judgment.

This work includes chapters on the ideology of the state in Islam. This branch of knowledge has not received its full due study and research by Muslim scholars in recent times as they have done in other branches of *Fiqh* (Islamic Jurisprudence), particularly which deal with devotional matters (*`Ibadat*).

Imam Ibn al-Qayyim spoke sadly of the narrow-minded jurists of his time (the 8th century A.H.) whose inflexibility and narrow-mindedness compelled their rulers to issue (political) laws far away from the Islamic *Shari`ah*. He, moreover, charged those scholars as responsible for misleading their rulers to deviate from the precepts of the moderate *Shari`ah*. This may have been the first step towards replacing Divine Law with a man-made one.

Ironically, those narrow-minded jurists still have disciples in our time, who live in the 15th century A.H. but conduct themselves with the minds of ancient scholars in spite of the full change in all aspects of human life. They even ignore that Imam ash-Shafi`i had changed his own juristic views in a short span of time to form his New School of *Fiqh* along with his old one. The disciples of Abu Hanifah, in the same way, have contradicted their Imam in more than one-third of his juristic views arguing that, "If our Imam lived in our time and

observed what we had observed (of time changes), he would surely conduct the like of us if not more." Imam Ahmad ibn Hanbal, moreover, is reported to have had about seven viewpoints on one and the same issue due to variation in conditions, circumstances and situations.

But in our time, we behold some scholars, who may belong to the Islamic Activity, condemn the Islamic *Shura* (mutual consultation) and grant the ruler the right of *Shura* only to grasp the various views of his people then be free to disregard these views and go on his way. They go further to grant the ruler freedom to choose the representatives of the *Shura* Council. He then has the right to uphold or dissolve it any time he wishes.

Some of them further oppose the multi-party system in the Islamic state, the election of the president, the elections of the *Shura* and Representative Councils, voting and stipulating a specific term of time for the presidency. Some even consider all forms of democracy an evil that should be shunned.

Some reject the right of woman to vote or even to be candidate in the Representative Councils and the right of non-Muslims to vote or participate in the elections and ruling in a Muslim state.

Moreover, some argue that Muslims have no right to vote on behalf of himself or others for he has no right to require leadership for himself.

Those people are a small sect of Muslims, even though their propaganda is huge and supported by anti-Islamic trends and powers to achieve their own concealed objectives.

On the other side, we behold the opponents of the Islamic state who lay a barrier between religion and politics, claiming that there is no religion in politics nor politics in religion.

They wish to apply to Islam what was applied to Christianity, despite the differences between Islam and Christianity, the church and the mosque, and the history of the Muslim scholars and that of the Christian theologians. Islam does not accept the rule: "Leave to Caesar what Caesar's and to God what God's". But in Islam, Caesar and what he owns belong to God, the One.

Islam does not stand against science, thinking nor invention. It does not establish Courts of Inquisition as was established by the catholic church to subject the scientists, thinkers, and artists to the bitterest punishments.

We behold those who wish to devoid Islam of the temporary authority when it has no religious authority like Christianity aiming to isolate Islam from both religious and political authority.

Some of the so-called scholars contradict the consensus of the *Ummah (Ijma`)* through history on the facts that Islam is a Creed and Legislation, Religion and state, Worship And Leadership, Prayer and *Jihad* (fighting in Allah's Cause). The Messenger of Allah (peace be upon him) was the first leader of the Muslim state and the rightly guided Caliphs followed in his footsteps. The Caliphate signified succeeding the Prophet (peace be upon him) in establishing religion and organizing life thereby.

Those secularists (Liberalists or Marxists) may belong to Islam, but as a title. They reject its rules, do not acknowledge its commands or prohibitions and never refer to the Glorious Qur'an nor the *Sunnah* except to pervert the words from their proper meanings to meet their objectives and tricks. Undoubtedly, it is not a characteristic of true believers, as the Almighty says,

﴿Most surely the believers, when they are summoned to God and His Messenger that he may judge between them say only, "We hear and we obey." They are the successful.﴾

(24:51)

They ridicule the comprehensive Islam which Muslims were accustomed to throughout its history, call it (political Islam) one of various kinds of Islam: the spiritual Islam, the cultural Islam, the social Islam, and the political Islam! Islam is one in its essence, bases and sources, (i.e. the Islam of the Glorious Qur'an and *Sunnah*).

The Moderate Islamic trend comes in the middle between the deviated secularists and the narrow-minded ones. It derives Islam from its purified spring, maintains its ability of being a comprehensive way of life, at the individual, family, society and state levels. It concerned with Islam and current time, combines the benefits of the past and present, adopts the revivalist precepts of Islam, lays balance between fixed and changeable aspects, and calls for respecting intellect; revivalism; *Ijtihad* and invention. It further admits democracy to be near to the Islamic idea after demolishing its evils and supporting it with the needed Islamic ideas.

However, this book is an eloquent explanation of the ideology of this specific trend in these serious issues: the state in Islam, its status, establishment, characteristics, nature, whether it is a civil state controlled by Islam or a theocratic one, how can we refute the claim of being theocratic? What is its stand towards the multi-party system, democracy, woman and non-Muslims? Whether or not is it permitted for any Islamic group to participate in a ruling system in a secularist state? And other serious issues.

I hope that I have succeeded in shedding light throughout these chapters on this hot issue aiming at refuting distortions and declaring a moderate stand between the narrow-minded and other opponents of the Muslim state.

At the same time, I have quoted portions of my previous books, especially the second part of my book *Fatawa Mu`asirah* to stress its importance here. Finally, Allah says the truth and guides us to the right path.

Cairo, 1st Jumadah Al-'Ula, 1417 A.H./15-9-1996 A.C.

Dr. Yusuf al-Qaradawi

**Status of the State
in Islam**

Status of the State in Islam

The western imperialism that has ruled the Muslim world could implant in Muslims' minds and souls a very strange and malicious idea that Islam is a religion, not a state. The western conception of the word *Din* (religion) has nothing to do with the state's affairs, which are governed (by the human minds) only in accordance with their experience and ever-changing conditions.

The west wanted to apply what has been practiced on Christianity in the West on Islam in the East. Believing that the Renaissance came only after freeing Europe from the joke of religion, thus, a renaissance, in the East must also be based on the ruins of religion.

As for the West, religion means: The Church, the Pope's authority, and priests' autocracy (dictatorship). This is totally unlike the Muslim idea of religion, which has neither a Pope, nor priests, nor dictatorships.⁽¹⁾

At any rate, imperialism has managed to convince some people that religion has nothing to do with the state and its organization, but that religion is something and politics is another, and that this concept can be applied to Islam, as it was applied to Christianity. One misleading slogan is, "Religion is for God, but the land is for all!" This very misleading statement can have all the following meanings: "Religion is for God and so is the land", or, "Religion is for all and so is the land", or, "Religion is for all, but the land is for God!"

1. See Dr. Muhammad al-Bahi, *Al-Fikr Al-Islami Al-Hadith Wa Silatuh Bil Isti'mar Al-Gharbi*, chapter on "Religion not State".

But, they mean by the phrase "Religion is for God" only a mere relation between a human being and his Lord, and that it has nothing to do with society or the system of life.

The most outstanding practical example of this is the secular state founded by Kamal Ataturk in Turkey, imposed through coercion and shedding the blood of the Muslim Turks. This state was created to dissolve the Ottoman Caliphate, the last political stronghold for Islam after long centuries of struggle with the Crusaders and Jews.

Governments in other Islamic countries started to follow in the steps of modern Turkey to varying degrees. Consequently, Islam was excluded from the ruling and legislating of criminal, civil affairs, and the like. It was limited to what has been called "personal status". It was also excluded from influencing and directing in all but a few of the cultural, educational and social aspects of life. This stage was ready for Western guidance, culture and conventions.

Some Arab political leaders did not conceal their admiration for Ataturk's trend. The head of a well-known major Egyptian party and prime minister said in a statement, "I totally admire Kamal Ataturk and his understanding of the meaning of a modern state ..." This was refuted by Imam Hassan al-Banna in a famous message, published in *Al-Ikhwan Al-Muslimun* daily newspaper.

Foremost, among the signs of success of the western cultural invasion is: the interluding "secularistic thought" that advocates separating religion and politics, transcended civilians to some students of Al-Azhar; this is clearly evident in the book written by sheikh `Ali `Abd ar-Raziq, under the title of *Islam and the Principles of Ruling*.

To be just, we must state that this book made a great fuss when it first appeared, in society in general and in al-Azhar in particular. A

committee of senior scholars was formed to judge the author. The committee deprived him of his license and considered him one of the scholars no more. He was also opposed by a great number of scholars and thinkers from al-Azhar and others as well.⁽¹⁾

It was inevitable then, to stress the opposition to secularism, its advocates, and those who justify it. This opposition emphasized Islam's comprehensiveness and clearly presented the living side of its rulings and teachings of the state and its organizing and directing by means of its rules and manners; along with declaring that is the indispensable part of the Islamic system that has the advantage of comprehensiveness in terms of time, place and man, and whose Glorious Book was revealed to render everything crystal clear. As Allah, the Almighty, says:

﴿One day We shall raise from all peoples a witness against them, from amongst themselves; and We shall bring thee as a witness against these (thy people); and We have sent down to thee the Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims.﴾

(16:89)⁽²⁾

Proofs from Islamic texts

This was not an innovation by the Islamic movement, its founders and advocates. Rather, it is clearly evident in conclusive Islamic texts, documented historical incidents and the comprehensive nature of its call.

1. Among those who opposed this author were the former Grand Sheikh of al-Azhar sheikh Muhammad al-Khidr Husayn in his book *Naqd Kitab Al-Islam Wa Usul Al-Hukm*, and the Grand Mufti of Egypt, in that time, sheikh Muhammad Bikhit al-Mutti'i.

2. See my book *The General Characteristics of Islam*.

As far as Islamic texts are concerned, it is sufficient to cite just two verses from the chapter of an-Nisa':

﴿God doth command you to render your trusts to those to whom they are due; and when ye judge between men, that ye judge with justice. Verily how excellent is the teaching which He giveth you! For God is He Who heareth and seeth all things. O ye who believe! Obey God, and obey the Apostle, and those charged with authority among you. If ye differ in anything among yourselves refer it to God and His Apostle, if ye do believe in God and the Last Day. That is best, and most suitable for final determination.﴾

(4:58-59)

The first verse is directed to governors and rulers: to preserve trusts and to judge with justice, because wasting the trust and justice inevitably leads the *Ummah* to destruction and ruin. It is reported in the *Sahih* that, "The Prophet (peace be upon him) said, 'If the trust is lost, wait for the Hour.' A man asked, 'How can the trust be lost?' The Prophet (peace be upon him) replied, 'If the affair is entrusted to people other than deserving ones, wait for the Hour.'"⁽¹⁾

In the second verse those addressed are the believing subjects: To obey the rulers stipulated that they are from among themselves. Allah put this obedience after obedience to Him and the Messenger (peace be upon him) and it ordained that in time of dispute the whole matter must be brought before Him and His Messenger, (i.e. the Glorious Qur'an and the *Sunnah*). This is based on the assumption that Muslims have a state that dominates and a ruler that is to be obeyed. Otherwise all this would be in vain.

1. Reported by al-Bukhari in the book of Knowledge on the authority of Abu Hurayrah.

In the light of the aforementioned two verses, Ibn Taymiyah, the Sheikh of Islam, wrote his famous book *As-Siyasah Ash-Shar`iyyah Fi Islah Ar-Ra`i Wa Ar-Ra`iyyah*. The entire book is based on these two Qur'anic verses.

As long as the *Sunnah* is concerned, we can recall the Prophet's *hadith* that reads:

"Whosoever dies without declaring Bay`ah (oath of allegiance), dies a pre-Islamic death."⁽¹⁾

There is no doubt that it is prohibited for any Muslim to pay homage to any ruler who does not abide by Islam. The homage that can save him from committing disobedience is that which is paid to the one who governs by Allah's Revelation and Decree. If this is not the case, all Muslims are considered sinful until they achieve the Islamic rule that is required for giving the needed *Bay`ah* (homage). Muslims can be saved from sin only through two ways:

First: Denouncing - even if only in their hearts - the deviant state of affairs that contradicts the Islamic *Shari`ah*.

Second: Continuous endeavoring to resume a straight Islamic life governed by sound Islamic rule. In this respect, individual endeavors are not enough, as one should join efforts with his brothers who believe in what he believes. For believers are like stones in a building, each part strengthening the other.

There are tens of authentic *hadiths* concerning the Caliphate, *Amir* office, adjudication and Imam; their attributes, rights to be followed and assisted in matters of righteousness, giving advice, obeying in times of ease and difficulty, being patient with them (tolerating them), and the limits of this tolerance and patience, along

1. Reported by Muslim on the authority of Ibn `Umar (No. 1851).

with identifying their duties; preserving the Rules of Allah, respecting peoples' rights, consulting rational people, appointing the trustworthy and strong to different offices, taking good attendants, establishing prayer, paying *Zakah*, enjoining good and forbidding evil, and other things related to the affairs of the state, rule, administration and politics.

We can find topics on the affairs of the Imamate and Caliphate in the books of theology and the principles of religion, as well as in the Islamic law books. In addition, there are certain books on the affairs of the state, whether constitutional, administrative, judicial, financial or political. These books just like *Al-Ahkam As-Sultaniyyah* by Al-Mawardi is one such book as is, and the like by Abu Ya'la, *Al-Ghayathi* by Imam Al-Haramayn, *As-Siyasah Ash-Shar'iyyah* by Ibn Taymiyah, *Tahrir Al-Ahkam* by Ibn Jama'ah, *Al-Kharaj* by Abu Yusuf, and the like by Yahya ibn Adam, *Al-Amwal* by Abu 'Ubayd, and the like by Ibn Zanjawayh. There are other similar books meant to assist judges and rulers, such as: *At-Turuq Al-Hukmiyyah*, *At-Tabsirah*, *Mu'in Al-Hukkam*.

Proofs from Islamic history

Islamic history states that Allah's Messenger (peace be upon him) endeavored with all his might and thought - guided by Revelation - to establish a State for Islam and a home for its call, devoted only to Muslims with no authority over them except that of the *Shari'ah*. Hence, he used to offer his services to Arab tribes so that they might believe him and give him and his call proper protection. It was Allah, Who guided the Ansar from al-Aws and al-Khazraj to believe in his message. When Islam spread among them, they sent a delegation for *Hajj*. They were seventy three men and two women, and they paid

homage to him and swore to protect him just as they would protect themselves, their wives and sons. They paid him homage to listen and obey, and to enjoin good and forbid evil.

The Migration to Medina was primarily an attempt to establish a distinguished Muslim society governed by a distinguished Muslim state. Medina was Islam's home and the base for the new Muslim state, headed by the Messenger of Allah, who was to the Muslims their leader, Imam, Prophet and Messenger as well.

It was obligatory to every newcomer in Islam to join this state, to support it, to live under its protection and to strive under its banner. His faith would be incomplete unless he migrated from the land of disbelief and hostility to Islam; to his new home and took his place in the ranks of the striving believing group that was opposed and rejected by the whole world. Allah, the Almighty, says,

Those who believed, and adopted exile, and fought for the Faith, with their property and their persons, in the Cause of God, as well as those who gave (them) asylum and aid, - these are (all) friends and protectors, one of another. As to those who believed but came not into exile, ye owe no duty of protection to them until they come into exile; but if they seek your aid in religion, it is your duty to help them, except against a people with whom ye have a treaty of mutual alliance. And (remember) God seeth all that ye do. ﴿

(8:72)

And He also says concerning a given group of people:

They but wish that ye should reject Faith, as they do, and thus be on the same footing (as they): But take not friends from their ranks until they flee in the Way of God (from

what is forbidden). But if they turn renegades, seize them and slay them wherever ye find them; and (in any case) take no friends or helpers from their ranks. ﴿

(4:89)⁽¹⁾

In addition, the Glorious Qur'an denounced and blamed those who willingly chose to live in the land of disbelief and war, where they would be unable to establish or practice their religious rites and rituals (duties),

﴿ When angels take the souls of those who die in sin against their souls, they say, 'In what (plight) were ye?' They reply: 'weak and oppressed were we in the earth.' They say: 'was not the Earth of God spacious enough for you to move yourselves away (from evil)?' Such men will find their abode in Hell, - what an evil refuge! - Except those who are (really) weak and oppressed - men, women, and children - who have no means in their power, nor (a guide-post) to direct their way. For these, there is hope that God will forgive; for God doth blot out (sins) and forgive again and again. ﴿

(4:97-99)

Upon the death of the Prophet (peace be upon him) was the occupation of his Companions (may Allah be pleased with them all), to elect an Imam, even giving that priority over his burial. Thus, they paid homage to Abu Bakr to manage their affairs. This also happened to each caliph that followed. Muslim scholars deduced the necessity of having an Imam (who is the symbol of the Muslim state and its head)

1. The alternative to *Hijra* "Migration" in the current age is the commitment to the Muslim Movement which work for establishing the religion of Islam in earth, since it is a duty upon every Muslim according to his capacity.

from the historical consensus beginning from the time of the Prophet's Companions and Followers.

Muslims never encountered any separation of religion and state until secularism came into this age. The Prophet (peace be upon him) warned us against it and ordered us to defy it as the *hadith* narrated by Mu`adh ibn Jabal states, "*Truly, Islam's mill will keep going, you keep going with it everywhere. Truly, there will be a separation between the Qur'an and rule (religion and state). Do not depart from the Book. Truly, there will be Amirs who rule with double-scales; if you disobey them, they kill you; and if you obey them, they mislead you*". They said, 'O' Messenger of Allah! What should we do then?" He (peace be upon him) said, '*Just like the disciples of Jesus, the son of Mary, did: They were cut asunder with saws and crucified on wood. It is better to breathe one's last breath in obedience to Allah than to live in disobedience to Him.*'⁽¹⁾

Proofs from the nature of Islam

Islam is a general religion and its *Shari`ah* (Law) is comprehensive. A law of this nature must penetrate all aspects of life and should not neglect the affairs of the state and leave those morally disintegrated (atheists or heretics) to govern by their mere whims.

Islam advocates organization and identifies responsibilities; it opposes unrest and disorder in anything and everything. Thus, we find that the Prophet (peace be upon him) ordered us to arrange into rows during prayer, and that the most knowledgeable of us leads therein. Even travel, the Prophet (peace be upon him) said, "*Appoint one of you as your Amir.*"

1. Reported by Is-haq ibn Rahawyah in his *Musnad* on the authority of Suwayd ibn `Abd al-`Aziz and it is classified as weak *hadith*. Also, it is reported by Ahmad with good authority.

Imam Ibn Taymiyah stated in his book *As-Siyasah Ash-Shar`iyyah*: It must be clearly stated that appointing an Imam for the people is the most important religious duty. Rather, it is inevitable for preserving religion and worldly affairs (state) as well. For human beings need each other, and their interests will not be fulfilled unless they live together; and when they live together there must be a leader (to manage their affairs). As the Prophet (peace be upon him) said in the hadith that was reported by Abu Dawud,

"If three persons set out on a journey, they must appoint one of them as Amir."⁽¹⁾

Also, Imam Ahmad ibn Hanbal narrated on the authority of `Abdullah ibn `Amr that the Prophet (peace be upon him) said,

"It is unlawful for any three persons to be in a desert and not appoint one of them as their Amir."

Hence, the Prophet made it obligatory to appoint an *Amir*, even for a temporary travelling group, indicating its necessity regarding all sorts of gatherings.

Allah, the Almighty, made it obligatory for us to enjoin good and forbid evil; and this cannot be achieved without might and authority. It has been narrated that, *"The Sultan is Allah's Shadow on earth."*

In addition, al-Fudayl ibn `Iyad and Ahmad ibn Hanbal and others used to say, "If we were to have a part of our invocation accepted by Allah, the Almighty, we would make it for the benefit of the Sultan."⁽²⁾ This is because Allah guides a great number of people due to the Sultan's righteousness.

1. Reported by at-Tabarani on the authority of `Abdullah.

2. *As-Siyasah Ash-Shar`iyyah*, among the collection of *Fatwas* of Ibn Taymiyah, vol. 28, pp. 390-391.

Then, it is due to the nature of Islam, that there is a way to dominate, lead, direct life and rule society, and regulate mans' course in accordance with Allah's Orders. It cannot suffice itself with delivering sermons and exhortation to doing good only; leaving its rules, commandments and teachings that cover all aspects of life to the judgement of the individuals' conscience only. In the case that conscience becomes weak or even dead, its rules become weak and dead as well. `Uthman ibn `Affan, the third Caliph (may Allah be pleased with him) said, "Allah fulfills by means of authority that which is not fulfilled by means of the Qur'an".

Some people can be guided by means of the Book and Balance, while others cannot be guided by other than force. And thus, Allah, the Almighty, says,

﴿ We sent aforetime Our apostles with Clear Signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice; and We sent down Iron, in which is (material for) mighty war, as well as many benefits for mankind, that God may test who it is that will help, unseen, Him and His apostles: For God is Full of Strength, Exalted in Might (and Able to enforce His Will). ﴾
(57:25)

Ibn Taymiyah said, "Anyone who deviates from the Qur'an will be corrected by force, and that is why the Qur'an and the sword cooperate in preserving religion."⁽¹⁾

Imam al-Ghazali said, "This world is a farm for the Hereafter. This world and religion need each other to integrate; rule and religion are twins; religion is the base and authority is the guardian. Anything without a base, will inevitably be ruined, and anything without a

1. The Collection of *Fatwas*, vol. 28, p. 264.

guardian, inevitably will be lost. Rule and discipline must be aided by authority."⁽¹⁾

Suppose that the Islamic texts were not clear about the inevitability of establishing a state for Islam, and that the history of the Prophet and his Companions was not a practical application of what these texts advocated. If the case were thus, the nature of the Islamic mission in itself would inevitably require the establishment of a state or home for Islam to be distinguished in all matters such as creed, rites, teachings, concepts, morals, outstanding traits, norms and regulations as well.

Islam cannot thrive in any age without this responsible state. And the need for it in this present age is most felt and recognized. This is the age which has witnessed "the ideological state" that adopts a given idea or ideology upon which its whole structure is based; education, culture, legislation, judiciary, economy and all eternal affairs and foreign policy. This is clearly evident in the case of the communist and social state. Modern science and its resulting technical progress is now in service of the state, and hence, the state effectively became able to influence the society's creed, ideas, sentiments, tastes and behavior in an unprecedented way. Moreover, the state can - by means of its directed modern devices - alter the society's values, principles and morals and turn them upside down. Thus, there is no stronger resistance or opposition to be found.

The Islamic state is a dogmatic and ideological one, as it is based on a creed and an ideology. It is not a mere "security device" to preserve the *Ummah* from internal aggression or external invasion, rather its function is much greater than that. Its function and duty is to educate and raise the *Ummah* on the teachings and principles of Islam,

1. *Ihia' 'Ulum Ad-Din*, vol. 1, p. 71, the book of Knowledge.

prepare a positive atmosphere and suitable climate for turning Islam's creed, ideology and teachings into a tangible, practical reality as an ideal for anyone seeking truth and guidance, and proof against any deviant person.

Ibn Khaldun defined the Caliphate as follows: Guiding the public to recognize and consider their interests in the Hereafter, and this world as well, since this life's affairs are recognized and judged by the Legislator in relation to those in the Hereafter. In fact, it is a Caliphate or vicegerent on behalf of the Legislator that guards religion and manages life thereof.⁽¹⁾

For this, Allah, the Almighty, described how the believers are when they establish their state,

﴿(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong; with God rests the end (and decision) of (all) affairs.﴾

(22:41)

The slogan of Islam is what Rib`i ibn `Amir said to Rustum, the Persian leader, "Allah, the Almighty, sent us to free people from worshipping subjects and make them worship Him alone, and to get them out of difficulties of this life to its easiness and spaciousness, and from injustice of dogmas to the justice of Islam."

Moreover, that dogmatic and ideological state is not of a regional or local character, but has a universal message. For Allah, the Almighty, made the Muslim *Ummah* shoulder the responsibility of calling humanity to the light and guidance which it bears. Allah also made it shoulder the tasks of attestation on all peoples and leading all

1. *Muqaddimat Ibn Khaldun*, vol. 2, p. 518.

other nations. It is not a nation that was established by itself or for itself. Rather, it was sent to the people by Allah, the Almighty, Who made it the best of nations and addressed it in His Glorious Qur'an saying,

﴿Thus have We made of you an Ummah justly balanced, that ye might be witnesses over the nations, and the Apostle a witness over yourselves.﴾

(2:143)

Hence, we find when the Prophet was given the first opportunity - after the Hudaibiyah Treaty - he wrote to kings and princes all over the world calling them to Allah and to come under the banner of monotheism. He made it clear that they would shoulder their own sins and the sins of their subjects if they rejected joining the group of faith. He would conclude his letter with the Qur'anic verse that reads,

﴿Say, 'O People of the Book! come to common terms as between us and you: that we worship none but God; that we associate no partners with Him; that we erect not, from among ourselves, lord and patrons other than God.' If then turn back say ye, 'Bear witness that we (at least) are Muslims (bowing to God's Will)'﴾

(3:64)

Our need for a state that adopts Islam

The first thing the Islamic Call needs in the present age is a home or a state for Islam, which will rise to adopt the message of Islam in terms of creed, order, worship, morality, life and civilization. It should also establish the whole life, material and otherwise, on basis of this comprehensive message. It must open its gates wide for every believer desiring to move there from lands of disbelief, aggression and deviation.

That desired state is an Islamic duty and a human necessity. It will introduce to the world a live example of combination of religion and worldly life, the mixture of matter and spirit, and the compromise between progress civilization and moral superiority. It will also serve as the first brick in the building of a major Islamic state that unites all Muslims under the banner of the Qur'an and the Islamic Caliphate. But, Anti-Islamic trends do their best and make tremendous efforts to prevent the establishment of that state in any area on earth, even if its area is very small and its inhabitants are very few.

Westerners may allow the establishment of a Marxist state, and communists may allow a liberal one, but neither the former nor the latter will allow the establishment of a sound and healthy Islamic state.

When a successful Islamic Movement takes place, they become afraid lest it should turn into a state, and soon the force of disbelief - worldwide and local - launches its vehement and malicious strikes. They make it taste homelessness, starvation, torture, killing, distortion and falsification as well. They launch their strikes continuously in order to make it preoccupied and worried only about its sufferings rather than hopes, troubles rather than objectives, and wounds rather than aspirations.

If we had a government

Imam Hassan al-Banna (may Allah bestow mercy upon him) said, "If we had an Islamic government, which follows sound Islam, true faith, independent thought and implementation, appreciates the greatness of the treasure in its hands and the glory of the Islamic system it inherited, and reposes faith in its ability to cure its people and guide all mankind, we would demand it to uphold the whole world in the name of Islam and appeal to other countries to search for and ponder over it, and to drive them to join it through frequent calls,

persuasion, proof and recurrent missions, and through other methods of propaganda and communication. In so doing, it will gain spiritual, political and real status among other governments and will be able to renew the activity of people and push them to glory and light and stimulate enthusiasm, seriousness and/or within themselves.

It is a wonder to find a state of communism that shouts in its name, calls for it, spends for its sake and invites people to join it; to find Fascist and Nazi nations which venerate their philosophies, sacrifice for them, are proud in following them and dedicate all vital system in service for their principles. We also find proponents of different social and political ideologies who consecrate their souls, intellect, thoughts, pens, property, newspapers and efforts ... to them even if it means life and death.

It is also a wonder to find no Islamic government that calls for Islam, which embrace the best characteristics of these systems and casts off their flaws , and represents to other people a world system that includes sound, clear-cut and comfortable solutions to all human problems, even though Islam has made its call an obligatory duty, incumbent upon all Muslims - peoples and groups - before the existence of these systems and their experience of the propaganda system. Allah says in reference to this: *﴿And let there be a nation of you (who) call to charity, and command beneficence and forbid maleficence; and those themselves are the prosperous ones.﴾* (3: 104)

But, where are our rulers who educated among foreigners, believed in their ideology, followed in their footsteps and emulated each other to gain their pleasure from all of these? It may not be an exaggeration, if we said: the idea "to be independent in managing their affairs and work" did not cross their minds, not to mention its being their methodology in carrying out their works.

Unfortunately, we offered this hope to many rulers of Egypt, but it was a natural result to find no practical effect of this hope, because such a people put Islam last for themselves, their homes, and in both personal and general affairs, so they were incapable of transferring it to others and to invite others to embrace it. The principle follows, 'the one who is devoid of something, cannot give it to others'.

O Brothers, this is not their duty, for experience has proved their inability to fulfill it. Rather, it is the duty of this rising (new) generation. So, perfect their call, be serious in their education, and teach them how to be independent in terms of self, heart, thought, intellect, *Jihad* and work. Fill their leaping (awakening) hearts with the glory of Islam and wonder of the Glorious Qur'an and recruit them under the banner of the Prophet Muhammad (peace be upon him) and his flag. Soon you will see among them the Muslim ruler who exerts himself (against fancies and desires) and pleases others."⁽¹⁾

Islam and politics

Imperialism and its agents made the maximum effort to establish the idea that Islam has nothing to do with politics or the state. At the same time, the reformist callers - with Imam Hassan al-Banna at the front - strove greatly to teach Muslims the idea of "comprehensiveness of Islam". The purpose was to restore what has been stated and fixed over thirteen centuries (i.e. before the coming of imperialism and its ideological invasion of their lands).

That is, Islam governs the total life with its legislation and guidance straight from birth until death. It applies before birth and after death, as there are legal rules concerning the fetus and dead as well.

1. *The Muslim Brotherhood under the Banner of the Qur'an.*

Throughout life, Islam directs the Muslim in his personal, family, social, and political affairs, starting with manners for relieving oneself and ending with topics of the Caliphate, war and peace relationships.

The outcome of that striving was clearly evident, represented in that great number of Muslims who believe in this comprehensiveness, advocate Islam as being both creed and legislation, religion and state in all Muslim countries. It convinced many victims of the ideological invasion to denounce what they believed in under the yoke of cultural imperialism. This has led to the emergence of the Islamic awakening in two areas: the ideological and political one, in a way that turned the balance of power upside down. This led the monitoring foreign authorities in the West and East to hold many meetings, courses and conferences to examine this "dangerous" Islamic phenomenon. They spared neither money nor effort in this respect until the number of these meetings, as mentioned by Fahmi Huwidi a few years ago, reached 120 or even more.

This forced agents of the West and slaves to its ideologies to attempt to stop and prevent that dawn from coming, or the sun from rising, and force the cycle of history back again to the age of Imperialism, to raise their voices again with: "No politics in religion, and no religion in politics!" They wanted to put out the fire again as it was put out half a century ago. Some of those men called Islam - the only Islam known to Muslims through the ages, before the age of Imperialism; the Islam known to jurists, theologians, interpreters, scholars of *Hadith* and monotheism from all schools of Jurisprudence, which they explained in detail starting with books on purification, and ending with that of *Jihad* - the Islam of creed and legislation, and the Qur'an and *Sunnah*, they called it "Political Islam".⁽¹⁾ By this name,

1. See the refutation of this false claim in the fourth part of this book under the title, "The Political Islam".

they desired people to dislike Islam, due to the people's hatred of politics in our countries stemming from the disasters and scourges brought upon them because of it!

But, what can we do if Islam, as designed by Allah, the Almighty, must be political? What can we do if the Islam with which came Muhammad does not approve of dividing life and man between Allah, the Almighty, and Caesar? Rather, it insists that Caesar, Khosrau, Pharaoh and all kings of earth are subjects and worshipers of Allah alone!

This writer wants us to denounce and reject the Book of our Lord, the *Sunnah* of our Prophet, consensus of our *Ummah* and the guidance of our tradition in order to adopt a modern Islam that pleases the big masters overseas!

He wants the "Spiritual Islam" or "Clerics' Islam" that concerns itself only with reciting the Glorious Qur'an over the dead and not the living Muslims, decorating walls with its verses, starting celebrations by reciting some of its verses, then letting Caesar do as he likes!

The Islam that was revealed in the Glorious Qur'an and *Sunnah*, known to the whole *Ummah*, the earlier Muslims and their followers, is an integrated one that defies and rejects partitioning. It is the spiritual Islam, moral Islam, ideological Islam, educational Islam, striving Islam, social Islam, economic Islam, and political Islam. It is all these, because it has in all these fields objectives, rules and directions as well.

Imam Hassan al-Banna said concerning religion's relationship to politics, "You can scarcely find anyone who talks with you about Islam and politics without making a separation between them and putting each to one side, as they - to most people - cannot meet or be seen together. Hence, came the distinction; that is an Islamic

association, not a political one; and that is a religious meeting that has nothing to do with politics. I saw at the top of laws that regulate Islamic associations and their programs, "The association must not intervene in political affairs".

Before I examine this viewpoint, whether approving or rejecting, I would like to draw your attention to two important matters:

First: There is a great difference between partisanism and politics. They may meet or they may be separate. A man may be a politician in the true sense of the word, but does not belong to any party whatsoever. Or, he may belong to a given party without being aware of anything related to politics. Or, he may be both: a politician that belongs to a certain party. When I say politics, here, I mean absolute politics concerning the *Ummah's* internal and external affairs, without being limited by partisanship in any way.

Second: When non-Muslims were ignorant of Islam, or when it was difficult for them to face its fixedness in the souls of its followers, its firmness in the hearts of the believers, the readiness of every Muslim to offer his soul and wealth in sacrifice, they did not attempt to injure Islam's name, nor its aspects, nor formalities in the souls of Muslims, but they attempted to limit its meaning to a narrow circle that does not keep its strong and practical aspects. They left nicknames, formalities and appearances that did nothing. They made Muslims believe that Islam is something and society is something else; Islam is one thing and the law is another; Islam is something and economy has nothing to do with it; Islam is here and general knowledge is there; and that Islam is something that must not have anything to do with politics.

O Brothers! Tell me by your Lord if Islam were something other than politics, sociology, economy, and culture, what is it then? . . . Is it these *Rak`ahs* that are void of present heart? Or, is it these words just as Rab`ah al-`Adawiyyah's words: *Istighfar* (seeking forgiveness of Allah) that needs *Istighfar*. Is it for this only! O' Brothers! the Qur'an was revealed a detailed, perfect and complete system.

﴿And We have sent down to thee the Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims.﴾

(16:89)

This diminishing meaning of (idea of) Islam and these narrow limits that determine the meaning of Islam are what the opponents of Islam try to impose upon and encompass Muslims with, and to mock them by saying: We maintain you freedom of religion, and the constitution states that the official religion of the state is Islam.

From this pulpit, O Brothers, I declare frankly that Islam is something other than that meaning in which its opponents and enemies from within its followers wanted to limit and define. Islam is creed and worship; home and nationality; tolerance and power; morality and matter; culture and law. A Muslim is asked to have interest in all affairs of his *Ummah* because of the fact that the one who does not concern himself with Muslims' affairs is not deemed as one of them.

I think that our ancestors (may Allah bless them all) understood nothing but this meaning of Islam, as they ruled with it, strove for it, and depending on its bases and within its limits they crossed their course in all worldly affairs and the spiritual affairs of the Hereafter. may Allah, the Almighty, have mercy upon the first Caliph who said: "If I lost a camel's halter, I would find it in Allah's Book".⁽¹⁾

1. *The Tract of the Conference of the Muslim Brotherhood Students.*

Diya' ad-Din ar-Rayyis, the venerable historian scholar, said in his book *Islamic Political Theories*⁽¹⁾, "No longer is there doubt that the system established by the Prophet and his Companions in Medina - if it is looked at from the viewpoint of its practical facet and if it is measured according to modern political measurements - can be described as "political" in the full sense of the word. This does not preclude, at the same time, describing it as "religious", if it considers its objectives and motives and the spiritual base on which it depends. Thus, the system can be described with both descriptions; for the fact is Islam is comprehensive. It joins materialism with spirituality, and tackles human acts in both, the present life and the Hereafter. Moreover, its philosophy mixes the two and does not recognize any distinction whatsoever save a different viewpoint. They in themselves constitute a whole or a coordinated unit, to the extent that their separation is unimaginable. This fact about the nature of Islam has become self-evident. Also, historical facts provide evidence of Muslim faith in all previous ages. Some orientalist came to realize it although they were far removed from an Islamic environment. In spite of all this, there are some Muslims who describe themselves as "Reformers or Renewers" who declare their denial of that fact! They claim that Islam is nothing but a "religious call".⁽²⁾ They mean that it is merely a belief or spiritual relation between the individual and his Lord, that has nothing to do with the material affairs of this life. Among these material affairs are: matters of war, wealth and politics at first rank. They also say, "Religion is something and politics is another".

1. PP. 27-29.

2. Among the opponents of these views is sheikh `Ali `Abd ar-Raziq (the former Legal judge in Al-Mansura) and the minister of Endowments (*Awqaf*) in that time. Sheikh `Ali `Abd ar-Raziq explained his views in his book *Islam and the Principles of Ruling* which we will refute its claims in this book under the title "*The refutation of the claims of some contemporary scholars*".

In order to refute the claims of those people it would be useless to cite sayings of the scholars of Islam, for they may not feel convinced by them. Also, we are not going to start by stating historical events lest they deny them also. But, it is enough to quote some orientalist in this regard. They put their viewpoints in clear-cut and open statements. We are doing so because those "Renewers" cannot claim to neither have stronger ties with modern age, nor be more able to manipulate modern research methods and scientific ways. So, here we cite:

1- Dr. V. Fitzgerald said: ⁽¹⁾

"Islam is not a mere religion, but a political system. In spite of the fact that in recent years have occurred some Muslims who claim themselves to be "Modernists" attempting to separate between the two aspects. The whole Islamic structure is fundamentally based on the fact that both aspects are indispensable."

2- C. A. Nallion wrote: ⁽²⁾

"Muhammad has simultaneously established a religion and a state, whose limits were preserved along his whole life."

3- Dr. Schacht wrote: ⁽³⁾

"Islam is more than a religion. It represents political and legal theories. In brief, it is a complete cultural system that includes religion and state together."

4- R. Strothmann wrote: ⁽⁴⁾

"Islam is a religious, political phenomenon or its founder was a Prophet, wise politician, or a statesman."

1. *Muhammedan la-ch*, 1. p.

2. Cited by sir T. Arnold in his book: *The Caliphate*, p. 198.

3. *Encyclopaedia of Social Sciences*, vol. 8, p. 333.

4. *The Encyclopaedia of Islam*, vol. 4, p. 350.

5- D. B. MacDonald wrote:⁽¹⁾

"Here, in Medina, the first Islamic state was formed and the basic principles for Islamic Law were laid down."

6- Sir T. Arnold wrote:⁽²⁾

"The Prophet was, at the same time, head of religion and head of state."

7- Gibb wrote:⁽³⁾

"Then, it was clear that Islam was not just individual religious acts, and it was a must to establish its distinctive community, that has its own style in ruling along with its own laws and regulations."

These are the words of Westerners, that may convince or force all opponents to shut up.

1. *Development of Muslim Theology, Jurisprudence, and Constitutional Theory*, (New York, 1903) p. 61.

2. *The Caliphate*, p. 30, Oxford, 1924.

3. *Muhammedanism*, p. 3, 1949.

**Construction of a State
Whose Recourse Is Islam**

Construction of a State Whose Recourse Is Islam

Islam, undoubtedly, as it cares about moulding the virtuous individual, family and society - cares, at the same time, about moulding the virtuous state.

An Islamic state is distinguished from all previous and latter states by its goals, ideologies, sources, and characteristics.

A civilian state whose recourse is Islam

An Islamic state is not a theocratic state that determines the fate of people's consciences or their bodies in the name of the Law of Divine Right. It is not a state of priests, or religious people who pretend to be representatives of the will of the Creator or heaven's intention for inhabitants of earth. Whatever is accepted in earth is accepted in heaven and whatever is planned upon earth, is planned in heaven.

Rather, it is a civilian state ruled by Islam. It is formed by pledges of allegiance and consultation. Persons who are selected to run an Islamic state are strong, trustworthy, defenders, and knowledgeable citizens. If anyone lacks the conditions of strength, knowledge, honesty and perseverance, he is not a correct choice, except in dire necessity, because necessity knows no law.

Because of its true concept and sound application of Islam, there is no such term as religious people, as is recognized by other religious

communities. Every Muslim is a religious person. There are scholars who are specialized in different fields of Islamic studies similar to experts in ethics, philosophy, and law in other societies. The relationship of these Muslim scholars to society is like that of an ordinary Muslim, which is to advise, which is the obligation of every Muslim. It is, moreover, more obligatory upon Muslim scholars, until the state applies correct Islam, proves the truth, eliminates the injustice, enjoins good, and forbids wrong-doing. Similarly it is the duty of scholars and every Muslim to enjoin good, forbid evil, wisely exhort to excellence, and be not afraid of blame from critics.

It is incumbent upon the state to help every Muslim in performing his advisory duty, to enjoin good and forbid evil. An organization or a supreme legislative body must be established by Islamic state comprised of Muslim citizens to whom proposed legal decrees and their applications must be presented. So that no law is to be initiated which may conflict with Islam, driving a wedge between the Qur'an and the act of ruling, as the Prophetic tradition warned us against.

This is how knowledge and power advance side by side, with no split as has happened in many stages of history; driving scholars of Islam into one side and rulers into another. Rulers did not reconcile, but with poets, eulogists, and similar people. In fact a Muslim ruler must be a scholar of Islamic Law, an authority of an Islamic constitution of the level of an *Ijtihad* in Islam, similar to the Rightly Guided Caliphs and their successors - who followed in their footsteps - who were *Mujtahidun* and jurists. All jurists agree upon the condition of the competence of *Ijtihad* for the chief justice and Caliph. This condition must be met except under dire circumstances. In time of need it is allowed to step down from superior ideals to inferior reality.

The Muslim state is far from being a theocratic state. Nor were they secular states, even if their secularism was represented as complete denial of religion and demonstrated enmity towards Islam and as an opiate of the people. Its point of view is deceptive. It is based on myth, as was the communist state. Similar situation is found in the West, where religion is separate from the state. Their society, politics, economics, culture, education, morals, and customs are separated from religious influences even though they call themselves the world of freedom. A world that does not deny the Existence of Allah. But it does not find a need for Him, and has no place for Him in their society. Muhammad Asad described the Islamic state in his book *Islam at the Crossroads*: "The Muslim state is a civilian one that executes Heavenly Law. It defends Allah's Orders, Dictates and Prescriptions, for which it deserves Allah's Victory. Without this defense it forfeits its justification for its existence and prosperity. Allah says:

﴿Allah shall definitely give victory to whomsoever vindicates Him. Surely Allah is indeed Ever-Powerful, Ever-Mighty. Who, in case We establish them in the earth, keep up the prayer and bring the Zakah and command beneficence and forbid maleficence.﴾

(22:40-41)"

Global state

The Muslim state is neither an ethnic nor a territorial state. It is not limited to tribal boundaries or geographical borders. It is an open state for every believer, based on free choice without compulsion or force. Because its message is universal, it is a global state. It is a state based on concepts and beliefs. In it differences of race, nationality, language,

and color melt away. Its people are of one faith, one God, one Prophet, one book, one *Qiblah*, one ceremony, one law or constitution, and one culture. This unity of nation stems from the unanimous word for the Oneness of Allah, *Kalimah Tawhid*.

Nothing can stop this global state from starting in a region as a territorial state. Its members can choose Islam for their constitution, and its application for creating an Islamic model upon earth. In this regard the Islamic state faces clandestine and open wars, material and spiritual restrictions or sanctions. Only people of strong will can be patient. In different territories different models will appear, bringing about a united state based on unity and cooperation (federal or confederate).

In this way a true Islamic Caliphate could be established. It is the duty of the Islamic nation to help in the establishment of such a Caliphate and remove obstacles in its way. This Caliphate is not the rule of Islam in a particular region, but the rule of the nation with Islam. This Caliphate has three foundations:

First: Unity of Islamic lands, however many countries and territories, to be considered one land of one nation.

Second: The constitution must be derived from the Qur'an and *Sunnah*.

Third: Central leadership must be one by the greatest Imam or Caliph who rules the state of believers by Islam.

This does not mean that it rejects non-Muslims and their beliefs on its land. Rather, it welcomes them so long as they abide by the Islamic civil Law. As far as their worship, faith, and personal affairs are concerned, they are free to conduct them according to their religious teachings.

State with a valid constitution

The Islamic state is a legal state, which is run by its own constitution and laws. Its regulations are derived from Qur'an and *Sunnah* for faith, worship, ethics, transactions, in all relations concerned, personal, social, criminal, administrative, judicial, and international matters. This state is not independent in the enforcement of its constitution. Islam is its expectation and proof of its faith. Allah, the Almighty, says,

﴿And rule among them with Revelation of Allah (to you). And do not follow their desires. Be afraid of them that they may seduce you from what you have been ordered to do. If they turn away, then you must know that Allah wants to punish them for some of their sins. Of course many people are immoral. Do they want the rule of the state of ignorance. For believers whose rule is better than that of Allah﴾

(5:49-50)

And,

﴿And who do not rule by the revealed (orders), they are non-believers ... And who do not rule by the revealed are tyrants ... And who do not rule by the revealed are immoral.﴾

(5: 44,45, 47)

These verses were revealed to apply to the People of the Book. But the general terms were used to include Muslims and not a particular group.

Do not think that Jews and Christians would be charged by Allah with disbelief, tyranny, and immorality for not obeying Him, and Muslims would be forgiven. Allah's justice is the same. He revealed

His Message to Moses and Jesus (peace be upon them both), as He did to Muhammad (peace be upon him).

The Islamic state achieves its right to exist by following Islamic Law. It becomes incumbent upon the people to cooperate and obey the state in prosperity and in poverty, whether they approve or disapprove. The Islamic state loses its right to exist, if it gives up this system and its methods. People must not obey it, because obedience is for good and kind actions, not in disobedience of Allah. It is given in a tradition of the Prophet (peace be upon him) who said,

"A Muslim must listen to, and obey (the Islamic state), if he likes it or not, when not ordered to disobey Allah. When he is ordered to disobey Allah, he must neither listen nor obey."

Abu Bakr (may Allah be pleased with him) added in his Caliphate address,

"Obey me as long as I obey Allah with you, and when I disobey Him, I lose the right of your obedience".

When new countries become proud of following the constitution and leadership, the Islamic state stays on course and does not deviate until it achieves the Will of Allah and acceptance by the people.

The Islamic state does not draft its own constitution, other than that which the Highest Authority has imposed upon it. Therefore the nation has no power to circumvent or freeze it. If it does, it would change its nature, and would not be counted as a Muslim state.

There is no particular important shape or name that can be applied to the Islamic state. In history two terms with great meanings were used: Imamate and Caliphate.

