

المفاسدُ والمخالفاتُ في النظامِ

# الديموقراطيَّةُ والانتخاباتُ

Evils and Contraventions of the Shariah in  
Democracy and Elections

Compilation: Ishâq bn AbdirRaheem

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## Introduction

Indeed all praise is due to Allâh; we seek His help and ask for His forgiveness, we seek refuge in Allâh from the evils of our souls and from our misdeeds. He who is guided by Allâh no one can misguide, and he who is left astray by Him no one can guide. I bear the testimony that there is no deity deserving of worship except Allâh alone, He has no partner; and I testify that Muhammad is His slave and Messenger.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ﴾

**"O you who believe, fear Allâh as He should be feared and die not except in a state of Islâm (as Muslims) with complete submission to Allâh." [Al-Imrân: 102].**

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

**"O mankind, be dutiful to your Lord, Who created you from a single person (Adam), and from Him (Adam) He created his wife [Hawâ], and from them both He created many men and women and fear Allâh through whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship) . Surely, Allâh is ever an All-Watcher over you." [Nisâ: 1].**

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

**"O you who believe, keep your duty to Allâh and fear Him, and speak (always) the truth. He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allâh and His Messenger has indeed achieved a great achievement." [Ahzâb: 70-71].**

To proceed:

Indeed the truest speech is Allâh's Book and the best of guidance is the guidance of Muhammad; the worst of affairs are the newly-introduced matters in the religion; surely every newly-introduced matter is an innovation, all innovations are misguidance and all misguidance leads to Hell.

The Muslims world over now live in an era wherein their religion has been made confusing to them such that the truth has mixed with falsehood and vice-versa. Thus it has become really tasking for those who want to practise the Deen in its pristine form to do so without subjecting themselves to tongue wagging and criticism. While no Muslim will deny the fact that what every Muslim has been obliged to do is to follow the dictates of the *Deen* of Islam to the maximum.

Among the phenomena that have been troubling the sensibilities of the Muslims of late is the concept of democracy. This concept has permeated the fabrics of the Muslim society such that most Muslims now see it as a viable option of governance, since they have seemed to lose hope on enthronement of the Shariah in the society. While some of them think democracy can be used to achieve the Shariah in a way. Thus a sizeable number of Muslims, all over the world, are in what is termed active politics; the political development in Nigeria, in recent times, for instance, is a pointer to this assertion.

The mad rush for democracy in the Muslim world is part of what led to the ongoing insurrections<sup>1</sup> in some Muslim countries for it is a fact that most of the citizens of these countries live very comfortably. As alien as these rebellions might be to Islam, many Muslims in those places are hell-bent in seeing the departure of their rulers from offices simply because they think under democracy they will be better off.

Whereas this concept of democracy has grave consequences for Islam and Muslims due to what it contains of Kufr and unislamic details. Very unfortunately however, these grave consequences of democracy for Islam and the generality of the Muslims are being downplayed by the modernist Muslims and the Muslim activists, some of whom were once anti-democracy.

Vocal in the call for democracy are some Muslim Jamâ'ât (groups)<sup>2</sup> who now feel that calling the Muslims to *Tauheed*<sup>3</sup> and shunning heretical practices in the *Deen* might be too long a way for Muslims to tread; that the Muslims need a quick solution to the perceived malaise and underdevelopment befalling them. Thus the slogan today in most Muslim countries – Nigeria inclusive – is 'no democracy no good governance.'<sup>1</sup> There have several conferences and seminars sponsored by some Muslim politicians (in Nigeria for instance) wherein the Muslims are being indirectly told that they have to come to term with democracy otherwise they will be left behind in terms of everything.<sup>4</sup> The effect of this call therefore is that many hitherto strict followers of the Deen are fast dropping their strict adherence and becoming democrats willingly and unwillingly all in the name of salvaging the Muslims from their supposed predicament.

This piece is therefore compiled<sup>5</sup> from various sources of the *Deen* – classical and modern – to look at the concept of democracy in the light of the *Deen* alongside its other evils for Islam and the Muslims in totality. The piece expostulates, without doubt, that democracy is evil and therefore it has no goodness for Islam and the Muslims in real terms.