An Imamate means leadership through which the people are led. They follow their Imam and learn from him. This term was derived from leadership in prayers (Imamate in *Salah*), in which people select a devout man who is the most learned among them, so that they gain knowledge from him.

The rightful leader (*Al-Imam Al-'Adil*) was described by al-Hassan al-Basri as one who stood among the people, listened to Allah and made them listen to Him, looked up to Allah and showed them, and is led by Allah and led them to Him.

When `Umar ibn al-Khattab (may Allah be pleased with him) appointed a leader in a particular region, and in remote areas, he publicly announced "I do not send them to strike your bodies or take away your wealth. They are appointed as teachers for you."

The word Caliphate (*Khilafah*) means protection of religion and worldly politics by representing the Messenger of Allah (peace be upon him) according to at-Taftazani, Ibn Khaldun and others.

The chief of an Islamic state, the leader, or president is a person from the nation. He may be right or wrong and do good or bad. It is incumbent upon Muslims to help him if he is right and does good. But, if he is wrong or behaves badly, they must advise him and bring him back to the right way as the first Caliph announced in his first address.

There is no quality of sacredness in a Caliph or Imam, that may place him above investigation or prosecution. It is a position of charge, not an honor. When the Caliph `Umar ibn `Abd al-`Aziz took on the charge of Caliphate, he said, "O' people I am one of you, only Allah has made my burden heavier than yours."

History has witnessed many Caliphs who submitted themselves, in the same way their opponents did, to the procedures of litigation. We

have also seen many Muslim judges who adjudicated in favor of a Christian, or a Jew, (the Protected People "*Ahl Adh-Dhimmah*"). In a famous story a Judge by the name of *Shari`ah* decided in favor of a Christian against the supreme leader of Muslims `Ali ibn Abi Talib (may Allah honor him). Only Allah alone has characterized Himself in His Words:

﴿He is not questioned about what He does and they will be questioned﴾

(21: 23)

All creations of Allah will be held accountable and questioned about their words and deeds. Even the Prophet (peace be upon him) yielded to the opinion of Companions in matters where Revelation did not come, and they presented their suggestions, debated, and questioned.

When the Prophet (peace be upon him) sent Abu Hurayrah, (may Allah be pleased with him) to give the glad tiding to people: Whoever says that there is no god but Allah, will enter Paradise, `Umar (may Allah be pleased with him) became afraid that people would think they could rely on faith alone, and actions were not counted. He said, "O' Messenger of Allah, they would leave the practice of Islam, and become dependent upon this belief." The Prophet (peace be upon him) yielded to the opinion of `Umar (may Allah be pleased with him) and said to let them devote themselves to the practice of Islam. The Prophet (peace be upon him) took his suggestion back, when Sa`d ibn Mu`adh and Sa`d ibn `Abadah conflicted with it.

It is a well-known case and famous affair in the biography of the Prophet (peace be upon him) that during the Battle of Badr he submitted to the opinion of al-Hubab ibn al-Mundhir (may Allah be

pleased with him) who knew that the opinion of the Prophet was not a Revelation from Allah, but only giving an opinion, war and maneuver, then he suggested his strategy, which was enforced.

The ruler in Islam is a spokesman for the nation, and also a laborer for it. His relationship is that of an attorney and client or a laborer and a master.

Once the great scholar and dignified ascetic Abu Muslim al-Khawalani visited Caliph Mu`awiyah ibn Abi Sufyan and said, "Peace be upon you, O' my laborer." People around the Caliph instructed him to say their leader, not laborer, but he repeated it until Mu`awiyah told them to respect him because he knew what he said.

A consultative ... not a hereditary state

An Islamic state is not like that of a state of Khosrau or a state of Caesar. Nor is it founded on heredity lines which restrict the office of authority to one family or one branch from which sons inherit their rule from their fathers, and grandsons from their grandfathers, as they would of real estate and property, even though they are the most deviant and immoral of people.

Surely, knowledge, wisdom and virtue are not necessarily hereditary, for we have seen many cases where fathers are righteous, but their sons have strayed. The Almighty Allah said about Abraham and Isaac,

﴿... And of their (two) offspring some are fair-doers, and (some) are evidently unjust to themselves.﴾

(37:113)

And when Allah, the Almighty said to His Intimate Friend Abraham,

﴿' ... Surely I am going to make you a leader for mankind', said he, 'And of my offspring?' He said, 'My Covenant shall not pertain to the unjust (ones).'﴾

(2:124)

Although, the Islamic state is founded on the best principles of democracy, it is not a copy of western democracy. It agrees with it in principle, that a nation should be given the right to choose its ruler and that he should not be forced upon his will. It adopts the stand that the ruler is responsible before the state's representatives of consultation and those in power (*Ahl Al-Hil Wa Al-'Aqd*). Moreover, they have the right to dismiss him if he deviates and oppresses them and gives a deaf ear to the advice of their people.

In addition to what has been mentioned above, the Islamic state gives every person, man or woman, in the nation the right to advise the ruler and demand that he enjoin good and forbid evil according to original law of guidance between fellow Muslims, whatever his position or status may be,

﴿And men believers and women believers are patrons one of the other; they command beneficence and forbid maleficence.﴾

(9:71)

Western democracy, although it has some advantages, has no principles by which it abides, nor virtues which regulate its behavior. It can, in the name of the people's representatives, shun (annul) virtues and uphold vices, enact injustice, permit the unlawful and forbid the lawful, to the extent that it was said in the English Parliament that: "It has the right to decide whatever it wants, except to turn a man into a woman, or vice versa."

For these reasons, we have seen that the American democracy legalizes wine, whether for drinking, manufacturing or trade in spite of damages to individuals, families, communities, the economy and morals. We have also found some western democracies permit a man to marry a man and woman to marry a woman!

Western democracy can dissociate itself from anything, even from democracy itself, through a majority, vote referendum or the like. An Arab ruler said, "Democracy has teeth and claws and it may be more vicious than a dictatorship!"

Moreover, western democracy, although we admit its advantages, is directed by apparent, hidden powers to serve its interests. It is no wonder, that we found some capitalist democracies which permit usury and monopoly because they bring about benefits to influential and powerful people at the expense of the majority of people.

It is supposed that democracy means rule by the people for the people, but in reality it produces representatives who do not care about people's interests except their own and their class and their allies from the influential. The reasons behind this is that there are no moral conditions or requirements for candidates or voters, if in fact, the will of voters has honestly been shown.

Thus, rule by consultation, on which the Islamic state is founded, is characterized by limits which cannot be transgressed. For obligatory worship of Islam, it's practical pillars, moral principles and delusive rules are the basic principles with which the community is fully satisfied and upon which its system of life is founded. It is not the domain of consultation and neither parliament, nor the government that has the ability to alter any of them. What has been approved by Allah cannot be negated by man, and what has been negated by Allah cannot be approved by man.

From Islam's point of view, an elector stands as a witness. What is required of a witness is uprightness and a blameless character, as is also a prerequisite for an elector. Allah, the Almighty, says,

﴿And call in to testimony two (men) owning a sense of justice from among yourselves.﴾

(65:2)

﴿Such witnesses as you are satisfied with.﴾

(2:282)

And he must give testimony in case he is summoned to cast polls and not to conceal it,

﴿And whosoever keeps it back, then surely his heart is vicious.﴾

(2:283)

﴿And let the witnesses not refuse, whenever they are called.﴾

(2:282)

As for a candidate, he must be "preserver and knower"⁽¹⁾ or "powerful and devoted"⁽²⁾ Otherwise, he will open the door to others and neglect such principles which hasten the end of *Ummah* as explained in the *hadith* that reported by al-Bukhari which states, "The Prophet (peace be upon him) said, 'If trust is lost, wait for the Hour.' He was asked, 'How is trust lost?' He (the Prophet) said, 'If the affairs are entrusted to people other than theirs, you wait for the Hour.'"

1. It denotes to Allah's saying on the tongue of Joseph to the king of Egypt, ﴿Set me over the store-houses of the land: I am a good keeper, knowledgeable.﴾ (12: 55)

2. It denotes to Allah's saying on the tongue of the daughter of the aged Sheikh in the story of Moses, ﴿O my (dear) father! Engage him on wages: truly the best of men for thee to employ is the (man) who is strong and trusty.﴾ (28:26). Here strength means sufficiency and experience, and trust means alertness of conscience and fear of Allah, both of them complete the other.

Dr. Ash-Shawi's impressive statement

It gives me pleasure to report what was written out by Dr. Tawfiq ash-Shawi in the Egyptian newspaper "Al-Wafd" on 11/9/1986 in his defense of the Islamic trend and in reply to a question by Mr. Khalid M. Khalid as a demonstration of the Islamic state's superiority over a democratic one. He (may Allah protect him) said:

"Such superiority has two sides: first, Islam preceded the contemporary constitutional system in acknowledging these principles more than a thousand years ago. Second, what is acknowledged by Islam in this respect, reached a level which no system these contemporary democracies have had the ability to emulate or, at least, are expected to reach in the future even if we wait another thousand years.

Examples of such principles in which Islam has achieved superiority over contemporary constitutional systems, are as follows:

1 - The principle of "*Shari`ah* rule" surpassed that of "rule by man-made law". This democratic principle does not limit the competence of the legislative authority in a state as long as it enacts laws and no restrictions are placed on its rights in this field, irrespective of the body which practices such authority, whether represented in a parliament (elected by free or rigged elections), state's president, or military or civil council which practices legislative authority. As for Islam, *Shari`ah* is a complete rule over all political authorities including the body which enacts man-made laws. They have no right to change or suspend the rules of *Shari`ah*.

Therefore, Islam is the first political system to restrict the authority of a ruling majority (whether real or self-styled) and this

is what is sought by all jurists of contemporary constitutional law, who try to deduce general supreme principles also called "natural law," by which the body which enacts laws must abide and contradict it. Of these principles is a document of human rights. Unfortunately, until now, no method has been found to protect it against annulment or amendment carried out by those who usurp rule in darkness, or those who tread a path of tyranny. So, these supreme principles to which philosophers and scholars have clung to remain without an effective commitment by legislative authorities or by those who seize political authority whether a dictator or military council or the like .

Islam has been decided on this case for more than thousand years, by making the Glorious Qur'an, sent down by Allah the Almighty, as the constitution. By doing so, it gave the heavenly principles sanctity, eternity and constancy protected by a belief in Allah and determined by heavenly sources of *Shari`ah*. There are many practical results of this but we will not digress on them.

- 2- The principle of "rule of *Ummah*" preceded that of "public rule" in modern democracies, because the nation (*Ummah*) consists of various countries which may be governed by different states. So, public rule signifies that rule of the people in a given territory, governed by every state, and which any government has the right to acknowledge, deprive it from its freedom, forge its will or do whatever it wants in the name of it. The rule of *Ummah*, which has the right of consensus (*Ijma`*) in *Shari`ah*, is exercised by the Islamic nation (*Ummah*) in all its countries and territories. Only *Ijma`*, which is carried out and issued by this huge *Ummah* (or its representatives of *Mujtahidin*⁽¹⁾ and scholars, is considered to be the source of legal judgments. And it is incumbent upon all people

who form this nation and who speak in its name (by legal authority or not) to respect such consensus (*Ijma`*) because it represents the rule of the Islamic nation (*Ummah*).

In fact the *Ummah*, having such size and characteristics, is the only one which represents *Shari`ah* along with its consensus (*Ijma`*). It is the only one which has the right of legislative rule which cannot be claimed by any governor, whatever his status may be, or any council, which represents one sect of this nation. However, if some people, living in these nations, are permitted to practice some kind of rule, it is a limited rule which is determined by the consensus of the nation which has the general supreme rule.

- 3- The principle of "separation among authorities" is superior to that of constitutional texts which make decisions under modern democratic systems. In Islam, this is founded on organic separation between legislative authority and all political authorities, starting from the state's president and parliament as with of executive and administrative authorities.

Up till now, independence of legislation from state and its political authorities, as prescribed by Islam, has not been matched by any democratic system whether old or modern. The Islamic state is the only one in the world, which is not permitted to claim that law expresses its will as stated in all books of man-made law whether old or modern. Moreover, you will never find even one ruler who issued law⁽¹⁾ under the precepts of Islamic *Shari`ah* (whether he was righteous or despotic). This is, of course, in contradiction to what happens in modern states where everyone,

1. He means: overall law which governs people's relations and not a partial law which is derived from principles and *Fiqh* of *Shari`ah*. In this case there is no wrong as long as it is not in conflict with neither text nor a *Shar`i* ruling

who holds the power in the state, has the right to change laws, even constitutions, and issue what conforms to his desires."

We cannot ignore that democracy, by constitutional guarantees, separation among authorities, freedom of the press, a multi-party system and enlighten people to realize their rights in facing rulers, has controlled its oppressors, backed up the oppressed and uphold the pillars of general freedoms by establishing parliaments, unions, freedom of the press and other similar institutions.

It is the duty of the Muslim state to benefit from such experiences, to guarantee and derive support for the principle of *Shura* and to stand against the oppression of despotic tyrants, even if it means preventing their appearance; depending on the rule of "blocking the means" and "what is required for achieving a duty, is a duty".

A guidance ... not tax-collecting state

The Islamic state, according to the scholar Abu al-Hassan an-Nadawi, is a state of guidance, not a tax-collection state. In other words, its ultimate concern is to spread its call to all mankind, and communicate its mission everywhere. It is a mercy of Allah for all mankind and it is not permitted to prevent the mercy of Allah from reaching his servants.

The Prophet (peace be upon him) started establishing his state by sending messages to all kings and princes of the world to inform them of his call and face them with clear proofs. It is, therefore, incumbent on a state which speaks in his name, and possesses methods which were not available before, to surpass obstacles in its path and transfer the voice of Islam to the whole world. Otherwise Allah, the Almighty,

will hold it (the state) responsible for those millions, even billions, of people who know almost nothing about Islam, or distorted information which causes harm more than benefits, interpolate it with that which is irrelevant, exclude principles which are its core and essence and distort facts into falsehoods and vice versa.

The duty of an Islamic state is to guide people to Allah, the Almighty, remove obstacles from the path of Islam, and address people in the language of their time and world in order to understand what is stated by the Glorious Qur'an.

Allah, the Almighty, says,

﴿ We sent not a messenger except (to teach) in the language of his own people, in order to make (things) clear to them. ﴾

(13:4)

The language of the people in the 15th century of *Hijrah* was different from that of the people of the 12th or 13th century. So, we should pay attention to such differences and speak to people with what they know and shun what they ignore in order to avoid wrong things against Allah and His Prophet.

The governor of Egypt sent a message to `Umar ibn `Abd al-`Aziz, during his caliphate complaining to him of the increase in the number of people who embraced Islam and upon whom tributes (*Jizyah*) were removed. They were also not required to pay *Zakah* except after the lapse of full year from date of their embracing Islam. The governor wanted tributes (*Jizyah*) to be continued for lamming tax income of taxation. What was the reply of `Umar ibn `Abd al-`Aziz?

His reply was an illuminated and summarized statement which represented the mission of an Islamic state as visualized by the Rightly Guided Caliph, "May Allah detest your opinion! Allah has sent

Muhammad as a guide not a tax-collector." This is the mission: guidance, not tax-collection. Some countries make it their concern to collect whatever they are able to from the pockets of subjects by all possible means. The primary concern of the Islamic state, however, is to guide, in whatever way it can, people to the Religion of Allah "For, if Allah caused only one man to be guided through you, is better for you than whatever sun has risen and set over it."

A state of safeguarding the feeble

The Muslim state safeguards the rights of the weak not the interests of the powerful ones. It imposes *Zakah* upon the rich to compensate the poor. It further specifies a certain portion of the state resources for the needy, the orphans, and the wayfarer. The Glorious Qur'an eloquently declares,

﴿In order that it may not be a circuit between the wealthy among you.﴾

(59:7)

The first Caliph of Islam declared in his first speech: "The powerful among you will be the most feeble with me till I take from him the due right, and the feeble among you will be the most powerful till I restore him his right again".

It is the state that stands on behalf of the oppressed and the subjected whom have been trodden by the most harsh and tyrant persons for along time. The Muslim state not only safeguards the feeble, but fights at the same time to free them. Allah says,

﴿And why should ye not fight in the Cause of Allah and of those who, being weak, are ill-treated (and oppressed)? Men, women and children, whose cry is "Our Lord! Rescue

us from this town, whose people are oppressors; and raise for us from Thee one who will help." ﴿

(4:75)

Islam is an unprecedented religion that cares about the rights and protection of the feeble without their own question of so doing nor even their claim of this right. They further became familiar with injustice and oppression as being the normal and basis of the social system.

Islam is enshrined with a message of justice that was revealed in the Divine Books through the great messengers of Allah. On its basis the heavens and earth are erected. Islam comes to guarantee and prescribe the security of the feeble and stands on their behalf till the return of their rights, whether it be material or moral.

Islam goes on to set a plan in order to free the slaves. It, as an example, appoints a portion of the *Zakah* for the sake of this very goal.

In the age of the Caliph `Umar ibn `Abd al-`Aziz, his commander in Africa sent him a letter expressing his failure to find a poor person to receive *Zakah*. Thereupon `Umar commanded him to purchase slaves and set them free.

Islam prescribes a certain amount of the riches' property for the poor. Not as a kind of benevolence, but as a religious duty that stands among the five pillars of Islam. *Zakah* is not a voluntary act. So if a group of people refrain from paying it out they must be combated, as the first Caliph in Islam has done arguing, "By Allah! If they refrain from giving me a halter of a camel they used to give the Prophet (peace be upon him), I would surely fight them for it."

Zakah, in Islam, is not a temporary aid with some money or food. Rather, it should satisfy the need of the poor and his family, as to meet the basic needs in terms of food, drink, clothes, housing, medicine,

and education in a moderate manner without extravagance, nor strictness. Imam ash-Shafi`i and his proponents go further to maintain that the poor should be granted of *Zakah* what would satisfy him all his life - as expected to be average - in order to be in no need of *Zakah* again. Nevertheless, I have discussed this in detail in my book *Fiqh Az-Zakah and The Problem of Poverty and How Islam Solves it*.

At the same time, Islam is concerned with those who are in dire need such as those in debt and the wayfarer.

Islam cares mostly - in the Glorious Qur'an and the purified *Sunnah* - about the orphans who are deprived of their parents at an early age. It stresses on honoring their person away from suppression and humility, and keeping their property away from corruption and abuse. The Glorious Qur'an explicitly commands:

﴿And come not nigh to the orphan's property except to improve it in the best way.﴾

(6:152)

That is to the extent that if two ways are available to improve the orphan's property, only the most beneficial will be permitted.

The Prophetic *hadiths* also cared in unparalleled manner about the feeble and their protection in the most wonderful style of speech.

Thus the all-embracing religion, Islam, concerns with all categories of feeble and weak whatever their need; money for the poor, freedom for the slaves, a place for the wayfarer, a shelter for the orphans, maintenance for the widow, help for the aged and children, and so on.

Having observed Sa`d ibn Abi Waqqas disregard some feeble, the Prophet (peace be upon him) commented, "*O' aren't you granted sustenance and victory due to the feeble among you?*"⁽¹⁾

1. Reported by al-Bukhari.

In my point of view, this *hadith* - along with its allusion to the favor and closeness of the feeble ones to Allah to the extent that He bestows His Bless and Victory upon the whole nation because of their devotion and fearfulness - refers to an important fact which people often ignore; that the class of feeble and weak people constitute the core of production in times of peace, and the pivot of victory in times of war as they are the brave fighters.

Abu Sa`id narrated that the Messenger of Allah (peace be upon him) said,

"A sacredness will never be granted to a nation in which the feeble receives not his right without hardship nor harm, i.e. without harm that alarms and annoys him."⁽¹⁾

Also, on the authority of Mu`awiyah who said that the Messenger of Allah (peace be upon him) said,

"Allah never sanctifies a nation in which right is not established and the feeble receives not his right from the powerful without hardship nor harm."⁽²⁾

Rabi`ah ibn Yazid reported that: Mu`awiyah sent Maslamah ibn Mikhlad a letter commanding him to question `Abdullah ibn `Amr ibn al-`As to whether he heard the Messenger of Allah (peace be upon him) say,

"A sacredness will never be granted to a nation in which the feeble receives not his right from the powerful without hardship".

Mu`awiyah said, "Then if he approves, fetch him on a camel to me." Having questioned him and grasped his approval, Maslamah

1. Reported by Abu Ya`la on a good authority, Qabus on the authority of his father, and by at-Tabarani in *Al-Kabir* and *Al-Awsat*, *Majma` Az-Zawa'id*, 4-197.

2. Reported by at-Tabarani on a good transmission, *Majma` Az-Zawa'id*, 5-209.

brought `Amr from Egypt to Damascus. Mu`awiyah, in turn, questioned `Amr personally. Having heard this from him, Mu`awiyah commented, "I have already heard it but I desired to be more sure."⁽¹⁾

Moreover, this *hadith* was narrated in many occasions and it may be said more than once.

Ibn Mas`ud said that when the Prophet of Allah (peace be upon him) migrated to Medina, he appointed to Ibn Mas`ud (a portion of land or money) like the others. Thereupon the Companions said, "What a harm! O Messenger of Allah." He (peace be upon him) said, "*Why then was I sent by Allah? Verily, Allah never sanctifies a nation in which the feeble receives not his right!*"⁽²⁾

And on the authority of Buraydah who said that the Messenger of Allah (peace be upon him) questioned Ja`far (may Allah be pleased with him) on his return from Abyssinia, "*What was the most wonderful thing you saw there?*" Thereupon he replied, "I saw a woman carrying a large basket of food on her head. A horse-man passed by her and kicked the basket down. She sat sadly collecting the food of the ground and turned back saying, 'Woe to you when the King (Exalted and Mighty be He) lays His Throne and revenge of the oppressor!'" Thus, the Prophet (peace be upon him) commented, "*Verily, a sacredness will never be granted to a nation in which the feeble receives not his right from the powerful without hardship nor harm.*"⁽³⁾

On the authority of Ibn Abi Sufyan who said, "A Jew came to the Prophet (peace be upon him) asking for the payment of a debt - an

1. Reported by at-Tabarani on a good transmission, *Majma` Az-Zawa'id*, 5-209.

2. Reported by at-Tabarani in *Al-Kabir* and *Al-Awsat* on a good authority, *Majma` Az-Zwa'id*, 4- 197.

3. Reported by al-Bazar and at-Tabarani.

amount of dates - and he spoke harshly to the Prophet (peace be upon him) to the extent that the Companions were about to slay him. But the Prophet (peace be upon him) said, '*Allah never sanctifies - or grants mercy - upon a nation that does not guarantee the right of the weak without harm or fear.*' He, then, sent for Khawlah bint Hakim to borrow an amount of dates from her. While paying the debt, the Prophet commented, '*Thus the faithful servants of God conduct, while we have had an amount of dates as debt, but it was something good.*'⁽¹⁾

Thus, Islam stands up for the weak - whatever the reason - against any aggression.

Islam stands up for the poor until he attains his rights of the affluent person even if it requires fighting as mentioned above.

It stands up for the employee until he receives his full salary from his employer. Eloquently, it stresses, '*Pay the employee his wage before his sweat dries.*'⁽²⁾

It, moreover, mentions among those whom Allah takes as enemies on the Day of Judgment, '*... and a man who has hired a workman, has exacted his due in full from him and has not given him his wage.*'⁽³⁾

It further stands up for the unknown person in society - who has no property, power, descent or relatives; his intercession is never accepted, his proposal for marriage is ever refused and his asking permission for entrance is rejected. About such a man, the great Messenger - preferring him to those who have power and descent, property and fame - said,

1. Reported by at-Tabarani.

2. Reported by Ibn Majah on the authority of Ibn `Umar, `Abd Ar-Razzaq on the authority of Abu Hurayrah, and at-Tabarani on the authority of Jabir in *Al-Awsat*.

3. Reported by al-Bukhari, and it is a Divine *Hadith*.

"This feeble one is better than a number that fills the earth of the other (the powerful rich one)!"⁽¹⁾

He further assured this fact saying,

"May a man - who appears disheveled and covered with dust and often denied entry to the gates - take an oath with Allah, Allah would fulfill his oath."⁽²⁾

Moreover, a number of *hadiths* that were mentioned above make it clear that Allah never sanctifies a nation in which the feeble receive not their right without harm or fear.

Islam goes further to support women to receive their rights from men and rejects harm and oppression on her side, even the man is a father or husband. The Glorious Qur'an states,

﴿O' ye who believe! ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them, - except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity.﴾

(4:19)

Islam cares, at the same time, about the children in order to receive their financial, moral and emotional support from parents. It condemns the people of the Pre-Islamic Era (Ignorance) who used to kill their children out of fear of existence or expected poverty, especially infant girls who were buried alive by their parents,

1. Reported by al-Bukhari on the authority of Sahl ibn Sa`d.

2. Reported by Muslim.

﴿When the female (infant) buried alive, is questioned for what crime she was killed.﴾

(81: 8-9)

And,

﴿The mothers shall give suck to their offspring two whole years for him who desires to complete the term. But he shall bear the cost of their food and clothing on equitable terms.﴾

(2: 233)

Islam stands up for parents when they reach old age and need psychological and financial care and greater consideration for their feelings lest they be harmed.

The Glorious Qur'an cares about the emotional and psychological sides of parents saying:

﴿Thy Lord hath decreed that ye worship none but Him that ye be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them. But address them in terms of honor. And out of kindness, lower to them the wing of humility, and say: "My Lord! bestow on them Thy Mercy even as they cherished me in childhood.﴾

(17:23-24)

Caring about the financial side it establishes,

"You and your property belong to your father."⁽¹⁾

Islam stands up for the common consumers against monopoly arguing,

1. Reported by Ahmad.

"Never a man keeps a commodity till its price rises up, but a sinner."⁽¹⁾

It is the very same description that used in the Glorious Qur'an to describe the harsh tyrants,

﴿For Pharaoh and Haman and all their hosts were sinners.﴾

(28:8)

Therefore, the jurists are of the opinion that commodities should have fixed prices lest traders inflate them, inflicting harm upon people.

In a Muslim society, the attitude towards non-Muslims must be such that they are granted all rights due to them from Muslims. Opposition in religion must not be a reason for the deprivation of their rights or any sort of oppression upon them. But our great leaders and jurists have acknowledged that injustice and aggression towards non-Muslims who live under the protection of the Islamic state (*Dhimmis*) is more grievous than that upon Muslims.⁽²⁾

The attitude of Islam towards any person who cannot defend himself or cannot obtain his rights is clear. For this reason Islamic law did not neglect the case of an abandoned child (*Al-Laqit*). There is a special chapter that deals with the legal rights in it, classifying his rights and responsibilities.

Even if there is a doubt or seemingly apparent evidence that he was conceived as a result of adultery, no person should carry the burden of another. Islam even protected the rights of a fetus in the womb of his mother, should become pregnant by way of adultery. The

1. Reported by Muslim.

2. See Yusuf al-Qaradawi, *Non-Muslims in Muslim Society*.

punishment of such a woman is delayed not only until she delivers the baby, but until he is weaned. This has been narrated in the well-known story of the woman Al-Ghamadiyyah.

More than that, Islam protected the sanctity of dumb animals. Leniency has been instructed, favor, and relief in their ownership by man. It is the duty of man to provide treatment when animals get sick, spend money honorably for their basic needs, and not load them with more than their capacity. Kindness to them could become the reason for forgiveness from Allah, and harshness upon the weaker creation could become the grounds of punishment in Hell-fire. It was narrated in an agreed upon *hadith* that the Prophet (peace be upon him) said,

"A woman entered the Hell-fire as she had locked up a cat, and would neither feed it nor let it loose to hunt rodents like other living things on earth."⁽¹⁾

Another man was forgiven for making every effort to quench a thirsty dog. In gratitude Allah forgave him.

The Companions (may Allah be pleased with them) were surprised that patronage of animals would bring rewards to them. At that moment the generous Prophet (peace be upon him) said, *"Consideration of every beating heart has its reward."*⁽²⁾

The Islamic state is liable for all questions. It is an amenable foundation to take a stand on behalf of all weaker members of society. It has to guarantee their rights. It has to stop more powerful members of the public from exploiting the weak, and the state should do so using every means possible. The Prophet (peace be upon him) said,

1. Agreed upon on the authority of Ibn `Umar, *Al-Lu'lu' Wal Marjan*, 1683.

2. Agreed upon on the authority of Abu Hurayrah, previous reference, 1447.

"Every person in the role of custodian has to answer to his subjects. Similarly the greatest Imam of the Islamic state is a custodian and has to answer to his subjects."⁽¹⁾

He further said,

"Allah is going to ask every guardian about his subjects. Whether he defended their rights or wasted them."⁽²⁾

The Prophet (peace be upon him) put these rules into effect in his life in the model state of Medina. This state protected the rights of the poor, needy, wayfarers, passers-by, orphans, widows, and oppressed members of society. He (peace be upon him) said,

"I am more responsible for every Muslim than himself. If he leaves property for his inheritors, and when he leaves a debt or vulnerable dependents, that is my liability, and they are my responsibility."⁽³⁾

The meaning of vulnerable dependents is a family and children who are susceptible, because of lack of resources, and he vanished beings a destitute person. The time when the Prophet (peace be upon him) was granted booty by Allah, after the evacuation of the Jewish tribe Banu an-Nadir from Medina, he reduced the gap between the poor migrants as well as the Ansars (native sponsors and the rich). He eliminated their suffering, and used this booty to impose the status of the poor. To acknowledge this action of the Prophet (peace be upon him), the Qur'an, the greatest ideology for the concept of social justice described the following verse,

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1. Agreed upon on the authority of Ibn `Umar, previous reference, 1199.
 2. Reported by an-Nasa'i and Ibn Hibban in his *Sahih*.
 3. Reported by Muslim.

﴿The booty that Allah granted upon His Prophet from the resident of that city is for Allah, His Prophet, his relatives, orphans, needy, and wayfarer, so that wealth may not belong only to the rich.﴾

(59:7)

The Prophet (peace be upon him) did not accept special advantage for powerful over all other people in his state. He did not reduce their obligation, or forgive penalties in consideration of their kinship, wealth, or status. In the case of the woman of Banu Makhzum who was charged with theft, the chief of the Quraysh interceded. The Prophet's (peace be upon him) beloved Zayd (may Allah be pleased with him) and his son Usamah intervened for her. The Prophet (peace be upon him) rage flared and he burst in anger, issuing a statement to eliminate the distinction between the honorable and powerless. He concluded it with the following golden sentence:

"By Allah, even if Fatimah - the daughter of Muhammad - had committed theft, Muhammad would cut her hand."⁽¹⁾

We see the contrary viewpoint of Islam that for a petty thief it finds excuses to pardon him. He may steal to satisfy his basic needs (any doubt words off the penalty). `Umar (may Allah be pleased with him) did not cut off the hands of thieves, but threatened their master Hatib ibn Abi Balta`ah with cutting of their hands the second time, if they persisted. We find the Glorious Qur'an reduces the punishment of slave women as compared with free women, to one half of that for fornication, based upon her weakness and situation. As Allah said for slave women,

1. Agreed upon on the authority of `A'ishah.

﴿If they commit fornication their punishment is one half of that for free women.﴾

(4:25)

When Abu Bakr (may Allah be pleased with him) took custody of the Caliphate, in his first address he said, "Remember! The most powerful among you is the weakest to me until I bestow his rights upon him; and your most powerless is the mightiest to me until I take away your rights from him."

`Umar (may Allah be pleased with him) was most lenient with the weak, and very hard upon the influential and powerful. He reproached people, who gathered to follow Ubayy ibn Ka`b, because of his excellence. He said to them, "It is an affliction for the leader and degradation for his followers. His favor towards the needy, widows, and feeble in public was famous. In a very well known incident, when he found a Jew, begging from people, he ordered money be granted to that Jew from the Muslim treasury." There was no adequate example of that conferment in history. His severity with the rich, powerful, eminent, and famous is confirmed by our remembrance of his attitude towards `Amr ibn al-`As, the leader of Egypt. It was in support of a Copt who had been beaten by `Amr's son. He said, "Since when do you enslave people, who were born free (by their mothers)". He displayed a similar attitude in holding account the behavior of Sa`d ibn Abi Waqqas and Khalid ibn al-Walid (may Allah be pleased with them) and other conqueror supreme commanders. He did not tolerate any manifestation of extravagance, self-indulgence or imitation of objectionable dictators.

He questioned many about their legal share in properties and how they got them. Moreover, `Umar (may Allah be pleased with him) warned people about non-speaking creatures, animals, to fear Allah in

their treatment, and to be lenient and kind to them. Ibn Sa`d wrote in his book *At-Tabaqat* that `Umar beat a camel driver and reprimanded him by saying, "Why did you load your camel beyond his capacity". He saw a woman overload her donkey, and removed two bricks from its load. The owner of the donkey said, "Oh `Umar why do you touch my donkey? Does your rule extend to him?" He said, "Why have I been appointed to this position?"⁽¹⁾ "Certainly my responsibility encompasses animals as much as it covers human beings!"

State of liberties and law (rights)

An Islamic state is a state of rights and responsibilities by belief and commitment, not by mere propaganda. Right to life, ownership, basic necessities of life, privacy, vanities, property, and race; these five or six requirements in view of Islamic law must be protected as commanded by Allah in His revealed constitution. The state must enforce deterrent legal punishments to avoid violation of the limits of law. It is the duty of a Muslim state to strive for the happiness and success of every individual. It must provide adequate peace so that people are able to fully satisfy their needs and have enough time to worship their Lord.

﴿ Who gave them food in hunger and peace in great fear ﴾

(106:4)

The liberties that are in abundance among people in our times, are thought to be inventions of modern revolutions from the West, the French Revolution, and others. Islam preceded in declaring and calling to these freedoms. Islam established an incontestable state for their guardianship, and moved them out of the realm of dream to the sphere

1. See Yusuf al-Qaradawi, *Characteristics of Islamic Shari`ah*, Chapter on "Moral Shari`ah".

of reality, by putting them into practice. As expressed by Sheikh al-Ghazali (may Allah be pleased with him), "Freedom of religion is an invention of Islam. Under the patronage of no other religion has the freedom of an opposing (enemy) religions been guaranteed. Under all conditions a forced religion is rejected by Islam."

Faith with free will and conviction is honored in Islam. Once a Pharaoh saw the punishment of Allah but there was no value to his faith at the time of his drowning, because his choice had to be of his free will.

﴿When they saw Our punishment their faith did not avail them.﴾

(40:85)

The Qur'an proclaimed denial of force in the Revelations of Mecca and Medina. In Mecca it was proclaimed,

﴿Would you force them until they become Muslims.﴾

(10:99)

In Medina it was stated,

﴿There is no compulsion in religion, rightly guided way has clearly separated from seduction.﴾

(2:256)

Islam acknowledged the freedom of religion for people who lived under its protection, people who lived under its protection, even people who opposed Islam. Jews, Christians, and Magus were granted freedom for their faith, worship, and courts of their law, where they could issue judgments by their religion. The epitome of tolerance which no other religion can reach, gives the permission to eat foods, which Islam forbids, (because of their filthy nature) such as pork, as long as they believe in its legitimacy.

In Islam, speech and opinion are well governed. Because of freedom, it has been classified among the duties and obligation and not among rights and liberties. It is the duty of an individual to forbid a clearly wrong action, when he sees it, according to his ability. He is not free to choose to speak or to be silent. If he is silent to the truth, he speaks for injustice. Even one who is silent about truth is similar to a dumb devil. Similarly a good action being lost, must be ordered to be executed. There is no choice - to do or to leave.

This comes under a well-known Islamic principle: "Enjoining good and forbidding evil"; the characterization with which Allah, the Almighty, makes this *Ummah* distinctive and unique:

﴿*Ye are the best of peoples, evolved for mankind. Enjoining what is right, forbidden what is wrong, and believing in Allah.*﴾

(3:110)

Also, it comes under the topic of advice which is the whole religion as stated in the authentic Prophetic *hadith*. In addition it commands that truth and patience be a valid condition for salvation in this present life and the Hereafter.

Science freedom and thought are preserved in Islam and its state. Moreover, thinking is an Islamic rite as said by al-`Aqqad (may Allah bestow His Mercy upon him). Seeking knowledge is an obligation upon every Muslim; male and female.

When knowledge and thought becomes rites, the matter becomes more than a mere preservation of a right or freedom. It becomes an obligatory and necessary duty. Muslims must be assisted therein, and blamed or even punished in case of falling short thereof.

The Muslim state is one which embraces different ideological and scientific schools throughout history, particularly during the centuries when civilization flourished.

We saw the various schools of theology, Islamic Law, exegesis, Sufism and others. We saw them express different viewpoints, communicate, refute each other's opinions, but coexist with each other, and benefit from each other without fanaticism.

A state of principles and moralities

The Islamic state is one of the principles and morals that fully abide by them inside and outside its lands; with those whom it loves or dislikes in times of peace and war. It does not deal with a double-standard measure and it rejects the principle of "the end justifies the means."

It believes in clean ends along with clean means. It totally rejects the Machiavellian philosophy that believes in "The end justifies the means". As one who deals in usury in order to build a mosque, or the woman who commits adultery to give a charity to the poor. It was better for her not to commit adultery or even give a charity!

The Prophet of Islam teaches his *Ummah* saying, "*Verily Allah is Good and He accepts only what is good.*"⁽¹⁾

The Islamic state embodies the best of morals which the Prophet (peace be upon him) was sent to fulfill. It is the best of morals for all mankind. It represents Allah's Justice on earth, which is made for all people; black and white, near and far.

1. From a *hadith* reported by Muslim on the authority of Abu Hurayrah, it is also one of the Forty Nawawi *Hadiths*. It is also derived from another agreed upon *hadith* which states, "*Allah does not accept save good.*"

The Glorious Qur'an states,

﴿O ye who believe! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: For God can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily God is Well-Acquainted with all that ye do.﴾

(4:135)

And,

﴿O ye who believe! stand out firmly for Allah, as a witnesses to fair dealing, and let not the hatred of others to make you swerve to wrong and depart from justice. Be just: that is next to piety and fear Allah. For Allah is Well-Acquainted with all that ye do.﴾

(5:8)

During the Prophet's life, some unfaithful Muslims accused a Jew of theft. He was innocent, so, nine verses of the chapter of an-Nisa' were revealed defending that Jew and warning the Prophet against those conspiring persons who unjustly schemed against the man after they fell short themselves and their principles. Allah, the Almighty, says,

﴿We have sent down to thee the Book in truth, that thou mightest judge between men, as guided by God; so be not (used) as an advocate by those who betray their trust. But seek the Forgiveness of Allah; for Allah is Oft-Forgiving, Most Merciful. Contend not on behalf of such as betray their own souls.﴾

(4:105-107)

The Islamic state believes in one total morality, that suits all people, and that cannot be partitioned or even changed. It makes it a must to deal faithfully with all people whether they like it or not, even if they began with hostility and treachery. It also makes it a must to be true to all people even to those who lied to you. Virtue and evil do not vary in accordance with people.

While Jews permit usury when dealing with non-Jews, and prohibit it with their own, Islam does not make something unlawful for non-Muslims and lawful for Muslims. Rather, the unlawful is one and the same for all people.

Islam declares it unlawful to commit adultery with Muslim and non-Muslim. It prohibits theft whether it be a Muslim's or non-Muslim's money. It prohibits aggression, cruelty as for both the Muslim and non-Muslim, even as for men and animals in general. Islam does not advocate what the Jews said,

﴿There is no call on us (to keep faith) with these ignorant (Pagans). But they tell a lie against God, and (well) they know it.﴾

(3:75)

They mean anyone other than the Jews; as they think their wealth and privacies are allowed for them (the Jews).

Some Muslim jurists considered further injustice done to non-Muslims more grievous than that done to Muslims counting on the fact that non-Muslims are weaker than Muslims in Muslim community. And wronging the weak is more grievous than wronging the strong. For this, wronging the orphan and indigent is greater than that of others.

The Prophet (peace be upon him) concluded the Hudaibiyah Treaty with the Quraysh in which they agreed on that, whosoever comes from the Quraysh to the Prophet must be returned to them and whosoever comes from the Prophet to the Quraysh should not be returned to them!

No sooner was this seemingly unjust treaty concluded, some young men from the Quraysh who then embraced Islam came to him. He returned them to the Quraysh according to the treaty he has signed saying,

"We must be faithful to our word with them, and we seek Allah's aid against them."

While some countries abide with their moral values in time of peace and relinquish them in time of war, the Islamic state does not relinquish its moral values in either war or peace. Its Glorious Qur'an prohibits aggression in war just as in peace,

﴿Fight in the Cause of God those who fight you, but do not transgress limits; for God loveth not transgressors.﴾

(2:190)

It also prohibits being treacherous with the enemy even in case he was treacherous to Muslims,

﴿If thou fearest treachery from any group, throw back (their Covenant) to them, (so as to be) on equal terms: For God loveth not the treacherous.﴾

(8:58)

The Islamic state does not allow shedding the blood of women, children or aged people who can do nothing. Rather, it kills only those who fight against it.

The Prophet (peace be upon him) found a woman killed in a battle, thereupon, he rejected and refused the killing of women and children.⁽¹⁾

The Islamic state does not shed a lot of blood in wars. It is too economical in that respect; just when it is necessary.

Cutting down trees, demolishing buildings and other things that used to be done in wars were prohibited by the Prophet (peace be upon him). This way was also adopted by his Companions after him.

The Prophet (peace be upon him) when appointing an *Amir* (leader) to an army or expedition, he used to advise him to be pious and God-fearing and to treat his soldiers well, then:

"Set forth in the Name of Allah and in the cause of Allah. Go and fight who disbelieved in Allah. Conquer, but do not steal from the spoils, do not betray, or maim or kill children ..."⁽²⁾

Also, his Rightly-guided Caliphs used to reaffirm this piece of advice to their appointed military leaders, not to kill but those who fight. They should have nothing to do with women, children and old-aged people. Even the monks who devote themselves to worship, Muslims were ordered not to approach them with harm of any kind.

These are some landmarks and features of the Muslim state advocated by those who advocate Islam to be the only solution to all problems. Now, who dare saying that it is a theoretic, religious state as that known to Western societies through the Medieval ages. The one who says that is doing clear fabrication and wrong! "Utterly be chastisement: The forger must suffer Failure."

1. Agreed upon on the authority of Ibn `Umar, *Al-Lu'lu' Wal Marjan*, 1138.

2. Reported by Muslim and as-hab as-Sunan on the authority of Buraydah, *Sahih Aj-Jami' As-Saghir*, 1078.



**The Nature of
the State in Islam**

A State . . . Islamic; Not Just Theocratic

We said, under the heading "Characteristics of the State Created by Islam," that our intended state is a civilian state attributed to Islam; not just a theocratic one as Westerners have known throughout their dark history which was characterized by the conflict against the church state and ended in revolution with the call "Hang the last king with the guts of the last priest."

However, laymen in the land of Arabism and Islam falsely claim that the state in Islam is a theological one using what they call "Divine right" as its right to govern.

Professor Farag Fudah, in his book *Qabl As-Suqut*, supported and defended secularism and waged war against the call for a government of Islamic Law (*Shari`ah*). However our brother and scholar Mr. `Abd al-Majid Subh (may Allah bless him), assumed the task of refuting these claims. I shall point out one of Fudah's arguments in defending secularism.

He said, "Those who call for putting Islamic Law (*Shari`ah*) into effect immediately, repeat a statement that seems to be logical. With it, they confront all their antagonists in the first round. This statement is in the form of a logical question: Why should you be afraid of putting Divine orders into effect? It touches only those who commit robbery, adultery, alcoholism, apostasy or sabotage. It is a seemingly

convincing question, but it hides a reality, which I pray to Allah, to grant me help to explain it. Putting Islamic *Shari`ah* into effect is not a partial matter confined to observing the legal penalties. Instead it is an approach to negative consequences which our antagonists try to ignore or hide their real dimensions.

Islamic *Shari`ah* must be applied through a theocratic state which, in turn, will lead to the Divine right of government unknown in Islam or known only in the Prophet's era. Government by this right can't be established, except by some clergymen or theologians in a direct or indirect way."

"Those callers for *Shari`ah's* application, want to be new priests of Ammon as the interpretation of the Islamic *Shari`ah* will be confined to them, as well as the establishment of a theocracy in which clergymen have control over the state due to Divine right, as we can see in the Iranian model,"⁽¹⁾ said Professor Wahid Ra'fat.

His articles appeared in Al-Ahram in the summer of 1985 and in his book *Al-Haqiqah Wal Wahm*⁽²⁾. In its introduction and conclusion, Professor Fu'ad Zakariyya insisted on playing upon the term "Divine government" called for by *Shari`ah's* defenders, so as to make his readers believe that they were calling for a theocratic state.

Professor Luis Awad's articles in Al-Musawwar on "History of Secularism" used same tactic. He accused Islamic *Shari`ah* of witnessing some theocratic and human eras although its nature is void of theocracy. He claimed, in one of his interviews with the magazine,

1. Fikr magazine, issue No. 8, Dec. 1985, pp. 73-74, under the title of "Symposium on Political Religious Extremism". It is derived on the light of Mr. Fahmi Huwidi's article "*Fib of Divine Ruling*", Al-Ahram Newspaper, 14/10/1986.

2. This claim is refuted in my book *Islam and Secularism*.

that the battle for Egyptian democracy was always a battle between natural right and what they call Divine right. Those who called for the latter sought to deprive people of practicing their natural right as the source of power and authority

In his book *Secularism and the Theological State*, Mr. Shibli al-`Isami deceived his readers by making them believe that there was a contradiction between the two terms. Thus, one can't but choose either secularism or the theocratic state. The theocratic envelop their actions in sanctity and infallibility. In other words, what they see as legal on earth is the same in heaven and vice versa. No one can declare them guilty but to be considered as he challenges and objects to Allah, Whom they represent and govern in His Name.

Islamic state is a civilian one

We'd like to tell those who accuse Islamists of the claim that they call for the establishment of a theocratic state, that they are overcome by prejudiceness against those people. They're accusing them of what they didn't say. They never called for establishing a theocracy, but always for an Islamic state.

There is a vast difference between the Islamic state based on Islam and the theocracies of the Christian West in the Middle Ages. The difference can be traced to the fact that there is some kind of confusion between what is Islamic and what is theocratic. However, Islam is much more comprehensive than the term "religion". In that context, scholars of *al-'Usul* (Principles of Islamic Jurisprudence) stated that "Religion" is one of the five or six necessities that *Shari`ah* seeks to preserve, including religion, souls, intellect, offspring and property. However, some added "honor".

Here is an example: We call for a perfect and integral Islamic education that includes numerous sub-kinds, reaching more than a dozen. These types of education are religious, mental, physical, moral, military, social, economic, political, scientific, literary, professional, technical and sexual types. Thus, religious education is but one branch of the many types of Islamic education.

It would be a big mistake to think that the Islamic state we call for is based on theology alone. Instead, it is a civilian one based on choice, agreement and consultation. The governor is accountable before his people and every native has the right to advise his governor and ask him to do right or give up doing wrong. Islam goes even further to consider this conduct a collective duty on the part of all Muslims that may become an individual one, should an individual have the power to do so while others can't or are afraid.

The governor, in Islam, is not unrestricted. He is controlled by *Shari`ah*, directed by values, and restricted by rules which were not established by him, his party or his servants. The Lawgiver is Allah, the Creator of mankind, the King of mankind, the God of mankind. Thus, the governor can neither cancel these rules nor enact himself (or with the help of others). No king, president, parliament, government, revolutionary tribunal, central committee, people's conference or any other power found on earth can change any of these fixed and unchangeable Rules of Allah.

Any Muslim, male or female, has the right to disobey his or her governor's orders if it is in apparent disagreement with the jurisdiction and Law of Allah. We can go even further to say that it would be his/her duty to denounce and reject this order, as the Right of Allah comes first. Moreover, it is illegal to obey a creature through disobedience to the Creator. The Glorious Qur'an, when talking about women's pledge

of allegiance, including obedience to the Prophet (peace be upon him) restricted these terms to ﴿nor disobey thee in what is right﴾ (60:12) although he was the infallible and was supported by Revelation. Hence, this obedience on the part of others, should be restricted .

This is supported by the sound agreed upon *hadith* that reads, "*Obedience should be in the lawful deeds.*"

And the *hadith* that states, "*A Muslim should obey in what he likes and dislikes unless he is ordered to do something illegal; then he must not obey.*"⁽¹⁾

The first Caliph in Islam said in his first speech, "Obey me as long as I obey Allah. If I disobey Him, then I have no right to claim your obedience."

The governor or Imam or Caliph in Islam is not the representative of Allah but of his nation that chooses, supervises, questions and may even discharge him of his office if necessary. Caliph `Umar said, in this respect, "Whoever finds something wrong with me, should set it right".

Consequently, Salman refused to obey `Umar, the Commander of the Faithful, until he knew how the piece of cloth which was given to each Follower proved to be enough to make a garment for `Umar, the giant who needed more than one piece. The Commander of the Faithful responded to this question and asked his son, `Abdullah, to reveal the secret. `Abdullah said that he gave his piece to his father, so as to make use of it in making a suitable garment.

A similar situation was repeated when a woman challenged `Umar while he was giving a speech. He changed his opinion in favor of hers.

1. Agreed upon on the authority of Ibn `Umar.

Also, the good Follower and theologian Abu Muslim al-Khawalani; entered Caliph Mu`awiyah's palace and said: "Peace be upon you, servant." This greeting was denounced by some observers, but he insisted on repeating it and they insisted in denouncing it. And then, Mu`awiyah addressed them saying, "Leave Abu Muslim, for he knows what he says."

Furthermore, look at this amazing statement of `Umar ibn `Abd al-`Aziz after coming to power, "I'm but one of you; Shouldn't Allah make my load heavier."

Also, Salah ad-Din al-Ayyubi said, "I'm the servant and flame of *Shari`ah*. In other words, I'm its guard and soldier. Thus guarding and carrying it out are my responsibilities."

Doubts of secularists on the issue of a theocratic state

On which pretext did secularists aim their accusation against Islamists for calling for the establishment of theocracy based on "Divine Right"?

I've studied what they have written and found that it centered around a few doubts, which I will mention honestly, and then refute them.

- (1) The idea of "domination" called for by two well-known pioneers in the fields of missionary work and thought, namely Abu al-A`la al-Mawdudi in Pakistan and Sayyid Qutb in Egypt (may Allah forgive them). The essence of this idea is that judgment and domination must be traced to Allah alone, as the universe is but part of His Dominion. Therefore, it must be dominated and governed by the Laws of Allah alone without any associates.

﴿The decision rests with Allah only, Who hath commanded you that ye worship none save Him.﴾

(12:40)

- (2) A Statement by `Uthman, (may Allah be pleased with him) during siege. This statement was seized upon and inflated by Professor Farag Fudah, making of it, a seemingly unrefutable evidence.

He said, "It's undoubtedly true that government by Divine right rests firmly on Caliph `Uthman ibn `Affan's statement when the rebels asked him to resign. He responded with the phrase that became the foundation on which Divine right government rests: 'Never shall I take off a suit put on me by Allah'. This statement dragged Islamic political thought to a crossroads with a majority supporting `Uthman's statement that the selection of the Caliph's successor to the throne is done by Allah alone and only. Therefore, no one had the right to oust him or make him abandon a place assigned to him by Allah. A minority believed that the nation is the source of authority. It is the organization that nominates and ousts. This dogma was later adopted by a group of people called al-Mu`tazilah. This term gives evidence of the stance of Islamic state towards them and their stance towards it.

- (3) Another statement goes back to Abu Ga`far al-Mansur, the Abbasid Caliph. After the Abbasids seized power upon the downfall of Banu Umayyah's State, al-Mansur said in one of his speeches in Mecca, "O people, I'm the representative of Allah on His earth, governing you with His Blessing and Support. I'm His Guard on His Property, manipulating it at His Will, granting from it, whom He wishes. He made me its lock which He opens or locks as He wishes to bestow your livelihood or not."

- (4) The contemporary experience of the Iranian Revolution in which clergymen seized power was headed by the supreme Guide Ayatollah al-Khomini and his successor. This gives the strong impression that the state is governed by an absolute theocratic government. Consequently any Islamic government, intended to be established in Egypt, will be a copy of the immediately established Iranian government.

The idea of domination and its connection to a theocracy

Let's look at the idea which is claimed by some, to result in a theological state. In fact, those people misunderstood its nature and bore on it what its creators didn't intend. Thus, I'd like to point out some notes concerning this issue.

Was it the invention of Khawarij?

Note 1: Many of those who wrote about "domination" called for by al-Mawdudi and later by Sayyid Qutb, connected this idea to Khawarij (Dissenters) who objected to `Ali ibn Abi Talib, (may Allah be pleased with him) because he accepted the idea of arbitration. They issued their famous statement "No judgment but of Allah". Imam `Ali refuted their claim with his wise, eloquent historic saying, "It is a true statement hiding something wicked." It is true that there is no judgment but of Allah, but those people say, "No governor but Allah," while people must be governed by some governor, good or bad.

This primitive idea of domination died so long ago that no one adheres to it, even the Khawarij themselves or their offshoots who struggled to gain power and held it in some of their territories throughout different eras.

Domination, in its legislative sense, states that Allah is the Legislator for His creatures, giving them His Commands and interdictions and showing them what they should do and what is illegal to do. It is not the invention of al-Mawdudi or Sayyid Qutb but is acknowledged by all Muslims. For this reason, `Ali (may Allah be pleased with him) didn't object to the principle itself, but to the hidden intent. That was the meaning of his statement, "It is a true statement hiding something wicked"; it's true in itself, but it has something wicked intended.

Domination among the scholars of *Usul al-Fiqh*

This case was discussed among the scholars of *Usul al-Fiqh* (Principles of Islamic Jurisprudence) in their fundamental introductions which studied the legal verdict, the judge, the sentence and the sentenced.

In the introduction to his famous book *Al-Mustafa Min `Ilm Al-Usul*, Imam Abu Hamid al-Ghazali discussed the legal verdict or judgment which is considered the first field of knowledge. It is the statement of jurisdiction before which no judgment can be stated. It is first connected to the judge who is the legislator, and the sentenced who is the legally capable, and finally the case being seen, which is the action of the legally capable.

Al-Ghazali then proceeded, "In studying the governor, it proves clear that there is no judgment but that of Allah. The Prophet himself has no right to issue a judgment nor the master upon his slave. In a broader sense, no creature has the right to make a judgment obligatory on his brother. Thus, Allah is the only One Who puts His judgment into effect."⁽¹⁾

1. Al-Ghazali, *Al-Mustafa*, 1-8, published by Dar Sadir, Beirut.

He went back to the judge whose speech is directed to the legally capable saying, "Putting a judgment into effect is in the realm of Allah Who owns the creature and the command. No judgment should be enforced but that of the master upon his slave; and there's no master but the Creator. Thus He only has the judgment and the command. On the other hand, the enforcement of the judgments of the Prophet, makes them thus by Allah's own will. For He orders the commoners to obey and accomplish those orders and judgments. The one who is ordered to do something will refuse and challenge his master's wishes, as there is no difference between either. Thus, obedience to Allah is the duty of all creatures. This obedience includes obedience of those who were chosen by Allah".⁽¹⁾

Domination as called for by al-Mawdudi and Qutb

Note 2: The domination called for by Al-Mawdudi and Qutb attributed to Allah only, doesn't mean that Allah makes scholars and governors rule in His Name. Instead, this domination is confined to the legislative one. As for the basis of political authority, it will go back to the nation which chooses its rulers, and questions, supervises and even sends them away. Differentiation between these two ideas is most crucial while the confusion between them is extremely misleading, as Professor Ahmad Kamal Abu al-Majd pointed out.

Thus, domination doesn't necessitate calling for a theocracy, yet it was denounced by Qutb and al-Mawdudi (may Allah forgive them).

1. Al-Ghazali, *Al-Mustasfa*, 1-83, published by Dar Sadir, Beirut. It is mentioned in *Fawatih Al-Rahamat* that the whole Nation is in consensus that there is no ruling except from Allah. This is contrary to some scholars who said this is from us, and to Mu`tazilah who said intellect is the ruler. No Muslim can dare to say that, but the right saying is that intellect defines some Divine Judgments whether by legislation or otherwise. This is also reported from our outstanding scholars, namely, Matrudiyyah, p. 25 with *Al-Mustasfa*.

Sayyid Qutb said in his book *Ma`alim `Ala At-Tariq* about domination, "The Kingdom of Allah on earth can't be established by those clergymen who seize power on earth as was the case with the church's authority. It doesn't need men representing gods as it was known in Europe or Sacred Divine rule. Instead, it is established through dominance of the Ordinances of Allah and tracing everything to Him according to plain *Shari`ah*."

Al-Mawdudi's opinion of domination

Some people seized a part of al-Mawdudi's speech and consequently misunderstood it. On a false basis, they created rules and consequences which he didn't intend or were inconsistent with the ideas and the principles of his call, as discussed in dozens of books, treatises, articles and lectures. This is exactly what would befall the Glorious Qur'an and the *hadiths* of His Prophets if we separate part of them from the real context and from what completes, clarifies or restricts their rules. Imagine what would happen if all human speech were distorted in this way.

Al-Mawdudi mentioned some characteristics of Western democracy and said, "You can see that it has no connection to Islam. Thus, it would be misleading to apply the term "democracy" to an Islamic regime. Instead, a Divine or theocratic government may be more suitable."

He then went on to say, "But the European theocracy is totally different from Divine government (Islamic theocracy), for Europe witnessed only a gang of religious custodians who took the responsibility of legitimizing laws according to their whims and interests. They exercised their godlike influence on their people,

hiding behind Divine law. Indeed a government like this may better be called "Satanic government" than "Divine government".⁽¹⁾

A theocracy created by Islam, is not confined to a group of custodians or clergymen but is in the hands of all Muslims. They all practice it according to the ordinances and rules of the Qur'an and the Prophet's *hadiths*. If you let me coin a new term for this theocracy, I cannot find a better one than "theo-democracy" or "Divine democracy" government. Muslims would have a controlled peoples' government, a government subject to the Supreme Authority of Allah and His Unchallengeable Judgment. Executive authority is formed and established upon the agreement of all Muslims. They have the power to dissolve it. Similarly no law concerning matters about which there is no plain Qur'anic statement, can be enforced without the agreement of all Muslims.

If a law or a Qur'anic text needs some kind of interpretation or simplification, no special class or family should do so, but any Muslim; provided that he is qualified to make judgments on legal questions (*Ijtihad*).

In this sense, an Islamic government is a democratic one. This is clear in al-Mawdudi's works. However, we have some objection to the term "theocratic" which he used to refer to the Islamic government, owing to the seeming similarity between it and the theocracies known throughout history, even though al-Mawdudi denied this similarity.

1. The Christian priests and popes have nothing of *Shari'ah* except some moral admonitions reported from Jesus (Peace be upon him). Because of this they enacted laws according to their desires and whims and enforced it within countries saying that it is revealed from Allah as the Qur'an states ﴿So woe to (the ones) who write the Book with their hands, (and) say, "This is from (the Providence) of Allah."﴾ (2:79). Al-Mawdudi.

Supreme domination is the target

Note 3: By legislative domination we mean that it must be traced to Allah only, and not to any of His creatures. That is supreme and absolute domination. Nothing can restrict or limit it as it is one of the evidences of God's Oneness.

In this sense, this sort of domination doesn't mean that man has no right at all to legislate. It prevents man from having an independent legislation without the Permission of Allah on absolute theological issues, like establishing new rites as religious observances not designated by Allah, or making additions to the current observances according to his whims, of reducing them in quality or quantity, or distorting or changing their time, place or form. An example can be found in the legislation of lawful and unlawful actions to legitimize what Allah has forbidden that which is prohibited. The Prophet considered such unlawful legislation worshipping a false deity, and used it to interpret what Allah has said concerning the Peoples of the Book (Christians and Jews).

﴿They have taken as lords beside Allah their rabbis and monks.﴾

(9:31)

Related to this prohibited legislation, is that which is inconsistent with the clear, agreed-upon texts, such rules legalizing wrong deeds or spreading adultery-hidden or apparent, hindering imposed precepts, canceling obligatory penalties or contradicting acknowledged Ordinances of Allah.

Except for the above-mentioned subjects, Muslims have the right to make legislative judgments for themselves, provided it must be done in such matters about which there is no clear provision. This lat-

ter field is broad. It is called the "passed over" in the *hadith*, "*What Allah has passed over is flexible.*"⁽¹⁾

This includes a great part of people's life.

Moreover, people can legislate in such texts that tackle general principles and rules leaving particular and detailed rules untouched as in the case of *Shura*.

Hence, Muslims can legislate for themselves supported by their religion, in broad fields of their social, economical and political life, controlled only by the overall objectives of *Shari`ah* and its general rules. These rules turn special attention to the task of protecting the Muslim's best interest, rejecting causes of corruption and meeting people's needs, whether as individuals or groups.

Many of the current, detailed rules don't contradict Islamic Law in its overall objectives or particular judgments, since they were based on producing benefits and controlling damage, as well as protecting social conventions (e.g. the regulations for traffic, navigation, aviation, agriculture or many other regulations related to general matters of ruling).⁽²⁾

Related to the above is the procedure of partially controlling certain permissible actions for some time. In this context, `Umar prohibited slaughtering animals for a certain time, and abhorred marrying non-Muslim women, fearing that other people might imitate this practice and consequently drag Muslim women into seduction.

Al-Mawdudi gave Muslims a great chance, to legislate in everything other than definite, imposed and fixed rules through

1. Reported by al-Hakim from *hadith* of Abu ad-Darda'. Adh-Dhahabi agrees with him and said it is a Sound *hadith*.

2. See my book, *Islamic Shari`ah is Appropriate for Application in Every Time and Place*.

interpreting texts, deduction, application of discretion and making independent judgments (*Ijtihad*).⁽¹⁾

The statement of `Uthman (may Allah be pleased with him)

`Uthman (may Allah be pleased with him) never claimed that he ruled the state with Divine right.

It is known that he was named Caliph, provided he took refuge in the Glorious Qur'an and the *hadiths* of the Prophet, as well as adopted the same ways of his predecessors, Abu Bakr and `Umar. No one can find throughout his life or in his words support for the claim that he was ruling on earth in the name of Heaven. Look at this statement attributed to him "My wish is subordinate to yours".

`Uthman didn't say that he ruled with the Divine right so people had to submit even when some of the infuriated and thoughtless people revolted against him and rejected some of his actions in matters of government which were diffused by some enemies of Islam and believed by some deceived naive Muslims. Instead he defended himself and his actions honorably using objective and scientific evidence and logic.

Concerning the phrase "It's a suit dressed on me by Allah, the Almighty, which I shouldn't take off", it is related that he was doing what the prophet told him. In one of his prophecies, the Prophet (Peace be upon him) addressed `Uthman saying, "*Allah may dress you a suit. Don't take it off even if you are ordered to do so*". (He repeated it three times).⁽²⁾ Thus, his stance is this situation aimed to obeying and implementing the Prophet's orders and instructions.

1. See collection of "*Islamic Theory and Guidance in Politics, Law and Constitution*", p. 171 and after.

2. Reported by Ahmad and at-Tirmidhi.

The Prophet aimed, by his *hadith*, at protecting the Caliphate from being a toy at the hands of a gang of thoughtless and rash individuals controlled by some hidden forces that exploit their rashness unconsciously.

It is known that those who asked him to resign were not the influential characters in this situation. Therefore, the Caliph couldn't surrender the Caliphate to them.

At-Tabari, Ibn Kathir and others stated that he refused to take off the suit which was dressed on him by Allah (the Caliphate) and to leave his nation in fierce turmoil, where an impudent mob chooses the Caliph and consequently turns everything upside down.⁽¹⁾

`Uthman ibn `Affan, the wronged Caliph, took refuge in his pledge of allegiance. He knew very well, that those who took this pledge, didn't validate it. Those rebels were nothing but a gang of infuriated thoughtless impudent. He could feel indications of a riot challenging the foundations of his nation. In denying the requirements of dissenters, he decided to sacrifice himself. He could have asked for the help of his supporters to destroy those rebels. Actually a great number of Emigrants, Medinians, and their sons surrounded his house. Al-Hassan, al-Hussayn and `Abdullah ibn `Umar were with them. They all wanted to defend him but he begged them to put their swords into their scabbards. He took refuge in Allah, reciting His Words until he was killed at the hand of his enemies in his own house.

Can this statement of that great martyr be deemed as taking shelter of Divine right to impose authority upon people? Is it logical that a ruler sticking to Divine right - as they portray him - offers himself willingly as a martyr?!

1. *Al-Bidayah Wa An-Nihayah*, previous reference.

As for Dr. Farag Fudah's words, "The statement of *Ummah* put the Islamic political thought at crossroads, torn between a majority that adopt the *Ummah's* opinion that Allah the Almighty, Himself is the One Who appoints caliphs, thus the people have no right to dethrone him. And a minority that deems the *Ummah* as the source of legislation, it can raise to office and dethrone. That opinion was adopted by al-Mu`tazilah. Calling them al-Mu`tazilah may be taken as evidence to the Islamic state's stance towards them and their stance towards it."

This is the saying of one who is ignorant about Islam, its history, and heads of thought. Or, of one who has an unclear understanding in which incompetence is mixed with following personal tastes.

In fact, his saying can be refuted as thus:

First: A Majority of the *Ummah* - topped by the Sunnites - deem it a full right or even duty of the *Ummah* to choose the Imam, bring him to account, straighten and even dethrone him in case this will not lead to greater miss. They also deem it necessary to defy him if he declared his disbelief in any way. This is the viewpoint of the *Ummah's* majority, and not a minority as alleged by the writer. Even `Ali `Abd ar-Raziq - whose sayings are adopted by Fudah - stated that (theoretically): The caliphate for the Muslims is a principle depending on the choice of the members of judgment as the Caliphate is a covenant offered by them to whom they choose to be Imam of the *Ummah* due to his justness.⁽¹⁾

Second: The writer made great confusion between attributing the peoples' acts to Allah, the Almighty, as being owner of the Ever-Supreme Will in the universe - indicated in the Qur'anic verse that reads,

1. `Ali `Abd ar-Raziq, *Islam and Principles of Rule*, p. 24.

﴿Say: 'O God! Lord of Power (and Rule), thou givest Power to whom Thou pleasest. and Thou strippest off Power from whom Thou pleasest: Thou enduest with honor whom Thou pleasest, and Thou bringest low whom Thou pleasest: In Thy Hand is all Good. Verily, over all things Thou hast power.﴾

(3:26)

This verse is the viewpoint of the Sunnite and the majority of Muslims - and between the peoples' responsibility of their acts, though governed by Allah's Will, contradicting with al-Mu` tazilah.

All of the Sunnite are of the viewpoint that the Will of Allah and His Destiny do not disregard man's responsibility. For this, enjoining the good and forbidding the evil is ordained, penalties are legislated, reward and punishment are enacted, and the market of Paradise and Hell is held.

As for what he attributed to al-Mu` tazilah and considered it to be reason for calling them thus is a groundless allegation. It has no proof and none of the historians of Islamic Factions, old and new said it, neither Ibn Hazm, nor ash-Shahristani. nor al-Baghdadi, nor Ahmad Amin nor any body else who wrote on juristic schools and thought Factions (that were numerous).

Unfortunately, when al-Mu` tazilah gained power during the reigns of the caliphs: al-Ma'mun, al-Mu` tasim and al-Wathiq, they themselves shut off the voices of opposition with torture and imprisonment as recorded by historians during the ordeal of the "Creation of the Qur'an". It is sufficient to bring them (al-Mu` tazilah) to account for what they have done to the venerable Imam, Ahmad ibn Hanbal (may Allah be pleased with him).

Third: Those who revolted against `Uthman ibn `Affan (may Allah be pleased with him) represented neither the majority of the *Ummah*, nor its distinguished figures. Rather, they were a mob as accurately described by historians, instigated by malicious and conspiring persons who schemed against the religion of Islam. They planted the seeds for those who, later on, advocated the limitation of Islamic rule to a certain ancestry according to (Divine rights). Contradicting the clear-cut Islamic main stream of thought.

Al-Mansur's statement

This statement was quoted from the book *Al-Islam Wa Usul Al-Hukm*, which stated that it was taken from a book entitled *Al-`Iqd Al-Farid Fi Al-Adab* by Ibn `Abd Rabbuh al-Andalusi. Is it right then - as indicated by Dr. `Abd al-Hamid Mitwalli - to consider literary works as references in juristic problems?⁽¹⁾ Moreover, suppose that al-Mansur actually said it (this statement), - the matter with neither proof nor confirmed basis - it will be solely his personal opinion and claims that bear no obligation or commitment whatever. We are neither asked to follow his opinions, nor are his sayings irrefutable. Finally, he is completely responsible for his own sayings and deeds.

This if we consider only the wording of his statement and proceed with it to the worst of interpretations. The fact is whatever, the statement can be interpreted in other ways. Namely, he (al-Mansur) represents Allah's Legislation on earth and also shoulders implementing His Decrees, and not that he has a Divine right to rule.

How could this be the case?! While we have seen ordinary Muslims give advice to him, ask him to act and refuse certain actions of his, he also did not say, 'I am infallible', or 'I have a Divine right'.

1. *Principles of Ruling System in Islam*, p. 190, Second Edition, Munsha'at Dar Al-Ma`arif, Alexandria.

Rather, we have seen judges reject his orders and abide by what they deemed right, and they were not harmed by him in any way.

Ibn `Asakir, in his history compiled after `Abdullah ibn Salih, said, "Once, al-Mansur wrote to Siwar ibn `Abdullah, judge of Basrah saying: 'There is a dispute between such and such leader and the merchant so and so over a piece of land. Therefore, give it to the leader. Siwar replied to his message in writing: 'I have some evidence before me that verifies it to be the right of the merchant. Based on this, I will not take it from him until there is stronger evidence than that which I have.' Al-Mansur wrote to him again saying: 'By Allah who has no partner, you will give it to the leader.' Siwar wrote him back: 'By Allah Who has no partner, I will not take it from the merchant without proof.' When the message came to al-Mansur he said: 'I filled the land with justice to the extent that enabled my judges to correct me whenever I deviate (from the truth)!"

He also narrated after Numayr al-Madani saying, "Al-Mansur visited Medina while Muhammad ibn `Imran at-Talhi was judge there, and I was his clerk. Camel merchants accused al-Mansur of doing wrong to them, and Numayr asked me to write to him (al-Mansur) asking him to come and dispense justice to them. I tried to make him pardon me of the task, but he refused. I wrote the message and sealed it. Numayr commented: 'By Allah, no one other than you is going to deliver it.' Thereupon, I went to ar-Rabi` who entered al-Mansur's chamber and then returned saying: 'O people! *Amir* of the Believers says that he was asked to go to the judge's office, and that none of you should accompany him thereto'. Then, al-Mansur came in the company of ar-Rabi`. The judge did not stand on his feet before him, but put the hem of his garment on his shoulder and called for the plaintiffs. They made their plea clear and the judge gave their rights

back to them. When finished, al-Mansur said to him: 'May Allah give you the best of rewards! I ordered ten thousand dinars be given to you.'"

`Abd ar-Rahman ibn Ziyad ibn An`um al-Ifriqi said: "I used to seek knowledge with Abu Ja`far al-Mansur before his assumption of the office of Caliphate. Once, he invited me to his house, served me food without meat, then said: 'O' slave girl! Do you have any dessert to serve?' She said: 'No.' He said: 'Nor some dates?' She said: 'No.' He reclined and began to recite the following Qur'anic verse that reads,

﴿It may be that your Lord will destroy your enemy and make you inheritors in the earth; that so He may see how ye act.﴾

(7:129)

After he assumed the office of Caliphate, I revisited him and he said, 'How is my rule compared with that of the Banu Umayyah?' I answered, 'You are unfair as they were.' He said, 'We lack sincere helpers.' I said, "Umar ibn `Abd al-`Aziz once said, 'The sultan is just like a market to which the merchandise is brought for sale. If he is pious, he will be brought the good, and if he is not, evil will be brought to him.' Then, he lowered his head."

"One day, while he was delivering a sermon, one of the subjects warned him against and reminded him of Allah. He commented: 'You are most welcome! You have reminded me of the Most Venerable Being, and made me fear the Ever-Greatest Being. I seek the refuge of Allah against being one of those when asked to be pious and to fear Allah, insists on his evils and sins!'"

All this is mentioned by al-Hafizh as-Suyuti.⁽¹⁾

1. See, *Tarikh Al-Khulafa'*, chapter on al-Mansur, p. 241-253, Dar al-Fikr, Beirut.

Can that caliph or king be considered to be one who is ruling by Divine right, as it is seemingly apparent in that sermon of his, if this were at all true?!

Anyone who reads the book *Al-Kharaj* that was written by Abu Yusuf for the sake of al-Mansur's grandson, Harun ar-Rashid, the greatest Abbasid caliph, and reflects upon its abundant judgments, commandments, *hadiths* and old narrations, will surely be perfectly convinced of the Abbasids' innocence of these fabricated allegations and fallacies.

In fact, the claim that there is rule based on Divine right is far from Islamic Legislation, thought and reason. In fact, it cannot be found throughout the history of the actual rule of Muslims.

Iranian revolution experience

If we were to overpass the historical incidents to which those people clung, which are nothing more than two statements uttered on specific occasions, that would be all that they have found in fourteen hundred years. In addition, and at the present time, we find them having nothing but referring to the Iranian experience and its foundation on the rule of the Ayatollahs or Mullahs as they call them.

It is evident that any unbiased scholar will find that driving the Iranian status here as an argumentation can be easily refuted from many different aspects:

- Rule according to the Iranian Shi`ite School is different from and in contrast to that of the Sunnite, who are the majority of Muslims.
- The Shi`ite viewpoint in respect to this issue contradicts main Islamic ideology in areas of Creed and Jurisprudence. For them, the Imamate is considered one of the topics of creed and pillars of

religion, while as for the Sunnite it is one of the topics of action and a mere subordinate.

For them, the Imamate's foundation is perceived from legal texts, while for us it is choice.

For them, the Imam is infallible. While for us, he is a mere human being who sometimes errs.

For them, the Imam can reach a rank which neither an angel nor a prophet can reach. While for us, he is represented in the words of Abu Bakr as-Siddiq (may Allah be pleased with him), "I have been appointed as ruler over you, while I am not the best of you." And the words of `Umar ibn `Abd al-`Aziz (may Allah be pleased with him), "I am just one man like you, but Allah shouldered me with the heaviest of all burdens."

For them, the Imam can never be dismissed by the people because he is not in any way appointed by them. While, for us, the people have the right to appoint him and consequently - by the same right - can dismiss him as well.

This is what they think and believe. Can the rulers of Iran today be described as 'infallible' or is it true that the Imamate in this sense had come to an end by the end of the second Imam's reign twelve hundred years ago?!

What do the rulers of Iran say nowadays? What does their constitution say? What does their factual reality say? Is not Khomeini an 'Imam' who has the rights and obligations of other 'Imams' that may elevate him to the rank of infallibility?

The answer to this question comes from the lips of the well-known Muslim thinker, Fahmi Huwidi, who has been to Iran many times, where he met with Iranian officials, and studied its affairs as well. He

wrote refuting the "Foals of Divine Rule" that is oft-repeated by secular men, saying: "They (secularists) always refer us to the Iranian experience deeming what is taking place there as something like the "Divine Rule" practiced by one theocratic authority. This is a false comparison with two major pieces of sophisms:

First: They are talking about the Shi`ite experience that encompassed the idea of *Wilayat Al-Faqih* (Leadership of the Jurist) which constitutes the principal system there. As the Sunnite comprises at least one third of the world's Muslims, there is a wide gap between the two juristic schools (Shi`ite and Sunnite) regarding the Imamate issue, that is an *Asl* (principal) for them, while it is a mere *Far`* (subordinate) for us.

Second: The present regime in Iran does not claim itself to have Divine right or authorization. This Divine right is an allegation with no proof whatsoever, save the fact that it is jurists who judge according to only political considerations, not religious ones. Let's remember that the revolution's leadership at first inclined to the rule of politicians or civilians - in case the description is accurate. Hence, we find that engineer Bazrakan was nominated to be the first prime minister and economist, Abu al-Hassan Bani Sadr was nominated to be the first president. The early notion regarded the jurists as only directors and supervisors, not executors. Later on, cooperation between the two groups failed for one reason or another. Consequently, jurists assumed power, not because they were custodians or clergy, but because they were trustworthy enough, as we currently say in political terms. That is a common practice of all known revolutionary regimes.

The most vital thing is that the Shi`ites claim that the Imam is indeed infallible, but that infallibility is applicable only to the Imams descending from the Prophet's lineage (particularly Fatimah and

al-Hussayn). That was true of twelve Imams who did not actually rule but practiced spiritual rather than political leadership. The twelfth Imam disappeared twelve hundred years ago. According to their creed, he is deemed an 'absent Imam'. During that era of "Absenteeism", the one who leads the community is regarded as a deputy for the Imam. He has to be respected and venerated as a religious reference, but is not considered infallible in any way, because that infallibility ceased with the disappearance of the twelfth Imam. This applies perfectly to the present Iranian political regime. The original title for Ayatullah Al-Khomeini was 'Deputy Imam', but the word "Imam" found its way into use among the people due to its easy utterance and use. His government does not bring its opponents to account on the basis that they are the enemies of Allah. Rather, it deals with them as only opponents to the Iranian regime. There are among the major Shi'ite jurists, some who oppose the idea of *Wilayat Al-Faqih* that is the foundation of Khomeini's regime, yet not one of them was declared a disbeliever or brought to account for this only. In general, ministers of the government are brought to account before the *Shura* Council; and none of them have immunity of any sort. The *Shura* Council once withdrew its confidence and dismissed seven ministers during the summer of 1984 A.C. According to the constitution, the Deputy Imam or leader of state is selected by election, as done with the president who is nominated through public voting, which proves there are no grounds to saying that their rule is carried out according to divine right or authorization!"

In addition, the Iranian experience - regarding its specific nature due to the original idea, origin and surrounding circumstances, and those in charge of its application - preserves its uniqueness that can neither be applied to others, nor used as argumentation against the Sunnite.

Files must be closed

I have stated earlier in a number of my books, among which is *Ath-Thaqafah Al-`Arabiyah Al-Islamiyyah Bayn Al-Asalah Wa Al-Mu`asarah*,⁽¹⁾ that there are some questions that must be brought to an end and their files closed. This is because they thoroughly and extensively examined that everything is evident and clear-cut.

There is no need to keep hanging on these questions, particularly, at a time in which we need to save our time, effort and thought for the sake of other issues that require a great deal of serious research, profound examination and cooperation to make them clear. This is in connection with the fact that our lives are too short and too precious to waste in re-clarifying what has been already clarified, or in re-gaining what has been gained, or in re-disseminating what has been disseminated!

File of theocratic state or authority

Among the files that must be closed is that of 'Islam as a theocratic state', 'theocracy', or 'theocratic authority'.

That battle began during the life of Imam Muhammad `Abdu with him on one side and Farah Anton, owner of *Aj-Jami`ah Magazine*, on the other. They disputed the topic of "Islam and theocratic authority". Imam Muhammad `Abdu (may Allah bestow His Mercy upon him) brought the matter to an end when he considered what follows as one of the six Islamic principles for establishing knowledge and civilization: "Uprooting theocratic authority", not setting up or establishing it. In spite of this, the same notion appears every now and then as if it is something new.

Imam Muhammad `Abdu reaffirmed, "Islam has demolished that authority, erased its traces till it has become mere history to Muslims.

1. Page 164-170.

Islam does not claim that anyone - other than Allah the Almighty and His Messenger - has any kind of authority over another's creed or control over his faith. It does not give anyone that right in heaven or on earth.

Rather, faith frees the believer from any and every watcher except Allah the Almighty Himself. A Muslim has no power over another whatever the difference in rank, save the right to give advice and guidance".

Regarding the ruler, Imam Muhammad `Abdu said, "Religion doesn't give him any advantage - in terms of comprehending the Glorious Qur'an or knowing the judgments and rules - or elevating him to a rank higher than anybody else. Rather, he and all other seekers of knowledge and understanding are equal. Only clarity of mind and the ability to make sound judgments are often the criteria for being preferred among them. As long as he is on the right path and adhering to the Glorious Qur'an and the Prophetic *Sunnah*, he is to be obeyed. Muslims watch him earnestly. When he deviates, they reject this deviation of his. When he trespasses the limits, they restore him upright (correct him) through sincere advice. No creature has to be obeyed in a matter that represents disobedience to the Creator. Finally, they must replace him when he departs from the Qur'an and *Sunnah*. Thus, the *Ummah* is entitled to establish him as ruler, it has the right to direct him, and to dismiss him when it deems that is in its interest. In all this, he is a civilian ruler from all aspects.⁽¹⁾

That is what Imam Muhammad `Abdu said, and what was believed in by the scholar Sheikh Muhammad Bikhit al-Muti`i, Egypt's Grand Mufti in his time, in his refutation of `Ali `Abd ar-Razzaq's book *Islam and Principles of Rule*. This also was clearly stated by the two outstanding scholars: Muhammad at-Tahir ibn `Ashur, head of

1. See Complete Works of Imam Muhammad `Abdu, 3/285-287.

Tunisia's scholars, and Muhammad al-Khidr Hussayn, Sheikh of Al-Azhar later on, in their refutation of the aforementioned book.

That was also reaffirmed by all those who wrote on the rule system or the political system, such as scholars, callers and men of law.⁽¹⁾

Despite the obvious clarity regarding this topic, Westernization trends keep bringing it up anew.

The latest thing read in this respect is what was written by the well-known Marxist thinker, Mahmud Amin al-`Alim in his article published in Al-Ahram Newspaper on "Political Islam and Authority".

Quoted from what he has written, "There is what we call a "Moderate Islamic Trend", and what we call a "Fanatic Trend", and a "Terrorist Trend". Despite all this variety, there is a specific stance that may unite all these trends, particularly the stance regarding authority. As some of them advocate "Theocratic Authority", they deem it not enough to advocate applying Islamic *Shari`ah* or taking it as the fountainhead for all legislation, but openly and loudly call for Islamization of authority, and Islamization of society in all its practices and ways of life. And others may call for Islamization of knowledge and sciences ... not only the social sciences, but also the natural ones."⁽²⁾

I, among others, have repeatedly written that Islam doesn't call for a 'theocratic authority' in the priestly sense known to the Western

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1. See for example what is written by Mr. Muhammad Yusuf Musa, Muhammad as-Sadiq `Arjun, Hassan al-Banna, `Abd al-Qadir `Udah, Sayyid Qutb, Muhammad al-Ghazali, Muhammad Salim al-`Awah, Muhammad Abu Faris, `Abd al-Hamid Mutwalli, and finally what have been written by Khalid Muhammad Khalid, *State in Islam* as an apology for what he had written before in his book *From Here We Start*.
 2. See Al-Ahram Newspaper on 9/12/1992, page of "Terrorism and Extremism in Intellectuals' Thought" which is commented on by Mr. Fahmi Huwidi in his weekly article on 15/12/1992 under the title "In Order to Avoid the Wrong Battle".

community. Rather, it advocates an 'Islamic authority', i.e. a civil authority, chosen by the *Ummah*, that depends on Islam in all its legislation, foreign, and internal policies as well.

But, Mahmud al-'Alim denies this also and considers advocating the Islamization of authority and society as a thing to be rejected! He considers this an innovation by what he calls "Political Islam". Thus, let's ask him, "What do you imagine is the function of Islam in life? What do you understand by applying Islamic *Shari'ah* if the authority and society have not been Islamicized?"

In the days when Marxism had the upper hand, Mahmud al-'Alim and his colleagues advocated "Marxization of Authority" and "Marxization of Society". Why then, does he want Islam to become just a spectator, while watching authority, state, society and culture proceed in another direction. This direction might be to the left or to the right, but it is certainly something other than that of Islam!

What does he reject concerning Islamization⁽¹⁾ of knowledge or Islamization of the social sciences? This means nothing but Islamization of culture itself. This means: being set free from the authority of Western culture in order to become a genuine culture that is able to express the *Ummah's* mind and conscience. No doubt social sciences are earnestly related to the culture of every *Ummah* and its civilizational uniqueness or peculiarity.

This requires changing our look at the humane and social sciences in a way not to blindly imitate the west, nor to reject all that it has. Rather, to reread them with a confident mind (not an astonished one) through our own perspective, ideologically and religious in light of

1. See what is published by International Institute of Islamic Thought in Washington concerning the case of "Islamization of Knowledge" by Dr. Isma'il al-Faruqi, Dr. 'Abd al-Hamid Sulayman, Dr. 'Imad ad-Din Khalil, and Dr. Taha Jabir al-'Ilwani

fixed facts. By taking and leaving what is beneficial through subjective and scientific logic, apart from fanaticism for what is old, or idolizing what is new, it will enable and permit new Islamic and Arab schools in these sciences, equalizing the various Western schools. This will not be accomplished by renaming them only, but through extensive research and patient and serious study.

As for "Islamization of the natural sciences", I do not know any rational Muslim who advocates this. We only want to relate these sciences to the theoretical or philosophical basis of this universe. As it has been created by Allah, its laws are Allah's enactments that cannot be changed; all its happenings are neither accidents, nor acts of blind nature. Rather, it is the creation of Allah Who perfected everything. Also, it entails utilizing this knowledge in a way that benefits humanity, i.e. relating knowledge to faith and morals.

Does it affect natural science in any way that its user says as Solomon (peace be upon him) said when the throne of Balqis was instantly brought before him by the "One who has knowledge of the Book". He said,

﴿ This is by the Grace of my Lord! To test me whether I am grateful or ungrateful! ﴾

(27:40)

Or, to say as Dhul Qarnayn said after building the great dam,

﴿ This is a mercy from my Lord. ﴾

(18:98)

It seems that the writer's concept of Islamization of authority, society and knowledge does not relate in any way to what the Islamic moderate trend advocates. That moderate trend is the most deeply rooted, the oldest, and the most prevailing one among the Islamic Awakening trends.

Equalizing the trends he described as moderate, fanatic and terrorist, is equalizing between different things as is well-evident from their literal names.

File on secularism

One of the files that must also be closed is that mentioned by Dr. Kamal Abu al-Majd at a symposium on Islam and Arabism. It is the file on secularism that separates religion on one hand and life and society on the other. This issue has come to life on other than our soil, our people and in conditions that have no resemblance to ours.

The West advocated secularism in order to confront the priesthood of the Western Church that supported inactivity against thought; ignorance against knowledge; kings against the people; the rich and feudalists against the poor and laborers.

As for us, we have neither popes nor a priesthood, nor clergy who rule by divine right.

In one of my studies, I clarified the fact that secularism in the West may justify its philosophical ideology based on Aristotle who said that God has nothing to do with this world. He (God) knows nothing about it, and He plays no role whatsoever in it. And the West's religious ideology confirms the notion that life is divided between God and Caesar; giving unto Caesar what is Caesar's and unto God what is God's.

As for secularism here, it is contradictory to religion, the *Ummah's* thought and interest. It deprives the *Ummah* of huge energies that could surge through creed and *Shari`ah*, if the creed were to direct and the *Shari`ah* to rule.

Some Muslim countries tried secularism, forced their peoples to submit to it by coercion of the sword, the scourge of torture, under the

pretext of catching up with the advanced West and the developed world. Are they really developed and advanced?

The prominent example of this is the Turkey of Ataturk that imitated the West in all respects, even in putting the hat on, prohibiting the fez and veil, banning practicing the rites of Islamic *Shari`ah* even in matters of marriage, divorce, inheritance and family affairs. It completely isolated the current generations from their traditions when it first replaced the Arabic alphabet with the Latin one, and cut all connections with the Islamic world in general and Arabs and Arabism in particular, to the extent that it considered the *Adhan* (Call to prayer) in Arabic a criminal act.

What then was the outcome?

It could not uproot Islam in spite of removing it from the process of education, culture and public information. Most Turkish people were caught in a struggle between surfaces and depths, roots and leaves, the past and present, and between creed and actual reality.

Finally, secularist Turkey became what has been expressed by a Turkish female writer: "We were leaders of the East, and now we make up the rear of the West."

Moreover, the West itself, despite the vehement Turkish endeavors to become part of it, did not recognize Turkey as a one of its own or part of its civilization. Hence, the West does not approve of its joining the European Common Market. Counselor, Helmut Kohl frankly declared, "Turkey belongs to a civilization other than ours."

Secularist Turkey embodied the story of the crow who tried to imitate the eagle. It could neither manage to become an eagle, nor it could manage to act like a crow again!

**Towards a Wise
Political *Fiqh***

Towards a Wise Political *Fiqh*

Ideological or negative juristic phenomena

As far as the Islamic Movement in particular, and the Islamic Awakening in general, are concerned, there are passive phenomena in the fields of ideology and *Fiqh* that are quite apparent to the discerning eye. This is most applicable in the political field and in the political *Fiqh* which is described as a danger zone.

First, there was the "Ideology of Trial" or "*Fiqh* of Trial" that emerged at a time of wide-spread trials and brutal clashes that have plagued the Islamic Movement since the fifties and sixties of the 20th century. This Ideology was vividly flowing, yet irregular, for it overflowed by stigmatizing the society with disbelief and looking at people and life through a black glass. It went so far as to isolate its advocates from society as being superior in rank above it. It still has a resounding effect on many of the writers of the Islamic Movement and its writers. Strangely enough, it still, in one way or another, has an effect on a considerable part of the literature of *Da`wah* and education as well as political orientation.

The Movement must break through the Ideology and *Fiqh* of Trial and attempt to deal with people, life and the world with "the Ideology and *Fiqh* of Well-Being."

Second, there was the "Zhahiri Ideology" or *Zhahiri Fiqh* which is adopted by the so called new Zhahirists. This *Fiqh* confines itself to the mere words of the texts and doesn't delve into the objectives of Legislation nor pay ahead to the people's interests. The scholars stressed the fact that the Islamic judgments (*Ahkam*) were not ordained except to meet the interests of people in this life and the Hereafter.

Any judgment that leads to corruption rather than meeting the interests of people, that leads to injustice rather than justice, or to cruelty rather than mercy or to folly rather than wisdom must not be attributed to the *Shari`ah*, even by way of misinterpretation, as Imam Ibn al-Qayyim said.

This Ideology, however, may be accepted in certain rituals and judgments which are related to individuals. Yet it cannot, in any way, be accepted in the field of *as-Siyasah ash-Shar`yah* (politics governed by the *Shari`ah*) which deals with both Muslims and non-Muslims, the East and the West, the times of power and weakness that should be governed by comprehensiveness and flexibility, balance and preponderance, and payed due consideration to the change of time and place as well as man himself.

Third, there was the "Khariji Ideology" or "*Khariji Fiqh*" which follows in the footsteps of the ancient Kharijites. Those who advocate this *Fiqh* are known for their sincerity and courage yet, at the same time, they are infamous for their narrow-mindedness towards religion and life, strictness in treating others and rejection, accusation and evil thought even towards Islamists themselves. Furthermore, they stick tenaciously to their own viewpoint which is counted as a great offense that often leads one to inevitable ruin.

Fourth, there was the "Traditional Ideology" or "*Traditional Fiqh*" that seeks a solution to every problem that deals with thought, politics

or legislation in the books of the modern scholars. It did not attempt to go beyond their instruction, nor perceive the *Shari`ah* in its widest scope that encompasses different schools. Nor did it attempt to conceive the reality of the age in the light of its trends and problems. Thus, it limited what Allah has widened and made difficult what Islam has made easy.

The Islamic Movement and the Islamic Awakening will not have a wise political *Fiqh* unless it overcomes these passive phenomena and their effects on Muslims. Moreover, this new *Fiqh*, on which we concentrate includes: *Fiqh of Sunan*, *Fiqh of Targets*, *Fiqh of Balance*, *Fiqh of Priorities* and *Fiqh of Difference*.

Deficiency in political Fiqh should be treated

The Islamic Movement and the Islamic Awakening must exert their utmost in treating this deficiency in what we have read or heard of strange concepts, extraordinary judgments or methodologies of deduction!

This is most apparent in "Political Ideology" and "Political *Fiqh*". This *Fiqh* has not received its due share of research and scrutiny, as in the case of the *Fiqh* of worship, transactions, marriage, etc.

Today, this *Fiqh* is also stained with ambiguity, misconceptions, confusion and flagrant discrepancy of judgments in the minds of many Muslim Callers.

We have heard some people claim that *Shura* means mere listening to the opinions of others without the obligation to follow them. We have heard people grant the president the right to proclaim war, and conclude treaties without consulting the representatives of the nation. Others claim that following democratic ways is equivalent

to disbelief or leading one to disbelief! Some people think that women have no role or say in the nation's policy and that their place is at home, where they are to stay for the rest of their lives and are not allowed to leave it except to her husband's house or to her grave! Furthermore, they have no right to vote or participate in any elections. They also have no right to run for election whether for village council or house of representatives. Thus, half of the nation is doomed to moral death,⁽¹⁾ for they want the nation to, as if it were, breathe with one lung and fly with one wing.

Today, some people claim that Islam rejects a multi-party system and that it is not allowed to found parties, groups, or politically oriented organizations within the Muslim state.