The piece is a *Nasee'ah* (sincere advice) the like of which Muslims owe one another.

Ibn Rajab Al-Hanbali – may Allâh bestow mercy on him – said on the hadith<sup>6</sup> recorded by Imâm Muslim on the authority of Tameem bn Aus Ad-Daaree: '...as for sincere advice towards the Muslim masses, this

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<sup>1</sup> It began in Tunisia then Egypt. At the press time, Libya is in a conflagration. Bahrain, Yemen, Oman, etc. are not spared. Saudi Arabia too is under threat from those who want 'a change' at all cost.

<sup>2</sup> A very vital example is *Al-Ikhwânul-Muslimuun* (the Muslim Brotherhood) whose leaders like Abdul-Majeed Zaydânee and Yûsuf Al-Qaradâwi have openly said democracy is part of Islam; said the latter in a Jum'ah Khutbah he gave on 4th day of June, 2004 in Qatar while refuting those who say democracy is not part of Islâm: 'Some (Muslims) say democracy is not from Islâm while some others say it is Kufr (unbelief); but I say verily democracy is of spirit of Islam and its principles!' [See *Waqafât Ma'a Tanzheem Ikhwânil-Muslimimeen* pp.84-85].

<sup>3</sup> The belief that only Allâh is worthy of worship in all ramifications which includes lawmaking.

<sup>4</sup> Like the subtle democratic shows being carried out by a youth Muslim group in Nigeria with its self-styled 'National Symposium on Good Governance;' which is clearly aimed at selling democracy to the Muslims for it is certain that it is not Shariah it is preaching. For instance one of the programmes that was held in one of the South-West States entitled 'Responsibilities of Youths in Resolving Leadership Crisis in Nigeria,' where a sitting State Governor – a Muslim democrat himself – would give the keynote address. May Allâh help the Muslims.

<sup>5</sup> From the humble self of the compiler, he has done his utmost to ensure that it is what the scholars say that he put across. All perfection is with Allâh however.

<sup>6</sup> That is, this popular hadith: 'The religion is sincere advice...'

is guiding them to what will better them, teaching them the affairs of their *Deen* and life, covering their faults, blocking their pitfalls, helping them over their enemies...teaching the ignorant ones among them, bringing back whoever might have deviated among them, to the truth – but with mercy...loving that what has corrupted them (in their belief and understanding of the *Deen*) be removed even if the process of doing that will cause them harm in their life (but not in their *Deen*; eg. loss of work, fame or popularity)... And from among the general meaning of giving sincere advice – which is the prerogative of the scholars – is bringing back the deviated thoughts to the Book of Allâh and the Sunnah of the Messenger<sup>1</sup>...<sup>2</sup>

Therefore, Muslims cannot just sit and watch other Muslims do wrong; we must warn one another. There are many Verses of the Qur'ân and Sunnah of the Messenger of Allâh ﷺ upon this fact.

May Allâh reward those who have contributed in one way or the other to the production of the work especially the noble friend, Abu Halima – Sa'eed Akanbi, for his support all through.

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Completed today 29th day of *Rabiuth-Thaani*, 1432 (3rd March, 2011), Ede, Nigeria.

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<sup>1</sup> Upon the understanding of the Pious Predecessors; this addition is very important.

<sup>2</sup> *Jaamiul-Uluum Wal-Hikam* pp.81.

## First Section

### Meaning of *Hukm Al-Jâhiliyyah* [the Rule of Time of Ignorance]

One of what characterized the Time of Ignorance, the period before the commissioning of our Prophet ﷺ as a prophet of Allâh, was that the people then used to refer judgements to their whims and caprices. Allâh the Mighty referred to that variously in His Book.