I was stunned when some of the Muslim brothers showed me a booklet entitled "*The Sound Judgment That Views Becoming a Member of the House of Representatives is Contrary to Monotheism*". Definitely, it is an astonishing mix up that confuses matters of deeds with those of faith; considering the fact that the matters of deeds deal with right and wrong, not with belief and disbelief. These matters of deeds are related to *as-Siyasah ash-Shar'iyah* "politics governed by the *Shari'ah*" in which the *Mujtahid* is rewarded twice if he is right and once if he is wrong.

A long time ago, the Kharijites fell into the same trap when they claimed that Imam `Ali (may Allah honor him) was a disbeliever through mixing a matter that pertained to politics and *Ijtihad* in it with the issue of faith. They even said that men gave judgments concerning Allah's Religion when Allah alone is to give judgment. History bears

1. Lately we have seen what Taliban Movement did when they captured the capital Kabul. They prevented all women from going to work, among them there are tenths of thousands of widows who sustain their children of martyrs.

witness to `Ali's eloquent and concise statement in which he described their claim saying, "It is a true word that leads to a falsehood!"

An important discussion concerning political *Fiqh*

I was astonished when I found that among the scholars of Afghanistan, were those heroes who enthusiastically consecrated themselves to *Jihad* sincerely and firmly.⁽¹⁾ They were people who believe that the education of women is unlawful (*Haram*) as well as going to the polls to choose representatives of the people or president. They even believe that setting a specific span of time for presidency and saying that *Shura* is obligatory, is unlawful (*Haram*)!

One of the Muslim brothers who advocates these ideas argued with me by claiming that the failure of the Islamic Movement in the modern age is due to its belief in those ideas which he claims to be non-Islamic. He added that we will never achieve victory if we depend on non-Islamic means to reach Islamic ends!

Setting a specific term of office for the presidency

I asked this Muslim brother, "What made you think that setting a specific term of office for presidency is unlawful (*Haram*) even if it is in the interest of Muslims?"

He answered, "Ever since the Caliphate of Abu Bakr (may Allah be pleased with him) no Caliph has been chosen for a specific length of time; all of them ruled for life. Moreover, the Prophet (peace be upon him) ordered us to stick firmly to their way according to the

1. Unfortunately, they disappointed us by fighting each other when the racial fanaticism of Ignorance seized them and made the companions of one war (*Jihad*) fight each other. They defeated the Soviet Union - the most atheistic power through history - but they failed to beat themselves! Is there any support to reconcile them?.

hadith that was reported on the authority of al-`Irbad ibn Sariyah. In this *hadith* the Prophet (peace be upon him) warned us against evil innovation as falsehood and this limited term for presidency is one of these innovations.

To him I said: Allah ordered us to follow in the footsteps of the Prophet (peace be upon him) who has priority in being followed rather than the Rightly Guided Caliphs. For his *Sunnah* is the second source of *Shari`ah* from which Islam flows. The *Sunnah*, together with Allah's Book, is the first references to settle difference and controversy. In the *hadith* of al-`Irbad it reads that the Prophet (peace be upon him) said,

"Follow my Sunnah and follow in the footsteps of the Rightly Guided Caliphs."

Thus, his *Sunnah* takes priority and preference in being followed.

Needless to say, the *Sunnah* of the Prophet (peace be upon him) includes sayings, actions and approbation of both. His actions, per se, are not judged as obligatory, but rather as permissible and lawful, unless cemented by other evidence that boosts preference or obligation.

Thus, we have seen of the Rightly Guided Caliphs, willingly and openly, who did something other than the Prophet's (peace be upon him) *Sunnah*, when it was in conflict with the present interest of Muslims, bearing in mind that what had been observed at the Prophet's time had undergone a change at their time.

For instance, the Prophet (peace be upon him) distributed the war booty of the Khaybar Battle among the warriors, after the enemy was vanquished. Yet, when `Umar (may Allah be pleased with him) conquered Iraq, he did not do so, as he realized that this action of the Prophet's was not suitable under the present circumstances. Many of

the Companions argued with him and tried to convince him that he had violated the superficial interpretation of the verse of the chapter of al-Anfal when Allah says,

﴿And know that whatever thing you take as booty, then the fifth of it is for Allah and His Messenger.﴾

(8:41)

Umar defended his Judgment saying, "I saw that the war booty was more enough to be exploited for the benefit of this generation and the next ones ... Do you want future generations to blame us for not leaving them anything that can make their lives honorable and easy?"

Thus, he considered the interests of the forthcoming generations and this is an excellent example of solidarity among the generations of the Islamic nation such that no generation accepts living in abundance and luxury at the expense of succeeding generations. Umar relied for his wise Judgment on the verses of the chapter of al-Hashr which pointed out the distribution of war spoils among al-Muhajirun (those who migrated from Mecca to Medina) and al-Ansar (the dwellers of Medina who sheltered and supported the Muslim migrants,

﴿And (the ones) who came even after them.﴾

(59:10)

Imam Ibn Qudamah explained this difference between Umar's and the Prophet's Judgment as observing what was in the best interests of Muslims under the existing circumstances and time.

By analogy, if the Prophet's action - which is inseparable from his *Sunnah* - is not obligatory for his followers and if the Companions did not hesitate to go against it to fulfill their present obligations and to observe certain considerations, then it is not logical that Muslims that followed them should, blindly, follow suit.

Mere practical incidents do not automatically prove legislative obligation. All in all, these practical incidents were the right ones at that time, place and under those circumstances. Yet, once these have changed, then the judgments themselves - by necessity - must change.

Following the example means to choose the rules and laws that suit and are in the best interest of our time, environment and circumstances, in the light of overall texts and objectives of the flexible Islamic *Shari`ah*.

To quote the practical consensus of Muslims on the side of not setting a specific length of term for presidency is something of twisting facts and misinterpretation.

This consensus denotes the lawfulness of a life time presidency and is not in any way, opened to controversy unless it leads to harm or corruption. As for setting a length of time or timing, the early Muslims did not even talk about it. The saying goes, "You cannot put words in the mouth of someone who chooses to keep silent." Hence, it is not permissible to say that they were for or against this issue.

The *Sunnah* and innovation

If we claim that setting a limited term for presidency or leadership is an innovation that was forced upon Islam and every evil innovation is falsehood according to the Qur'an, *Sunnah* and consensus, then the second premises, which is every evil innovation is falsehood, is taken for granted, but the authenticity of the first premises, which is setting limited term for presidency is innovation, should be proved.

It is a flagrant blunder to think that Islam is against every innovation and to describe every innovation as evil.

To illustrate, we regard an innovation as falsehood when it deals with absolute religious matters, namely, faith, worship and the like. As

for innovations that deal with customs, habits and administrative, social, educational and political affairs, they are, definitely, not described as innovation. On the contrary, these innovations come under what scholars call "Public interest" as Imam ash-Shatibi explained in his book *Al-I'tisam*. Accordingly, the Companions did things which the Prophet (peace be upon him) did not do such as compiling the Qur'an in one volume, writing down the accounts, imposing *Khiraj* and building prisons. In the same way, the followers did things that the Companions did not do such as a mintage, organizing mail service and others. Muslims also invented things that did not even exist when the Prophet (peace be upon him) was alive such as: writing down the already established fields of knowledge and inventing new fields of knowledge such as studies of religion and language and the different human sciences. The authentic *hadith* narrated that the Prophet (peace be upon him) said,

"Whoever invents a good Sunnah will be rewarded for inventing it and will be rewarded every time a Muslim follows it until the Day of Judgment."

History recorded that `Umar ibn al-Khattab - the second Caliph - accomplished a considerable list of things which were at that time unprecedented (may Allah be pleased with him). These unprecedented achievements were granted consensus and have been followed ever since.

The wrong behind the absolute dependence on the biography of the Prophet to make judgments

One of the reasons of error and confusion in political *Fiqh* is mixing *Sunnah* with the biography of the Prophet when seeking evidences and proofs.

The *Sunnah* is the source of legislation and Islamic orientation beside the Glorious Qur'an.

On one hand, the Qur'an is the source and the basis, on the other, the *Sunnah* is the interpretation, explanation and application.

Some fall into the trap of confusing the Prophet's biography with *Sunnah* and think that the incidents narrated in the Prophet's biography have the same force of obligation as the *Sunnah* and the Qur'an.

Undoubtedly, the Prophet's biography is not synonymous to the *Sunnah*, for the biography of the Prophet is not in any way connected with legislation. Therefore, the scholars of the Principles of Islamic Jurisprudence (*Usul al-Fiqh*) did not try to include the Prophet's biography with the definition of the *Sunnah*. On the contrary, they declared that the *Sunnah* is everything that the Prophet (peace be upon him) said, did, or approved. Thus, they excluded the Prophet's biography from its definition.

As for the scholars of *Hadith*, they added to the Prophet's words, actions, and approbations - the physical and moral description and the Prophet's biography. Thus, they compiled every detail of the Prophet's (peace be upon him) life whether it had anything to do with legislation or not. They narrated what had happened to him before Allah sent His Message to him such as his birth, suckling, bringing up, youth, and marriage, etc. They digressed by narrating his physical and moral description and every small detail of his life and death. Some Islamic groups firmly believe that the Prophet's biography offers absolute evidence for injunctions that they believe to be obligatory on all Muslims.

We must bear in mind two important things:

First, many of the incidents in the Prophet's biography are narrated without mentioning an authentic authority that can be traced

back to the Prophet. For the scholars were not as scrutinizing and accurate in narrating the Prophet's biography as they were in narrating the *hadiths* that deal with lawful (*Halal*) and unlawful (*Haram*).

Second, the Prophet's biography represents the practical side of his life. In other words, it often represents the side that deals with "action" in his life. "Action" does not denote obligation. Rather, permissibility for obligation needs another proof to uphold it.

Undoubtedly, we are ordered to follow in the footsteps of the Prophet (peace be upon him). Almighty Allah says,

Indeed you have already had a fair example in the Messenger of Allah for whosoever hopes for Allah and the Last Day, and remembers Allah much. ﴿

(33:21)

The verse urges one to imitate and follow his example, yet it does not indicate that it is obligatory. Following his way means to follow his morals, values and general conduct, other than following minute details. It is unnecessary to follow his example in his secret call to Allah's Way and Islamic Monotheism unless circumstances necessitate it. It is also unnecessary to migrate as he had done as long as the environment and circumstances facilitate our call to Allah's Way.

Thus, migration to Medina is no longer obligatory on every Muslim after the Mecca Conquest. Consequently, Allah's Prophet (peace be upon him) said,

"There is no more migration after the conquest, but Jihad and intention and whenever you are called for Jihad, you should go immediately."⁽¹⁾

1. Agreed upon on the authority of number of Companions.

In other words, there is no longer migration from Mecca to Medina, but a Muslim is allowed to emigrate from any land that prevents him from following the teachings of his religion.

It is unnecessary to seek the help of influential and powerful people, as the noble Prophet did with some tribes (such as the Aws and the Khazraj). For it is no longer a useful or practical tactic.

It is unnecessary to embark on a thirteen year long mission of implanting belief and faith in the hearts and inviting them to Allah's Way. Today we live among Muslims who already believe that there is no god but Allah and that Muhammad is His Messenger. We no longer need to spend a whole thirteen years implanting faith and belief in hearts that are already filled with them.

Today, our interest in social justice, *Shura*, freedom, liberation of Jerusalem, the Aqsa Mosque and *Jihad* against the enemies of the Islamic nation does not run counter to the Prophet's guidance, for the Prophet did not show interest in these issues except when he emigrated to Medina. In Mecca, the Prophet (peace be upon him) was dealing with a disbelieving society that was living in an abyss of Ignorance and disbelieving in his message. Hence, his first battle was to convince people of monotheism and the Message of Islam.

Today, our society believes that there is no god but Allah and they believe that Islam is their religion and Muhammad is their Prophet. Notwithstanding, the existence of disobedience and deviation from Allah's Law are predominant among them.

Political Islam

Expressions coined by some secularists and westerners, whether leftist or rightist, have flowed in recent years. By leftist and rightist, I mean those who advocate the Marxist ideology of the East and the liberal ideology of the West.

Among these expressions is "Political Islam" which means that Islam deals with the affairs of the Muslim nation, its internal and external interrelations, and works for liberating it from any foreign hegemony. It also directs its financial and spiritual affairs according to its laws and liberates it from the cultural, social and legislative effects of colonialism. So much so, that it returns to enforce Allah's Law (*Shari`ah*) in the different aspects of life. They say "Political Islam" so as to scare people from its content and sincere, true men who call people to comprehensive Islam, which encompasses faith, *Shari`ah*, religion and state.

In this respect, many people ask if this new expression - Political Islam - is accepted from the viewpoint of the *Shari`ah*, and whether the interpolation of politics into Islam is an innovation on the part of contemporary Callers of Islam (who invite people to Allah's Way). Or, is it part of our religion as established by the Qur'an and *Sunnah*?

Those Muslim brothers asked me to clarify this issue in the light of authentic evidence in the Islamic jurisprudence. That, whomever must perish, will perish on clear proof, and whoever may live, will

live on clear proof. I will answer the questions of these sincerely devoted Muslims with two points:

First: Rejecting this expression is a must

First and foremost, as far as Muslims are concerned, this expression is totally rejected. It is part of a plan set by the enemies of Islam to distort and divide Islam, so that it will no longer be the entity that Allah has sent for all Muslims to embrace. Thus, it would create separate and different kinds of Islam just as they planned. For instance, they sometimes divide Islam and distribute it geographically. Consequently there is an Asian Islam and an African Islam. Sometimes they divide it by different eras: The Prophetic Islam, the Rightly Guided Caliphs' Islam, the Umayyad Islam, the Abbasid Islam, the Ottoman Islam, and the Modern Islam. Sometimes it is according to races: the Arab Islam, the Indian Islam, the Turkish Islam and the Malaysian Islam. Sometimes it is divided by schools: the Sunni Islam and the Shi'ite Islam. They even have gone so far as to subdivide the former schools into many subdivisions. They have added new divisions, such as revolutionary Islam, radical Islam, classic Islam, rightist Islam, leftist Islam, inflexible Islam, flexible Islam, and finally, political Islam, fundamental Islam, spiritual Islam, periodic Islam and theologian Islam!

We do not know what future subdivisions they will fabricate to further distort Islam.

Definitely, these divisions and subdivisions are totally rejected by Muslims, for there is but one Islam, which all Muslims recognize and believe in. Namely, the first Islam (the Islam of the Qur'an and *Sunnah*).

Islam was understood by the best generations of the Islamic nation - the Companions and those who followed them sincerely and devoutly and were praised by Allah and His Prophet.

This is the true Islam, before being distorted and abused by the whims of creeds, extremism of sects, roving philosophies, innovations of groups, the lusts of dissidents, the claims of the followers of falsehood, entanglements of exaggerators, and despotism of ignorant interpreters.

Second: Islam must be political

We must declare it loud and clear that Islam - as Allah has ordained - cannot be anything but political. Once you strip Islam of politics, it is transformed into another entity and a whole new religion that can be described as Buddhist, Christian or any other religion, but cannot, in any way, be called Islam.

Islam directs life as a whole

There are two basic reasons for that:

First, Islam has a clear-cut attitude and outspoken judgment on many political issues.

Islam is not only a religious creed or mere rites of worship. In other words, it is not merely a relationship between man and Allah that has nothing to do with the order of life and direction of society and state.

On the contrary, Islam means faith, worship, manners and comprehensive *Shari`ah*. That is to say, it is a complete way of life that encompasses principles, rules, laws and instructions that deal with individuals, family affairs, social status, state and different kinds of relationships.

Whoever reads the Glorious Qur'an, the purified *Sunnah*, and the Islamic *Fiqh* books from its different schools, will realize this fact.

Even the *Fiqh* of worship is directly connected to politics. For Muslims, by consensus, agree that neglecting prayer, *zakah*, fasting, and pilgrimage deserves punishment and *Ta'zir* (Punishment below *Hadd* afflicted on anyone who violates Allah's Limits). The task of determining which type of punishment is assigned to those in authority who are to punish the sinner after he repents.

These violations might even lead to war, if they were advocated by the stronger host as was the case when Abu Bakr (may Allah be pleased with him) fought those who refused to pay *Zakah*.

Scholars, moreover, are of the opinion that if the people of a town abandon a number of *Sunnahs* which are part of Islamic rites such as the *Adhan*, circumcision of males, and the two *'Id* prayers, it is obligatory to call upon them and try to convince them of the grave sin they have committed. Yet, if they insist upon it and refuse to do what is right, their Muslim brothers are obliged to fight them until they repent and return to their community.

Islam has fixed rules, laws and directions in education, media, legislation, leadership, finance, peace and war policy, as well as in everything that has a noticeable impact on life. Islam is not satisfied with second place or in being subservient to other philosophies or ideologies.

Islam must be the master, the leader, and the lord. It does not accept that someone else takes the lead in life and shares instruction and jurisprudence with it. It rejects the famous saying attributed to Jesus: "Give Caesar what is his and give Allah what is His."

The Philosophy of Islam is based on the belief that to Allah, the One and Only, belongs all that is in the heavens and on earth, and is the Sole Sovereign to Whom belongs Caesar and what is his.

The idea of monotheism in Islam is based on the fact that a Muslim is wholly content with Allah as his Lord, Protector, and Judge as manifest in the famous chapter on monotheism known as Al-An`am.

Monotheism is in fact a revolution that enhances freedom, equality and the right of brotherhood among human beings, so that people do not set up from among themselves lords other than God, and that man does not become a slave to his fellow woman. Therefore, the noble Prophet (peace be upon him) concluded his messages to the kings of the people of the Scripture quoting this glorious verse of Al 'Imran:

﴿O people of earlier Scripture! Let us reason together that we worship none but God and we associate nothing with God, and that we do not set up from among ourselves lords other than God, "But if they turn away, then say, "Bear witness that we are Muslims.﴾

(3:64)

This is the secret behind the animosity and hostility that the disbelievers and the elite of Mecca showed against Islamic *Da`wah* right from the first moment that the words, "There is no god but Allah" resounded in Mecca. They realized that it meant social, political, and religious changes in their lives.

The Muslim character - a political one

Second, the Muslim character molded by faith, *Shari`ah*, worship and education, cannot be anything but political, unless it has been ensnared by misinterpretation or misapplication.

Islam ordains every Muslim to enjoin what is good and forbid what is evil. This obligation is crystallized in the authentic *hadith* that urges Muslims to be sincere and true to the rulers of Muslims and to their common people. It is considered as the crux of religion as the statement of the Prophet (peace be upon him) begins, "*Religion is based on advice.*"⁽¹⁾

It may also be expressed as enjoining Muslims to follow the truth and be steadfast; two fundamental prerequisites used to safeguard one's self against losing in this life and in the Hereafter, as the chapter of al-'Asr clarifies. Furthermore, the Muslim must pay attention to the general affairs of his nation. This is what is known as politics.

Resistance to corruption and oppression is better than Jihad

The Prophet (peace be upon him) urged Muslims to resist internal corruption, and considered it better than resisting external aggression. Thus, he said when asked about the best kinds of *Jihad*,

"The best kinds of Jihad is a true and courageous word said to a despotic ruler."⁽²⁾

Internal corruption paves the way to external aggression. Martyrdom for the sake of truth is considered to be the highest martyrdom for Allah's Sake. The Prophet (peace be upon him) said,

"The master of martyrs is Hamzah and a man who stood up against a despotic ruler and enjoined him to do good and forbid evil, until he was killed for it."⁽³⁾

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1. Reported by Muslim on the authority of Tamim ad-Dari and it is one of famous Forty Hadiths.
 2. Al-Mundhiri said in *at-Targhib*: it is reported by an-Nasa'i on a sound transmission on the authority of Tariq ibn Shihab in his *Sunan* (7/161) and an-Nawawi said in *Riyad as-Salihin* that it is a Sound *hadith*.
 3. Reported by al-Hakim on the authority of Jabir.

The Prophet (peace be upon him) implanted rejection of oppression and rebellion against oppressors into Muslims so much so that in his invocation at the *Qunut* prayer (as reported by Ibn Mas'ud and adopted by Hanafi school and others) he stated,

"O Lord! We thank Thee and we do believe in Thee; therefore we will dethrone and abandon whomever dares to disobey Thee."

Allah encourages fighting for the sake of the oppressed and weak with strong and persuasive words saying,

﴿And how can you not fight in the Cause of God and to save those men, women and children who have been oppressed and who pray, "Our Lord deliver us from this land whose people are oppressors and make for us from You a helper.﴾

(4:75)

He descends His wrath and severe reprimand upon those who accept humiliation and oppression. They accept to live on a land where they are oppressed and abused, while they have the ability to emigrate by saying,

﴿Those who accepted oppression for themselves, surely when the angels seize their souls saying, 'Why have you accepted this oppression?' They shall say, 'We were deemed weak in the land.' The angels shall say, 'Was God's earth not spacious enough for you to emigrate from that oppression?' So these it is whose abode is Hell, an evil resort. Except those deemed weak among old men, women and children who are unable to advise anything or to find a way out. So those God may pardon, and God is All-Pardoning, All-Forgiving.﴾

(4:97-99)

Allah says concerning those weak and helpless people, ﴿*So those God may pardon ...*﴾

The Qur'an states that Allah's Forgiveness is the only hope for those who willingly accept humiliation and oppression. That is to urge Muslims to reject as much oppression and humiliation as possible.

The Qur'an more than once, speaks about tyrants such as Pharaoh, Haman and Qarun so as to fill the hearts of Muslims with repulsion and rejection towards them, and at the same time to feel compassion and sympathy towards their oppressed and weak victims.

Changing evil is obligatory

Whoever has the weight of a mustard seed of belief in his heart is severely shaken by the humble punishment stated in the Qur'an and *Sunnah*; for those who take a passive attitude towards those who commit evil - whether rulers or subjects. The Qur'an states:

﴿*The unbelievers of the Children of Israel were cursed by the tongue of David, and by Jesus, the son of Mary, because of their rebellion and their transgression. They did not forbid each other the wrong things they committed; evil were their doings.*﴾

(5:78-79)

The Prophet (peace be upon him) said,

"Whoever of you sees evil committed must try to change it with his own hands. If he is not able to do so, he must try to change it with words. If he is not able to do so, he must object to it in his heart, and that is the weakest of faith."⁽¹⁾

1. Reported by Muslim and others on the authority of Abu Sa'id al-Khudri.

It is a great mistake to think that evil is limited to adultery, alcohol drinking and the like for, demeaning with the dignity and destiny of man is all-evil. A rigged election is all-evil. Concealing evidence and giving the right job to the wrong man is all-evil. Stealing from the treasury is all-evil. A monopoly on certain commodities for the sake of an individual or a certain group is all-evil. Arresting people without legal grounds is all-evil. Torturing people inside prisons and detention camps is all-evil. Being a hypocrite who carries favor from the rulers is all-evil. Joining forces with the enemies of the Islamic nation is all-evil.

Thus, the list of evil-doings widens to cover so many aspects of life which people believe to be at the core of politics.

Should a devout and sincere Muslim stand passive? Should he retreat and run for his life out of fear or greed, or lest he be swept by the hide of evil?!

If such a spirit gripped the Islamic nation then its mission will come to an end and will be vanished and turn into nation different from that described by Allah as:

﴿You are the best nation to have been raised up for humankind. You enjoin what is right, and forbid what is wrong and you believe in God.﴾

(3:110)

No wonder then to hear the Prophet's warning to the nation saying

"As soon as my nation fears to confront the oppressor and call him an oppressor to his face, then they will no longer deserve to be called alive."⁽¹⁾

1. Reported by Ahmad in his *Musnad* on the authority of `Abdullah ibn `Amr.

A Muslim is ordered by virtue of his faith not to stand silent or be passive on seeing wrong-doing or evil whether political, economical, social or cultural. On the contrary, he must resist it and exert his utmost to change it by action if he can, or by eloquent persuasive words. If he is unable to change it by words, he moves to the last and the least stage which is change his heart, which the *hadith* states as the weakest of faith.

What the Prophet (peace be upon him) called "Change by the objection of one's heart to evil doing" is a psychological mobilization of one's feelings against evil-doing and evil-doers. Now, this mobilization is not an absolutely negative attitude as one might think. Otherwise, it would not have been described as "change" in the *hadith*.

Undoubtedly, this continuous process of mobilization of the spirit, feelings and conscience must vent itself into positive action, which may turn into a public revolution, or a sweeping outburst if exposed to continuous pressure. Because, that is Allah's Decree in the universe.

This *hadith* called this attitude "as a change within the heart", and another *hadith* called it "*Jihad* of the heart." That is the last and the least stage of *Jihad* as well as the weakest degree of faith. Muslim reported on the authority of Ibn Mas`ud that the Prophet (peace be upon him) said,

"Every Prophet who was sent to his people before my time had disciples and companions who followed in his footsteps and followed his example. Then the people who followed them began to say that which they do not do, and to do what they were not ordered to do, and whoever strives hard in Allah's Cause in action is a true believer, and whoever strives in Allah's Cause by words is a true believer and whoever strives in Allah's Cause at heart is a true believer;

and there is not a grain of mustard seed of belief beyond that mentioned."

Individual or collective duty

The individual might be unable, by himself, to stand up against sweeping evil and wrong doing. Particularly if it strikes his society at its core and is supported, and even welcomed by influential people who are supposed to be the trustees and protectors of society. Here, cooperation is a fundamental duty, for it leads to piety and devotion. This collective task is a religious obligation and a prior necessity that must be carried out through the societies, organizations and the rest of all possible means.

The right and the duty

What is believed to be the human "right" of self-expression, criticism and opposition to contemporary philosophies and systems is elevated by Islam to the level of a sacred obligation. He who abstains from doing so exposes himself to Allah's Punishment.

There is a noticeable difference between "the right" which comes under "permissibility", or "choice" which man is free to uphold or discard whenever he wishes, and the "duty" or "obligation" which man has no choice but to uphold except under certain excuses that are acceptable by *Shari`ah*.

What makes a Muslim perpetually politically-oriented is the fact that he is obliged, by virtue of his faith, not to live in an ivory tower. Rather, he is to be concerned with the rest of his fellow men and be involved in their daily problems and concerns; particularly with the true believers by virtue of the brotherhood of Islam. For Almighty Allah says, ﴿ *The believers are brothers* ﴾ (49:10)

Also, the Prophet (peace be upon him) asserted,

"Whoever does not pay attention to the affairs of Muslims is not considered one of them. Whoever does not offer faithful advice for Allah's and His Prophet's sake and for the interest of the Muslim rulers and common people is not considered one of them and when people of a particular region leave one of them to spend the night hungry then they are disowned by Allah and His Prophet."⁽¹⁾

Not only does the Glorious Qur'an oblige Muslims to feed the poor, but it also urges others to follow suit and not imitate the people of ignorance who were described by the Qur'an as follows:

﴿Nay! But ye honor not the orphans! Nor do ye encourage one another to feed the poor.﴾

(89:17-18)

The Qur'an states that neglecting this matter is one of the signs of disbelief,

﴿Have you seen the one who belies Islam? It is he who harshly repels the orphans and does not urge others to feed the needy.﴾

(107:1-3)

The Glorious Qur'an goes so far as to associate it with disbelief in Allah, the Exalted, and states that it deserves severe torture in the Hereafter,

﴿Surely he did not believe in God the Great. Nor did he urge the feeding of the needy.﴾

(69:33-34)

1. Reported by at-Tabarani on the authority of Hudhayfah, *Majma' Az-Zawa'id* (1/87), and *Al-Muntaqa Min At-Tarhib Wa At-Tarhib* (997).

As far as capitalist and feudal societies which neglect the right of the poor, the needy, and the weak, this is seen as a call to revolution and rebellion against the rich in favor of the poor.

The Muslim is not only commanded to resist and reject social injustice, but also everyone of injustice. Torture will descend upon the whole nation, whether it is the oppressor or the silently oppressed, if the nation does not resist oppression. For Allah, the Exalted, states,

﴿ And fear affliction which may not smite only those of you in particular who are evil-doers, and know that God is severe in retribution. ﴾

(10:25)

Allah, the Almighty, severely condemns those who obeyed the despotic people of power and followed them blindly. As He states concerning the people of Noah,

﴿ ... and followed him whose wealth and children increase him only in loss. ﴾

(71:21)

He said about the people of Hud,

﴿ And followed the bidding of every insolent tyrant. ﴾

(11:59)

And about the people of Pharaoh,

﴿ Thus did he take his people for fools, and they obeyed him, indeed they were a wicked people. ﴾

(43:54)

The Qur'an goes so far as to consider the mere association with the wrongdoers as a cause for Allah's Torture,

﴿And do not incline to those who do wrong, or the Fire will seize you, you have no protectors other than God nor shall you be helped.﴾

(11:113)

Islam puts upon the shoulders of every Muslim the political responsibility to live in a state led by a Muslim Imam who rules by Allah's Book and who has the people's consensus. Otherwise, he will join the people of ignorance. For the authentic *hadith* narrated,

"Whoever dies without giving the oath of allegiance - Bay`ah - to the Imam, is considered to have died at the time of ignorance."⁽¹⁾

Prayer and politics

The Muslim may be in midst of prayer and dive into the ocean of politics where he recites verses of Allah's Book which deal with matters that are at the core of politics.

For instance, whoever reads the chapter of al-Ma'idah realizes that the verses enjoin men to rule by Allah's Book and stigmatize those who refuse to rule by His Book, as disbelievers, oppressors and deviators,

﴿And whoever does not judge according to what God has sent down, those are unbelievers﴾

(5:44)

And,

﴿And whoever does not judge according to what God has sent down those are the evil-doers﴾

(5:45)

1. Reported by Muslim in his *Sahih* on the authority of Ibn `Umar.

And,

﴿Whoever does not judge according to what God has revealed those are the deviators.﴾

(5:47)

Obviously, these verses are a part and parcel of politics. They might be considered as a manifestation of extreme opposition, for they heap accusation on the tyrant and instigate people against it, stigmatizing it with disbelief, oppression or deviation or with all of them.

Similarly, there are verses that warn against alliance with disbelievers saying,

﴿O you who believe! Do not take the disbelievers as allies, nor other than the believers, is it that you wish to furnish God with a clear proof against yourselves.﴾

(4:144)

And,

﴿The believers should not take the unbelievers, nor other than the believers for allies, and whoever does this has deprived himself from God's Blessing, but you should guard yourselves against them in devotion to God, and God cautions you directly, and to God is the Final Destiny.﴾

(3:28)

And,

﴿O you who believe! Do not take My enemies and yours for friends, offering them friendship,﴾

(60:1)

And,

﴿O you who believe! Do not take close aides or friends except believers, others would never miss any opportunity of exploiting any weakness of yours. They only desire your ruin. Rank hatred has already shown itself from their mouths, and what their hearts conceal is far worse.﴾

(3:118)

In the same line, it is legitimate to recite the *Qunut* aloud in any of the five daily prayers when one stands up straight after the last *Ruku`* at times when Muslims are faced with calamities such as aggression, earthquakes, flood, famine, or the like.

I still remember how the martyr Imam Hassan al-Banna, skillfully and masterly used this legal judgment of *Shari`ah* to mobilize the Egyptian public against English occupation, when he wrote in Muslim Brotherhood daily newspaper calling upon Muslims to perform *Qunut* in their prayers against the occupying English forces. He suggested a certain wording for this invocation, yet he did not force it upon anyone. Nevertheless, we learnt it by heart and recited it aloud in our daily prayers. This *Qunut* was as follows, "O Allah, the Lord of the worlds, the One and Only Who protects those who are afraid. The One Who humiliates the haughty and the One Who strikes at tyrants. O Allah You know that those English usurpers occupied our lands, usurped our rights and were insolent in the land and infested it with much corruption. O Allah, we ask Your Protection against their evil. We request You to shatter their strength, humiliate their state, destroy their power over Your land and save Your believing slaves from their evil. O Allah, kill them along with their allies and those who help or carry their favor and seize them with such seizing of the Mighty, Omnipotent."

Thus, we embarked into the realm of politics and soared across its horizon clinging tenaciously, piously and devoutly to the *Mihrab*.

This is the way of Islam. It does not isolate religion from life nor life from religion. Neither the Qur'an, nor the *Sunnah*, nor Islamic history ever isolated religion from life or vice versa.

Religion versus politics and politics versus religion

Those who claimed that religion has nothing to do with politics and invented the flagrant lie: "Politics versus religion and religion versus politics" in the past, are today the first to return in words and actions what they had said. They often manipulated religion to serve their political aims and to scandalize their opponents. They often used some weak and pitiable pseudo-religious figures to issue *Fatwas* against those who opposed their politics; representing falsehood from the religious point of view, and corruption from the worldly point of view.

I can still remember the days of 1948 in at-Tour Prison Camp, when we heard the news that *Fatwas* were issued condemning us. We, the ones who called people to uphold the judgment of the Qur'an and apply the teachings of Islam - were described as enemies of Allah and His Prophet who infested the land with corruption. The verdict was to kill or crucify us or to have our hands and legs cut off alternately or to banish us from the land. Through the years, this scenario was repeated over and over again with different actors, yet the same script.

I still remember how the religious men were ordered to support their masters' defeatist politics by issuing a *Fatwa* that legalizing peace-making with Israel was lawful from the Islamic viewpoint after they had already issued a *Fatwa* that proved the contrary to the extent that it describes peace-making with Israel as treason against Allah, the Prophet and the believers!

Up till now rulers have manipulated religious men and forced them to issue *Fatwas* that serve their political targets. The last of these manipulations are attempts to legalize the interest of banks and investment certificates. The weak, the ignorant and the unfaithful of religious men yield to these attempts. Yet those who are deeply rooted in knowledge and faith reject them as Allah says about them:

﴿Those who convey the Messages of God and fear Him,
and they do not fear anyone but God.﴾

(33:39)

Is politics evil?

Theoretically, politics is an important and fundamental science. Practically, it is an honorable and useful mission, for it deals with organizing the affairs of people in the best possible way.

Imam Ibn al-Qayyim reported that Imam Abu al-Wafa' ibn `Uqail al-Hanbali said, "Politics is the action that makes people get nearer to piety and devoutness and float away from corruption, so long as it conforms with Islamic Law".

Ibn al-Qayyim maintained, "Just politics cannot contradict Islamic Law. On the contrary, it follows it to the letter. Moreover, it is a part of it. We call it 'politics' because it is the familiar term. Yet, we should call it the Justice of Allah and His Prophet."⁽¹⁾

Our ancient scholars mentioned the value and benefits of politics so much so that Imam al-Ghazali said, "life is the farm land of the Hereafter. Religion is inseparable from life. Sovereignty goes hand in hand with religion, for religion is the origin and sovereignty is the

1. See Ibn al-Qayyim, *At-Turuq Al-Hukmiyyah Fi As-Siyasah Ash-Shar'iyah*, p. 13-15, published by As-Sunnah Al-Muhammadiyah.

guardian. Anything that has no origin is doomed to ruin and anything that has no guardian is doomed to loss."⁽¹⁾

They defined the Imamate and Caliphate as the public representation of the master of law. Allah's Prophet (peace be upon him) guarded religion and adapted life to it, for the Caliphate means guardianship and adaptation.⁽²⁾

The Prophet (peace be upon him) was not only a Messenger, instructor and Judge, but also a politician in the sense that he was at the head of the state and was the Imam of the Islamic nation. His Rightly Guided Caliphs followed his lead and ruled the nation with justice, goodness, faith, as well as science.

Yet, the people of our age - our region in particular - developed a strong feeling of hatred towards politics as a result of their long suffering at the hands of politics and politicians; whether it was that of occupation, traitor, or oppressive rulers. They loathe everything that has anything to do with politics in particular; until Machiavellian philosophy dominated so much so, that sheikh Muhammad `Abdu - after suffering greatly from the tricks and craftiness of politics - said his famous statement, "I seek Allah's Refuge from politics and the politicians of every kind!"

In consequence, the foes of Islamic ideology and the Islamic Movement took advantage of the aversion people developed towards politics to describe the comprehensive Islam that the Islamists call for nowadays, as "Political Islam".

It is common nowadays to show the difference between the disciplined Muslim and the dissipated one using the adjective "politician", which suffices to instigate criticism and aversion.

1. *Ihya' `Ulum Ad-Din* (1/17), chapter of Knowledge which is Collective Duty, published by Dar al-Ma`rifah, Beirut.

2. See *Diya' ad-Din ar-Rayyis, Political Islamic Theories*, p. 125, Sixth Edition.

For instance, in one of the northwest African countries, a group of veiled Muslim young women went to a religious and political celebrity to complain that some college set the condition for enrollment was to remove their veils! They sought his intercession to withdraw the requirement that forced them to take off their veils and wear short skirts and dresses, which Allah and His Prophet state as unlawful (*Haram*). Those disciplined Muslim young women were stunned when their intercessor said, "What you wear on your heads is not just a veil, but a political symbol!"

Also, in Tunisia, the master of secularism said that it is a sectarian symbol! Another said that *`Id* prayer in open areas is not *Sunnah*, but rather a political prayer! *I`tikaf* in the last ten days of Ramadan is claimed to be a politically-oriented *I`tikaf*. One of these days, somebody might claim that congregational prayers in mosques are politically-oriented, too! Or surveying the battles of the Prophet, through books such as *Sirah* of Ibn Hisham or the like, is also politically-oriented. He might even go so far as to say that the recitation of the Glorious Qur'an itself - certain chapters in particular - is a politically-motivated recitation.

We will not forget that, in certain times, memorization of the chapters of al-Anfal and Al `Imran was considered sufficient evidence against those who perform this act, because these two chapters revolve around *Jihad*, trials and steadfastness.

Hence, Islam, to those alienated call: "Political Islam", is the "right Islam" and the one and only Islam that Allah has ordained in His Book and that the noble Prophet and his Rightly Guided Caliphs followed to the letter.

Islamic State and Judging According to Allah's Law

These days, some newspaper writers (whose writings' orientation have aroused suspicion) are engaged in a controversy about the obligation of ruling according to what Allah has sent down. Odd statements are uttered by those people who are definitely not qualified to have a say in Islam or *Shari`ah*.

Refuted suspicions

Some of those writers claimed that the verses that ruthlessly reprimand those who reject ruling according to what Allah has revealed and stigmatized them with disbelief, oppression and deviation, do not address Muslims but the people of the Scriptures, Christians and Jews. They add that the reasons that led to the descending of these verses and their context support their claim.

To consolidate their theory, they recited Allah's Words to his Prophet,

﴿And you should judge between them by what God has revealed, and do not follow their vain desires, and be cautious of them lest they tempt you from part of what God has revealed to you.﴾

(5:49)

They claim that this judgment applies to the non-Muslim people of the old Scriptures but not Muslims!

Some claim that the judgment just mentioned - taking for granted that it includes Muslims - applies to the settlement of controversies and disputes, which is the job of judges, and not to political or legislative life ordained by Allah and represented in faith, morals and virtue. In this respect, Allah says,

﴿Then We entrusted you to convey Our message, so follow it, and do not follow the vain desires of those who do not know.﴾

(45:18)

Some of my Muslim brothers urged me to have a say in this vital issue that was raised by contemporary suspicious books.

Fundamental notes

I would like to list basic observations in this respect:

The fixed and valid religious facts do not need evidence

First, there are certain things our prominent scholars call "the fixed and valid religious facts". They mean the matters in which both the private and the public stands are on equal footing and which do not need scrutiny and reasoning, for they are taken for granted and are historically approved as fixed and ascertainable. These things stand for the basics or the "fixed facts" that represent the consensus of the nation and its intellectual, emotional and practical unity. Thus, they are not subjected to dispute unless one attempts to question the entity of Islam itself.

Among these matters is the belief that Allah, the Exalted, did not send down His Judgments in His Book and on His Messenger so as to be used for blessing, nor to be read at funerals or to be written as slogans hung on walls. On the contrary, these judgments were sent down to stay and to be followed to the letter. They were meant to govern the relationship of people and set the appropriate way of life according to Allah's Commands, Prohibitions, Judgments and Law.

This suffices every Muslim who believes that Allah is his Lord, Islam his religion, Muhammad his Messenger and the Qur'an his reference and judge. When such a Muslim meets the judgment of Allah and His Prophet he is bound to say: 'I have heard and I obey without wasting time to look for partial proof through the fixed and definitive texts and rules.

Profuse proofs necessitate judging according to Allah's Law

Second: Along with our volunteering to enlist the proofs that uphold judging according to Allah's Law, we confidently state that there are endless proofs of the Qur'an and *Sunnah*. In particular, the verses of al-Ma'idah stigmatize those who reject judging according to what Allah has revealed, with disbelief, oppression and deviation. This strongly and clearly reflects the necessity of judging according to what Allah has revealed and accepting these judgments, whether one agrees or not with them.

In this respect, Allah says,

﴿Have you not seen those who assert that they believe in what is revealed to you, and what we revealed before you, yet they wish to turn to Satan for judgment between them, though they were commanded to disbelieve in him, and

Satan desires to lead them far into error. And when they are told, "Come to (be judged by) what God has revealed, and what has been revealed to the Messenger". Then you will see the hypocrites hindering the way for you with all their effort. So how is it? Only when catastrophe afflicts them as a consequence of their own doing, then they come to you swearing by God, "Our intention was good and to reconcile the parties". These, God knows what is in their hearts, so ignore their doing and advise them, and speaks to them to revive their conscience. And we did not send any messenger but to be obeyed, by God's Permission, and if when they wronged themselves they had come to you and prayed for Forgiveness of God, and the Messenger had prayed for forgiveness for them they would have found God All-Relenting, All-Merciful. By your Lord! They will not believe until they accept you to judge between them in their disputes, and accept your decision with entire submission without feeling the least resentment in their hearts. ﴿

﴾
(4:60-65)

And,

*﴿*And they say: we believe in God and in the Messenger and we obey. Then a party of them turn away after that, and those are not believers. And when they are summoned to God and His Messenger that he may judge between them a party of them turn away declining. And if the right is on their side, they come to him in all submission. Is it that there is a sickness in their hearts, or do they doubt, or are they in fear that God and His Messenger may deal unjustly towards them? But they themselves are the unjust. Most

surely the believers, when they are summoned to God and His Messenger that he may judge between them, say only: "We hear and we obey." They are the successful. ﴿

﴾
(24:47-51)

And,

﴿ And it is not for any believer, man or woman, when God and His Messenger have decreed a matter, for them to have any choice in that matter. And anyone who disobeys God and His Messenger has indeed gone astray into open error. ﴿

﴾
(33:36)

These definitive verses of Allah's Book clearly reveal that submitting to Allah and His Prophet's Judgment is inseparable from belief, and that believers have no choice before what Allah and His Prophet have ordained. It is unimaginable for a true believer, when calling to Allah and His Messenger's Judgment to say anything except "I hear and I obey". Allah swears that whoever rejects the judgment of His Prophet (peace be upon him) is not a true believer until he accepts and submits to it without feeling the least resentment in his heart.

I would like to point out that what Allah has sent down is not restricted to the texts of the Glorious Qur'an. But includes (the justice) which is sent with the Balance, and both are revealed from Allah, for He says,

"God is the One Who has revealed the Book with the Truth and the Due Balance. ﴿

﴾
(42:17)

And,

﴿Certainly We sent Our Messengers with Clear Signs and We revealed to them the Book and the Balance so that the people may observe justice.﴾

(57:25)

Thus, there are two lights: the light of revelation assimilated from the Glorious Book and the light of the mind and instinct assimilated from the Due balance. Both have been sent down by Allah, and both are light upon light.

Outspoken definitive verses

Third: The verses of al-Ma'idah, which stigmatized those who rejected judging by what Allah has ordained as disbelievers, oppressors and deviation, are clear definitive ones.

We should quote the following verses of Allah's Book so that whoever has a heart, or who listens carefully will have the chance to reflect on them,

﴿Surely we have sent down the Torah (The Scripture sent to Moses). In it is guidance and light, the prophets who submitted themselves to the Will of God judged the Jews and the Rabbis and the Scholars by it according to the portion of the Scripture of God as they were bidden to observe, and they were witnesses to it. So you who believe, do not fear people but fear Me, and do not sell My Revelations for a paltry worldly gain, and whoever does not judge according to what God has sent down, those are unbelievers. And We prescribed for them in it (the Torah) 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 retaliation, but whoever forgoes it as a charity it shall be an expiation for him, and whoever does not judge according to what God has sent down, those are the evil-doers. And We sent, following in their footsteps, Jesus the son of Mary, confirming what was before him of the Torah, and We gave him the Injil (the Scripture given to Jesus) in which was guidance and light, and confirming what was before it of the Torah and a guidance and admonition for the pious. So let the people of the Injil rule according to what God has revealed in it, whoever, does not judge according to what God has revealed, those are the deviators. ﴿

﴾ (5:44-47)

Different interpretations of these verses

The ancient interpreters differed among themselves as to the interpretation of the verses. Some said that they deal with the people of the Scripture, the Jews and Christians. Some were of the opinion that the first verse,

﴿And whoever does not judge according to what Allah has revealed, those are unbelievers. ﴿

deals with Muslims. Whereas the second one deals with Jews and the third, with Christians. Some said that they were sent down to address the people of the Scripture and all people were meant to be included by it, whether Muslims or disbelievers. At-Tabari said on the authority of Ibrahim An-Nakh`i that these verses were sent down to address the children of Israel. Yet Allah ordained that it will encompass the whole nation. Al-Hassan said that they addressed the Jews, yet the judgments stated in them are obligatory on everyone of us. Ibn Mas`ud was once

asked about bribery given to guarantee biased judgment and he answered I believe that this denotes disbelief. Then he recited, "*And whoever does not judge according to what God has sent down, those are unbelievers.*"

Assadi was of the opinion that these verses address Muslims in general. Ibn `Abbas agreed with him, for when he was asked if the one who rejects judging according to what God has sent down, is considered a disbeliever he said: "If he did so, he would have an action of disbelief. Yet it would not be as if he disbelieved in Allah, the Hereafter and so on. Tawus agreed that this strain of disbelief does not make him a renegade. `Ata' said that it touches at disbelief, oppression and deviation, yet it is not shrouded by them. Sa`id ibn Mansur, Ibn al-Mundhir, Ibn Abu Hatim, al-Hakim and al-Bayhaqi reported that Ibn `Abbas himself was of the same opinion. `Ali ibn al-Hussayn Zayn al-`Abidin was of the same opinion. In another version Ibn `Abbas set a difference between two types of rulers saying: Whoever rejects judging according to what Allah has sent down is ensnared by disbelief and whoever accepts what Allah has sent down but neglects judging according to it is ensnared by oppression and deviation.

Remarks concerning the interpreters

I would like to make a few remarks concerning these interpretations:

First, undoubtedly, these verses were originally meant for the people of the Scripture, Torah and *Injil*. The causes behind their Revelation and the context itself are witness to it. Yet at a glance, we find that the end of the honorable verses: ﴿ *Whoever does not judge according ...* ﴾ address people generally. If so, what made some of the

interpreters restrict their judgments and content to the non-Muslim people, the people of the Scripture and disbelieves? The reason lies in their fear lest people should, heedlessly, hasten to accuse the commanders and rulers with disbelief at the slightest oppression committed even if it was motivated by lust or favoritism or the like. Any commander or ruler seldom escapes this except for the very few that Allah protects from such a downfall.

Consequently, Ibn `Abbas and his companions `Ata', Tawus, Ibn Jubayr and others, agreed that it is considered an act of disbelief which is not enough to turn one renegade as the case with the disbeliever who disbelieves in Allah, His angels, Books, and the Hereafter. They stated that it touches at disbelief, etc. This is what made Ibn `Abbas set a difference between the one who rejects and the one who accepts judging according to Allah's judgment.

Anyone who reads the conversation that was held between Abu Mugliz at-Tabi` and the people of Sados of al-Ebadiyyah concerning their rulers and how they wanted him to give *Fatwas* of their disbelief on the grounds that this verse is to that effect, will soon realize what I mean.

At-Tabari reported that `Imran ibn Haydar narrated that when Abu Mugliz came to visit some people of Banu `Amr ibn Sados, they asked him, "O Abu Mugliz, we want to ask you about Allah's words: ﴿Whoever doesn't judge according to what God has sent down, those are unbelievers.﴾ Is this judgment true?" He answered, "Yes, indeed!" They said, "What about Allah's words, ﴿Whoever doesn't judge according to what Allah has revealed, those are the evil-doers.﴾ Is this judgment true?" He answered, "Yes, indeed!" They said, "What about Allah's words, ﴿Whoever doesn't judge according to what Allah has sent down, those are the deviators.﴾ Is this judgment true?" He

answered, "Yes, indeed!" Then they said, "O Abu Mugliz, do our rulers judge or rule according to what Allah has sent down?" He said, "Islam is their official religion which they say they follow to the letter. Yet, if they neglect some of its instructions, they know deep down inside that they have committed a sin!" They said, "Nay, by Allah, you fear them!" He said, "You are the ones who are afraid. For I did not see their evil-doings with my very own eyes. But you did, and you did not express your rejection or even objection. Yet the truth is that these verses were sent down to address the Jews, the Christians and the disbelievers in general and the like."

In another version, Abu Mugliz said, "They do what they do - the rulers - even though they are certain that what they do is sinful!" Nevertheless, this verse was sent down to address the Jews and the Christians.

The necessity of differentiation between two types of rulers

Second, it is of vital importance to differentiate - as the scholar Ibn `Abbas did - between two types of rulers: the one who is steadfast to Islamic instructions and embraces Islam as his source of judgment, constitution and life system and believes Islam to be his only source for judgment. However, at times his judgment in certain details is swayed or clouded out of weakness or vain desire and he who rejects judging by what Allah has sent down altogether and give priority to human judgment and laws. It is as if he were accusing Allah, the Exalted, of ignorance of what is in the best interest of His slaves, or he knows what Allah has sent down, yet he imposes the opposite on the people. Allah, the Exalted says, ﴿*Could He not know, He Who created? And He is Gentle and Aware.*﴾ (67:14)

This made the scholar Mahmud Muhammad Shakir comment, in his analysis of at-Tabari's interpretation, on the reported versions of Abu Mugliz's conversation with Banu `Amr ibn Sados saying: It is crystal clear that those who asked Abu Mugliz of Ebadiyyah wanted to put the words of calling the rulers disbelievers into his mouth. Because, according to their viewpoint, the rulers were at the Sultan's side and they probably had committed some sins and violations. Therefore, in the first version, he told them: "If they neglect some of divine instructions, they know that they committed a sin! In the second version, he told them." They do whatever they do even though they are certain that it is sinful.

Then, their inquiry did not express the trial of our time but of theirs. They did not inquire about the enforcement of financial and criminal laws that contradict the Islamic *Shari`ah*. Nor they suffered the calamity of enforcing a law that permit Muslims to follow judgments that are not stated in Allah's Book or by His Prophet (peace be upon him). This action is believed to be a rejection of Allah's Judgment and Religion. Moreover, it gives preference to the judgments of disbelievers and this is, by consensus, flagrant disbelief on the part of those who advocate them.

Today, we suffer the abandonment of all Allah's judgments and the preference of judgments other than those stated in His Book and the Prophet's *Sunnah*. Allah's *Shari`ah* is now fettered. Those who prefer man-made laws to Allah's Laws go so far as to claim that the laws of *Shari`ah* were sent down for a different time, place and reasons. Hence, they are not applicable nowadays. Thus, there is a great difference between the status quo which Mugliz talked about and the status quo nowadays?!

They claim that this inquiry to Abu Mugliz aimed at giving credibility to their disagreement with the Sultan concerning one of the judgments of *Shari`ah*. Yet, throughout the history of Islam no ruler ever issued a self-motivated judgment and enforced it as if it were obligatory. Moreover, the ruler who judged a certain issue according to a judgment that contradicted Allah's Judgment was one of three things: He was ignorant that it contradicted Allah's Judgment. In this case he stood on equal footing with the one who is ignorant of the laws of *Shari`ah*, or he was swayed by lust and sin and this sin is expiated by regret and erased by Allah's forgiveness, or he had different interpretation of Allah's Book and the Prophet's *Sunnah* from that of the rest of scholars, on which he based his judgment.

Neither during Abu Mugliz's time, nor before or after him didn't ever happen that a ruler abandoned the laws of *Shari`ah* in his judgment in a certain issue nor didn't ever happen that a ruler preferred the judgments of disbelievers on those of Allah's. Thus, it is completely out of proportion to misinterpret Abu Mugliz's conversation with the people of Ebadiyyah in such a way.

Whoever quotes these two versions of Abu Mugliz's conversation and misinterprets it so as to curry the favor of the Sultan, or to give credibility to judgments that contradict Allah judgments and imposes them on Allah's slaves, is judged according to *Shari`ah* as the one who denies Allah's judgments. Accordingly, he must eventually admit that he committed a sin and express his remorse. But, if he insists on his denial of Allah's judgment and upholds other judgments, then the judgment on this disbeliever who insisted on his disbelief is very well known by religious people.⁽¹⁾

1. Mahmud Muhammad Shakir, *Commentary on Tafsir At-Tabari*.

Universality of judgments

Third: Scholars of *Usul Al-Fiqh* (Principles Islamic Jurisprudence) analyzed the reasons for the Revelation of the Qur'an, the *hadiths* of the Prophet and the universal judgments extracted from them. They reached the conclusion that what really matters is the universality of these judgments, not the reasons that led to them. Otherwise, many judgments would have lost their validity as soon as the special circumstances that led to their revelation were no longer existent, particularly at the time of prophethood. We must also bear in mind that many of the historically-registered reasons for their revelation are untrue.

As for our controversial issue: Whoever doesn't judge according to what Allah has sent down, we can neither say that it addresses the Jews nor the Christians. What Allah has sent down was not registered in their books that were abrogated and are no longer valid. We also say that this verse does not include us, the Muslims, who have the eternal Book that will exist until Allah inherits the earth and all that is on it. Moreover, why would Allah order the people of the Torah to judge according to what He has sent down, and the people of the New Testament to do the same, and exclude the people of the Qur'an?

I have already tackled this issue in a research paper on "*Fatwas*"⁽¹⁾ and the errors of those who issue them by stating: Among the instances of misinterpretation is what some said concerning certain verses in the chapter of al-Ma'idah that deal with those who do not judge according to what Allah sent down:

﴿Whoever does not judge according to what Allah has sent down, those are the unbelievers﴾

1. Lately published by Dar as-Sahwah, Cairo under the title "*Fatwa Between Discipline and Negligence*".

﴿Whoever does not judge according to what Allah has sent down, those are evil-doers﴾

And,

﴿Whoever does not judge according to what Allah has sent down, those are the deviators.﴾

Someone argued that Allah did not send down these verses to address us - the Muslims - but rather to address the people of the Scripture. His pretext was that whoever does not judge according to what Allah has sent down of the Jews and Christians is judged as a disbeliever, evil-doer or a deviator, whereas, whoever does not judge according to what Allah has sent down of Muslims is not judged so. By Allah, I was amazed when I heard this twisted interpretation. It is true that the context deals with the people of the Scripture as the verses in question came after mentioning the Torah and Injil, yet we notice the universality of these verses for they address both the people of the Scripture and Muslims.

Hence, scholars of *Usul Al-Fiqh* emphasized the fact that what really matters is the universality of those statement;, not the reasons and circumstances that lead to them.

By analogy, one might say Mr. X is sick as a result of malnutrition and unhealthy ventilation conditions, or that whoever neglects healthy nutrition and ventilation conditions gets sick. The first premise deals with Mr. X in particular, yet the second premise is stated in universal terms that encompasses each and every person who neglects healthy nutrition and ventilation conditions with the final reasoning that he is doomed to fall sick. A second example is, if we said that the results of the final year exam in a particular school was bad as a result of bad management and that if the management is bad, the results must be

bad. The first premise talks about a certain school and the final judgment is said in general terms directed at every institution that suffers from bad management. Consequently, we can say that the fact that Allah has sent down these verses in the context of addressing the people of the scripture, does not make them exclusive to the Jews and Christians, for they came in universal terms that include anyone who corresponds to the description mentioned in the verses.

No one can accept the claim that the judgments mentioned are exclusive to the Jews or Christians, because this means that if Jews and Christians did not judge according to what Allah has sent down, they are judged as disbelievers, evil-doers and deviators. Yet, if Muslims did the same thing, they would not be subjected to the same judgment.

This claim is rejected for many reasons:

1. It is against Divine Justice as it means that Allah, concerning to judgment, has a double standard: one to deal with the people of the Scripture and another to deal with Muslims, notwithstanding the fact that Allah does not treat His slaves according to their names and places of birth but rather according to their faith and deeds. Hence, Almighty Allah says,

﴿It is not according to your desires, nor the desires of the people of earlier Scripture. Whoever does evil shall be recompensed for it.﴾

(4:123)

At-Tabari narrated in his interpretation on the authority of Abu al-Bukhturi: A man asked Hudhayfah about the verses: "*Whoever does not judge according to what Allah has sent down, they are the disbelievers,*" "*.... they are the evil-doers,*" and "*.... they are the*

deviators" and whether they were meant for the people of Israel? He exclaimed, "The people of Israel are indeed your favorite brothers for they take off your shoulders every bitter judgment, whereas the sweet judgment is exclusive to you! Nay, by Allah, your error of judgment resembles theirs but for a few exceptions."

This incident of Hudhayfa's was reported by al-Hakim in *Al-Mustadrak* on the authority of Jarir al-A'mash, Ibrahim, and Hammam, who said, "We were at Hudhayfa's and the people there recited, ﴿And whoever does not judge according to what Allah has sent down, they are the unbelievers.﴾ Then a man said, "The people of Israel are meant by this verse!" Hudhayfah commented, "The people of Israel are truly your best brothers as long as they take upon their shoulder the bitter judgment whereas the sweet judgments are exclusive to you. Nay, by Allah in Whose Hands my soul rests, you stand on equal footing with your brothers of the people of Israel when it comes to Allah's Judgments."

2. This statement draws a line between what Allah has sent down upon Muslims and what He has sent down on the people of the Scripture. For, it judges the people of the Scripture as disbelievers, evil-doers and deviators if they reject judging according to what Allah has sent down. Whereas Muslims are not seen through the same perspective, even if they commit the same sin. We must bear in mind that Allah has sent the best of his Books to the Muslims. This book gives credibility to the previous books and is the ultimate reference for all of them. It is the preserved miracle of Allah; no falsehood can come to it from before it. In this respect, Almighty Allah says to His Prophet (peace be upon him),

﴿And We revealed to you the Book in Truth, confirming what has remained intact of the Scripture before it, and the

determiner of it. So judge between them according to what Allah has revealed, and do not follow their vain desires, turning aside from the Truth that has come to you. ﴿

﴾ (5:48)

3. The wisdom of the narratives of the Christians and the Jews in the Qur'an, about how they conducted their lives and then the passing of Allah's Judgments on them as good-doers or evil-doers, is meant to give Muslims a lesson on how they should follow their example in doing good and in throwing aside their evil-doing. Thus, these narratives were not told in vain.

In fact, all Muslim scholars quote the verses that deal with the people of the Scripture believing that they were told as a lesson and a reminder to all Muslims. In consequence, no one hesitates to address the Muslim scholars in the same way that the people of Israel were addressed in the Qur'an, when Allah (the Exalted) says,

﴿Do you enjoin the performance of good deeds on the people and neglect it yourselves, while you read the Scriptures, do you not have any sense? ﴿

﴾ Similarly, no one hesitates to address Muslims (in general) in the same way that Allah addressed the people of Israel, saying, ﴿Do you believe in a part of the Scripture and disbelieve in the other parts? ﴿ (2:44)

If this is the criterion of judgment concerning the private address then what about the general one in the verses in question? These three verses pose a challenge to the wits and perception of every interpreter. They also stigmatize every ruler who deviates from Allah's Judgments with three things: disbelief, evil-doing and deviation. As one previously said, "If it were only one spear, I would have avoided it, yet alas it was followed by a second and a third one!"

Consensus over judging according to what Allah has revealed

Fourth: Those who said that these verses were revealed so as to address the Jews (the people of the Torah) and the Christians (the people of New Testament) do not mean that judging according to what Allah has sent down in the Qur'an is not obligatory on Muslims. One cannot possibly imagine that this might be said by a scholar of *Fiqh* or interpretator of the Qur'an. For, why did Allah reveal His Book if following its instructions, laws and judgments was not obligatory? The subtle truth is that some of them wanted to avoid trespassing the issue of disbelief; therefore, they said that: All of them knew that ruling according to what Allah had revealed is obligatory.

Thus, some of them said that Allah has sent these verses for the people of the Scripture, yet the judgments they state are obligatory on us.

Imam Abu Ja`far at-Tabari was of the opinion that Allah has sent these verses to address the people of the Scripture, yet he added that judging according to what Allah has sent down is obligatory on all people.

Abu Ja`far stated, "The opinion that corresponds to logic and truth as far as I am concerned is the one that said that these verses were sent down for the disbelievers of the people of the Scripture; as the context before and after them deal with them, they are therefore meant to address them."

If someone argued: But Allah, the Exalted used general or universal terms to indiscriminately include all those who did not judge according to what He has sent. So why have you turned a universal address into a private one?!

He would be answered: Allah the Exalted, used universal terms to judge a people who had already been judged according to Allah's Judgment in His Book, as people who denied Allah's Judgment. He stated that their denial of his judgment made them disbelievers. Similarly, anyone who denies to judge according to what Allah has sent down is judged as a disbeliever. Ibn `Abbas maintained that he is considered a disbeliever because he denies Allah's Judgment, even though he knows that it has been sent in His book, and he denies the Prophethood of His Prophet, even though he knows that he is His Prophet.

All in all, he voted for the universality of the address in these three verses as the rest of the scholars who made exact distinction between the rulers and their attitudes. Every scholarly researcher agrees with the opinion that advocates distinctive and relative judgment on the people who deny judging according to what Allah has sent down.

Rashid Rida's opinion

The scholar Rashid Rida commented on the verses of al-Ma'idah saying: The words disbelief, evil-doing and deviation in the Qur'an reflect a single truth. Yet, they have different connotations as we already explained in the interpretation of the verse, ﴿*And the unbelievers they are the evil-doers.*﴾ of Al-Baqarah. The jurists of *Usul Al-Fiqh* (Principles of Islamic Jurisprudence) and other branches of knowledge agreed that the term "disbelief" means to turn renegade and to go against Allah's true Religion. Yet, they did not include the words evil-doing and deviation in their definition. None of them dares to deny that the Qur'an stigmatizes certain actions with disbelief while they agree to the contrary, nor that it describes what they agree to be disbelief as evil doing and deviation. They are of the opinion that

these actions reflect disbelief, but do not make those who do them disbelievers. Moreover, they do not stigmatize every evil-doing or deviation with disbelief. In fact, they do not associate disbelief with acts of evil-doing or deviation at all. Consequently, the irrevocable judgment of disbelief on whomever does not judge according to what Allah has sent down, gives rise to much controversy among those who try to strike a balance between the texts of the Qur'an and their interpretation of them.

In the reference books on interpretation, they reported that Ibn `Abbas (may Allah be pleased with him) said - concerning the interpretation of the verses in question - these actions have a strain of disbelief, evil-doing and deviation, yet they do not stigmatize anyone who does them with disbelief, evil-doing and deviation. He also said that the three verses address the Jews in particular and have nothing to do with Muslims. Ash-Shu`abi was of the opinion that the first and second verses address the Jews whereas the third address the Christians.⁽¹⁾ This might be true as a superficial interpretation of them, yet it does not negate the fact that this threat afflicts whomever follows their crooked ways from among us and throws aside his Book, as they did to theirs. The Qur'an is an example that paves the way for the mind to practice reasoning through a series of premises and conclusions, as we have already seen in the examples of Hudhayfah and Ibn `Abbas.

The logical explanation is that the context of the first two verses deals with Jews, whereas that of the third verse deals with Christians. The words of the three verses are universally-oriented and have no

1. What is reported from ash-Shu`bi and at-Tabari that the first verse was sent down concerning Muslims, second concerning Jews, and the third concerning Christians. This is also what is chosen by Ibn al-`Arabi as mentioned in "*Ahkam Al-Qur'an*" by Ibn al-`Arabi. It is also reported by al-Qurtubi.

trace of private allusions. The judgment of great disbelief is not entirely excluded in the interpretation of the first as well as the other two verses, provided that abstaining from judging according to what Allah sent, is motivated by rejection, disobedience and preference of the judgments of others to Allah's Judgment. This is the most probable interpretation of the first verse, bearing in mind, the reasons behind its revelation (as we have already explained).

As soon as we finish reading these verses, we will realize the degree of accuracy in the usage of the terms: disbelief in the first verse, evil-doing in the second, and deviation in the third, as their dictionary meaning corresponds to the meaning attached to them by the scholars. The context of the first verse deals with jurisprudence, sending down the Book with guidance and light, the obligation of the Prophets and wise scholars to follow the teachings and judgments of the Qur'an contrasted with states of disobedience, rejection of His Guidance and light and preference of someone else to Him, is judged as disbelief. This verdict is crystal clear, yet it excludes the one who was not able to judge according to what Allah has sent down and the one who did not follow His Judgments out of ignorance then he realized his sin and repented. These two are judged as disobedient to Allah's Judgment yet, by consensus of the people of *Sunnah*, are not judged as disbelievers.

As for the second verse, it does not deal with the essence of the Book (which is the pillar of faith and religion), but rather with the punishment for bodily assault and the retaliation that must be equal to the gravity of the crime committed. It states that whomever does not judge according to these judgment, is an evil-doer. The third verse emphasizes the guidance of the New Testament. It is devoted to sermons and manners. Furthermore, it urges Muslims to follow the

Shari`ah according to Allah's Commands and not depend on the superficial meaning of words. Whoever does not follow this guidance is judged as deviating for their disobedience and rebellion.

Many Muslims enacted laws and judgments similar to those issued by people in the past. Consequently, they threw aside some of what Allah had sent down. Undoubtedly, the judgments that Allah, the Exalted, states in these three verses - or at least some of them - apply to whomever does not follow what Allah has sent down in His book, without having a valid interpretation of the verses of which he is convinced. For instance, whomever does not carry out the *Hudud* (the punishments for stealing or false accusation or adultery), out of disobedience, rejection and preference of an alternative human law is definitely a disbeliever. And whoever does not carry them out for any other reason is definitely an evil-doer, if this violation led to the loss of someone's right, or the lack of justice and equality. Otherwise, he is judged as a deviator. The word "deviation" is the most general of the three words for every disbeliever and evil-doer is, by necessity, a deviator and not vice versa Allah's general, absolute, and general judgments in text and through human conducted juristic reasoning is justice. For as one religious celebrity said, "Wherever Allah's Judgments are carried out, justice is found."

It is well established that as long as there is a valid, ascertained and definite text in which the judgment is stated, one must not violate it unless there is another text which is given priority over it, such as the text that erases blame on people who are forced by necessity to do certain things.

All in all, this is Sheikh Rashid's (may Allah give him peace) opinion concerning whomever does not judge according to what Allah has sent down. His opinion is crystal clear and is written in detail for

anyone who is curious to know it. His opinion must be evaluated as a whole; one should not pick and choose from words, and then accuse him of leniency, falsification and defeatism. This great reformer does not deserve this injustice on our part.

Argument about Ibn `Abbas' opinion

It has been claimed that the school of Ibn `Abbas (may Allah be pleased with both) was of the opinion that the interpretation of the verses must be seen in the light of the reasons for their revelation and must be restricted to dealing with them. They even argued with the famous Islamic writer, Mr. Fahmi Huwidi, concerning the validity of their claim. I really do not know which reference they based their information about Ibn `Abbas upon? Ibn `Abbas ascertained interpretation of the Qur'an includes no such viewpoints, except for a few verses whose context deals with the issue in question and are not universally-oriented. Except for these few exceptions, he depends on the universality of these judgments, rather than the reasons that initiated them. His interpretation of these verses of al-Ma'idah proves what I have just said about at-Tabari and as others reported; that he explained the verse. ﴿They are the unbelievers﴾ saying that it states that anyone who does not follow what Allah has sent down is plagued by disbelief. Yet it is not as though he disbelieves in Allah, His Angles, Books and Messengers.

They reported that he differentiated between the one who denies the Judgments of Allah and the one who admits what were sent down by Allah, even though he doesn't carry them out, by saying that the first one is a disbeliever and the second is an evil-doer and a deviator.

Ibn al-Mundhir reported that he refuted the claim that these verses were sent down to address the people of the Scripture in particular,

saying, "What a truly just and unbiased people you are, for you pick and choose of Allah judgments, making the sweet judgments exclusive to you and the bitter ones exclusive to the people of the Scripture." Thus, he states that these verses address Muslims as well.⁽¹⁾

The claim that some judgments are restricted to the parties engaged in dispute

Some people claimed that the word "judgment" occurs in the Qur'an meaning the judging between people engaged in dispute or conflict, and that it has no connection whatsoever with the political, administrative or legislative issues, Allah says, *﴿And you should judge between them.﴾*

If he had meant differently, he would have said, "You should rule them." This claim is not absolute, for whomever reads al-Ma'idah as a whole will realize that it deals with jurisdiction, jurisprudence, administration, politics and so forth.

As for the Torah, Allah says,

﴿Surely We have sent down the Torah (the Scripture sent to Moses), in it is guidance and light. The prophets who submitted themselves to the Will of God judged the Jews and the Rabbis and the Scholars by it according to the portion of the Scripture of God as they were bidden to observe, and they were witnesses to it. So you who believe, do not fear those people, but fear Me and do not sell My Revelation for paltry worldly gain and whoever does not judge according to what God has sent down, those are the evil-doers.﴾

(5:44)

1. Reported by ash-Shu'bi in "Ad-Durr Al-Manthur".

Obviously, the judgment here is too general to be restricted to judging between disputing parties.

As for the New Testament, Allah says,

﴿So let the people of the New Testament rule according to what God has revealed in it, whoever does not judge according to what God has revealed, those are the deviators.﴾

(5:47)

The New Testament is not a book of judgments that judges used as a reference so as to settle disputes. It is a book of instructions, sermons, manners and conduct. Judging according to what Allah has sent down is not limited to settling disputes and controversies as they claimed. Supposing that this claim is valid and "judging" meant jurisdiction and settlement of disputes, does this give liberty to the commanders, presidents, legislative and executive authorities to escape from the responsibility of judging according to what Allah has sent down? Nay, for the responsibility is mutual as the research scholar of this era concluded.

The scholar Rashid Rida says, "To call a judge who is assigned the jurisdiction for the state a disbeliever, necessitates judging the commanders and sultans who enforce the laws as disbelievers, even though they did not think the laws over nor did they write them down; they were made with their permission and full approval. Moreover, they are the ones who were assigned the mission of appointing the judges to judge according to them."

Sheikh Shaltut (may Allah give him peace) upheld Rida's viewpoint in his *Fatwa*. To conclude, this is a strong verdict that should be reconsidered.

The Word "Shari`ah" and its connotations in the Glorious Book

I was wonder-struck to hear that some people nowadays claim that the word "*Shari`ah*" is mentioned only once in the Qur'an in al-Jathiyah, when Allah says:

﴿Then We entrusted you to convey Our Message (Shari`ah), so follow it.﴾

(45:18)

They even advocated their claim in books and newspapers. Accordingly, they deduced that the issue of *Shari`ah* carried no weight. If this reasoning is sustainable, we could say that Islam doesn't place much importance on the issue of morality, for the Qur'an mentioned the word "morality" only once in the context of praising the Prophet (peace be upon him):

﴿And surely you are of a great morality.﴾

(68:4)

Similarly, we could say that virtues are of no significance for the word "virtue" is not mentioned in the Qur'an. Furthermore, the word "faith" is also of no weight, for it is neither mentioned with a definite nor an indefinite article. Moreover, it is not mentioned in the noble *Sunnah*.

If narrow-mindedness and crooked superficial interpretation controlled our concepts, values and teachings, things would be muddled and truth would be confounded with falsehood and we would go astray from the right path. What we should do is to search for the overall meaning and the intent of the subject question in the Qur'an and the *Sunnah*, regardless of the words and terms people introduce after the era of the revelation of the Qur'an.

Legality of using the Qur'anic descriptions

Fifth: No one is to be accused of wrong doing or going astray; so long as he adheres to the text and wording of the Qur'an. All he has to do is to interpret disbelief the way Ibn `Abbas and the others did; namely, that it means not to turn apostate. He must believe that if one does not judge according to what Allah has sent down, his actions will reflect disbelief, but they will not make him an insolent disbeliever. He must differentiate between the one who denies, and the one who admits and judges according to what Allah has sent down. The interpreters and research scholars of the Islamic nation realized this distinction a long time ago.

Two Basics

There are two fundamental issues that we must shed light on as regards both the ruled and rulers:

1. Stigmatizing someone as an evil-doer and deviator is not to be taken lightly. It is not only disbelief which makes one an apostate, but also evil-doing and deviation. They are the most dangerous things that threaten the devout and disciplined Muslim who fears for his religion and aspiration to win Allah's Pleasure. In this respect, Allah, the Exalted, says,

﴿ *Surely the curse of God is upon the evil-doers;* ﴾
(11:18)

﴿ *And God does not love evil-doers;* ﴾
(3:57)

﴿ *Indeed God does not guide the evil-doers;* ﴾
(5:51)

﴿And whoever of you transgress, we shall make him taste a grievous chastisement;﴾

(25:19)

﴿Indeed the evil-doers never prosper;﴾

(12:23)

﴿And those who do wrong shall soon come to know what punishment awaits them;﴾

(26:227)

﴿Surely God does not guide the wicked people;﴾

(63:6)

﴿Evil it is to have a name of wickedness after one has believe;﴾

(49:11)

and,

﴿We seized with a severe chastisement all others who had transgressed, because of their wickedness.﴾

(7:165)

2- Definitely, judging according to the judgment of someone other than Allah, even though it is not judged as an act of disbelief, makes one apostate. It is against the teachings of Islam and the one who does it must feel the calamity of stigmatizing himself with evil-doing and deviation. For, it is not a temporary evil-doing and deviation; but rather a continuous evil-doing and perpetual deviation, so long as the one who judges according to the judgment of someone other than Allah continues to do so. As a result, the continuation of this judgment is judged with certainty as evil-doing by consensus. Keeping silent when seeing it done is also an evil-doing by consensus. Undoubtedly, opposing and rejecting it is certainly obligatory by consensus. As

people of power and influence, such as member of Parliament, must attempt to change these evil judgments through the constitution, then military force or public pressure, provided that these procedures are within their power and do not lead to a sweeping affliction and greater evil-doing. If neither is within reach, then they should carry out the less harmful and less corruptive procedure. Thus, the obligation of *Jihad* descends from that done by force, to the one done by tongue, and then from the heart, which is the least one must do to express the faintest streak of faith. We will soon tackle this issue in the next chapter.

Imam Muslim narrated in the *Sahih* on the authority of Ibn Mas`ud (may Allah be pleased with him) that the Prophet (May peace be upon him) said,

"All prophets who had been sent to their people before my time had disciples and companions who followed in their footsteps and followed their example. Then the people who followed them began to say that which they don't do and to do that which they were not ordered to do. Whoever strives hard in Allah's Cause in action is a true believer; and whoever strives in Allah Cause with words is a true believer; and whoever strives in Allah's Cause from his heart is a true believer; and there is not a mustard seed of belief beyond that mentioned."

Finally, surrendering passively to the reality that contradicts Islam is not acceptable, for one must exert his utmost to change it through legitimate ways, such as *Da`wah*: the call to people to follow what Allah has sent down, the development of a culture-oriented mentality, upbringing and adaptation until one begins to feel the change in reality. Hence, Allah's change occurs.

In all, Allah tells the truth and guides us to the right path.

The Stages of Changing Evil-doing and When is it Allowed to Change by Force?

Question: The issues of changing evil-doing, who has the right to change it, and if it is allowable or not, are some of the most important and precarious issues that have also given rise to much controversy. Some people are of the opinion that only those in authority have the right to change evil-doing. In other words, changing evil-doing is a responsibility of the state, rather than the individual. Otherwise, everything will fall into a state of chaos and affliction, and strife will sweep the country leading to events no one knows but He, the Almighty. Others are of the opinion that every Muslim not only has the right but also is obliged to change evil-doing. Their belief is firmly based on the authentic *hadith* that reported that the Prophet (peace be upon him) said, "*Whoever of you sees evil committed must try to change it with his own hands. If he is not able to do so, he must try to change it with words. If he is not able, he must object to it in his heart; and that is the least a true believer must do.*"⁽¹⁾

The *hadith* states that everyone who sees evil-doing or wrong-doing committed is obliged to change it first by force. But, if he is unable to do so, he is obliged to change it by words. And if he is still unable to do so, he is obliged to object to it in his heart, which is

1. Reported by Muslim in his *Sahih* on the authority of Abu Sa'id al-Khudri.

the least manifestation of belief on his part. The question arises: If one is capable of doing what is believed to be the best and strongest expression of belief, why should it suffice that he chooses the least and weakest one?

This urged some over-enthusiastic youths to act on the spur of the moment to try to change whatever evil-doing they saw with their own hands, regardless the consequences. However, it is my duty to say that if those who are in authority or if the state itself is the evil-doer, or if it sponsors and protects evil-doing and evil-doers by claiming that what is unlawful (*Haram*) is lawful (*Halal*) and vice-versa, and if it abandons the obligations and the punishments ordained by Allah (*Hudud*), as well as fights against what is right and publicizes falsehood, then, and only then, are individuals assigned the mission of exerting their utmost effort to set right its crookedness and violations. If they are abused or tortured in the process, it would be for Allah's Sake. And if they are killed, they will be martyrs who have died for Allah's Cause and would join Hamzah ibn `Abd al-Muttalib, the Master of Martyrs, as the *hadith* reported.

This issue has been misinterpreted and misunderstood by many people - particularly misled Muslim youth - who, with zeal, pursue this cause. We must bear in mind that those who advocate the first viewpoint are the group of scholars who came to be called "the authority scholars and police agents." Consequently, their opinions are no longer accepted, let alone followed. Furthermore, all or almost all of those who advocate the second viewpoint are youth who are easily swayed towards rashness, extremist passion and superficiality, as regards their superficial interpretation of the texts without paying attention to the interrelations between them. I hope that you give this issue your time and interest until we reach a decision concerning

which of the two viewpoints is true. We might even realize that both, or none are right. may Allah bestow the power to write what He loves and is pleased with, through your writings so that you will help people to determine what is true and what is false ... Amen.

Duty of enjoining the good and forbidding the evil

Answer: The obligation of enjoining good (*al-Ma`ruf*) and forbidding evil (*al-Munkar*) is one of the fundamental obligations of Islam. Allah ordained it to be one of the two basic factors that make this Islamic nation preferred, and described as the best of people ever raised up for mankind. In this respect Allah says,

﴿You are the best nation to have been raised up for humankind. You enjoin what is right, and forbid what is wrong, and you believe in God.﴾

(3:110)

The Qur'an states the basic traits of true believers,

﴿Those who repent, those who worship, those who praise (God), those who wander in devotion for the Cause of God, those who bow down, those who prostrate, those who enjoin good and forbid evil, and those who keep God's Limits. Give glad tidings to the believers.﴾

(9:112)

The believing women are also obliged to carry out this general obligation for Allah (the Exalted) says,

﴿And the believing men and the believing women, they are the friends of each other; they enjoin good and forbid evil.﴾

(9:71)

Every believer is a guardian for his brother by virtue of belief and the same applies to every believing woman.

The Qur'an praises those who enjoin what is right and forbids what is wrong. It reprimands those who neither enjoin what is right, nor forbid to each other the wrong things they committed. In this respect, Allah (the Exalte) says,

﴿The unbelievers of the Children of Israel were cursed by the tongue of David, and by Jesus, the son of Mary, because of their rebellion and their transgression. They did not forbid each other the wrong things they committed; evil were their doings.﴾

(5:78-79)

The Muslim's devotion and benevolence shouldn't be introverted, in that he must do what is good and reject what is evil and live in his private shell. He must also cling tenaciously to the good and prevent it from slipping away. Moreover, he must not stand still watching the evil gain ground daily, until it sweeps away everything around him.

The Muslim's benevolence and devoutness are employed for the good of himself and others. Almighty Allah says in the chapter of al-`Asr,

﴿Except those who believe and do righteous deeds, and enjoin each other to follow the Truth, and enjoin each other to be steadfast.﴾

The Muslim will not be able to escape losing his life and the Hereafter unless he enjoins himself to follow the truth and be steadfast. This might be expressed by enjoining what is good and prohibiting what is evil. Thus, the Muslim is one of the guardians and sponsors of truth and good in this nation.

Undoubtedly, whatever-evil doing is committed in the Islamic society is the result of it having gone into a coma, weakness, or disintegration. This evil or wrong does not last, for it is alien to the society, it does not feel at home; and it is definitely illegitimate.

In every Islamic land, evil - what ever form it takes - lives haunted and rejected, as if it were a criminal sentenced to death or life imprisonment. In other words, while it is true that it might survive and spread, it will always be outlawed and rejected by society. The Muslim then is ordered to chase, resist and put an end to evil-doing so that it will not be publicized and have a legitimate existence in a land upon a people that are not its own.

The authentic *hadith* of changing evil-doing and its stages

Abu Sa`id al-Khudri reported in the authentic *hadith* that the Prophet (peace be upon him) said,

"Whoever of you sees an evil committed, must try to change it with his own hands. If he is not able to do so, he must try to change it with words. If he is not able to do so, he must object to it in his heart, and that is the least a true believer must do."⁽¹⁾

The *hadith* states that changing evil and wrong-doing is not only the right, but the obligation of any Muslim who witnesses it.

The evidence, as the fundamentalists state, is the use of the general pronoun "whoever" in the *hadith*. It is a general pronoun that includes all those who have witnessed evil-doing, whether people in power and authority or normal citizens. The noble Prophet addressed all

1. Reported by Muslim in the book of *Iman* (Faith) of his *Sahih* on the authority of Abu Sa`id al-Khudri.

Muslims, "Whoever of you." He made no exceptions whatsoever, for he addressed all Muslims starting with the Companions to those who followed them, and generations to come until Doom's Day.

The Prophet (peace be upon him) was the Imam, the head and the ruler of the Islamic nation. Still, he ordered that the ruled to change evil-doing with their own hands once they see it, and in every way they could saying, "*Whoever of you sees an evil-doing committed.*"

The prerequisites of changing evil-doing

The only thing the Muslims or the Muslim host has to do when embarking on change of evil-doing is to observe and comply with prerequisites which the *hadith* determines:

The first prerequisite

The evil-doing must be forbidden: *Haram* by consensus.

This evil-doing must be ascertained. In other words, it must require the change by hand, then the change by tongue, and finally the change by objection from the heart, when one is incapable of doing neither of the first two stages. Evil-doing is equivalent to the unlawful (*Haram*) which the legislator forbids and ordains a severe punishment of anyone who commits it; whether this evil-doing was one must not do, or one that one must not stop doing, and whether this *Haram* was a great or minor sins. We must stress, that the criterion for estimating the punishment of minor sins is rather flexible, especially if they are not regularly committed. In this respect, Allah (the Exalted) says,

﴿If you avoid the heinous sins that are forbidden you, we will acquit you of your evil deeds, and admit you in an honorable manner.﴾

(4:31)

Also, the Prophet (peace be upon him) said,

"The five daily prayers, the time between one properly performed Friday Congregational prayer and another, and the time between one properly fasted Ramadan and another, are an expiation for whatever one commits in between them, so long as he avoids committing great destructive sins."⁽¹⁾

In consequence, the disliked, neglecting the *Sunnahs* and the preferred are not included as evil-doing. Many authentic *hadiths* support this. For instance, a *hadith* reports that a Bedouin came to Allah's Prophet (peace be upon him) and said, "O Allah's Prophet! Inform me what Allah has made compulsory for me as regards Islam." He replied, "You have to offer perfectly the five compulsory prayers, you have to fast during the whole month of Ramadan and you have to pay *Zakah*..." Each time the man would ask him to inform him about what Allah had made compulsory, the noble Prophet would answer and then say, "Unless you want to do more as *Nawafil* (optional acts of worship)." The Bedouin then said, "By Him who has honored you, I will neither perform any *Nawafil* nor will I decrease what Allah has enjoined on me." Allah's Prophet (peace be upon him) said, "If he is telling the truth, he will succeed (i.e. he will be granted Paradise)."⁽²⁾

In another narration he said, "Whoever likes to see a man of Paradise, then he may look at this man."⁽³⁾

All in all, it must be ascertained that the evil deed in question is judged as evil according to the authentic texts and rules of Islamic jurisprudence before it reaches the abyss of unlawfulness "*Haram*". This judgment must not be based on opinion or a guess that might be

1. Reported by Muslim in his *Sahih* on the authority of Abu Hurayrah.

2. Agreed upon on the authority of Talha ibn `Ubayd Allah.

3. Agreed upon on the authority of Abu Hurayrah.

right or wrong or might change with time, place, tradition or circumstances. Furthermore, scholars must agree that it is evil by consensus. As for the issues which have given rise to much controversy among the scholars with conflicting opinions swaying between the acceptable and the forbidden, they are not included as evil-doing that necessitates change by hand; particularly those carried out by individuals. For instance, scholars have differed among themselves as to the lawfulness and unlawfulness of photography, singing accompanied by and without a musical instrument, the lawfulness and unlawfulness of uncovering a woman's face and hands, making a woman responsible for jurisdiction, beginning fasting and breaking it due to the sighting of the new moon in another country with the naked eye or with the help of an observatory or through scientific calculations. These are only few issues that have given rise to much controversy of old and nowadays. It is not acceptable for a Muslim or a Muslim host to advocate one of the two or more opinions and force it violently on others.

The majority opinion does not, as it were, erase that of the minority, even that of a single opponent, as long as he is one of the scholars who practice juristic reasoning. Many opinions that were once neglected, opposed and discarded at one time, came to be acknowledged, appreciated and famous at another. Many opinions that were judged as improbable and weak became authentic and recommended references, once someone witnessed their authenticity and lawfulness.

For instance, the opinions of the Sheik of Islam, Ibn Taymiyah, about marriage and family affairs were the direct cause of his death. Yet, they survived and persisted for many centuries after his death, until Allah sent people to take it upon themselves to publicize and

support them. Now, these opinions emerge in many Islamic countries as the only authentic reference for *Fatwas* (Legal judgments), jurisdiction and legislation.

The evil that a Muslim must change by force must be firmly ascertained by the consensus of Muslim scholars. Otherwise, this might open the gates of evil, for any one who advocates an idea or viewpoint could use violence to force it upon people!

For instance, in some Islamic countries a group of over-enthusiastic youths broke into and destroyed stores that sell children's toys and dolls under the pretext that they sell statues, pictures and relief art work, which is considered one of the great deadly sins. When they were told that scholars had judged children's toys as lawful (*Halal*) along time ago as distorted images of the original and moreover, not idolized. They exclaimed, "That judgment dealt with pictures that are different from these amazing miniatures whose eyes open and close when put on a horizontal position." Others said to them further, "But the child throws them all the time, cutting off their arms and legs." Then they found no answer!

In other Islamic states, some youths attempted to forcefully shut down restaurants and stores that sell juice, coffee and soft drinks, upon hearing that some Islamic countries had announced the sighting of the crescent and the start of fasting. These rash youngsters believed that the start of Ramadan had been declared and eating or drinking in public was no longer allowed.

Furthermore, on the first day of *`Id al-Fitr*, some over-enthusiastic youth in Egypt in which the crescent of Shawwal had not yet appeared and the authority declared the month of Ramdan to be 30 days - insisted on breaking the fast and celebrating the advent of *`Id* on their

own, challenging the authorities, and the majority. Consequently they clashed with security forces and finally their riot had to be put down by force. It should have been enough for them to be convinced that the jurisprudence authorities had not announced the beginning of Shawwal for many good reasons, such as: Authorities on astronomy were certain that it was impossible to sight the crescent on that particular night, and no one saw the crescent in Egypt that night. Yet, because some other countries had announced the sighting of the crescent in their lands, violence broke out.

I am of the opinion that both committed serious mistakes for many reasons:

First, the scholars differ among themselves as to how to prove the sighting of the crescent. To some, it suffices to have one witness it. To others, there must be two. Some even stipulated the witness of a group of people, if the sky was not overcast. Every one of them has their reasons and opinions. Thus, it is not allowed to force the thought of a particular school on the people without having the authority to do so.

Second, they differed among themselves as to whether to take into consideration different locations in which the new moon has been sighted or not. According to Ibn `Abbas and his disciples, and according to Korayb's *hadith* in *Sahih* Muslim, every land has its sighting and it does not have to follow the sighting of other lands.

Third, the *Fiqh* (Islamic Jurisprudence) states that the judgment of an Imam or judge in controversial issues ends the controversy and the Muslim nation is obliged to follow it. Therefore, when legitimate authorities advocate and follow the judgment of a certain Imam or the juristic reasoning of a school concerning these controversial issues, it is obligatory to follow them and avoid commotion and strife.

I have said before that if we could not unite all Muslims as far as the time for fasting and breaking the fast is concerned, then the least we could do is to unite the people of a single country regarding the timing of these rites. It is definitely unreasonable to split the country into two: A fasting group and a non-fasting one. Nevertheless, this error of judgment of sincerely devout youth must not be resisted by bullets, but rather by convincing them of their error.

The Second prerequisite

The evil-doing must be seen. In other words, it must be seen with one's own eyes and not allowed to transgress one's privacy by spying using electronic devices (hidden bugs or cameras) or breaking into his home so as to catch him, so long as he keeps these secret violations behind closed doors.

The words "*Whoever of you sees an evil-doing committed must try to change it*", denotes that seeing evil-doing with one's own eyes - not hearing about it from others - is the first prerequisite of change.

Islam leaves the punishment of who conceals his evil-doing from the public eye and does not boast about it to Allah, the Exalted. For, He alone will hold him to account for it and no one on earth has the right to do so until he holds his Book and Allah scandalizes him in public. Divine punishment alleviates the punishment of sinners who conceal their sins and do not announce them in public or boast about them for Authentic *hadith* reports that the Prophet (peace be upon him) said,

"All my nation are safe except for those who commit sins in public."

As a consequence, no one has the authority to punish someone for hidden or secret evil-doing committed "at heart" such as doing good to show off, hypocrisy, haughtiness, envy, miserliness, or conceit. Notwithstanding the fact that our religion judges these evil-doings of the heart as the greatest of the great destructive sins, we can't hold the one who commits them to account for them because they are not embodied in "seen" violations. Moreover, we are ordered to judge by what is apparent and what is clear to the eye and leave what lurks inside the hearts and souls to Allah's, the Exalted, Judgment.

In this respect, I remember what al-Ghazali narrated in his book *Al-Ihya'* saying: "One day the Commander of the Faithful, `Umar ibn al-Khattab climbed a man's house and saw him in a disliked state and reprimanded him. Then, the man exclaimed, "O Commander of the Faithful, if I disobeyed Allah once, you did it thrice." `Umar asked, "How?" The man explained, "Allah, the Exalted, says:

﴿And do not spy,﴾

(49:12)

and you spied on me. He, the Almighty, says:

﴿And enter the houses from their doors,﴾

(2:189)

and you climbed over the roof; and He says:

﴿Do not enter houses other than your houses until you have asked permission, and given salutations to the people therein,﴾

(24:27)

and you neither asked permission nor gave salutation. Thus, `Umar let him go and stipulated that he must repent.⁽¹⁾

1. *Al-Ihya'* 7/1218, published by ash-Sha`b, Cairo.

The Third prerequisite

The actual ability to change by force. In other words, the one who attempts to change must be fully capable and qualified - on his own behalf or with the help of others - to change by force. He must possess the spiritual or physical power that will enable him to put an end to this evil-doing easily. This prerequisite corresponds to what Abi Sa`d reported for the Prophet (peace be upon him) said, "... *but if he is unable to do so, he must change it by words.*" Namely if he could not change it by hand, he must leave this mission to the people who could and be satisfied with trying to change it by his words and eloquence, if he is capable of doing so.

Usually, everyone has influence on those who live or work under his authority: The husband with his wife, the father with his sons and daughters whom he takes care of, the manager with his personnel and the commander who should be obeyed according to the limits of his authority and his ability to make people submit to his commands,⁽¹⁾ and so on. I said spiritual or physical power; the influence that a husband has over his wife and children is not a physical one, but rather a spiritual one that stems out of respect and awe. These deeply rooted feelings grant him obedient sons and daughter.

What if this evil was committed by the government itself?

If a serious problem arises within the government or the state itself which has full control over both the financial and military powers,

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1. I mean that some rulers fail to enforce certain things in his own emirate such as `Umar ibn `Abd al-`Aziz who failed to restore the principle of *Shura* (Mutual Consultation) away from system of inhereditary ruling and Negus who failed, though he embraced Islam, to enforce Islamic Legislation upon his subjects because they did not adopt Islam and if he tried to do that, they would depose him.

what can the Muslim individual or the Muslim host do to change this government-committed and sponsored evil?!