Allâh ﷻ said about the polytheists of Makkah in the early period of Islam who were stuck on the ways of their fathers:

﴿ وَقَالُوا هَذِهِ أَمْعٌ وَحَرَّتْ حَجْرٌ لَا يَطْعَمُهَا إِلَّا مَنْ نَشَاءُ بِزَعْمِهِمْ وَأَنْعَمٌ حُرْمَتٌ ظُهُورِهَا وَأَنْعَمٌ لَا يَذْكُرُونَ أَسْمَ اللَّهِ عَلَيْهَا افْتِرَاءً عَلَيْهِ سَيَجْزِيهِمْ بِمَا كَانُوا يَفْعَلُونَ ﴿١٣٨﴾ وَقَالُوا مَا فِي بُطُونِ هَذِهِ الْأَنْعَمِ خَالِصَةٌ لِّذُكُورِنَا وَمُحَرَّمٌ عَلَيْنَا أَرْوَجِنَا وَإِن يَكُن مِيتَةً فَهُمْ فِيهِ شُرَكَاءُ سَيَجْزِيهِمْ وَصَفَّهُمْ إِنَّهُ حَكِيمٌ عَلِيمٌ ﴿١٣٩﴾ قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلَادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ وَحَرَّمُوا مَا رَزَقَهُمُ اللَّهُ افْتِرَاءً عَلَى اللَّهِ قَدْ ضَلُّوا وَمَا كَانُوا مُهْتَدِينَ ﴿١٤٠﴾

"And according to their pretending, they say that such-and-such cattle and crops are forbidden, and none should eat of them except those whom we allow. And (they say) there are cattle forbidden to be used for burden or any other work, and cattle on which (at slaughtering) the Name of Allâh is not pronounced; lying against Him (Allâh). He will recompense them for what they used to fabricate.

And they say: "What is in the bellies of such-and-such cattle (milk or foetus) is for our males alone, and forbidden to our females (girls and women), but if it is born dead, then all have shares therein." He will punish them for their attribution (of such false orders to Allâh). Verily, He is All-Wise, All-Knower.

Indeed lost are they who have killed their children, from folly, without knowledge, and have forbidden that which Allâh has provided for them, inventing a lie against Allâh. They have indeed gone astray and were not guided. [Al-An'aam:138-140].

There are many other Verses expressing this fact that the polytheists of the time earlier mentioned had a set of rules that were borne out of their whims and caprices. It was also this set of rules and customs that made many evil acts such as burying female children alive, gambling, divination with arrows, incessant wars, etc. pleasing to them.

Therefore the rules of *Jâhiliyyah* are 'thoughts, whims and principles laid down by men with no *Shariah* backing as the people of *Jâhiliyyah* period used to do upon misguidance and

ignorance; rules which they set up for themselves out of their views and desires as the Tartars did from their 'Politics of the Monarchy' which they got from their King, Genghis Khan, who formulated *Al-Yasaq* for them. This *Yasaq* was a book that contained a set of rules from diverse sources – Jewish, Christian and Muslim. There were other laws he formulated for them by himself out from his personal views and desires. His descendants followed the rules and (upon that they) rejected the Book of Allâh and the Sunnah of the Messenger of Allâh ﷺ ...<sup>1</sup>

From the foregoing therefore, it can be safely concluded that any other rules that are man-made, no matter what colour those who set them up give them, are rules of the Time of Ignorance. It is also immaterial that such rules and laws are found in the 'best' of the centuries as people may claim.

Man does not possess the fullest capacity to know what is right from what is wrong if not aided by the Revelation. His thinking faculty will only come to play when he takes guidance from the Revelation. This is the reason the best of men, people can think of, are the worst of men in the sight of Allâh when those men do not follow the Revelation.

The People of 'Aad were destroyed by Allâh despite their civilization and development which if compared to the feat achieved today by the so-called developed countries, will render the latter as nothing. Allâh the Most High said about them:

﴿كَذَّبَتْ عَادُ الْمُرْسَلِينَ ﴿١٢٣﴾ إِذْ قَالَ لَهُمُ أَخُوهُمْ هُودٌ أَلَا نُنْفِقُونَ ﴿١٢٤﴾ إِنِّي لَكُمْ رَسُولٌ أَمِينٌ ﴿١٢٥﴾ فَانْقَبُوا إِلَيْهِ وَأَطِيعُوا ﴿١٢٦﴾ وَمَا أَسْأَلُكُمْ عَلَيْهِ مِنْ أَجْرٍ إِنْ أَجِرِيَ إِلَّا عَلَى رَبِّ الْمَالِينَ ﴿١٢٧﴾ اتَّبِعُونِ يَكُفِّرْ بَعْضُهُمْ أَسَاءَةَ بَعْضِهِمْ إِنَّمَا سَأَلْتُمُوهُنَّ لِيُذَكِّرْنَ إِذْ هُنَّ حَاذِرَاتٌ يَوْمَ الْقِيَامَةِ يُحْضَرْنَ وَسَبُحْنَ لِلرَّحْمَنِ الْمَعْلُومِ ﴿١٢٨﴾ وَتَتَّخِذُونَ مَصَانِعَ لَكُمْ لَمَخْلُودٍ ﴿١٢٩﴾ وَإِذَا بَطَشْتُمْ بَطَشْتُمْ جَبَّارِينَ ﴿١٣٠﴾﴾