The answer: They must possess the power that can enforce change. This power is manifested in three things:

First, the armed forces that is the backbone and the basis on which many governments survive and flourish. They enable those governments to maintain their grip over their people, to enforce their policy, and to oppress their opponents. They believe in power not in logic, for as soon as one controls these forces he will be able to put an end to any public uprising that craves change even before it starts.

Secondly, the parliament - which has the power of legislation and the authority to issue and amend laws according to the decision of the majority - is the basis for any democratic regime. Whoever wins the support of the majority rule according to a true democratic system, is qualified and ready to change all the evil-doing he sees through obligatory legislation which no minister, prime minister or even president can reject or defy.

Thirdly, the sweeping public force that no one can overcome, resist, or face, for it is like the flowing tide of the sea that none can stop. Not even the army forces themselves, for they are inseparable organs in the public body. Moreover, this public force is in the final analysis, their families, fathers, sons and brothers. This is reminiscent of the status quo in Iran during the revolution.

All in all, whoever does not possess one or any of these three powers, has to resort to patience and perseverance. In addition, he must hold fast and strengthen himself until he reaches them. His duty is to try to change evil-doing through words, writing, *Da`wah*, illuminating and instructing until he creates a sweeping public call for

changing evil-doing. Furthermore, he must try to raise up the vanguards of a new believing generation that is fully qualified and ready to take over the responsibility of these changes. In this respect, Abu Tha`labah al-Khashni asked the Prophet (peace be upon him) about the interpretation of Allah's Words,

﴿O you who believe! Take care of your own souls, he who is astray cannot harm you, if you are rightly guided.﴾

(5:105)

The Prophet (peace be upon him) said to him,

"You must enjoin good and forbid evil until you see that people begin to yield to miserliness, to follow their lusts, to cling tenaciously to life and prefer it to the Hereafter, and to think that their opinions are better than anyone else's. Only then you must take care of your own souls and let the mob on their own, for there will be a day when the man who holds to patience will be as if he were holding a firebrand, and the devout believer who does good will be rewarded as fifty of you nowadays are rewarded."⁽¹⁾

In some other versions,

"Until you begin to see things which you can do nothing about."

Fourth prerequisite

Ruling out the emergence of more serious evil-doing:

In other words, this erasing of evil-doing by force must not result into more serious and harmful evil. It must not lead to strife, blood

1. Reported by at-Tirmidhi and said it is good, strange and sound *hadith*. It is also reported by Abu Dawud after Ibn al-Mubarak and also by Ibn Majah, Ibn Jarir, and Ibn Abi Hatim on the authority of `Utbah ibn Abi Hakim.

shed, desecration, loot and other evil violations that will set fire into the ashes of evil, turning them into a blaze, and make tyrants more disobedient, insolent and corrupt. In consequence, scholars agreed that it is lawful - *Halal* - to stand still and keep silent when someone sees evil committed before him providing that more serious and dangerous troubles will ensue from trying to change it. The rule goes that one must cling to the attitude that will expose him and others to lesser harm and more bearable evil. In this respect, the authentic *hadith* reported that the Prophet (peace be upon him) said to `A'ishah:

"O `A'isah! Were your people not close to the pre-Islamic period of Ignorance. I would have built the ka`bah built on the foundations laid by Abraham."

The Noble Qur'an gives credibility for this prerequisite when it narrates the story of Moses (peace upon be him) when he went to submit himself before Allah in his forty nights appointment with Him during that period, Samiri led them astray and convinced them to cleave to a golden calf until they began to worship it as their god. Aaron tried to advise them against it and convince them that they were tested by this thing yet they refused to listen to him and said:

﴿ We will not cease to cleave it until Moses returns to us. ﴾
(20:91)

When Moses returned and saw this abominable sight - the worship of the calf - he scolded his brother and vehemently seized him by his beard and head saying:

﴿ O Aaron what prevented you, when you saw them going astray? So that you did not follow my order? Did you then disobey my order. " He said: "O Son of my mother, seize me not by my beard or by my head! I was fearful that you might

say: "You have divided the Children of Israel, and you have not observed my word. ﴿

(20:92-94)

Thus, Aaron gave priority to maintaining the unity of the group in his brother's absence until he returned and they thought of a wise and firm way to put an end to this predicament.

In conclusion: These are the four prerequisites of the Muslim who attempts to change evil-doing by hand, or physical force, must have.

Changing minor evil-doings is not the solution

I would like to shed light on an issue of the utmost importance to those who are concerned with the reform of the Islamic World which is the saboteur that afflicted our societies during the Western occupation eras and despotic secularist sovereignty. This saboteur has bitten the roots and sneaked to the core of the Islamic nation. It is not enough to change minor evil-doings such as a dissipated concert, a woman displaying her ornament, or selling cassette and video tapes of unlawful - *Haram* - or inappropriate content. It is much greater, more comprehensive and profound than the mere change of minor evil-doings. This change must be, as it were, a revolutionary one that encompasses ideas, concepts, values, evaluations, systems and legislation. Before all this occurs, Muslim people must undergo a metamorphosis. That is to say, they must change from within through perpetual instruction and excelling. For example, if they changed their sinful life and became obedient to Allah, Allah would change the sinful condition they live in, according to the fixed rule that Allah states:

﴿Surely God does not change the condition of a people unless they change what is in themselves﴾

(13:11)

The necessity of leniency and kindness while changing evil-doing

We must shed light on another issue, which is the necessity of being lenient and kind while changing evil-doing and enjoining people to good. For the Prophet (peace be upon him) advised us to be lenient and kind. He (peace be upon him) stressed that Allah loves leniency and kindness in all matters, and that they are praised and the lack of them is not.

This reminds me of what al-Ghazali narrated in his *Ihya'* saying that one day a man went to al-Ma'mun to advise and guide him, yet he used strong and harsh words calling him, "O you are a wicked, evil-doer ... etc." Fortunately, al-Ma'mun was a patient man and had vast knowledge of *Fiqh*. Therefore, he did not revenge himself on him by punishing him as many people in authority do, but only said, "O you, be lenient and kind, for Allah had sent people who are far better than you to others who are far worse than me. Still He ordered them to be lenient and kind. He sent Moses and Qarun and they were far better than you to go to Pharaoh - and he is far worse than me - saying,

﴿Go you both to Pharaoh, for he is an insolent tyrant. Then speak to him a gentle word, that he may be mindful or perhaps he may fear.﴾

(20:43-44)

This justification of using the adverb in the phrase "may be mindful or perhaps he may fear" expresses a sincere wish,

notwithstanding what Allah, the Exalted, has stated of his tyranny and insolence:

"for he is an insolent tyrant".

It denotes that a Muslim who calls people to Allah's Way must not lose hope and faith in the repentance and reform of those whom he calls to Allah's Way, regardless the extent of their disbelief and oppression. Finally, he will not fail as long as he adheres to leniency and kindness in his *Da`wah* and throws aside harshness and violence.

May the blessings and peace be of Allah upon Muhammad, his family, and his Companions.

Islamic State and Its Stand Towards Different Issues

Islam and Democracy

Question: Your excellency, I was stunned when I heard some of the Islamic activists claim that democracy contradicts Islam. One of them reported that some of the Muslim scholars are of the opinion that the term "democracy" is a manifestation of disbelief for it means that the people rule themselves by themselves; whereas the people in Islam are not the rulers but are actually the ruled. For Allah, the Exalted, says,

﴿ *Surely judgment is only for God.* ﴾

(6:57)

This is reminiscent of what the Khwarijites said and of Ali's (May God honor him) answer to them, "It is truth confounded with falsehood."

Liberalists believe that Islamists are the enemies of democracy and the advocates of dictatorship and despotism. Is this a fact? Is democracy an expression of disbelief or evil-doing as they claim? Or is this a false claim forced upon Islam?!

To refute it, "the Moderate scholars" who are neither pro-overestimation, nor underestimation, must issue a statement so as to put things in proportion; for Islam must not bear the burdens of wrong interpretations even though they are issued by some scholars who are originally human beings who can be right or wrong.

I pray to Allah to bestow His Aid and Guidance on you so that you might be able to throw light on the truth guided by Islamic Jurisprudence. I also pray Him to help you to refute suspicion and prove your credibility. May Allah reward you profusely.

M. S.

A loving Muslim of Algeria

Answer: O brother, I am so sad that things have become so muddled-up and that the hard-liners in general and the religious spokesmen in particular have confounded truth with falsehood to the extent that it became of little consequence to accuse people of disbelief and evil-doing as if the Islamic Jurisprudence does not judge that it is a destructive major crime and a serious accusation that will revert to the accuser if the accused is innocent as the authentic *hadith* reported. This question asked by this generous Muslim brother is familiar to me for many Muslim brothers in Algeria repeated this question bluntly: Is democracy an equivalent for disbelief?!

A few weeks ago, I was on a visit to Lebanon - Sayda in particular - and as was giving a lecture, I was asked several questions concerning "The Welfare Islamic Party" participation in the existing democratic secular government in Turkey. I maintained: My judgment concerning this issue must be based on the *Fiqh* of balance. In other words, if the interest of Islam and Muslims necessitates this participation, it is allowed. He reiterated how can the participation in a democratic government be allowed even though democracy is an equivalent for disbelief? He then handed me a booklet concerning this issue!

To pass a judgment over something, one should have clear conception of it

Strange enough, some people pass the judgment over democracy as being an expression of flagrant evil doing and disbelief, notwithstanding the fact that they skimmed through it and did not try to find their way to the core and get acquainted with its real meaning and targets.

Our scholars have an established rule that says: to pass a judgment over something, one should have clear conception of it. Whoever judges in a matter he is ignorant of, must fall into error even if, by coincidence, he happened to be right. For, he is not qualified or equipped to issue a just judgment. The *hadith* stated that any judge whose judgment is based on ignorance will go to the Hell-Fire, just like the judge who knows the truth, yet he judges contrary to it.

Can democracy be an evil-doing or an expression of disbelief like some of the rash superficialists claim even though the peoples of the world uphold and advocate it, and a large number of people in the East and the West have striven so hard for it? Wasn't this democracy the long-awaited hope and craved dream for some peoples who reached it after an exhausting struggle with tyrants, in which blood was shed, and thousands, in fact millions, of victims fell dead, as the case in Eastern Europe and other countries? Isn't this democracy the most accepted way for many Islamists to put a curb on the transgressions and hostilities of individualistic rule and to clip the nails of political supposition which has plagued our Muslim and Arab people for so long?!

The content of democracy

Leaving academic definitions and terminology aside the real meaning of democracy is that people must choose their ruler by

themselves. No ruler or regime is to be forced upon them without their full consent. They must have the right to bring him to account if he commits a mistake. Moreover, they must have the right to depose him and choose a new ruler if he goes astray. People must not be led against their will to advocate economical, social, cultural or political trends and programs that they are not satisfied with. And, if some of them opposed the regime, they must not be exposed to expulsion, exemplary punishment or the worst of torture and massacre.

This is the typical meaning of democracy which is embodied in elections, public opinion poll, preference of the majority rule, multi-party system, the right of minority opposition, freedom of the press and the independence of jurisdiction ...etc.

Now, is the democracy that we have just explained contradictory to Islam? If so, which sides of it are so and what are evidences of the Glorious Book and *Sunnah* that gives credibility to such a claim?

The content of democracy is congruous with Islam

In fact, the connotations of democracy are in harmony with the essence of Islam for it warns one against leading a congregation while he is disliked by the followers. In this respect, Ibn `Abbas relates that the Prophet (peace be upon him) said,

"Three people's prayers will not rise above their head even an inch; one who leads Muslims in a congregational prayer while they do not like him ... etc."⁽¹⁾

1. Reported by Ibn Majah (971), and Al-Busiri said in *Al-Zawa'id*: It is reported on a good transmission and its transmitters are trustworthy and also Ibn Hibban in his *Sahih* - *Al-Mawarid* (377) - both of them reported it on the authority of Ibn `Abbas.

If this was the case with the Imam in prayers, then what about the people who are in authority in life and politics? The authentic *hadith* narrates,

"The best of your Imams - rulers - are those whom you love and they love you back and you supplicate Allah for their own good - and they for you. The worst of your Imams are those whom you loathe and they loathe you and you curse them and they curse you!"⁽¹⁾

The severe Qur'anic attack of the half-God rulers

The Qur'an launched ruthless attacks on half-god rulers on earth who enslave Allah's slaves such as Namrud whom the Qur'an narrates his dispute with Abraham saying,

﴿Have you not seen the one who argued with Abraham about his Lord only because God had granted him kingship? When Abraham said: "My Lord is He Who gives life and ordains death". He said: "I give life and cause death". Abraham said: "Indeed God causes the sun to rise from the east, so can you make it rise from the west?" So was the one who disbelieve dumbfounded and God does not guide the evil-doers.﴾

(2:258)

Obviously, this tyrant claimed that he could give life and cause death just as Abraham's God - the Lord of the worlds - gives life and ordains death. Consequently, people must worship him just as they worship Abraham's God! His presumptuous claim that he could give life and cause death made him give orders to his retinue to bring two

1. Reported by Muslim on the authority of `A'waf Ibn Malik.

men from the street. He then sentenced them both to death for nothing, and immediately executed one of them and said, "You see, I can cause death." Then, he forgave the other and exclaimed, "Well, I can give life! Am I not the one who gives life and ordains death?"

Similarly, Pharaoh who called upon his people saying,

﴿I am your supreme lord!﴾

(79:24)

And boasted saying,

﴿O chiefs, I do not know of any god for you other than myself.﴾

(28:38)

The Qur'an exposed a profane alliance of three wicked groups:

First, the tyrant half-god ruler who oppresses, suppresses and tortures Allah's slaves. Thus, Pharaoh is the best representative of this group.

Second, the opportunist politician who abuses his intelligence and expertise in the service of the tyrant in consolidating his influence and power and in taming his people so as to turn them into slaves. This is typical of Haman.

Third, the capitalists or feudalists who support the tyrant by giving him some money, then they expect to make up for it by sucking the blood and the life out of the people. This group is best represented by Qarun.

The Qur'an states this triple alliance of sin and aggression and their persistent rejection of Moses' message until Allah seized them with such seizing of the Mighty, Omnipotent,

﴿And We sent Moses with Our Signs and a clear authority. To Pharaoh, Haman and Qarun, but they said, "A lying magician!"﴾

(40:23-24)

And,

﴿And Qarun, Pharaoh and Haman, when Moses came to them with clear signs, but they were arrogant on the earth but they could not avoid Our Punishment.﴾

(29:39)

It is surprising that Qarun was from Moses' people, and not from Pharaoh's. But, he behaved arrogantly towards them and jointed forces with their enemy, Pharaoh, who welcomed this treacherously. Thus, financial interests united them, notwithstanding their different origin and background.

The Qur'an unites tyranny and corruption

One of the wonders of the Qur'an, is its ability to unite tyranny and the prevalence of corruption which leads nations to inevitable destruction and ruin. For Allah, the Exalted, says,

﴿Have you not seen how your Lord did with the `Ad, Iram of the pillars; the like of which was never created in the land? And the Thamud, who hewed out rocks in the valley? And with Pharaoh of the stakes? Who were insolent in the land and infested the land with much corruption.﴾

(89:6-12)

Sometimes, the Qur'an expresses the idea of tyranny by using one word "elation" which means arrogance and oppression of people through humiliation and tyranny. In this respect, Allah, the Exalted, said about Pharaoh,

﴿Surely he was a tyrant of the wanton ones.﴾

(44:31)

And,

﴿Surely Pharaoh elated himself in the land and divided its people into sections, one of which he oppressed, killing their sons and sparing their women, indeed he was a corrupter.﴾

(28:4)

Thus "elation" and "corruption" are inseparable.

The Qur'an's dispraise of the over-pliable people towards tyrants

The Qur'an does not only launch attack on half-god tyrants but also on their pliant, easily-led and passive peoples who yielded to their influence and, as it were, put the chains round their own necks. Both share the responsibility for tyranny and corruption. For Allah, the Exalted, says about Noah's people,

﴿Noah said, "Nay Lord, they have disobeyed me, and followed him whose wealth and children increase only in loss."﴾

(71:21)

Allah, the Exalted, says concerning Hud's people,

﴿And such were the people of `Ad, they denied the Revelations of their Lord and disobeyed His Messengers, and followed the bidding of every insolent tyrant.﴾

(11:59)

As for pharaoh's people, He says,

﴿But they followed Pharaoh's bidding, and Pharaoh's bidding was not right minded. Pharaoh will go before his people on the Day of Resurrection and the place to which he leads!﴾

(11:97-98)

And,

﴿Thus did he take his people for fools, and they obeyed him, indeed they were a wicked people.﴾

(43:54)

The Qur'an blamed the people for being responsible, or sharing, the responsibility of this oppression and transgression. Their unworthy pliancy, passiveness and submission are the factors that paved the way for the emergence, rise, and elation of Pharaohs and tyrants. To illustrate, people express this idea in a very famous proverb that narrates that one day people asked the tyrannical Pharaoh, "What made you a tyrannical Pharaoh?" He said, "I did not find anyone brave or honest enough to stand in my way or to hold me to account for my tyranny and corruption!"

The soldiers and retinue of the tyrant share the responsibility with him

"The tools of the regime" are next to blame and share the responsibility after the tyrants. The Qur'an refers to them as "soldiers". In other words, they are the military forces which are the claws and nails of the political authorities, and the whips which terrorize the public if they rebel, or even think about rebellion. In this respect the Qur'an states:

﴿Surely Pharaoh, Haman and their soldiers were sinners.﴾
(28:8)

And,

﴿So we seized him and his soldiers, and we cast them into the sea, and see how was the end of the evil doers!﴾
(28:40)

The Sunnah's attack on oppressive rulers

The Prophet's *Sunnah* launched ruthless attack on oppressive and tyrant rulers who rule with a rod of iron and lead their people by the nose. When they speak, no one can oppose them, for they are like butterflies who race to touch the light of the fire and make their own death. Furthermore, it attacked their opportunist retinue and assistants and other forces of darkness who curry their favor and follow in their footsteps. In addition, it denounced the fear-stricken nation which fears to confront the oppressor and call him so.

Abu Musa reported that the Prophet (peace be upon him) said,

"There is a valley in Hell, in which there is a well called Habhab which Allah has pledged to make it the abode of every obstinate tyrant."⁽¹⁾

Mu`awiyah reported that the Prophet (peace be upon him) said,

"There will be Imams - rulers - after my time, who will say whatever they wish and no one will object or confront them. They will, thoughtlessly, throw themselves into Hell-fire like monkeys."⁽²⁾

1. Reported by at-Tabarani on a good transmission as al-Mundhiri said in *al-Tarhib*, al-Haithami in *Al-Majma`* 5/197, and al-Hakim.

2. Reported by Abu Ya`la and at-Tabarani and mentioned it in *Sahih Aj-Jami` as-Saghir*, No. 3615.

Jabir reported that the Prophet (peace be upon him) said to Ka`b ibn `Ujrah,

"O Ka`b! May Allah bestow His Refuge and Protection on you against the ruling of the foolish ones!" He said, "Who are those foolish ones?!" He answered, "They are rulers who will come after my time and will reject my guidance and Sunnah. Whoever believes their lies and helps them with their oppression, is not of my people and he will not meet me at my Basin. And whoever rejects their lies and refuses to help them with their oppression, is of my people and he will meet me at my Basin."⁽¹⁾

Mu`awiyah reported that the Prophet (peace be upon him) said,

"A nation, in which the weak does not restore his right of the strong and powerful one without harm, is never sanctified (by Allah)."⁽²⁾

`Abdullah ibn `Amr reported that the Prophet (peace be upon him) said,

"As soon as my nation fears to confront the oppressor and call him oppressor right in his face, they no longer deserve to be called alive."⁽³⁾

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1. Reported by Ahmad and al-Bazar and its transmitters are of the *Sahih* as mentioned in *At-Tarhib* of al-Mundhiri and *Az-Zawa'id* of al-Haythami 5/247.
 2. Reported by at-Tabarani and its transmitters are trustworthy as al-Mundhiri and al-Haythami said. At-Tabarani reported it also from the *hadith* of Ibn Mas`ud on a good transmission 5/209, and Ibn Majah in a long narration from the *hadith* of Abu Sa`id.
 3. Reported by Ahmad in *Al-Musnad*.

Shura, advice, enjoining and forbidding

Shura is one of the bases of the Islamic life. Islam made it obligatory on the ruler or governor to consult his nation and on the nation to give advice to the ruler. It went so far as to raise advice to the level of religion, for the *hadith* reported that the advice must be given to the Imams of Muslims, namely, their commanders and rulers. In addition, it made enjoining good and forbidding evil obligatory on every Muslim. Moreover, it made the best kinds of *Jihad* (Striving in Allah's Way) a truthful word said to an oppressive sultan. In other words, Allah gives priority to the resistance of internal tyranny and corruption over that of external invasion; for the former often leads to the latter.

Islam's outlook of rulers

Islam considers a ruler as the deputy or servant of the nation which has every right to hold him to account for his deeds, and to withdraw his powers as soon as he abuses his influence and fail to fulfill his commitments. The ruler from the Islamic point of view, is not above suspicion, censor or punishment for he is a vulnerable human being who can be right or wrong, just or unjust and the public has the right to correct him if he is wrong and to set right his crookedness. The Rightly Guided Caliphs whom we are ordered to follow in their footsteps and cling tenaciously to their way of life and behavior, upheld and advocated this principle. Their way of life is seen as an extension to the *Sunnah* of the first tutor; Muhammad (peace be upon him).

The First Caliph Abu Bakr said in his very first public speech, "O people, you choose me to rule you and you must know that I am not the best man among you. So as long as you believe that I am right, you

must help me. But as soon as you believe that I am wrong, you must correct and advise me ... Obey me as long as you believe that I obey Allah in ruling and conducting you affairs. But as soon as you believe that I disobey Him, you must cease obeying me."

Also, the second Caliph, `Umar ibn al-Khattab said, "May Allah bestow His mercy on anyone who is kind enough to gift me with my points of weakness ... O people, whoever of you sees me sway or go crooked, he must correct and set it right." One of the public exclaimed: "By Allah, Ibn al-Khattab, as soon as we see any trace of crookedness in you, we will set it right with the sharp edge of our swords!" This reminds us of the woman who refuted his opinion while he stood on the pulpit, yet he was not embarrassed or upset by it. On the contrary, he mildly said, "The woman is right and `Umar is wrong!"

`Ali ibn Abi Talib (may Allah honor him) said to a man who objected to his opinion in a certain matter, "You are right and I am wrong." All in all, Allah says,

﴿Over all endowed with knowledge is the One, the All-Knowing.﴾

(12:76)

Islam's precedence in setting the bases

Islam has the precedence over democracy in setting the bases on which it flourishes. Yet, it leaves the details open to the juristic reasoning of scholars, so that they will conform to the teachings of their religion, the interest and the local and temporal development of man's life and circumstances.

Advantage of democracy

The advantages of democracy can be expressed through the following lines.

It has - through long struggle with tyrants, oppressors, kings and princes - come across some formulas and methods that are nowadays regarded as the best of guarantees to protect people from the oppression and injustice of tyrants. However, although these methods have guaranteed the peoples' rights, a man-made system has several shortcomings and defects to suffer from.

As a matter of fact, nothing prevents the thinkers and prominent figures of humanity from inventing novel methods to achieve the best of all things. Until this happens, we should adopt the democratic methods necessary for maintaining justice, *Shura*, human rights and for standing fast against the mischief done by tyrants in the land.

It is, moreover, legally admitted that what pertains to a duty is a duty in turn, and that the legal ends that require specific means grant the means the legality of the ends. And there is no legal objection to adopting a theory or an idea initiated by non-Muslims (as long as it promotes the public interest of Muslims). For the Prophet (peace be upon him) adopted - during the battle of Al-Ahzab - the idea of digging a trench which was originally a Persian device.

The Prophet (may peace be upon him) benefited from the non-Muslim captives after the battle of Badr in teaching the Muslim youth how to read and write (for them to ransom themselves) in spite of the fact that they were unbelievers. The Prophetic *hadith* thus maintains,

"Wisdom is the avowed request of the Muslim. Where he finds it, he is the most deserving of it (to benefit himself and his society)."

I have referred in some of my books that we have the right to borrow what is of benefit to us of the ideas, disciplines and systems so

long as they do not run counter to the essence of a text or a firm juristic rule. Nevertheless, we must modify and add to what we have borrowed in such a way that it will lose its former identity, and assume a different one that is much more telling of our own idiosyncrasy.⁽¹⁾

Thus, we take in the ways, mechanism, and potentialists of democracy which are in harmony with our religion. Simultaneously, we have the right to make the necessary changes and modifications. We do not have to assimilate its philosophy is liable to turn what is unlawful (*Haram*) into lawful (*Halal*) and vice versa or drop what is obligatory altogether.

Election is a kind of certificate

From the Islamic point of view, the system of elections and polls is a certificate of validity and credibility to the candidate. The voter must have these same prerequisites that the witness must have. For, he must be endowed with justice and must have a good reputation as Allah, the Exalted, says:

﴿And take two witnesses endowed with justice from among you.﴾

(65:2)

And,

﴿Whom you accept as witnesses.﴾

(2:282)

1. See Yusuf al-Qaradawi, *Islamic Solution: Obligation and Necessity*, chapter on "Prerequisites of Islamic Solution", under the title of "Legality of Quotation and its Limits".

We might as well extenuate the prerequisites of justice according to different circumstances and cases in a way that enables the largest number of citizens to testify. Whoever testifies knowingly to the goodness and devotion of a wicked man, commits perjury which is a great sin that Allah condemns in the same verse which condemns polytheism,

﴿And shun the abomination of idols, and shun the speaking of falsehood.﴾

(22:30)

Whoever votes for the candidate for no other reason than his being one of his relatives, hometown acquaintance, or for some other personal interest, disobeys Allah's, the Exalted, Orders for He says:

﴿And establish the evidence as before God.﴾

(65:2)

Whoever neglects his duty of voting and sits passively watching the honest trustworthy man lose and the unworthy man, who is anything but strong and trustworthy, win with sweeping majority, violates Allah's Command to testify with justice even though, he was called forth to do so. His sin is that he concealed his testimony at a time when the Islamic nation needed it the most for Allah, the Exalted, says,

﴿The witnesses should not decline when they are summoned.﴾

(2:282)

And,

﴿And do not conceal testimony, and whoever conceals it surely his heart is sinful.﴾

(2:283)

If the voters and witnesses face these tough conditions then the candidate himself must embark on more fastidious and scrutinizing journey to prove his credibility and worthiness. If we add these prerequisites, instructions and guarantees to the election system, we will turn it into an Islamic one, notwithstanding the fact that it was originally borrowed from others.

The people's rule and Allah's Rule

As we said earlier, we want to concentrate on the essence of democracy for it is definitely in harmony with that of Islam. To ascertain this, we must refer to its original references and assimilate the gems of knowledge of the Qur'an, *Sunnah*, and the history of Wise Caliphs registered there. We must not refer to the history of oppressors, and sinful kings and rulers, nor to *Fatwas* of the lost and deluded scholars of sultans, nor to the over enthusiastic and rash devoted Muslims who are not firmly grounded in knowledge.

We must not take for granted the claim that since democracy means that people must rule themselves by themselves, then it rejects the fact that the ruling is for none but Allah. Now, democracy is based on the principle of the people's rule, but does not contradict the principle that says that the rule is only for Allah on which Islamic Jurisprudence is based. It rather runs counter to the principle of the individual's rule on which dictatorship is based.

Upholding democracy does not necessarily mean the rejection of the Rule of Allah that is conducted and embraced by human beings. This idea does not as much cross through the minds of most of the advocates of democracy, for they are possessed with the rejection of dictatorship and the rule of the people - warranted despotic and oppressor sultans. Indeed, the only thing they are concerned with in

democracy is the fact that people must choose their rulers. Furthermore, they must hold them to account for any transgression or misdemeanor. People must not follow their orders if they violate the constitution or, in Islamic terms, enjoin people to disobey Allah. Also, they must have the right to depose them if they go astray or turn into oppressors and refuse to listen to advice or warning.

What does "Rule is only for God" mean?

I would like to stress that "judgment is only for God" is a typical Islamic principle which scholars ascertained by consensus in their quest for the legitimate rule and ruler. They agreed on the fact that Allah is the Sole Ruler and the Prophet is His Messenger. Consequently, Allah, the Exalted, ordains, prohibits, enjoins, forbids, judges and legislates.

The Khwarijites' statement: "There is no rule for anyone but Allah" is a fact *per se*. Yet, what was used against them is that they misplaced and misused the word to support their rejection of human arbitration in dispute; a claim that is highly in contradiction to the text of Qur'an which states that arbitration is lawful more than once. The arbitration between the husband and wife if they fear disunity is one of the most famous examples.

As a result, the Commander of the Faithful `Ali (may Allah honor him) refuted the Khwarijites' claim saying, "A truthful word that leads to falsehood." He described their statement as truthful, but held the fact that it led to falsehood against them. This truthful word is quoted from the Qur'an:

﴿ *Surely judgment is only for God.* ﴾

(12:40 - 6:57)

"The rule is only for God" is a fixed fact that has two aspects:

1. The fact that the rule is only for God as regards the universe and destiny means that Allah is the Sole Conductor of the universe. He decrees and destines all affairs from the heavens to the earth. There is no change whatsoever in the Ordinance of Allah. In this respect, Allah, the Exalted, says,

﴿Do they not see how We diminish the land from its borders? (how we have reduced mighty empires) And God rules and there is none to revise His Decrees, and He is Swift in reckoning.﴾

(13:41)

Thus, the ruling means here that of the universe and destiny - not of legislation and decree.

2. Allah's Rule as regards legislation and decree is one of assignment of duties, enjoining, forbidding, obligation and choice. It crystallized into the mission Allah had sent the Messengers to fulfill, and the Books he had sent down. Through this ruling He set the Islamic Laws determining the obligations and the lawful (*Halal*) and the unlawful (*Haram*). No Muslim who has accepted Allah as his Lord, Islam as his religion and Muhammad (peace be upon him) as his Messenger and Prophet, rejects the obligations that ensured this kind of rule.

When a Muslim calls for democracy, he does so for he considers it as a system for ruling that embodies the political principles of Islam in its choice of ruler, in its emphasis on *Shura* and advice, in its enjoining good and forbidding wrong, in its resistance of oppression and despotism and in its rejection of disobedience to Allah, particularly if it led to ascertainable "flagrant disbelief."

In consequence, the constitution states that the official religion of the state is Islam and that Islamic Law is the source of legislation. This goes side by side with upholding democracy. Thus, there is an emphasis on the fact that the rule is only for Allah. That is to say, the rule as regards the *Shari`ah* which always has the upper hand.

We can add a clear and precise article that says that every law or system that contradicts the details of Islamic Law is judged as false. This procedure is in fact done for emphasis, not for stating a brand new fact.

It is unnecessary while calling for democracy to think that the rule of the people is an alternative for Allah's Rule, for both are in harmony. If the opposite is true, then the researcher and scholars are of the opinion that what is necessary in any school should not be taken as an independent school from the original one. Consequently, it is not allowed to stigmatize people with disbelief or evil-doing by virtue of the necessary instructions in their schools, for they might not follow these necessary instructions or even think about them.

Is the majority's judgment against Islam?

This group of Islamists made a list of their evidence that democracy is alien to Islam, and that it is an imported principle. Among them is the fact that it is based on the judgment of the majority and it exclusively has the right to elect the person who will assume power. It is always in control of state affairs and it has the final decision concerning any controversial issues for voting in democracy is the last resort that will settle controversies. If a certain viewpoint harvested the absolute or required majority, then it must be followed although it might be wrong or false.

In their opinion, Islam does not even acknowledge this means. Moreover, it does not prefer a certain viewpoint and on another solely because the majority agrees to it, for it must at first conceive this viewpoint *per se* and determine whether it is right or wrong. On the one hand, if it is right, Muslims will follow it notwithstanding the fact that only one voter gave it his voice. It is sustainable even if no one at all gave it his voice. On the other hand, if it is wrong, Muslims will reject it altogether notwithstanding the fact that it harvested 99% of the eligible votes.

They also claim that the Qur'anic verses witness that the majority is always on falsehood. They recite the consecutive verses to prove their claim,

﴿And if you obey most of those on earth, they would lead you astray from the Path of God.﴾
(6:116)

And,

﴿And most of the people will not believe, though you desire it ardently.﴾
(12:103)

And,

﴿... but most of the people do not know.﴾
(7:187)

And,

﴿... but most of them do not understand.﴾
(29:63)

And,

﴿... but most of the people do not believe.﴾
(11:17)

And,

﴿ *but most of the people are ungrateful* ﴾

(2:243)

They reiterated that the good, pious and devout people are always a minority as Allah, the Exalted, says,

﴿ *Few of My servants are thankful.* ﴾

(34:13)

And,

﴿ *... except those who believe and do righteous deeds and how few they are.* ﴾

(38:24)

It is quite easy to refute this falsified viewpoint. For, we are supposed to talk about democracy in a Muslim society; the majority of which are learned, perceptive and grateful believers. We are definitely not talking about a society of ungrateful people who went astray from Allah's Way.

Basics - Inviolable

There are certain matters which voting cannot, in any way, interfere with, for they are fixed and firmly-established. They are unchangeable and will not change unless the society itself changes.

The fundamentals of religion and the fixed rules of Islam are not open to vote. Voting may be applied only in controversial matters which are open to *Ijtihad*. These ambiguous matters that give rise to much controversy are such as to choose one of the candidates for a certain post (e.g. the president of the state, to issue traffic laws, to organize the construction-license given to trading, industrial stores or hospitals). Voting also includes the rest of what scholars call

"continuous interests". It also includes the decision of whether to proclaim war or not, to impose taxes or not, to impose emergency law or not, to set a certain time for presidency or not, and to determine whether it is lawful or not to re-elect the president and the time that should be set for his new presidency, etc.

The question that arises here is that if these controversies are not settled, should we be satisfied with leaving them suspended, or should we take a stand and make decisions? But, is it possible to make a decision or choice without someone or something to scale it up or down, or to be more precise, a preponderant factor?

The Majority is a valid preponderant factor

Common sense, Islamic law, and reality necessitate the presence of an impetus that will scale decision making. This impetus or preponderant factor which has the upper hand on controversial issues is the number of people. If two people agreed on an opinion and a single person had a different opinion, then it is most probably that they are on the right side because they outnumber him.

Satan haunts the single person and stays at a distance from two people

The *hadith* reported that the Prophet (peace be upon him) said,
"Satan haunts the single person and stays at a distance from two people"⁽¹⁾

The *hadith*: "If both of you agreed on a single advice"

The authentic *hadith* reported that the Prophet (peace be upon him) said to Abu Bakr and `Umar,

1. Reported by at-Tirmidhi in the book of al-Fitan on the authority of `Umar.

"If both of you agreed on a single advice, I would not have acted against it."⁽¹⁾

This means that two voices overpower a single one even if it was the Prophet's own voice or opinion so long as the matter in question is off the borders of legislation and holy texts.

Submission to the majority opinion in Uhud

We saw the Prophet (peace be upon him) side with the opinion of the majority in Uhud and march to meet the disbelievers in battle outside Medina although his initial opinion and the opinion of his closest Companions was to stay in Medina and fight the disbelievers there.

The mutual consultation of the six Companions

We also remember when `Umar chose six of the Companions to hold a mutual consultation and determine who was to become the next caliph. The majority of the six chose the next Caliph; the minority had to agree to their choice and obey the Caliph-elect. In case they ended up with three-to-three votes they were to resort to an outsider - `Abdullah ibn `Amr - for extra vote that will scale up or down their final judgment. If they did not accept him, then they have the alternative who is `Abd ar-Rahman ibn `Awf.

The *hadith* on "The large multitude"

This *hadith* reported that the Prophet (peace be upon him) saw a large multitude of people displayed in front of him and recognized them as his nation. He then ordered Muslims to follow in their

1. Reported by Ahmad ibn `Abd ar-Rahman ibn Ghannam al-Ash`ari (4/227), and authenticated by Sheikh Ahmad Shakir in *Al-Musnad*.

footsteps. The large multitude means the public, the masses, and the majority of people. This *hadith* is supported by the fact⁽¹⁾ that scholars firmly believe in what the majority of scholars have reached by consensus, as regards controversial issues. This consensus gives the *hadith* more credibility, for there is not enough counter-narration to scale it down.

Imam Abu Hamid al-Ghazali, in some of his books, was of the opinion that the final judgment is for the preponderant number if the two controversial point of views are equally beneficial.⁽²⁾

The claim that preponderance or preference is given for what is right, even though no one votes for it and that what is wrong must be rejected even if it harvested 99% of the votes, is only applicable in firmly-established and inviolable texts that deal with Islamic law and these are but few. In this respect, the saying goes, "If you are on the right side, then you are the *Jama`ah* even if you are all alone."

Preponderance is inevitable to settle the issues that require juristic reasoning, such as the matters which no texts in the Qur'an or *Sunnah* dealt with; the equivocal or ambiguous if there are opinions and counter-opinions supported by evidence. The only way to settle the dispute then is to resort to the preponderant factor and the polls. It is the best way known by human beings and appreciated by those who have enough sense to make the right choice among Muslims. Islamic law does not oppose voting. On the contrary, there are certain texts and historical incidents that support it.

1. Reported by at-Tabarani on the authority of Abu Umamah and it is mentioned in it that "The children of Israel dispersed into seventy one sects or seventy two and the Muslim nation will exceed them by one. All these sects will abide in Hell except the overwhelming and larger one.", *Al-Mu`jam Al-Kabir*, vol. 8, No. 8035.

2. See Dr. `Abd al-Hamid al-Ansari, *Shura and Its Effect on Democracy*.

Political despotism - The plague of the Islamic nation in the past and the present

Neglecting the *Shura* is the first symptom of deterioration in the history of Islamic nation. The "Wise Caliphate" was transformed into "tyrannical sovereignty". However, some Companions called this system of ruling (Caesarism) or (Khusrauism). Their despotism infected the Muslims who ruled their conquered kingdoms which Allah bequeathed to them at a time when they should have looked down upon those whom Allah has made an example and avoided sins and evil-doing that led those kingdoms to deterioration and ruin. But instead, they chose to transfer their political system that was based on despotism and haughtiness to their lands that must not be led by those who crave haughtiness and corruption.

The only reason for the deterioration and weakness of the Islamic nation and the Islamic *Da`wah* is the suffering of despotic rule that haunts people and turns their lives into a living hell. Oppression, tyranny and military forces are the weapons used by the enemies of Islam to smite *Shari`ah*, impose secularism, and enforce westernization upon people. This despotic rule that is flagrant at times and disguised at others by slogans of pseudo-democracy, is controlled openly and from behind the scenes by anti-Islam forces who devote their time, money and effort to get rid of Islamic *Da`wah* and Islamic resistance movements, and to chase, torture and displace Muslim scholars and activists.

Political freedom - a priority

The revival of Islam and the sweeping appeal of its *Da`wah* have not been possible without the available limited freedom. This restricted freedom has given the Muslim scholars and activists the opportunity to illumine and satisfy the longing of the hearts and souls.

The Islamic *Da`wah* and the Islamic movements in our times must fight for the acquisition of freedom. All the devout and sincerely devoted Muslim activists must stand as one man to call upon people to Allah's Way - *Da`wah* - for it is our one and only hope for a promising future.

I must stress the fact that I am not fond of using loan-words such as democracy as a means to express Islamic concepts. Definitely, it is more appropriate to use exclusive Islamic terminology to express Islamic values and concepts.

Yet, if this term was already in use, then we could not possibly ignore it. Instead, we should know its meaning and connotations so as not to misunderstand, overestimate, or underestimate it. Consequently, our judgment will be void of prejudiceness and rashness. We should not be ashamed that we use a loan-word for what really matters is content repercussions.

Nevertheless, many of those who work in the field of *Da`wah* and writing used the word "democracy" unwaveringly. For instance, `Abbas al-`Aqqad (may Allah bless him) wrote a book entitled, *Islamic Democracy* and professor Khalid Muhammad Khalid went too far when he claimed that democracy is the equivalent of Islam itself! I have refuted his claim, in case he is interested to read it in my book *Islamic Revival and the Laments of Arab and Islamic Countries*.

Many Islamists advocate democracy as the appropriate system to rule, the guarantee for freedom, and the safeguard against tyranny; providing that it will be a true democracy that represents the people, rather than the ruler and his retinue. It is not enough to uphold the slogan of democracy and at the same time to stifle it by throwing free men in prisons, torturing the innocent, holding military trials to get rid

of any nuisance, and to enforce emergency laws that haunt every free man who dares to question the ruler or objects to his will.

I am a veteran advocated of democracy, for it is the systematized and easy way to achieve our aims. In other words, it paves our way to a decent life in which we have absolute freedom to call upon people to Allah's Way and Islam without the risk of arrest or execution. Moreover, it guarantees for our people a life of freedom and dignity, the right to choose their rulers, and the right to hold them to account for their deeds and to depose them if they commit any violations without resorting to upheavals, assassination or the like.

***Shura* - an obligation, not an option**

Some Scholars still insist that *Shura* is optional and that the ruler must consult trustworthy and honest people. Yet, he does not have to follow their opinion or advice.

I have already tackled this issue saying that *Shura* will be futile if the ruler consults the honest and trustworthy people, then ignores their opinion and does whatever he likes and whatever his retinue made fair - seeming to him. Throughout our history those honest, unbiased, devout and trustworthy people have been the decision-makers.

Ibn Kathir, in his *Tafsir*, reported on the authority of Ibn Mardawih that when `Ali (may Allah honor him) was asked to interpret what Allah means by "reach a decision" when He says,

﴿*And consult them in the matter and when you reach a decision, place your trust in God.*﴾

(3:159)

He said, "He means that he must consult the honest, unbiased, devout and trustworthy people and act upon their advice."

If this issue has arisen much controversy, then the only way to settle it is the obligation of *Shura*.

If the nation or a considerable part of it voted for the decision reached at by *Shura*, then it becomes obligatory to follow it and put an end to controversy and dispute.

The Prophet (peace be upon him) said, "*Muslims should abide by their conditions.*"

In consequence, if a president or a ruler was elected under these conditions, then a Muslim must not break the covenant and chose another ruler. Moreover, the fulfillment of the Covenant of God is obligatory in Islam as Allah says,

﴿And fulfill the Covenant of god when you have made a covenant, and do not break the oaths after they have been confirmed, you have made your oath, in God's Name. Indeed God knows all that you do.﴾

(16:91)

For instance, when `Abd ar-Rahman ibn `Awf (may Allah be pleased with him) offered to give `Ali (may Allah honor him) the allegiance (*Bay`ah*) on the condition that he followed the teachings of the Holy Book, the *Sunnah*, and the regimes of the two Sheikhs (Abu Bakr and `Umar), he refused to follow the last condition - following the regimes of both Abu Bakr and `Umar. For, if he had accepted it, he would have had to abide by it. His rejection stemmed out of the fact that he was an Imam who practiced his own juristic reasoning and had his independent opinions from those of the two Sheikhs. Besides, time and circumstances had underwent a drastic change. On the other hand, when `Uthman had the same offer and terms, he accepted them; hence,

he was given the *Bai`ah*. Thus, if the Islamic nation elected someone on a certain condition, he must do his utmost to abide by them.

To sum everything up, Islamic *Shura* conforms to the essence of democracy.

The Multi-Party System Under the Islamic State

Question: Some discussions and arguments are currently taking place in private meetings and public conferences among Islamists themselves and between Islamists and other peoples of different ideologies. Because Islam calls for unity and warns against separation and disagreement, some Islamic groups feel that a multi-party system will result in the disunity of the Nation and of its efforts. Imam Hassan al-Banna called for no partisanism in Islam. From his stance, many have based their rejection on this point. Of course, they have their own doubts and evidence for their claims.

We would like to know your excellency's opinion on this issue which is currently being discussed in a number of Arab and Islamic countries, especially those adopting a multi-party system and calling for democracy. They accuse the member of the Islamic movement of calling for freedom and multiplicity until they are in power, and then, destroy all others. They go on with their accusation to say that Islamic forces consider themselves as being an unrefutable and unchallengeable right while everything else is an unrightable wrong.

We hope you will be kind enough to shed some light on the legitimate judgment accompanied by evidences. May Allah reward and support you with His Power.

Answer: My opinion which was made public, years ago, through lectures and private meetings was that there is no legitimate prohibition to the existence of more than one political party in an Islamic state. Such a prohibition needs a Divine text, of which there is none.

On the contrary, this multiplicity may be a necessity in the present; as it can protect the state against the despotism of certain individuals or classes to exploit the people and their lives. The same multiplicity can protect against destroying the force that would say "No" or ask "Why?" Of course, one can understand the above situation through reading history and investigating reality.

Political parties need only two principal conditions to legitimize their existence

- 1- They must acknowledge and respect Islam as a creed and jurisprudence and not oppose or deny it even if they have their own judgments and understanding of it in light of admitted, scientific rules.
- 2- They must not work for any hostile force against Islam or the nation, regardless of its identification or whereabouts.

Therefore, it is illegal to establish a party defending apostasy, anarchism or irreligiousness or to attack Divine creeds in general and Islam in particular. Also, the party that scorns the sacrosanct in Islam whether its creed, jurisprudence, the Qur'an, or its Prophet (peace be upon him) must not be established.

Duty of advising and correcting the leader

Advising the leader and correcting him in case of deviation are the right of all people, if not their duty. They must order him to do right and denounce wrong, as he is one of the Muslims. He is not above

being ordered, just as the people are not unequal to the task of advising and ordering him.

But, if the nation abandons its duty to urge its leader to achieve equity and deny the abominable, it will lose the justification for its supremacy and distinction and won't escape the damnation that befell ancient nations. Allah, the Almighty, says,

﴿They restrained not one another from the wickedness they did. Verily evil was that they used to do.﴾

(5:97)

Read these two *hadiths*,

"If you find that my Nation is afraid of confronting the oppressors, then you may mourn their death."⁽¹⁾

"When people dare not stop wrong-doers on seeing them, Allah may punish them all."⁽²⁾

Upon coming to power, Caliph Abu Bakr said in his first speech, "O people! Help me if I'm right and correct me if not. Obey me as long as I obey Allah with you. But if I disobey Him, then I claim no obedience from you."

On the same issue, `Umar said, "O people! correct me if you find any deviation from me." At that moment, a man stood up and said, "I swear by Allah that we will correct you with our swords in case of any deviation." Then `Umar said "Praise be to Allah, Who created among Muslims one that will correct me with his sword."

However, we learned from history, experience and actual applications of Islam with Muslims that correcting a leader is not an

1. Reported by Ahmad ibn Hanbal in his *Musnad* on the authority of `Abdullah Ibn `Amr. Sheikh Shakir said that it is a sound *hadith*.

2. Reported by Abu Dawud in His *Sunan* on the authority of Abu Bakr.

easy task. In addition, people no longer carry swords to correct him, for they are all owned by the leader himself.

Organizing advice and correction in the form of political forces

Organizing with the aim to correcting leaders' deviation, must be done in a peaceful way.

Fortunately, humanity - at present - can reach, after a long hard conflict, a way to putting this duty into effect in a peaceful way. This invented form was the creation of political power that can't easily be destroyed or overthrown by government. The term "parties" may be suitable for those forces.

An authority may overcome or overthrow an individual or a small group of individuals by force or intrigue, but it will undoubtedly find some difficulty in doing the same with stronger, more organized groups that are deeply rooted in social life and have a strong effect among people as well as having their platforms, newspapers and other means of expressing their ideas and influencing people.

If we want this duty to have a significant effect on our life, it must not be a limited-effect, individual duty lacking enough strength. In addition, this form must be subjected to development so as to create a force able to warn order (prohibit) when confronted with something illegal. This force must have the strength to incite other political forces against the governing authority in case of despotism and consequently, to peacefully replace it with a better one.

The creation of such parties or political groups has become a necessary device to confront the despotism of governing authorities as well as to question, reform and bring them back to the right path.

However, when this isn't possible, they may overthrow these authorities with better ones.

To conclude, there is no way to question, advise or order the government to seek equality but through the partisanism. As Muslim scholars have said, "The sole way through which the indispensable can be achieved, becomes a duty."

False idea of the Islamic state

Some faithful may think that a state that puts Divine jurisprudence into effect and depends on Allah's Judgment in all issues, is not in need of parties, as it honors the words of Allah.

Those who work for Islam must sacrifice everything in order to establish the longed for state. When established, it will be as Allah has characterized it in His Book,

﴿Those who, if we give them power in land, establish worship and pay the poor-due and enjoin kindness and forbid iniquity.﴾

(22:41)

At that time, they will have to leave everything in the hands of this state and show all loyalty, obedience and support for it.

I would like to tell those that the Islamic state is not the same religious state which was known in other societies. I mean that it is a civil state taking refuge in Islamic jurisprudence. Its president is not an infallible leader, nor are its members saints. Instead, they are human beings doing right and wrong, good and wrong. They may be just rulers or oppressors, obedient leaders or sinners.

People have to support them if they prove to be good leaders and change them if not. In addition, they must reject their orders if they are

illegal, exactly as Abu Bakr (may Allah pleased with him) said in his first speech. The Prophet (peace be upon him) said,

"Obedience is the duty of every Muslim in what he likes and dislikes, unless he is ordered to do something forbidden. In this case, he must disobey."⁽¹⁾

Not being infallible and sacred, all people are human beings who may be seduced by events and misunderstand Allah's Judgment, which may actually lead them to despotism and oppression. The most dangerous form of despotism is that connected with religion. For harm may befall both nation and religion unless rules are set to prevent its occurrence.

Therefore, the creation of organized forces that work openly and are able to help and support good governors and replace bad ones is a thing encouraged and supported by jurisprudence in the public interest it seeks and the evils it prevents.

It is a grave mistake for the state or some of its supporters to think that it, alone, has unrestricted rights, and hence, those who oppose it have no rights at all.

We saw al-Mu`tazilah when they had power under the reign of Caliph al-Ma'mun ibn ar-Rashid and the two Caliphs al-Wathiq and al-Mu`tasim.

They wanted to impose their will on everyone and destroy everything else. All opinions and ideas were forbidden but theirs. They dealt with others' thoughts with whips and swords, as we can see in the famous debate, made public by them and known throughout Islamic history, as "Debate on the Creation of the Qur'an".

1. Agreed upon, on the authority of Ibn `Umar. See *Al-Lu'lu' Wal Marjan* (1205).

It was a violent crisis which befell great leaders and men of thought. Among them, the pious Imam Ahmad ibn Hanbal (may Allah be pleased with him).

History has assumed a disgraceful crime to those who claimed that they were men of reason and thought. Namely, the imprisonment and torture of those who opposed them, regardless of their being among the greatest scholars and Imams.

The multi-party system in politics is like diversity of schools of thought in *Fiqh*

We do not mean that by allowing the multi-party system in the Islamic state, that they would be owned by individual seeking personal gains or interests. In other words, we do not advocate those parties named after individuals who mass people to make them do what they wish.

Similarly, the partisanship that is based on racial, regional or class reasons or any other reasons related to bigotry is abhorred by Islam.

We intend, by legal diversity, those ideas, methods and policies to be defended by each group and supported by evidence. These will have the support of people who believe in them and think that there is no reform but through them. At the same time, they would only be rejected by those who believe in different ones.

A multi-party system in politics has a close similarity to the diversity of schools of thought in *Fiqh*. Such schools of thought have their own principles in understanding jurisprudence and drawing analogous conclusions from detailed evidence. The followers of such schools believe that they are the nearest ones to the right path. They are like a party of thought massing supporters of rules they defend and

believe as having priority. However, this does not mean that any other school or party is wrong.

A party is similar to a political school of political thought which has its own philosophy, principles and methods derived from the broad, unconfined Islam. The party members are like the followers of an Islamic school of thought in which everyone defends what he considers right and important.

A group of people may think that *Shura* is binding and that the Caliph or the president is elected publicly for only a limited period and then runs for re-election. The *Shura* are those influential ones, whom people nominate by election. Women have the right to elect and be elected for membership on the council as well.

The state has the right to interfere in prices and control rent of land and real estate as well as traders' profits. It needs to assure that land is exploited through agriculture and not rent. There are other rights in finances other than *Zakah* (poor-due). Peace is the basis of foreign relations. Non-Muslims are citizens of Muslim countries exempted from tribute if they serve in the military and pay the solidarity tax which is similar to alms imposed on Muslims. This group believes that those non-Muslims must be represented in a representative council.

On the other hand, some conservatives may oppose those reformers or advocates of renewal. They believe that consultation is instructional and not binding. The president is nominated by the most influential consultants, known in Islamic *Fiqh* as "*Ahl Al-Hal Wa Al-'Aqd*". The length of his term is unlimited. He alone has the authority, to nominate his influential consultants. Election is not a legitimate means. Women have no right in consultation or voting. The economy is free and property unlimited. War is the base of all foreign relations.

The Caliph or the president has the authority to wage war or accept peace. To the above mentioned, you can add many other ideas and concepts that comprise social, economic, political, military and cultural life.

There is a third group which rejects what the other two believe but may accept what appears to be a mix of the two.

The question may arise here that if one of these groups seizes power, will it destroy and overthrow the others as it represents the government?

Is power by force the factor that grants ideas their survival, while lack of it destroys them?

True insight says "No" for every idea has the right to express itself as long as it is documented by careful consideration and support.

Parties are schools of politics just as schools of thought are parties in *Fiqh*

What we denounce in politics is exactly what we denounce in *Fiqh*, namely, blind imitation and bigotry and endowing some leaders with sacredness to the extent that they look prophets. Here is the source of great evil.

Therefore, as I have said in cultural meetings on this topic, "Parties are schools of politics just as schools of thought in *Fiqh*."

Multiplicity and disparity

Among the many questions raised here is that the principle of multiplicity or diversity, as it is known, is inconsistent with the unity imposed by Islam. It is known that Islam considers unity the twin of Faith while disparity is attached to blasphemy and paganism.

Almighty Allah says,

﴿And hold fast, all of you together, to the cable of Allah, and do not separate.﴾

(3:103)

He also says,

﴿And be ye not as those who separated and disputed after the clear proofs had come unto them. For such there is an awful doom.﴾

(3:105)

The Prophet (peace be upon him) said,

"Beware of disparity for it led those who proceeded you to their damnation."⁽¹⁾

I would like to shed light on an important fact which is: multiplicity does not necessarily mean disparity, for some difference is not abhorrent, such as a difference of opinion due to diversity with understanding. Thus, some of the Prophet's followers differed in many secondary matters which caused no harm for them. They even differed during the Prophet's life in some matters like the issue of Afternoon prayer when they were on their way to Banu Qurayzhah. It was a well-known issue in which the generous Prophet rebuked none of them.

Some looked at this kind of difference as some sort of mercy which the Prophet bestowed on his nation. About this issue, someone said, "Difference among my people is a kind of mercy." In addition, there is a book, on the same subject, entitled *Mercy upon People by Difference of Imams*.

1. Agreed upon.

It was said that the Rightly-Guided Caliph `Umar ibn `Abd al-`Aziz did not denounce the differences among the Prophet's followers as it created mindness, flexibility and pleasant circumstances for Imams owing to a variety of sources and goals and accepting differences among different groups of people.

The Glorious Qur'an considers the multiplicity of languages and colors, one of Allah's wonders of creation to be considered by those who have knowledge,

﴿And of His Signs is the creation of the heavens and the earth, and the difference of your languages and colors. Lo! here in indeed are portents for men of knowledge.﴾

(30:22)

Therefore, not all difference are a kind of evil, but rather are of two kinds: difference of variety and difference of contrast. The former is praised, while the later is censured.⁽¹⁾

Multiplicity of groups working for Islam

I have mentioned in my books and lecture that there is nothing to prevent the existence of numerous groups working for Islam, as long as they can achieve unity among them owing to diversity of aims, methods, concepts and confidence in each other.

However, this multiplicity must be of variety and specialization; not of contrast. In addition, all must be united on every crucial issue related to Islamic existence, creed, jurisprudence and nation.

In all cases, trust and accepting disagreement must be a value characterizing all parties. There must not be accusations of

1. See my book *As-Sahwah Al-Islamiyyah Bayn Al-Ikhtilaf Al-Mashru' Wa At-Tafarruq Al-Madhmum* published by Dar al-Wafa'.

wrong-doing, deception, or blasphemy. Instead, everyone should urge following the right path with patience along with good advice in religion. Finally, they should advocate adherence to wisdom, and exhortation to good tolerant of differences of opinion.

Such differences - in variety - do not lead to dispute, hostility or turning the nation into conflicting factions. Instead, it is difference under the protection of one nation united by a creed. This is a positive phenomenon bearing no fear or danger.

We say this before the establishment of the Islamic state and we will say the same after. For, the state does not feel uneasy about difference in opinion, nor does it sentence to death those ideas represented by other groups. Ideas live forever and do not surrender; they may die by themselves only upon the appearance of stronger ones.

Multiplicity is an imported principle

One of the doubts that may arise here is that the multi-party system is an imported feature of western democracies. It is not an Islamic one evolving from within. We have been warned against imitating non-Muslims and hence, losing our personality; "Whoever imitates people, becomes one of them."

We must have our own intellectual and political independence and not follow others' habits too closely.

We say, "What we were forbidden to do and warned against is the blind imitation of others to the extent that we may become like tails, always following and never followed." This is further demonstrated by the true Prophet's *hadith*, "*If others enter a lizard's hole, you will do the same.*"

The forbidden imitation of non-Muslims is of their theological habits and rituals that characterize them like hanging the cross on the necks of Christians and the sashes worn by Magus as well as other habits and signs that may make the imitator look like those whom he imitates.

There is nothing wrong with borrowing what is related to the developing needs of life. Nor can we blame that borrower, for wisdom is the aim of the believer who upon finding it, deserves it most.

- The Prophet (Peace be upon him) dug a ditch around Medina. It was a trick unknown to Arabs as it was borrowed from the Persians. Note that the Prophet agreed to this trick upon the recommendation of Salman (may Allah be pleased with him)
- The Prophet had a seal made to sign his messages when his Companions told him that kings do not read or acknowledge messages unless they are sealed.
- `Umar borrowed systems for land tax (*Khiraj*) and accounting practices for the treasury.
- Mu`awiyah adopted a foreign mail system. Those who came after him brought different ones.

Based on the above, there is nothing wrong with adopting a multi-party system from western democracy under two conditions:

First: This system must entail real benefits for us. We can ignore faults and wrongs that may appear upon its creation provided that its benefits are greater than its costs. Islamic jurisprudence tends to consider pure or preponderant benefits and eliminate pure or preponderant aspects of corruption. The basis of this rule is the Qur'anic verse that tackles strong drink and games of chance,

﴿ Say: In both is great sin and some utility for them but the sin of them is greater than their usefulness. ﴾

(2:219)

Second: We should modify and develop what we adopt so as to make it consistent with our religious values, morals, judicial judgments and respected traditions.

No one can compel us to adopt every detail of a system without modification. In other words, one should not show total fanaticism for his party, whether he is an oppressor or not. As Arabs used to say in the pre-Islamic era, "Support your brother and defend him whether he is a sinner or wronged." However, the Prophet (peace be upon him) modified it to give it another interpretation; you should support your sinner brother by stopping his tyranny and oppression and thus help him against the devil's influence.

Loyalty to whom?

Among the many doubts raised was the claim that the creation of parties inside the Islamic state might lead to the disruption of individual loyalty to the party to which he belongs, and the country to which he pledges obedience and support.

This claim may be true, provided the individual adopts the stance of opposition to his state in everything and support for his party in everything. Of course this is not the situation intended.

A Muslim's loyalty must be to Allah, the Prophet and the group of believers. Almighty Allah says,

﴿ Your friend can be only Allah, and His Messenger and those who believe, who establish worship and pay the poor-due and bow down (in prayer). And who so taketh

*Allah and His Messenger and those who believe for friend,
Lo! the party of Allah, they are the victorious. ﴿*

﴾ (5:55-56)

A Muslim's loyalty to a tribe, region, association, syndicate, union or party is not inconsistent with his loyalty to his country.

All these loyalties are traced back to a sole origin, namely Allah, His Messenger and the believers. Loyalty to disbelievers at the expense of loyalty to Allah, is strongly forbidden.

Allah, the Almighty, says,

*﴿ Those who choose disbelievers for their friends instead of
believers! Do they look for power at their hands? Lo! all
power pertainth to Allah. ﴿*

﴾ (4:139)

And,

*﴿ O ye who believe! Choose not My enemy and your enemy
for friends. ﴿*

﴾ (60:1)

We do not accept or call for a multi-party system if it compels the individual to support a party knowing that its stance is wrong or opposes his country; even if he believes in its cause. Moreover, the above concept must be modified into a form consistent with our Islamic values, rules and *hadiths*.

Imam `Ali accepted the existence of Khawarij party

Let's go back the rich history of the Rightly Guided Caliphs in particular which we were ordered to follow. Look at the Commander of the Faithful, `Ali ibn Abi Talib (may Allah be pleased with him and honor him). He allowed the creation of a party with a policy and

methods totally different from his. This party went so far as to accuse him of blasphemy, though he was the son of early Islam. Its supporters were not content with an intellectual, theoretical stance. They took up weapons and waged war against him. They even legalized shedding his and his followers' blood under the pretext that he asked for men's judgment in the Religion of Allah though there is no judgment but Allah's, as it was thought in the Glorious Qur'anic verse,

﴿*The decision rests with Allah only.*﴾

(12:4)

When Imam `Ali (may Allah be pleased with him) heard this accusation, he replied with the statement which became a model adopted and quoted through history, "It is a true statement seeking something wicked."

In spite of all these hardships, he did not destroy or exile them. Instead, he frankly told them, "We grant you three rights which we will respect: we shall not prevent you from performing your prayers in Allah's mosques; we shall not deny you the booty as long as you are Muslims; and we shall not wage war against you."

Those were the Khawarij who represented the Ali's armed opposition and whose strength turned into their rashness.

Hassan al-Banna and the parties

I know that Imam Hassan al-Banna denied partisanism and a multi-party system in Islam.

However, his view was based on what he saw and observed at his time. He found that partisanism was dividing the nation and leaving it helpless, in front of its enemies. Those parties were based on individuals; not on clear aims and definite methods. In some of his

tracts he talked about party men and leaders saying, "The imperialists divide them against each other and unite them at their headquarters. Thus, they know not but his refuge and never gather again unless they are in his presence."

There is no harm if we have a view different from our Imam's (may Allah have mercy upon him), for he did not prevent those who would come after him from having their own views; especially, if the situation has changed and different ideas and circumstances had developed. Perhaps his opinion would have changed if he had been among us today, particularly in this changing and varied field of politics.

Those who knew Hassan al-Banna believed that he was not inflexible. Rather, his ideas and policies were based according to the evidence that was available at the time.

Secularists depict the aimed-for Islamic State as a state which allows no opposition or opinions different from its own. If the establishment of a group that asks "Why" is impossible, then what about those saying "No"?

Reality affirms that there are diverse forces and groups in life which accept and submit to Islam in spite of their diverse views, concepts, programs and plans. If some seized power one way or another, would they then allow other groups and forces to exist or would or sentence them to death and/or ban them forever?

The most reasonable action is to keep these forces working and to attempt to guide them. They should survive to enjoin right conduct, forbid indecency, and advise according to Allah, His Messenger, Muslim leaders and people.

Multiplicity of parties and powers before the establishment of the state

If multiplicity of political parties and powers is to be allowed under an Islamic state adhering to Islamic rules, then, with all the more reason, this multiplicity has to be allowed before the establishment of the same state. For, there is nothing in Islam that prevents the existence of more than one group calling for establishing an Islamic society in an Islamic state, and working hard in every allowed way in the Cause of Allah.

A detrimental opinion prohibiting the establishment of groups supporting Islam

A number of individuals and groups linked by name to Islam have spread ideas related to this issue which require careful and informed attention.

Among these ideas were some legal opinions and judgments issued by some individuals prohibiting the establishment of any group or even belonging to one. They claim that such actions are forbidden and represent a religious heresy disallowed by Allah, regardless of the designation of this organization whether a group, association, party or any other title and name.

There is no doubt that this is a strange insolence against the Religion of Allah and an unjustified assault against jurisprudence. In addition, authors of these legal opinions have no right or power to prohibit what Allah has allowed. Legality is the principle used to judge matters related to people's habits and dealings with others. The establishment of groups working for Islam is among these actions.

Moreover, texts of jurisprudence and their comprehensive rules necessitate the establishment of such groups. Allah says,

﴿ *Help ye one another to righteousness and pious duty.* ﴾
(5:2)

And,

﴿ *And hold fast, all of you together, to the cable of Allah,
and do not separate.* ﴾
(3:103)

The Prophet (peace be upon him) said,

"Believers are like parts of building supporting one another."⁽¹⁾

And,

"Allah helps the group while hell is awaiting the one who leaves the group."⁽²⁾

The juristic rule states, "The sole way through which the indispensable can be achieved becomes a duty". There is no doubt that working for Islam in this age and defending the integrity of its nation as well as working for establishing its state, cannot be achieved through scattered, individual efforts. Instead, it requires combining and uniting these scattered forces and efforts, and channeling untied energy. Everyone must be recruited into an organized line understanding its aims and methods.

This is affirmed by the fact that anti-Islam forces whose aims are to contradict ours, do not work alone but form strong blocs and huge group organizations with the most powerful material and human powers.

1. Agreed upon on the authority of Abu Musa. Reported also by at-Tirmidhi and an-Nasa'i. *Sahih Aj-Jami' As-Saghir* (6654).

2. Reported by at-Tirmidhi in his *Sunan* on the authority of Ibn `Umar.

How can we confront all these alone in a battle which requires organizing everyone in one line as Allah, the Almighty, says,

﴿Lo! Allah loveth those who battle for His Cause in ranks as if they were a solid structure.﴾

(61:4)

Collective working that emancipates its land for the cause of Islam, unites its nation and enhances its judgments is a duty and a necessity. It is a duty imposed by religion and a necessity prescribed by reality. It will require establishing groups or parties to accomplish this duty.

Communities from Muslims not a community of Muslims

There is another point wholly different. It confines that ritual be a given group which believes that it alone represents pure right while others do not,

﴿After the truth, what is there saving error?﴾

(10:32)

In other words, this group describes itself as the Muslim community, not a community from Muslims. Hence, whoever forsakes this group, then deserts the Muslim community; and whoever abstains from joining it, he forces himself out of the Muslim community.

They think that all *hadiths* relevant to the Muslim community whether joining or shunning it, concern them.

This kind of deductive reason and misinterpretation of texts damages the nation by evil and sedition, as they misplace religious evidence.

Some other people may make their group or party the sole supporter of right according to objective and convincing reasons that only apply to this group.

Some other groups may define certain intellectual, religious and moral characteristics as the right party. These characteristics are confined to this group and others. No doubt, this constraint and arbitrariness cannot be proved by logic.

Others make precedence at the time the only criterion. Thus, he who comes first is the sole supporter of right and truth.

Some parties in certain Islamic states have claimed that they alone represented right, because they were the first to take the initiative. Any party established later must on disband, as it has no right to exist. Its acceptance by people is considered a forbidden allegiance against which the Prophet warned us in his *hadith*, "*Kill (Remove) the second chosen Caliph if there are two.*"⁽¹⁾

Such detrimental and ignorant legal opinions issued by unacknowledged individuals in the sciences of *Shari`ah* can lead the nation to disastrous consequences.

Upon confronting opinions issued by such false *Shari`ah*, science claimers, some legalists in earlier times, said that these *muftis* deserve imprisonment more than thieves, as thieves corrupt people's lives, while the former corrupt their religion.

What would those legalists say about the diverse, ungrounded opinions about which we read and hear these days? There is no power and no strength save in Allah.

1. Reported by Ahmad and Muslim on the authority of Abu Sa`id, *Sahih Aj-Jami` As-Saghir* (421).

Nominating Women for Representative Council in Legality and Prohibition

A woman is legally a capable human being. She must bear the responsibility of worshipping Allah, praising the Lord, applying His *Shari`ah*, performing her religious duties, avoiding its taboos, calling for Islam and enjoining kindness and forbidding iniquity.

All the legislator's addresses include her everything except what is proved to be confined to men. The woman is among those addressed in Allah's call, "*O' people*" and "*O' those who believe.*"

Therefore, when Umm Salamah (may Allah be pleased with her) heard the Prophet (peace be upon him) calling, "*O' people*" while she was busy doing something on her own, she hurried to the Prophet. When some people showed surprise at her quick response, she said "I'm of the people".

Except in certain matters the general principle is that there is no difference between woman and man in obligation and responsibilities. According to Allah's words, ﴿*Ye proceed one from another.*﴾ (3:195) and the Prophet's saying, "*Women are sisters of men.*"

The Glorious Qur'an orders the two sexes, male and female, to shoulder responsibility for their society, termed in Islam, "Enjoining kindness and forbidding inequity." Allah says,

﴿And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong and they establish worship and they pay the poor-due, and they obey Allah and His Messenger. As for these, Allah will have mercy on them.﴾

(9:71)

In this context, the Qur'an mentions certain characteristics of believers after mentioning those of hypocrites in this Glorious verse,

﴿The hypocrites, both men and women, proceed one from another. They enjoin the wrong and they forbid the right.﴾

(9:67)

If female hypocrites play a role in corrupting society in cooperation with males, then female believers must do their duty in reforming it in cooperation with male believers.

The importance of the role of women during the Prophet's era is evident by the first person to declare belief in the Prophet's call and support him, a woman, Khadijah (may Allah be pleased with her). In addition, the first martyr in the Cause of Allah was a woman called Sumayyah Umm `Ammar (may Allah be pleased with her).

Moreover, some women fought at the Prophet's side during the Battles of Uhud, Hunayn and others, to the extent that al-Bukhari wrote a chapter in his introduction called "Women's Fight".

Whoever reviews the evidence in the Qur'an and *Sunnah* knows that their orders are directed at both sexes, except in such matters which necessitate a distinction between male and female. The female has her own regulations pertaining to matters like menstruation, pregnancy, birth, and suckling.

Man performs the task of guardianship and bears responsibility for his family, while the woman enjoys the support and custody of her husband.

There are regulations controlling inheritance which require on giving the male twice that of the female. Of course the rationale behind this is clear. It is based on the disparity in material responsibilities and costs between the man and the woman.

There are other regulations related to testimony in civil cases. Two women's testimonies equal one man's. However, it is also based on actual and practical considerations provided that information and data are to guarantee people's rights and privacy. However, you can find some other regulations accepting one woman's testimony in cases of birth and suckling.

Important notes

I'd like to shed light on certain important matters:

First: We must stick only to clear binding fixed texts. Ungrounded texts such as weak *hadiths* or what can be interpreted in more than one way like those concerning the affairs of the Prophet's wives, should not be imposed especially on social problems that have comprehensive consequences and need flexibility in application.

Second: There are some judgments and legal opinions that must be isolated to their time and context and there are those judgments which can be changed according to their context. Therefore, juristic scholars state that legal opinions can change with time, place, context and customs.

Many regulations which pertain to women's affairs are plagued by bigotry to the extent that women have been forbidden to perform

prayers in mosques, in spite of clear sound texts that see no harm in this. Those bigots have chosen this stand and supported against others texts.

Third: Secularists today are exploiting the women's cause and try to accuse innocent Islam of unjustly treating women and blocking there abilities to have a career and improve themselves. They document these accusations with certain practices found in recent times and statements of certain modern bigots.

A review on these proofs

On the basis of the above, one should study the issue of women's election to the People's Assembly or the *Shura* Council and the legality of her election to this task in light of legal proofs.

Some people believe that such a thing is among the taboos. However, prohibition can only be established by a well-grounded proof, free from any doubt. Legality is the principle to be followed in worldly matters and actions unless there is a proof to the contrary. So, what proof do those people use to establish their opinions?

Some of them may trace their claim to the Qur'anic verse, ﴿*Stay in your houses.*﴾

This Glorious verse prohibits a woman from leaving her home unless there is a necessity or need.

However this is not a conclusive proof:

First: Because this verse addresses the Prophet's wives as we can see from the context. The Prophet's wives enjoyed a degree of sacredness and were subject to morescrating others. For this reason, their rewards and punishment were doubled.

Second: The Mother of the Believers, `A'ishah, left her home in spite of this verse, and took part in the Battle of al-Jamal. She believed that she was doing her religious duty by avenging Uthman's murder. Of course, her decision was not correct.

Third: Women have, in fact, left their homes to learn at schools and universities. They have worked in different fields of life, as doctors, teachers, and managers, etc. This has not received much opposition, with a sort of unanimity of woman being outside the home on some conditions.

Fourth: A need may arise for religious female Muslims to take part in elections against misled Muslim or non-Muslim women who claim leadership in women's activities. Social and political needs may be even more important than individual needs to play a role in public life.

Fifth: Imprisonment of women in their houses was a punishment to adulteresses in the time before the establishment of jurisprudence and *Fiqh*.

﴿ *Confine them to the houses until death take them or Allah appoints for them a way.* ﴾

(4:15)

How dare they think that confinement is a perpetual state for Muslim women under normal conditions.

Blocking the means

Some people may approach that issue from a different angle, namely, avoiding pretexts. A woman, when running for parliamentary elections, will undoubtedly have to meet men and perhaps be alone with them during her election campaign.

There is no doubt that avoiding pretexts is a required practice, but scholars state that exaggeration in it is exactly like exaggeration in its permission. It may lead to thwarting the public good more than the feared aspect of possible harm.

This proof may be used by those who support prohibiting women from voting in elections for fear of temptation. Consequently religious Muslims may lose many votes that might have played a crucial role against secularists who make use of non-religious women's votes.

Once some scholars opposed women's education and admission to schools and universities, to avoid any possible pretexts. Some even went so far as to say that she might learn to read but not to write for fear of using her pen to write love letters and so on. However, other attitudes had the upper hand. Its supporters proved that education in itself is not evil, and may lead to good consequences.

According to the above, one can say that good religious female Muslims, whether voters or candidates, must preserve themselves against committing any sort of taboo when meeting men. The list of taboos may include wearing improper clothes, being alone with unmarried men or uncontrolled associations with men. But of course these matters are settled and unquestionable for the committed female Muslim.

A Man under the rule of a woman

Some may support the prohibition of a woman running as a representative council elections under the pretext that this compels men to live under the rule of women, which is forbidden. For the usual and natural case is the reverse, which is affirmed by the Qur'an.

Then how dare we turn everything upside down by granting women the custody and superiority over men?

I'd like to outline two points here:

First: The number of women running as representatives for council elections is limited and consequently men will still enjoy a powerful majority in making all decisions. Therefore there is no justification to saying that electing women to a council will make men live in the custody of them.

Second: The Glorious verse states the guardianship and superiority of men over women confined this to marital life as the man is the bread-winner and bears the responsibility of his family. Look at Allah's Words:

﴿Men are in charge of women because Allah hath made the one of them to excel the other and because they spend of their property.﴾

(4:34)

The last few words, *﴿They spend of their property﴾*, shows that this custody is for the family as a whole which is the position granted to them in the Glorious verse,

﴿And they (women) have rights similar to those of men over them in kindness and men are a degree above them.﴾

(2:228)

In spite of man's custody and charge for them, women may give their opinions in family's affairs as the Glorious Qur'an referred to when talking about weaning babies,

﴿If they desire to wean the child by mutual consent and after consultation, it is no sin for them.﴾

(2:233)

And, as it is shown in the *hadith* narrated by Ahmad, "*Consult women in their daughters' marriages.*"

Concerning the ruling of some women over some men outside the domain of the family, there is nothing prohibiting it. However, what is forbidden is the common and universal responsibility.

This general custody or charge is the target of the *hadith* narrated by al-Bukhari after Abu Bakr and traceable to the Prophet (peace be upon him),

"People who choose a woman to manage their affairs, will gain no success."

This *hadith* intends the general guardianship of the whole nation or for the presidency of the country, as shown by the word "affairs" which means general leadership.

There's no objection to some women managing certain affairs like issuing legal opinions or judgments, education, *hadith* narration, management, etc. Such women are unilaterally allowed to manage these affairs as they have done throughout history. Even Abu Hanifah accepted the testimony of women in judicial cases (except those related to criminal cases). Some of our predecessors even allowed women to testify in criminal cases as Ibn al-Qayyim mentioned in his book *At-Turuq Al-Hukmiyyah*. At-Tabari allowed this testimony in general, as did Ibn Hazm in spite of his Zahiri doctrine.

From the above, one can affirm that there is no clear legal proof prohibiting women from working in judicial fields, otherwise, Ibn Hazm would have stuck to this proof as vehemently as he was famous for so doing.

The context in which the above *hadith* is said, supports the theory of general custody. The Prophet (peace be upon him) when learning

that the Persians selected their late emperor's daughter, Buran the daughter of Khosrau, to be their empress after the death of her father, said,

"People who choose a woman to manage their affairs will gain no success."

A doubt and its refutation

Among the many doubts raised by some against a woman's nomination to the representative council was that: a council member is higher in rank than the government itself. She is superior to the president himself because by virtue of her membership, she can question his actions, while prohibiting her from enjoying the general guardianship, granted to her in another form.

This doubt forces us to shed more light on the concept of the *Shura* or representative council membership by providing more explanation and analysis.

The task of a representative council member

It is known that the task of the representative council member in modern democracies has two aspects: questioning and legislating.

When analyzing both concepts, we should be aware of:

The meaning of Questioning

According to legal concepts, questioning or supervision, in its final analysis, goes back to the Islamic terms "Enjoying kindness and forbidding iniquity" and "Advice in religion" which represent a duty for Muslims, both the leaders and the governed.

Command, interdiction and advice are required from both men and women. The Glorious Qur'an clearly states this fact,

﴿And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong and they establish worship.﴾

(9:71)

The Prophet (peace be upon him) said,

"Religion means advice for Allah, His Prophet, His Book and Muslims."

Thus, both the governors and the governed are not confined to men.

We all remember that it was a woman who rejected `Umar's wish, the Commander of the Faithful, in the mosque. `Umar abandoned his decision in favor of hers and said, "The woman is right and `Umar is wrong."

The Prophet consulted Umm Salamah at Al-Hudaybiyah battle. She gave him sound advice which he (peace be upon him) lost no time in putting it into effect and which had good consequences.

As long as a woman has the right as an individual to advise and express what she sees as good as enjoin kindness, forbid iniquity and say - "This is right and that's wrong", then there is no legal proof forbidding her membership in a council applying this task collectively. It is known that legality is the principle controlling activities and dealings with others unless there is a clear, correct text prohibiting them.

As for those who say there is no historical precedent from previous Islamic eras, of a woman's admission into the *Shura* Council, there is also no prohibiting legal proof. The above issue is subject to

the principle of revising "*Fatwa*" according to changes of time, place, and context. *Shura* was not properly organized during those eras, neither for men or women. It was one of the affairs about which texts came in a general form leaving its interpretation and control to Muslims' views according to the time, place and social circumstances.

If the Prophet's deed didn't indicate more than permissibility, then what about the deeds of normal people?

Nowadays, we provide women with jobs unknown in the past and establish schools and universities that serve millions of girls. From them come female teachers, doctors, accountants, managers, etc. Some of them are managers of organizations employing men. A great number of male teachers work in girls' schools managed by women and many professors work in girls' college headed by female deans.

A great many male employees can be seen working in companies or organizations managed, or even owned by women. A woman may direct her husband in the school, college, hospital or organization which she manages, but of course she becomes under his custody at home.

The remark that a representative, *Shura*, or even national council, regardless of different designations, is of a higher rank than the government or the executive authority which includes the president of the state - owing to the fact they are questioned before them - is not indisputable.

Not every questioner is higher than the one he questions. What matters to him, the questioner is to have the right to question if he is of a lower rank.

No one can deny that the Commander of the Faithful or the president represents the highest rank or authority in the state. In spite

of this, the lowest subject in this state has the right to advise, question, command and interdict his leader or governor according to what the first Caliph said, "Help me if you see me doing right and change me if not," and the statement of the second Caliph, "Change me if you found any deviation about me".

Moreover, no one can deny that a woman has the right to question her husband in home affairs and expenditures even though he is her guardian. She can ask him: "Why did you buy this?", "Why did you get too much of that?", "Why don't you care about your children?"; "Why don't you keep the bonds of kinship?". To the above we can add many others related to the principle of enjoying kindness and forbidding iniquity.

If a council is higher than the government by virtue of being its legislator and questioner, this superiority is not applied to individuals but to the council as a whole. And finally, we mustn't forget that men represent the majority on this council.

The legislative aspect of the council

The second aspect of the people's Assembly task is concerned with legislation.

Some zealous people expand and inflate this task by claiming that it is more important than the government for it is the process in which laws are legislated for the state. These people stress the possibility that a woman couldn't bear such responsibility.

Yet, the matter is much simpler than this gloomy image. Allah the Almighty is the only legislator and the source of legislation which commands and interdicts. The task of human beings is to discover the rules that control such things about which there is no clear text.

Moreover we are allowed to interpret comprehensive texts. In other words, our task is nothing more than "*Ijtihad*" in discovering, interpreting and adapting.

"*Ijtihad*", in the Islamic *Shari`ah*, is a legitimate task for both men and women. No one said that being male is one of the conditions defined by Scholars of Principles of Islamic Jurisprudence for practicing "*Ijtihad*"; and consequently a woman is prohibited from practicing it.

The Mother of the Believers, `A'ishah, was one of the female *Mujtahids* during the Followers' Era. Her own commentaries and arguments with the scholars of her age were collected in well-known books.⁽¹⁾

It's true that the role women have played in this field has been more limited than men's, owing to the limitation of education among women as a result of the circumstances of past ages which are different from today.

The number of females educated is equal or nearly equal to the number of males. Moreover, there are some talented women who may excel over men, for genius is not male-confined. A woman may enjoy some talents that are rarely found in many men.

The Glorious Qur'an tells us the story of the Queen of Sheba, a woman who showed good insight and wisdom in her affairs with Solomon (peace be upon him) after she received his message via the hoopoe. From this brief message, she recognized a seriousness and duty for herself. She summoned her top chancellors under her own government, ﴿ *I decide no case till ye are present with me.* ﴾ (27:32)

1. Like az-Zarkashi's book *Al-Ijabah Li Istidrakat `A'ishah `Ala As-Sahabah* which is summarized by as-Suyuti in his book *Ain Al-Isabah*.

The Qur'an tells us how the top chancellors entrusted her to do anything she believed suitable according to her wisdom. They said,

﴿ We are lords of might and lords of great prowess, but it is for thee to command; so consider what thou wilt command. ﴾

(27:33)

She acted cleverly and patiently with Solomon the Prophet until she submitted to the Will of Allah with Solomon.

The deputation of this story in the Glorious Qur'an is not without a purpose. Instead it shows that a woman may enjoy deep insight and wisdom as well as perfect management in matters of politics and government, that may rarely be found in a great number of men.

There is no doubt that there are certain legislative issues confined to the woman herself and her family and family relationships. In such matters, a woman must be consulted. She may display a deep insight and better opinions than others in many cases.

The woman's rejection of `Umar's wish in the mosque was based on a legislative command that concerned the family, namely fixing a maximum for dowries. The woman's argument was the main reason for canceling a new law limiting dowries.

There were certain decisions or rules issued by `Umar (may Allah be pleased with him) in which women played a role, such as the law forbidding a husband from leaving his wife to join the army for more than six months. In this incident, `Umar asked his daughter, Hafsa, "How long can a wife sexually endure the absence of her husband?" She answered, "Four or six months."

He was shocked upon hearing some poetry recited by a sleepless woman because of loneliness. She laid on her bed saying:

*Night became too long and gloomy,
It made me sleepless that,
There isn't a lover to make love with,
I swear by Allah, whose deeds we fear,
That I was about to commit adultery.*

Similar to the above, was his law which offered a bonus for every baby born in Islam, but only after it had been weaned. Mothers used to wean their babies prematurely to get this bonus. One day he heard a baby crying persistently. He asked the mother about the reason. The mother, who hadn't recognized `Umar answered, "The Commander of the Faithful ordered the bonus to the weaned babies. Therefore I'm weaning him early. That is the reason of his crying."

`Umar said sadly, "Woe unto you `Umar! You've killed many children." He then made the decision to offer the bonus to every newborn baby.

Yet, when we give women the right to enter the people's assembly, we must warn her against uncontrolled mingling with male strangers. Moreover, her new task must not be at the expense of her husband, home or children. It mustn't lead her to forsake decency and modesty in clothing, working, moving, and talking. Instead, all these things have to be respected and put into consideration.

This is the duty of women in the People's Assembly, at her university or faculty board and in all her work outside the home, regardless of its nature.

A state respecting Islamic rules must provide women with private seats, rows, corners, etc. in its councils. This action will, undoubtedly, furnish women with a tranquil setting and keep her away from any temptations feared by apprehensive people.

Discussing a *fatwa* denying a woman her political rights

After writing these pages about nominating women to representative councils, some distinguished men revealed to me an old *fatwa* issued by some of Al-Azhar scholars. This *fatwa* denies the woman all her political rights. First of all, her right to elect or even vote by saying yes or no. Furthermore, she was forbidden to nominate herself for a representative council since she herself can't even vote.

The Prophet's wives' attitudes and their longing for adornment

The *fatwa* prohibiting a woman from practicing her political rights was based on the following:

In conformity with her creation and form, woman is provided with certain features that enable her to do the task for which she was created, namely the task of motherhood, nursing and bringing up offspring. This task enveloped her with a special affection due to her strong emotions.

We are in no need of factual examples to affirm the fact that submission to emotions and affections is among a woman's characteristics during all stages and ages of her life. These instincts have dragged women in the most highly and noble womanly environment to favor affection at the expense of reason and wisdom.

Some verses from the chapter of al-Ahzab, tell something about the attitude of the Prophet's wives and their longing for worldly pleasures and its adornments. They asked the Prophet to give them from the spoils Allah had awarded him in order to live like the wives of kings and presidents.

However, the Qur'an sent them back to reason and wisdom,

﴿O Prophet! Say unto thy wives: If ye desire the world's life and its adornment, come! I will content you and will release you with a fair release.﴾

(33:29)

There is another verse in the chapter of at-Tahrim telling us about the jealousy of some of the Prophet's wives and its effect which led them to favor affection at the expense of reason. This made them intrigue to demonstrate against the Prophet (peace be upon him). However the Qur'an reformed their deviation.

﴿If ye twin turn unto Allah repentant, for your heart desired (the ban); and if ye aid one another against him, then lo! Allah, even He, is his protecting Friend and Gabriel and the righteous among the believers; and furthermore the angels are his helpers.﴾

(66:4)

This was a woman in the most high and noble womanly environment. She couldn't escape her emotions, and moral strength couldn't overcome jealousy, in spite of her perfect faith and life in the house of prophecy and the revelation. Then, what would be the case of another women lacking the same faith and life, without the least hope of reaching their rank or even coming close to it.

Such was said of the Prophet's wives.

But, why did they not mention that they chose Allah, His Prophet and the eternal life when they had the choice?

Their longing for adornment and worldly pleasures like all women in general, and great men's wives in particular, doesn't reflect any kind of imperfection or inability to consider and think of public matters.

Instead this longing is in accordance with human and womanly nature which was quickly subdued upon the revelation of the choice verse.

If men themselves were freed from those situations in which they leave everything to run after worldly life for some time, they would come back again to themselves when the revelation called their attention to the wrong they did.

The Qur'an addresses the generous Prophet about his followers,

﴿But when they spy some merchandise or pastime they break away to it and leave thee standing. Say: That which Allah hath is better than pastime and than merchandise, and Allah is the best of providers.﴾

(62:11)

Allah the Almighty revealed a verse after the Battle of Uhud blaming the Prophet's followers (who represent the best generation humanity ever witnessed), for their disobedience and leaving their places on the mountain to collect the spoils, a matter that led to serious consequences. Allah the Almighty says,

﴿Allah verily made good His Promise unto you when ye routed them by His Leave, until (the moment) when your courage failed you, and ye disagreed about the order and ye disobeyed, after He had shown you that for which ye long. Some of you desired the world, and some of you desired the Hereafter.﴾

(3:152)

Ibn Mas`ud said, "I didn't know that some of us desired the world till this verse was revealed."

Can we depend on such incidents in which good men's whims overcome their reason leading them to do wrong, to say that men are not suitable for great tasks.?

In the Battle of Badr, the Qur'an mentions incidents in which some believers were involved before and after the battle. Allah says,

﴿Even as thy Lord caused thee (Muhammad) to go forth from thy home with the Truth and Lo! a party of the believers were averse (to it). Disputing with thee of the Truth after it had been made manifest as if they were being driven to death visible. And when Allah promised you one of the two bands (of the enemy) that it should be yours, and ye longed that other than the armed one might be yours.﴾

(8:5-7)

He also denounces their attitude towards the captives after the battle,

﴿Ye desire the lure of this world and Allah desireth (for you) the Hereafter. And Allah is Mighty, Wise. Had it not been for an ordinance of Allah which had gone before, an awful doom come upon you on account of what ye took.﴾

(8:67-68)

Human weakness befalls both men and women, but the consequences are what really matters.

Why didn't the creator of this *fatwa* point out the advice of Umm Salamah to the Prophet (peace be upon him) which had good consequences on al-Hudaybiyah Day?

Similarly, why didn't he point out what was revealed in the Qur'an about the woman who governed her people with reason and wisdom

and guided them in the most critical times to the best of life and the Hereafter? We mean, of course, the queen of Sheba who summed up to her people what the invaders would do if they captured a town in a very brief and eloquent statement,

﴿She said: Lo! kings, when they enter a township, ruin it and make the honor of its people shame.﴾

(27:34)

A Woman's natural impediments

Those prohibiting a woman from running for election base their claim on the fact that she is subject to certain natural impediments such as menses, pregnancy, birth, nursing and motherhood with their burdens and troubles. All these impediments make her unable physically, psychologically, and intellectually to bear the responsibility of membership in a council passing laws and questioning the government.

We say to them: This is partially true. We'd like to add that not every woman can bear this responsibility. In other words, a woman overwhelmed by the responsibility of motherhood and its requirements will not involve herself in such tasks. Even if she wants, both men and women would prevent her by telling her that her children are her first priority.

But what about the woman who has no children and enjoys strength, free time, education and intelligence? Or what about the woman aged fifty, or nearly fifty, and doesn't suffer from the natural impediments stated above? What will be the case if her sons and daughters are married and she consequently begins to enjoy the age of maturity and experience in addition to having spare time that can be invested in some public activity. What prevents such a woman from

being nominated for a representative council if she meets the other requirements that should be found in any candidate, whether man or woman?

Some claim it is the verse, ﴿... and stay in your houses.﴾

The *fatwa* relied on this verse to prohibit woman from seeking election. We discussed this claim previously, but we are going to discuss it again in more detail.

It is indisputably known that the context indicates that this verse addresses the Prophet's wives. There are certain special regulations that govern the Prophet's women. Their punishment is doubled when they commit manifest lewdness. They also receive a double reward when they do kindness. They are forbidden to marry after the Prophet (peace be upon him). In the same context, the Qur'an says,

﴿O ye wives of the Prophet: Ye are not like any other women.﴾

(33:32)

Therefore, Muslims unanimously allowed women, in our present time, to leave the house in order to learn at schools and universities. She may go shopping and have jobs outside the home such as teacher, doctor, nurse and other legitimate jobs controlled by legal conditions.

However the Glorious verse that reads ﴿And stay in your houses﴾ didn't prevent the Mother of the Faithful and the most learned woman in Islamic *Fiqh*, `A'ishah (may Allah be pleased with her), from leaving her house or even Medina to lead an army to Basrah. This army had among it many Followers, two of them were promised paradise and were candidates for the Caliphate. Those were the two chancellors: Talhah and az-Zubayr. She went out seeking what she believed was right, namely to avenge `Uthman's murder.

It was true that she repented for her revolt, but not because the revolt was illegitimate. Instead, her political view was a mistake, but that is another matter.

However some try to make of this verse a general proof that women are not allowed to leave their houses unless there is a necessity or need. Some even resist education at schools and universities. It isn't a surprise that they then prohibit her from casting votes in an election.

But in so doing, half the nation is denied an opinion and voting is a means to express their opinions. In fact, if you make my opinion clearer good women are denied the opportunity to support Islam while others vote for secularists and those who wrote against Islam.

They forget that the rest of the Glorious verse indicates the legality of woman's leaving her house provided that she is decent and doesn't adorn herself as women did in the pre-Islamic period. Interdicting such adornment implies that women must have been in public as she can adorn herself indoors. Thus, the forbidden adornment is for one outside her home.

A hadith: "Those people who chose a woman to manage their affairs will gain no success"

The *fatwa* prohibiting women to vote or be a member of a representative council, was based on the above *hadith* narrated by al-Bukhari and others via Abu Bakr, when he learned that the Persians had chosen Khosrau's daughter to be their queen.

On this deduction, we have some observations:

First: Should we understand the *hadith* in general, or according to the cause of its revelation?

Did the *hadith* intend to tell us about the failure of the Persians who were governed by the Emperor's daughter as their regime imposed, in spite of the fact that the country has better and more efficient than her?