**'Ad (people) belied the messengers.**

**When their brother Hûd said to them: "Will you not fear Allâh and obey Him?"**

**"Verily! I am a trustworthy Messenger to you.**

**"So fear Allâh, keep your duty to Him, and obey me.**

**"No reward do I ask of you for it (my message of Islâmîc monotheism), my reward is only from the Lord of 'Alamîn (mankind, jinns, and all that exists).**

**"Do you build high palaces on every high place, while you do not live in them?"**

**"And do you get for yourselves palaces (fine buildings) as if you will live therein forever.**

**"And when you seize, seize you as tyrants? [Shua'arâ: 123-130].**

<sup>1</sup> See *Tafsîr Ibn Kathîr*, Vol.2, p.104, Dârul-Al-Aafâqîl-Arabiyyah (Arabic Edt.)

But what was however their end?

﴿وَلَا تُدْرِكُهُ الْيَدَانِ سِرًّا وَلَا يُغْنِي عَنْهُ كَنْزُهُمْ يَوْمَ السُّعُورِ ﴿٥٩﴾ وَأَتَّبِعُوا فِي هَذِهِ الدُّنْيَا لَعْنَةً وَيَوْمَ الْقِيَامَةِ أَلَا إِنَّ عَادًا كَفَرُوا رَبَّهُمْ ﴿٦٠﴾ أَلَا بُعْدًا لِعَادِ قَوْمِ هُودٍ ﴿٦١﴾﴾

Such were 'Aad (people). They rejected the *Ayât* (proofs, evidences, verses, lessons, signs, revelations, etc.) of their Lord and disobeyed His Messengers, and followed the command of every proud obstinate (oppressor of the truth, from their leaders).

And they were pursued by a curse in this world and (so they will be) on the Day of Resurrection. No doubt! Verily, 'Aad disbelieved in their Lord. So away with 'Aad, the people of Hûd. [Hûd: 59-60]

And what about Pharaoh in the heydays of the much hyped Egyptian civilization? What became of him even despite all his claims to grandeur and development? Allâh ﷻ said:

﴿فَأَخَذْنَاهُ وَجُودَهُ فَنَبَذْنَاهُمْ فِي الْيَمِّ فَانظُرْ كَيْفَ كَانَتْ عَاقِبَةُ الظَّالِمِينَ ﴿٤٠﴾﴾

So We seized him and his hosts, and we threw them all into the sea (and drowned them). So behold (O Muhammad) what was the end of the *Zâlimûn* [wrong-doers, polytheists and those who disbelieved in the Oneness of their Lord (Allâh)]. [Al-Qasas: 40].

So many of the 'developed' and 'glorious' past generations<sup>1</sup> were destroyed because they did not worship only Allâh as also indicated in their failure to apply Allâh's rules of their time .

Without mincing words, Allâh ﷻ refers to all laws apart from His laws as rules of *Jâhiliyyah*. He the Mighty Lord said in Sûrah Al-Mâidah<sup>2</sup>:

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ ﴿٥٠﴾﴾

**Do they then seek the judgement of (the Days of) Ignorance? And who is better In judgement than Allâh for a people who have firm faith?**

Al-Allâmah Muhammad Al-Amîn Ash-Shinqîti, the avowed best exegete of the Qur'ân in this century, may Allâh have mercy on him, said while commenting on the Verse above and the ones similar to it:

'Those Divine Narrations which we mentioned clearly show that those who follow man-made laws which are laid down upon the tongues of those who possess them and which oppose what Allâh has legislated upon the tongues of His Messengers; there is no doubt as to their

<sup>1</sup> Among such were 'the mighty Roman and Persian Empires.'