It is true that most Scholars of Principles of Islamic Jurisprudence say that what really matters is the generalization of the text not the specification of the context. However, this statement doesn't gain unanimity. It was reported about Ibn `Abbas, of Ibn `Umar and others that the contexts of revelation should be put into consideration, lest misunderstanding and misinterpretation occur. Unfortunately, some people like Khawarijites and others of their kind were victims of these ideas. Those people manipulated the verses which were intended for the polytheists and applied them to the believers.⁽¹⁾

This indicates that we should go back to the context of the verses's revelation, and before it of the *hadiths* to understand the text. Moreover, the generalization of the text shouldn't be accepted as an admitted rule.

We can affirm our argument by the above *hadith*. For if we accept its generalization, it will contradict the Qur'anic text.

The Qur'an tells us the story of a woman who led and guided her people sagely, governed them justly and managed their affairs genuinely. Thanks to her good and wise opinion, they escaped involvement in a hopeless battle that would have killed men, destroyed property and left them nothing. Her rule was based on *Shura*:

﴿I decide no case till ye are present with me.﴾

(27:32)

1. Ash-Shatibi presented a valuable research about "The Glorious Qur'an" in his book *Al-Muwafaqat*. See my book, *Kayfa Nata`mal Ma`a Al-Qur'an Al-`Azim*.

However they entrusted her to do anything she liked,

﴿They said: We are lords of might and lords of great prowess, but it is for thee to command: so consider what thou wilt command﴾

(27:44)

This was Bilqis the Queen of Saba`, whose affair with Allah's Prophet Solomon was narrated by Allah in the chapter of an-Naml. After some consideration she said,

﴿My Lord: Lo! I have wronged myself, and I surrender with Solomon unto Allah, the Lord of the worlds.﴾

(27:44)

Thus, she guided her people to the blessing of life and the Hereafter.

Our previous view of avoiding generalization is affirmed by the reality we live. Many women prove to be more helpful to their countries than men. Some of those women are efficient and enjoy greater political and administrative skills than many male Arab and Muslim rulers- Note that I say "male" not "men".

Second: The nation's scholars agreed that prohibiting women from practicing supreme guardianship (which was the target of the later *hadith* as it was shown from the context of its revelation and by the term "to manage their affairs", in addition to the other phrase "led by a woman") doesn't apply to women unless she becomes the Caliph of all Muslims, which is not the case today after the destruction of the Caliphate's castle at the hands of Ataturk in 1924.

Some scholars may wish to apply this *hadith* on a woman of influence that is or expected to be queen or a president; such that people can't reject or disobey her orders, or even decide anything

without her approval. In other words, they nominate her as their guardian to manage their affairs.

Other scholars may have a different view; they may state that the president of a regional state in our age is no more than the governor of one region or another as in the past (such as Egypt, Syria, Hijaz, Yemen, etc.

All offices are subject to difference and *Ijtihad* except the Imamate, Caliphate or what is related to them.

A woman may be a minister, a judge or a general modern term.

In this context, `Umar ibn al-Khattab appointed ash-Shifa' bint `Abdullah al-`Adawiyah, a modern term controlling markets. This office is a kind of public guardianship.

Graduation must be followed in her accordance with the society's circumstances and its development. A woman should be given the cabinet seat that suits her best. Above all, family affairs must be satisfied and settled first, then civil and so on.

Third: Contemporary society under the current democracy doesn't intend to make the women managers of all its affairs and bearers of all its responsibilities by appointing her to a public office like the cabinet, administration, prosecution, etc.

Instead, the responsibility is collective and the leadership is held in common. They are adopted and practiced by a group of organizations or systems. As for the woman, she is the other people in adopting part of it.

Thus, we know that Thatcher cabinets in Britain or Indira in India or Golda Maer in occupied Palestine were not women ruling people but the leader of organizations and perfect systems even though they

were headed by women. The ruling body is the cabinet in its collective form not the prime minister (similarly the *Shura* or the representative council, etc.)

The woman doesn't represent the sole governor to whom no one can say "No". Instead, she leads a party that is opposed by others. Elections may take place in which she may receive a crushing defeat as it occurred in India. Even within the member of her party, she commands her vote only such that her opinion is not more worthy than anyone else's opinion if it is rejected by the majority.

Participation in a Non-Islamic Regime

Question: Is it allowed for a religious Muslim or group to participate in a non-Islamic government, civil, or military? Monarchy or republic? Democratic or dictatorial? Liberal or communist? Purely secular or behind the cloak of religion or something in between? By participation in a government, we mean holding some political responsibilities like a ministry office or the position of governor or any other position with political connections.

We'd like to shed some light on this issue as it represents a point of difference between Islamists themselves. Some allow this participation while others prohibit it. Even those who have the power to issue *Fatwas*, express diverse views ranging from legality, prohibition to circumstance.

The issue is so serious that it may need a clear explanation to guide those confused and hesitant, especially when some Islamists in a number of countries are involved in the government of their countries like Jordan, Yemen and recently Turkey. Some of these countries are absolutely secular, like Turkey; while others haven't the same degree of secularism. Some have constitutions that are very close to Islam like Yemen.

Are those Islamists following the wrong path or did they apply "*Ijtihad*" and consequently pursue the right course or fail to find it? In other words, can this issue be subject to "*Ijtihad*" or is it a clear-cut

forbidden issue that not subject to consideration. The latter view is adopted by some jealous Islamists whose fanaticism ideas some youths to adopt a philosophy of rejection. This philosophy may eventually lead to violence sooner or later.

We hope you won't deny us your overwhelming knowledge in explaining this issue documented by clear legal proofs, such as we are accustomed to learn from you.

May Allah reward you the best that trustful scholars may receive for serving Islam and Muslims.

(Signed by a group of religious youths in Jordan)

"No participation" is the principle

Answer: There is no doubt that the principle in this issue is that a Muslim mustn't participate in any government unless it enables him to apply Allah's Ordinances within the borders of his governmental or ministerial tasks. He mustn't disobey Allah and His Prophet's ordinances to which he must surrender and submit as his faith urges him to do. In this context, Allah says,

﴿... and it becometh not a believing man or a believing woman, when Allah and His Messenger have decided an affair (for them), that they should (after that) claim any say in their affair, and whose is rebellious to Allah and His Messenger, he verily goeth astray in error manifest.﴾

(33:36)

He says in another chapter,

﴿And let those who conspire to evade orders beware lest grief or painful punishment befall them.﴾

(24:63)

The idea of a non-Islamic regime is rejected. By that we mean that one which doesn't adopt the responsibility of applying Islamic *Shari'ah* and regulation to the different aspects of life, legislative and educational, cultural and normative, economic and political or administrative and international. Instead it may follow non-Islamic East, right or left, a liberal philosophy or a Marxist one, etc. It may even adopt some sources derived from Islam accompanied by non-Islamic ones. All those are rejected by Islam which enjoins that all Allah's Ordinances be the rules by which Muslims can manage their affairs and settle disputes. It is not allowed to adopt some and reject others. As Allah says to His Messenger (peace be upon him),

﴿ So judge between them by that which Allah hath revealed, and follow not their desires, but beware of them lest they seduce thee from some part of that which Allah hath revealed unto thee. And if they turn away, then know that Allah's Will is to smite them for some sin of theirs. Lo! Many of mankind are evil-livers. ﴾

(5:49)

The Qur'an strongly denounces the children of Israel who applied some ordinances of their revealed book and rejected others. The Almighty says,

﴿ Believe ye in part of the Scripture and disbelieve ye in part thereof? And what is the reward of those who do so save ignoring in the life of the world, and on the Day of Resurrection they will be consigned to the most grievous doom. For Allah is not unaware of what ye do. Such are those who buy the life of the world at the price of the Hereafter. Their punishment will not be lightened, neither will they have support. ﴾

(2:85-86)

While the main one responsible for this deviation from Allah's *Shari`ah* is the leader of the state (whether a king, a president or a military governor), all his aides share his sins as a result of their help. In that context, the Glorious Qur'an makes Pharaoh's aides and soldiers, his partners in sin and torture in this world's life and in the Hereafter.

﴿Lo! Pharaoh and Haman and their hosts were ever sinning.﴾

(28:8)

Allah also says,

﴿Therefore We seized him and his hosts and abandoned them unto the sea. Behold the nature of the consequences for evil-doers! And we made them patterns that invite unto the Fire, and on the Day of Resurrection they will not be helped. And We made a curse to follow them in this world, and on the Day of Resurrection they will be among the hateful.﴾

(28:40-42)

Moreover, the Qur'an associates those people who follow their tyrant leaders in his sins and torture. In this context, it criticizes Noah's people saying,

﴿Noah said: My Lord: Lo! they have disobeyed me and followed one whose wealth and children increase him in naught save ruin.﴾

(71:21)

It also rebukes the people of Hud,

﴿And such were the A`d. They denied the revelations of their Lord and flouted His Messengers and followed the command of every forward potentate.﴾

(11:95)

Allah also blames Pharaoh's people saying,

﴿But they did follow the command of Pharaoh, and the command of Pharaoh was no right guide. He will go before his people on the Day of Resurrection and will lead them to the Fire for watering-place. Ah, hapless is the watering place (whither they are) led.﴾

(11:97-98)

In another chapter, He (Exalted and Glorified be He) states,

﴿Thus he persuaded his people to make light (of Moses) and they obeyed him. Lo! They were a wanton folk.﴾

(43:54)

Shar` states that any action intended to aid oppressors or tyrants is disallowed and criminal. It enjoins cooperation in performing righteous and pious duty, and prohibits such cooperation in sinning and transgression,

﴿But help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression.﴾

(5:2)

Cooperation in performing righteous and pious duty has several ranks, one above the other, exactly as cooperation in committing sins and transgression have the ranks or say descending steps, one under the other.

The Almighty says,

﴿And incline not toward those who do wrong lest the Fire touches you, and you have no protecting friends against Allah, and afterwards ye wouldn't be helped.﴾

(11:113)

"Inclination" is the intended term in the above verse. For a Muslim's inclination must be the same as the tyrants', lest the Fire touch him and he may lose the custody of Allah. If this was the case with inclination, what about material closeness and aid?

Some predecessors were very cautious about this issue.

Evading principle for legitimate considerations

What we have said about forbidden cooperation with oppressors is the rule, or principle.

Our phrase "the rule or principle" means the basic or most common rule. In other words, there are certain cases in which we may overlook this principle for some considerations defined by *Shar`*.

Among these considerations are:

Lessening Evil and Oppression is a Required Action as much as possible

1- Whoever has the strength to lessen evils and oppression and reduce their consequences must do so immediately owing to its effects in aiding the oppressed and the weak, in addition to narrowing the borders of sin and aggression as much as possible.

Allah says,

﴿So keep your duty to Allah as best ye can﴾

(64:16)

His Messenger (peace be upon him) addresses us saying,

"If I order you to do something, do so as much as possible."

(Agreed upon tradition)

Allah also says,

﴿Allah tasketh not a soul beyond its scope.﴾

(2:286)

Moreover, we know that Negus, King of Abyssinia, declared his Islam during the Prophet's era, but couldn't apply Islamic conversion to his kingdom because if he did so, he would have been overthrown by his people. The Prophet didn't blame him for this.

Concerning the philosophy of "Everything or Nothing", it is rejected by *Shar`* and reality.

Doing the lesser harm

2- This second consideration is affirmed by the statement of *Shar`* that doing the lesser harm or evil may lead to evasion of the worse one. Similarly, it allows avoiding the smaller interest in order to get the bigger one.

Therefore *Faqih*s states that an evil shouldn't be confronted for fear that this may lead to an evil even worse than the first.

They base their view on the Prophet's saying to `A'ishah,

"If it weren't for the fact that your people hadn't know Islam until recently, I would have rebuilt the Ka`bah on the pillars of Abraham."

The Prophet (peace be upon him) decided not to do this duty, lest sedition erupt as a result of the change in the construction of the Ka`bah, as people hadn't been deeply rooted in Islam yet.

I quote what the Qur'an said in the story of Moses when he went to have a secret conversation with his Lord. Allah defined 30 nights for him and added another ten, to be forty nights. During his absence, the

Samaritan misled his people and made a golden calf. They believed and followed the calf.

However Aaron warned them,

﴿Lo! your Lord is the Beneficent, so follow me and obey my order. They said, "We shall by no means cease to be its votaries till Moses return unto us."﴾

(20:90-91)

When Moses returned and learned what his people had done, he was very angry and depressed. He addressed his people, saying: O my people! What a wicked thing you have done. Anger made him throw away his states. He clutched Aaron's head, pulling him, and angrily rebuking him.

﴿He (Moses) said: O Aaron! What held thee back when thou didst see them gone astray. That thou followedst me not? Hast thou then disobeyed my order? He said: O son of my mother! Clutch not my beard nor my head! I feared lest thou shouldst say: Thou hast caused division among the Children of Israel, and hast not waited for my word.﴾

(20:92-94)

It means that Allah's Prophet's Aaron abstained unwillingly from doing anything concerning what his people had done. Of course, it was a horrible and forbidden act, if not the most horrible one, namely worshipping the calf. However, he decided to keep his folk united in that stage until Moses came and then they could negotiate together to solve this problem in a suitable way.

Descending from the ideal to the lowest reality

3- There are certain ideals put by *Shari`ah* before a Muslim to aspire to with all his senses. However, reality often defeats him so that he

can't reach them. He consequently decides to leave them and look for lower ideals by necessity. He tries to look for the easily accomplished possibility.

Therefore several well-known saying came to existence like "Necessity knows no laws", "With hardship comes ease", "No harm" and "Abating difficulty".

Whoever recited the Qur'an and read the *Sunnah* would see the above clearly. The Qur'an shows that Allah, the Almighty, based His Regulations on easiness, not hardship, and compromise not fanaticism. He also based them on extenuating circumstances, compelling necessities and pressing needs.

In this context Allah says,

﴿Allah desireth for you ease; He desireth not hardship for you.﴾

(2:185)

And,

﴿Allah wills to make your restrictions light, for man has been created weak by nature.﴾

(4:28)

And,

﴿This is an allowance and mercy from your Lord.﴾

(2:178)

And,

﴿He has chosen you and made no hardship on you in religion.﴾

(22:78)

And,

﴿So, whoever is constrained, neither being inequitable nor aggressive, then no vice shall be upon him; surely Allah is Ever-Forgiving, Ever-Merciful.﴾

(2:173)

And,

﴿Excepting him who has been compelled and his heart is (still) composed with belief.﴾

(16:106)

Also, the Prophet (peace be upon him) said,

"Practice easiness and avoid difficulty, give glad tidings and shun repulsion."⁽¹⁾

And,

"You are sent to preach easiness and shun difficulty."⁽²⁾

And,

"The most beloved religion to Allah is the true and easier one."

Due to above-mentioned directions, the jurists make it lawful in cases of necessity, for the Muslim community as a whole to set aside the ideal examples and practice the real ones, so as to maintain the interests and rights of the people. Otherwise, they will lose their religion and worldly life. For example, uprightness is a prerequisite to giving a testimony. But in case the upright person is not available, the profligate

1. Agreed upon on the authority of Anas.

2. Reported by Al-Bukhari, Muslim and An-Nasa'i on the authority of Abu Hurayrah in the Book of Purification.

may give testimony. By the same token, the imitator judge may take over the office of the judiciary in case the judge who practice *Ijtihad* and who takes priority over him, is not found. The same is done in respect of the Imam (state president), the one who practice *Ijtihad* takes priority over the imitator one, but in case the former is not found, the latter replaces him. The scholars went further to say that the ignorant person is permitted to take over the office of presidency (Caliphate) provided he seeks the help of the scholars.

The jurists have also permitted to perform *Jihad* (struggle for the Sake of Allah) with a debauched, dutiful Imam, although the pious dutiful one takes priority.

Once, Imam Ahmad was asked about a powerful ruler that was debauched, then a weak one that was righteous, with whom should one make *Jihad*? He (may Allah be pleased with him) said, "As for the debauched but powerful ruler, his debauchery is for himself, but his power is for Muslims. As for the righteous but weak one, his righteousness is for himself, but his weakness will not avail Muslims. So, make *Jihad* with the powerful, even he is a debauched."

In fact, this is a real insight from a righteous and virtuous Imam.

If we probe into the reality of Muslims, and their weaknesses, disunity and underdevelopment and the reality of their enemy and what they have in power and other resources, we will reach the conclusion that we are obliged to accept, in case of weakness, what we must reject in case of power. And accept, in case of disunity, what we must reject in case of unity for Allah said is His Book,

﴿Now Allah has lightened it for you, and He has known that there is weakness in you.﴾

(8:66)

In the above verse, Allah, the Almighty, pointed out that weakness is among the reasons of easiness; although, the Muslim is ever required to seek the reasons of power. The principle goes as follows: The powerful believer is better and more beloved to Allah than the weak one.

Consequently, whoever is unable, among the Islamic movements, to achieve Islamic rule, as is the case in most Muslim countries, there is no wrong in being temporarily satisfied with the existing reality and accepting it to cooperate with others. This will bring about the nation's prosperity.

The *Sunnah* of gradation

In addition to the mentioned above, Allah has laid down a *Sunnah* which we should not disregard - the *Sunnah* of gradation. Every thing begins small, then grows bigger; starts weak, and then becomes powerful. This *Sunnah* is realized in plants, animals, as well as man himself.

Man is not born mature and sane, but begins as a newborn child, suckling, then weaned, infant, youth, adolescent, then reaches maturity etc. Before all these stages, he passes through earlier stages in his mother's womb, namely, "a drop of sperm, a clot, chewed-up morsel, bones, then Allah dresses the bones in flesh, thereafter, He brings him into another creation, so, blessed be Allah, the Fairest of creators."

True Islamic Legislation gave due consideration to this *Sunnah* and took the adult (sane) Muslims by gradation in respect to obligatory matters (*Fara'id*) and prohibitions. By doing so, the Law-giver aims at doing mercy and easiness to people.

Man, ambitious by nature, may be unable to achieve his objectives at once, but at the same time, can reach them gradually, according to his

abilities and circumstances. The case as such, he should not reject this gradation and there is no law, custom, or even intellect which can prevent him from achieving his objectives in conformity with this *Sunnah*, for it is well-known that which cannot be achieved in full, should not be avoided in full.

Undoubtedly, reaching complete Islamic rule is a sublime objective that should be taken into consideration and implanted in our hearts. But, it is difficult to be achieved in full, so there is no wrong on the part of he who can reach it, even in part, so as to give a model to the people, an example, achieve what is in his capacity to establish truth, spread good and justice. In so doing, he will open the door for others and urge people to encourage the like.

Surveying our Islamic history, we will find good examples in the biography of `Umar ibn `Abd al-`Aziz, the fifth Rightly Guided Caliph, who survived the *Sunnah* of guidance, established landmarks of justice and spread the meanings of good which cannot be ignored by anyone or forgotten by history. In spite all of this, he did not achieve all what he desired. What lends proof to this is that he did not run the Caliphate according to principle of *Shura*, as it should be in Islam, and restored its office from Banu Umayyah.

`Umar ibn `Abd al-`Aziz did this in such a wise and gradual way, to the extent that his righteous and zealous son said to him one day, "Oh my father, why do I see you slow in enforcing matters (putting matters into practice), while by Allah I do not care if you and I are put in a boiling water for the Sake of Allah!"

This statement of a zealous son points out that he wanted to hasten his father in desired reforms, paying no heed to its consequences, as long as it would be for the Sake of Allah! But the wise father said to him, "O my son, do not be hasty! For Allah reproaches wine in the Glo-

rious Qura'n two consecutive times; then He prohibited it in the third! I am afraid if I oblige people to adhere to the truth in full, they would reject it in full and this may, in turn, open the door to heresy!"⁽¹⁾

Prerequisites of partnership

There are a number of prerequisites that must exist for a partnership to be legally accepted. Otherwise, prohibition will prevail.

First: It should be a true partnership in the full sense of the word and not a mere claim. This means that, the partner should not be an apparatus in the hands of the official ruler by which he can do whatever he wants. He should not be devoid of reasonable potency and competence that enables him to establish justice, pursue injustice, uphold truth and avoid falsehood within his competence, even in part. Otherwise, his partnership will be in vain.

Second: The rule should not be stained by oppression and tyranny and characterized by encroachment of man's rights. In terms of this rule, the committed Muslim is demanded to confront and change it by all possible means, namely by his hand; and if he cannot, by his tongue; and if he cannot, in his heart and this is the weakest of faith. The Muslim is required, in respect to this despotic rule, to stand in its way and not encourage or participate in it.

If Pharaoh, who exalted on earth and turned its population into sects, demanded of Joseph to establish him on the treasures of Egypt, he would reject it. For the king of Egypt in the time of Joseph was not the same as in the time of Moses.

Due to all of this, the committed Muslim and the committed Muslim community should not take part in a despotic and dictatorial rule, which

1. See, Ash-Shatibi, *Al-Muwafaqat*, vol. 2, p. 94, quoted from our book *Fatawa Mu'asirah*, vol. 2.

is enforced upon the people, whether it is absolute, individual or military rule. The partnership should be founded on democracy and respect for people's rights.

Third: The partner in rule should have the right to oppose whatever is in flagrant disagreement with Islam or, at least he should have the right to preservation on these things. For example, the minister may maintain justice within his respective ministry, but he may be demanded, by being one of the cabinet, to agree to laws, treaties or projects which are in striking disagreement with the decisive rules of Islam. At this point, he must oppose or at least preserve, according to the kind and size of disagreement.

Moreover, there are some dangerous, far-reaching, large violations, for which a mere preservation or opposition is not enough. But withdrawal from this rule is a must, so as not to give history the chance to record such a flagrant offense on the part of Muslims and Muslim community.

A clear-cut example of such an offense is concluding treaties with Israel and acknowledgment (recognition) of its right in usurped Palestine and to declare Jerusalem, in every time and place, their eternal capital. Moreover, Israelis denied Palestinians the right to return to their own homes, while at the same time, Jews, coming from different countries, are given the right to settle in Palestine.

Fourth: Persons who participate in rule should evaluate their experiment from time to time as well as subject it to test and revision. They should ask themselves: Did they benefit from this experiment or not? Did they achieve their desired objectives (i.e. establishing justice and the interests of the people and to what extent)? By this study, the withdrawal or continuation in rule can be decided.

Fatwas of outstanding Imams

Regarding this issue, we find some invaluable *Fatwas* of our outstanding scholars and famous jurists who make it permissible to hold political, judicial and leadership posts in a state run by despotic rulers as long as achieving interests and avoiding harm will be maintained. The *Fatwas* of those scholars are based on what is called "Balance *Fiqh*" which relies on balance and preponderance between conflicting interests, which of them should be put into effect, and which of them should be annulled, which takes priority and which will be delayed. In addition, the balance between evil and harm in case they are in conflict with each other. By the same token, the balance between interest and harm, which of them takes priority in the balance of *Shari`ah*?

These balances and preponderances require two kinds of *Fiqh*:

- (1) *Fiqh* of judgments and evidence through partial (*Juz'*) texts and overall objectives.
- (2) *Fiqh* of reality without exaggeration or negligence whether this applies to the reality of Muslims and their enemies as well as local, regional and international reality. In the light of this balance *Fiqh*, the following distinguished *Fatwas* were issued.

Fatwa of al-`Izz ibn `Abd as-Salam

Among these is the *Fatwa* of al-`Izz ibn `Abd as-Salam, the king of scholars, in his book *Qawa'id Al-Ahkam Fi Masalih Al-Anam*. He (may Allah be pleased with him) said, "If the non-Muslims occupy a great territory and give the office of Judiciary to one who will consider the general interests of Muslims, thus what seems to me is to approve this person in order to achieve our general interests and avoid the comprehensive evils. It is illogical, according to the mercy of *Shari`ah*

and its maintenance of people's interests to suspend the general interests and inflict comprehensive evils under the pretext that there is a discrepancy between who really runs the post and who deserves to be in charge of it."⁽¹⁾

And what is concluded by Ibn `Abd as-Salam is reasonable and in tune with the wisdom of achieving interests and avoiding evils as much as possible.

Fatwa of Ibn Taymiyah

There is a well-known *Fatwa* concerning the permissibility of running posts in a despotic state if the person who runs this territory manages to reduce injustice and lessen evils and oppression. This *Fatwa* is also mentioned in our book *Awlawiyat Al-Harakah Al-Islamiyah*. It reads as follows:

Once, Ibn Taymiyah (may Allah be pleased with him) was asked about a governor who ran a certain territory on which there were many taxes imposed by the state and he preferred to denounce all sorts of injustice and exerted himself in so doing as much as he was able to. In addition, he knew that in case he refused the office, another person would have it. Moreover, the injustice would not be removed, but on the contrary, it would increase. So, was it permissible for him to keep the office? Bearing in mind that the people wanted him to keep it because he observed their interests.

Ibn Taymiyah answered in the affirmative and said, "Holding the office was permissible for him, as long as he did his best to establish justice and remove oppression. As his rule would be better for Muslims than that of any other person. Moreover, he brought no shame in doing so.

1. See: *Qawa'id Al-Ahkam* 85.

Moreover, it may have been incumbent upon him to take charge of this office if there is none else to run it properly to establish justice and remove oppression. Establishing justice and removing oppression is a collective duty, and the person in charge is not demanded to remove what is beyond his capacity of injustice and oppression.

If he was obliged by the ruler and his representatives to pay certain amounts of money or the estate (he was entitled to) and the office (he was in charge) would automatically go to another person who did not care at all about the people's interest, he should have kept both and paid that money. And thus, he had nothing to be blamed for. In so doing, he was considered to be doing good for Muslims from a rational point of view.

The same may be applied to the guardian of an orphan, the supervisor of endowment, the partner in a partnership, and the like those who are in charge of managing other's affairs. If they are forced to pay for a tyrant or an oppressor to maintain the interests of the original owner, this act would be considered as a good deed, and not a sin.

Those who oppose this principle (i.e. permitting a little harm to obtain greater benefits) are like some travelers who are faced by highwaymen. The travelers may pay a little amount of money to protect their lives and property. The narrow-minded ones are those who argue that the travelers should not pay any money to them. Every rational person never agrees with those who may inflict greater harm to themselves to maintain a little benefit. The Islamic *Shari`ah* - whose main objective is obtaining interest of people - maintains such wise and moderate attitude ..." (1)

1. *Collection of Juristic Judgments* of the sheikh of Islam part 30, pp. 356-360.

The Conflict Between Good and Evil Deeds

Sheikh of Islam Ibn Taymiyah stated, "When good deeds prove to have benefits - even if they are duties - their negligence will lead to harm; evil deeds, with no doubt, cause harm too and reprehensible "*Makruh*" ones have some interests. Then conflict takes place in one of the following aspects:

- Between two good deeds that never meet, then the more beneficial will take priority over the other,

- or between good and evil that can't be separated (i.e. to achieve the good deed, the evil should take place and the vice versa), then the more dominant (whether benefit or harm) will take precedence.

The first may be like the duty and recommended, the individual duty (*Fard al-`Ain*) and collective duty (*Fard al-Kifaiyah*) such as giving priority to paying out the due debt over the optional charity.

The second may be like granting priority to the maintenance of one's family over the expenditure of the voluntary *Jihad*. As stated in the sound *hadith*, "Which action is best?" The Messenger replied, "*Prayer on its due time*". The questioner asked, "Which comes next?" He (the Messenger) said, "*Doing well to parents.*" He required more, "Which action comes next?" The Prophet said, "*Jihad in Allah's Cause*".

Withal, granting *Jihad* priority over *Hajj* (Pilgrimage) as stated in the Glorious Qur'an and *Sunnah* is a kind of granting priority to a prescribed over a prescribed and a recommended over a recommended. The same with preferring the recitation of the Qur'an over the remembrance (*Dhikr*) of Allah, if their effect on the heart is equal. Prayer, however, takes precedence over them when it shares the same effect on the heart. Also, remembrance accompanied with comprehension, and fearfulness takes priority over the recitation devoid of comprehension. Notwithstanding, this is a wide field of knowledge.

The third is like preferring the migration of a woman without *Mahram* to living in a state of war, as Umm Kulthum did. The Ever-Glorious Qur'an said about her,

﴿O ye who believe! When there come to you believing women refugees, examine (and test) them.﴾

(60:10)

A poet even said,

*When a keen man discovers that:
Two diseases attack his body,
He starts to treat the worst.*

This is right in all issues. So, it is taken for granted that rain in the times of dryness is a kind of mercy. Even though the oppressors may benefit thereof, but the harm of dryness is more bitter. People also prefer the existence of a leader - even a tyrant - to the state of his absence. Some wise men said, "Sixty years under the leadership of a tyrant leader are better than living one night without a leader".

The ruler, moreover, would be held to account if he committed wrong or neglected a duty intentionally, with his ability to refrain of

doing so. But let me say that if those who are in charge of general power or some of its subdivisions (such as the caliphate, leadership, judiciary, etc.) are incapable of doing its duties and leaving its prohibitions and do them intentionally, the authority would be legalized, or even prescribed for them. *That is because if the authority of obligatory nature (such as fighting the enemy, the division of booty, establishment of the limits laid down by *Shari`ah* and securing the ways) its achievement would be obligatory even its fulfillment requires authorizing unfit personnel, taking of what is prohibited and giving whom is detested. This comes in tune with the juristic rule that: "Whatever is required for achieving a duty or a recommended act is a duty or recommended in turn, so long as its harm is lesser than the benefit of that duty or the recommended". Moreover, if some person holds the authority that contains oppression with the aim of reducing oppression as much as possible, it would be good for him to avoid the greater evil.

Notwithstanding, this analysis depends on the intentions and objectives. For example, some person who intercedes between a tyrant ruler and subjected a man who is compelled to pay out taxes to that tyrant. If the intercessor does so to reduce the oppression, it would be good for him, but if he aims at helping the tyrant, it would be a grave act of him.

In the same course, it is permitted in case of *Jihad* to kill the children and women - even if it's prohibited without necessity - if all-encompassing fighting is needed as happened during the Siege of Ta`iff when ballistae were used.

It's further permitted to kill some Muslims whom are captured by enemy and used as human shield for the enemy's army if it is needed to relieve Muslims of greater harm.

The fourth may be like eating dead meat under the compulsion of hunger to relieve one's life, for eating is a duty that can't be fulfilled without this evil and its benefits prevails over its harm. Unlike harmful medicine, its harm prevails over its benefits along with the availability of good lawful medicine to replace it. Consumption of *Khamr* (alcohol) as medicine comes under this category.

It becomes so obvious that evil may be accepted in two situations: to avoid the worst harm and to achieve greater interest. And so, good may be neglected in two situations: to attain more interest and to escape greater harm. This is according to religious balances.

But as to neglecting a duty for worldly harm and pardoning the prohibited for worldly need; such as permitting fast-breaking during travel and concessions in the state of *Ihram* and prayer for the patient comes under the easiness and flexibility of religion to remove hardship from people. These concessions may differ in the different religions, but the aforementioned is agreed upon in all revealed religions.

Intellect also maintains the previous conclusion as it is said, "Not the wise who knows good and evil, but one who discriminates the better and worst of both."

These actions, however, is mostly done with ill intention and action (i.e. with the aim of seizing power and property and committing a prohibited and neglecting duties), not in the context of conflict between evil and good and caring about the public interest.

Leadership, even being permitted, recommended or prescribed, may be more recommended or prescribed, with regard to the capable man; the more beneficial then will take priority by way of prescription sometimes and recommendation other times.

In the same line the Prophet Joseph asked to be put in charge of granaries and store-houses in spite the disbelief of the king of Egypt and his people.⁽¹⁾ The Qur'an says,

﴿ And to you there came Joseph in times gone by, with clear signs, but ye ceased not to doubt of the (mission) for which he had came. ﴾

(40:34)

And,

﴿ O my two companions of prison ! (I ask you): Are many lords differing among themselves better, or Allah, the One, Supreme and Irresistible? whatever ye worship from Him is nothing but names which ye have named, ye and your fathers. ﴾

(12:39-40)

Undoubtedly, his people were having certain customs and habits in keeping money and spending on the king and his retinue, house, soldiers and people, and it contradicted the character of the prophets and their justice. But, Joseph was incapable to establish all the rules of Allah. He, however, exerted himself to maintain justice and right and to do well to the believers of his house through authority. This in line with the Qur'anic verse, *﴿ ... so fear Allah as much as ye can ﴾* (64:16).

Thus, if two duties compete but can't be combined together, the more beneficial will take priority, bearing in mind the fact that the neglected one will be no more obligatory and its negligence, for the sake of the most beneficial, will not be considered as negligence of a duty.

1. This maintains the permissibility of holding political or administrative power by Muslim in a non-Muslim state with the fulfillment of the above-mentioned conditions.

The same is said when committing minor evil to avoid the greater sin (i.e. doing this minor sin will not be considered as committing sin).

This state of affair creates disorder and welter in the Ummah for when good and evil confuse, disagreement and confusion will take place. People will differ accordingly; some may regard the good side and grant it precedence and other may consider the evil side and give it priority. Withal, the moderate ones will consider the both thereof.

The scholars should contemplate over these issues when the command and prohibition may be pardoned, not permitted, and/or legalized. It may be explained, further, by the case of a command that leads to greater sin, the command will be set aside to avoid that greater sin, the same is right in case of a criminal when being put before the tyrant rule will inflict upon him sever punishment (greater than his wrong-doing), or when a prohibition prevents greater interest.⁽¹⁾

1. Simplified of *The Collection of Juristic Opinions* of Sheikh of Islam, Ibn Taymiyah, vol. 30, p. 48-61.

Nomination of Non-Muslims for Parliamentary Assemblies

Question: We request of your excellency an answer to this serious question in the arena of politics, under an Islamic state abiding by Islamic rules and applying its *Shari`ah*.

The question is: Is it permitted for non-Muslims who live in *Dar Al-Islam*, or by contemporary usage in Muslim countries, to run for election in parliamentary or *Shura* assemblies? In other words, have they the right of nomination? And if they have the right, are Muslims permitted to nominate them and give them their votes? Or, is it prohibited? For it is considered to be favoritism of non-Muslims and Allah, the Almighty says,

﴿And Allah will never grant any way for the disbelievers over the believers﴾

(4-141)

This is the opinion of some brothers whom we asked.

Others consider it to be allegiance of non-Muslims and Allah, the Almighty, prohibited this allegiance or favoritism in many verses in His Glorious Book, such as,

﴿Let not the believers take to themselves the disbelievers for patrons, apart from the believers, and he who performs that,

(then) he has nothing (to look to) from Allah, excepting that you may protect yourselves against them (in manner) of protection. And Allah bids you beware Himself, and to Allah is the Destiny. ﴿

﴾
(3:29)

And,

﴿O you who have believed, do not take to yourselves My enemy and your enemy for patron, casting forth to them (your) amity, and they have already disbelieved in what has come to you of the Truth driving the messenger and you (too) because you believe in Allah, you have gone out striving in My Way and seeking My Gracious Satisfaction, secretly having amity toward them, and I know best whatsoever you conceal and whatsoever you make public, and whatsoever of you performs it, then he has erred away from the level way. ﴿

﴾
(60:1)

This matter is surrounded by vagueness and ambiguity which still linger in the minds of many committed Muslims, especially among the youth. It is required from the jurists, particularly those who adopt the moderate path, to provide us with a sound and legally supported answer in order to protect us from the immoderation of bigots and the laxity of the negligent. May Allah guide your steps (efforts) towards the right way and the benefits of Islam everywhere.

Some enthusiastic Muslim youth

Answer: All praise be to Allah and blessings and peace be upon the Messenger of Allah, his family, Companions and those who follow him.

In fact, the most destructive feature of students, especially the younger generations, is rashness in giving their opinions concerning

serious and important matters before making sufficient deliberations, examinations, and consultations with the scholars concerned who are older and better-versed than they. Consequently, this makes them turn the lawful into prohibited (*Haram*) and the prohibited into lawful (*Halal*), or to annul certain obligatory matters, or raise the recommendable to the degree of obligatory or the abominable to the great ones. Moreover, we may find some who make difficulty in what Allah has made lawful for people. This is what the Prophet denied when his Companions (may Allah be pleased with them all) rushed to give their opinions on what they did not know and their opinion caused a Muslim to die without reasonable cause. This incident took place when a man was injured and he was in a state of greater impurity (*Janabah*) and some Companions gave their opinion of the necessity of taking a bath (*Ghusl*). When the man did so, the injury was exacerbated and he died. And when the Prophet was told about this, he said,

"They killed him (may Allah kill them). Should they ask about what they don't know, for the cure for disease is to ask (about its medicine). And it was enough for him to bandage his wound and perform dry ablution (Tayammum)."

No wonder, we find some people who prohibit the nomination of non-Muslims to parliament, or people's assembly or *Shura* council of some other connotations and prohibit to give them the votes of Muslims. Moreover, we find some people who prohibit Muslims from nominating themselves for such councils under the pretext that: whoever nominates himself for this post, thereby seeks the office of authority and the seeker of authority does not deserve it. This is according to the sound *hadith* which states: "The Prophet (peace be upon him) said,

"We don't give the office of authority to whosoever seeks or strives for it."

And, he (peace be upon him) said to `Abd ar-Rahman ibn Samrah

"Don't ask for an office of authority or emirate, for if you ask it, you will be supported by your own. But if you do not ask for it, you will be supported and guided by Allah in it."

Therefore, if those prohibit a Muslim from nominating himself, no wonder they prohibit a non-Muslim such nomination. My opinion is this: this representation on behalf of some people in a respective election is not to seek the authority or emirate, which the *hadith* warned against seeking or striving for. This represents election to a council, such as that which oversees princes, governors and ministers. In this way, it control and cannot be controlled for there is nothing for which he is asked and blamed.

In addition to that, he contributes to legislation for the *Ummah* in matters on which no texts are available or texts of speculative or disputable nature. Then, as for the non-Muslims, living in Muslim countries (*Dar al-Islam*) or in other words, citizens in a Muslim State, there is no legal exclusion for giving them the right to be nominated to these assemblies and be represented proportionate to their population, so long as the overwhelming majority are Muslims. Regarding what has been said, concerning the nomination of women and giving them the votes of Muslim men and women, nothing is wrong with that, so long as the overwhelming majority of representatives are men, as was said here in respect to the non-Muslim minority which lives in the Muslim Society. The jurists state that this minority enjoys the same rights of Muslims and is held responsible for what the Muslims themselves are. The Glorious Qur'an says,

﴿Allah does not forbid you, (as regards) the ones who have not fought you on account of the religion, and have not driven you out of your homes that you should be benign to

them, and be equitable towards them, surely Allah loves the equitable ones. ﴿

(60-8)

Out of benevolence and equity for them is to be given the right of nomination, so as to enable them to express their opinions, and for women to express their own opinions, thereby, removing from them the feeling of isolation. Forbidding this, in turn, can open the door for the enemies of Islam to exploit this and implant enmity and abhorrence of Muslims in their hearts. This is a danger whose harm can affect the whole Nation, Muslims and non-Muslims.

Muslims, throughout different ages, have permitted the non-Muslims of *Ahl adh-Dhimmah* (the Protected People) to hold office in the executive ministry. Many ministers were well-known in the Abbasid state and none of the scholars denied them this right, except when they practiced oppression and tyranny against Muslims, which unfortunately did happen. Jurists prevented them from running the ministry or otherwise under the pretext that: No governance of non-Muslims over Muslims, for the Muslims themselves made him in charge of this post, according to the directions of their own religion. Therefore, they were governors in their ministry or emirate but under the general governance of Muslims.

Moreover, Islam has permitted a Muslim to marry from women of the book (Jews and Christians). She thereby becomes his householder and a mother of his children. In turn, he gives her some kind of supervision and responsibility over the house and children. As mentioned in agreed upon *hadith* after Ibn `Umar,

"Every one of you is a patron and is responsible for those under his patronage ... Women is a patron in her husband's house and responsible for those under her patronage."

But the supervision and patronage of woman are overseen by men as is the general governance of Muslim Society.

As for those who claim that allowing the non-Muslims in parliament comes under the allegiance to non-Muslims, which is strictly prohibited in the Book of Allah, we say to them we must, in order for our judgment to prove true, determine the true meaning of allegiance. For determination of concepts is a prerequisite before passing a judgment on something. Otherwise, matters will be confused and the balance will be troubled.

Some people comprehend from the verses which prohibit and warn Muslims from making allegiances with non-Muslims, that they call for aversion, boycott and hatred of non-Muslims, even if they are citizens of *Dar al-Islam*, who are faithful to Muslims and their community, share the same citizenship, and stand with them against their common enemies.

In fact, whoever ponders the above-mentioned verses and studies their date and cause of revelation will come to realize the following:

First: The prohibition which the verse pointed out, refers to taking Jews, Christians or pagans for patrons, as they have their own religion, creed, ideology and slogans which distinguish them from Muslims, not because they are neighbors, colleagues or citizens in Muslim Countries.

And essentially, the allegiance of a Muslim should be to the Muslim nation only. That is why the warning against their allegiance was mentioned in many verses such as,

﴿Let not the believers take to themselves the disbelievers for patrons, apart from the believers, and he who performs that, (then) he has nothing) to look to from Allah, excepting that you may protect yourselves against them (in manner) of protection.﴾

(3:28)

And,

﴿ Give (good) tidings to the hypocrites that they shall have a painful torment. (The ones) who took to themselves the disbelievers for their patrons, apart from the believers, do they (inequitably) seek might in their presence? Then surely might altogether belongs to Allah. ﴾

(4:138:139)

In reference to the one who tries to acquire friendship and nearness of disbelievers at the expense of his community (Muslim), no religious or man-made system would allow any of its followers to leave the community (fellow men) to which he belong and lives for, to enter into allegiance with another community apart from his own. That is, in the language of nationalism, known as treason.

Second: The friendship which the verses prohibited is not that with one whose religion is different from Muslims, even if he is at peace with Muslims and enters into a covenant with them. Rather, it is the friendship with the enemies of Muslims who waged war against them or in the language of the Qur'an, against those who contravene Allah and His Messenger. The following verses lend support to this:

1. Allah, the Almighty, says in the chapter of al-Mujadalah,

﴿ You shall not find any people who believe in Allah and the last day having affection for the ones who contrivance Allah and His Messenger. ﴾

(58:22)

The contravention of Allah and His Messenger is not merely disbelief in them, but fighting their call, casting obstacles in its way, oppressing its followers and attaching it with all possible means.

2. Allah, the Almighty, says in the beginning of the chapter of al-Mumtahinah

﴿O' you who believed, do not take to yourselves My enemy and your enemy for patrons, casting forth to them (your) amity, and they have already disbelieved in what has come to you of the Truth driving the Messenger and you (too) because you believe in Allah, your Lord.﴾

(60:1)

This verse provides us with the reasons for prohibiting allegiance to or showing friendships to polytheists. It is due not only to their disbelief in Islam, but on two things together (i.e. their disbelief and driving out the Messenger and the believers from their homes without reason).

3. Allah, the Almighty, says in the same chapter,

﴿Allah does not forbid you, (as regards) the ones who have not fought you on account of the religion, and have not driven you out of your homes that you should be benign to them, and be equitable towards them, surely Allah loves the equitable ones. Surely Allah only forbids you as to the ones who have fought you on account of the religion, and driven you out of your homes, and backed (others) in driving you out, that you should patronize them, and whatsoever patronizes them, then those are the ones who are unjust.﴾

(60:8,9)

Allah, the Almighty divided those polytheists who adopted a different religion from ours into two groups: The first are those who are at peace with Muslims and don't fight them on account of religion or drive them out of their homes. Consequently, they deserve to be dealt with penignancy and with equity.

The second group adopted an attitude of enmity and contrivance to Muslims - through fighting them or driving them out of their homes, or inciting and supporting others to do so. Allegiance of this group is prohibited. For example, at the hands of the polytheists of Mecca, Muslims were persecuted and tortured. This text signifies that the allegiance with the other group is not prohibited.

Third: Islam permits the Muslim to marry from the people of the Book and as the Qur'an points out, conjugal life should be founded on psychological peace, amity and mercy.

﴿And of His Signs is that He created for you, of yourselves, spouses, that you (may) find rest in them, and He has made between you amity and mercy - Surely in that are indeed signs for a people who meditate.﴾

(30:21)

And this proves that there is no wrong in the friendship of Muslims with non-Muslim. Otherwise, in what way should a man have no amity with his wife, even she is of the people of the Book? Or with his children, for Allah says,

﴿And He is the one who created of water a mortal, (and) so He has made him kindred of blood and marriage.﴾

(25:54)

Furthermore in what way should he have no amity with his grandfather, grandmother, his uncle, aunt and their relatives if his mother was *Dhimmi* (one of the people of the Book)? The sons of uncles and daughters of aunts are also included for they are among one's near relatives for whom the Holy Qur'an and *Sunnah* stressed their rights.

Fourth: There is no doubt that Islam assures the precedence of religious bonds to every other bond, be it conjugal, regional, racial or

otherwise. For the Muslim is the brother of the Muslim and believers are brethren and are only one *Ummah*. The inferior one among them can run their affairs, and they are one hand against their enemies. The Muslim, by virtue of his religion, is nearer to his brother Muslim than to any disbeliever, even he is his father, son or brother.

This is not only the stand of Islam, but it is the nature of every religion and creed. Whoever reads the Bible, will find it confirms this meaning many times.

But he should know that Islam acknowledged other kinds of brotherhood besides that of religion, such as the brotherhood of nationalism, brotherhood of patriotism, and the brotherhood of man. That is why we find the chapter says,

﴿The people of Noah shouted lies at the Emissaries, as their brother Noah said to them, Will you not be pious?﴾

(26:105-106)

﴿The people of Lut shouted lies at the Emissaries, As their brother Lut said to them, Will you not be pious?﴾

(26:160-161)

Concerning `Ad it says,

﴿As their brother Hud said to them.﴾

(26:124)

And as for Thamud it says,

﴿As their brother Salih said to them.﴾

(26:142)

In all these verses the Qur'an proved the brotherhood between those messengers and their people even though they lied and disbelieved in

them. This is regarding religious brotherhood; rather it is a national brotherhood.

The *hadith* narrated by Ahmad states, "*I witness that all servants of Allah are brothers.*"

This represents the brotherhood of man. No wonder, there is a national brotherhood between Muslims and Christians in Egypt, or between Muslims and Christians in Lebanon, Syria and Jordan, or between Muslims and Christians in the whole Arab world.

But, the claims of bigots from both sides are rejected and it is actually against country and religion, and avails none but the enemies of the *Ummah* who await the turns of bad fortune against it and want it to torn to pieces. For, in each country there are special methods and mechanisms which can turn its people a part. In some countries they stir up the issue of Sunni and Shiite; and in others the case of Arab and barber or Arab and Kurd. In others, they use the case of Muslims and non-Muslims. And, if they do not find anything like this, they will invent means which separate a man from his brother ,

﴿*And they were scheming and Allah was scheming, and Allah is the Most charitable of schemers.*﴾

(8:30)