<sup>2</sup> Verse 50.

committing *Kufr* (unbelief) and *Shir'k* (polytheism); (whoever might doubt this) is (only) someone whom Allâh has blotted his sight and blinded from the light of Revelation.<sup>1</sup>

Now if laws that are not laid down by Allâh ﷻ are referred to as *Hukm Al-Jâhiliyyah*, does democracy fall within?

## Second Section

### Is democracy of *Jâhiliyyah*?

To know whether democracy falls within the rules of the time of *Jâhiliyyah*, one needs to know what democracy is first.

Knowing democracy is very simple, in that it has been well sold to the people.<sup>2</sup> But a critical exercise is imperative.

Simply put, democracy is derived from two Greek words: *demos* and *kratein*. *Demos* means 'people' and *kratein* means 'rule.'<sup>3</sup> To express the two words in a more logical manner, democracy is the 'rule by the people.'<sup>4</sup> In other words, democracy is any rule whereby people play a very active role.<sup>5</sup> The rule is according to what the people feel is good for them, and in it, the majority plays a very significant role.

In the Greek and Roman city-states where democracy originated, people then would go to the village-square and slog it out on what they thought was good for them as a people living in a community.

The period being referred to was the ancient Greece when the Greek philosophers were selling their pagan philosophies to those who cared to listen to them. It is therefore not strange if it is said that democracy was of a pagan origin.<sup>6</sup>

Democracy is therefore an atheist political system that defines a specific view for a political life built on separating the religion from the state.<sup>7</sup> Democracy is not based on elections alone, as some people think, because there could be elections yet a political system (that might be in place) will survive. True democracy stands where there is a complete separation

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<sup>1</sup> *Adwâul-Bayân*, vol.2 p.328.

<sup>2</sup> On the mass media today people are being daily assaulted by shouts of democracy.

<sup>3</sup> See Microsoft Encarta 2009 Edition.

<sup>4</sup> Abraham Lincoln, one of the US past presidents, was said to have defined democracy as 'the government of the people by the people and for the people.' Even nursery school pupils know this today.

<sup>5</sup> Though on a critical analysis, as every student of Political Science would know, the claim that the people play a very active role in a democracy is fake. What every sensible person will know is that it is those who have money that dictate the turn of a democracy. The so-called people's participation is beguilement.

<sup>6</sup> Just as many Western concepts today are. The days of the week, months of the year are all of pagan origin; even the Christian celebrations have connections with pagan beliefs.

<sup>7</sup> That is the latent aim of democracy. The Muslims who think they can use democracy to achieve Shariah are only fooling themselves.

of the state from religion. Thus democracy, as a secular system, is aimed at controlling the world with capitalism as a tool.<sup>1</sup> Democracy is a school-of-thought that intends to return the root of authority to the wish of the majority.<sup>2</sup>

### A doubt<sup>3</sup> and answer to it

At this point, someone might argue that since democracy is the rule by the people as they might want, then can we say if a people adopt a Shariah system of government and start its implementation over themselves is that form of democracy not welcome in the Deen? Or, as some Muslims democrats will say, an Islamic democracy?

Before answering the above poser, it will be recalled that some Muslims have put that to test in that they went into democracy in the name of using democracy to implement the Shariah but what became their result was not unknown to the people of proper sight. The Nigerian example is good to be cited here.

Therefore, to say that if a people try to use democracy in order to implement the Shariah that it will be tantamount to saying that democracy is good so far it can be used to achieve the *Shariah*.

The reply is that democracy has a set of rules and one of its cardinals is that there must be a book that gives guidelines to how the people will govern themselves.<sup>4</sup> The book is what is usually referred to as the constitution. To agree to write down a book first in order to implement the Shariah is nothing but a sheer hypocrisy towards the laws of Allâh ﷻ.

Also making a choice that the *Shariah* will be implemented via democracy is showing love to the latter and a systematic rating of the latter. Showing love to democracy is nothing but showing love to Kufr<sup>5</sup>.

Another point is that saying there is a sort of Islamic democracy is coming with a term which the owners of democracy themselves have not come with<sup>6</sup>; and they know democracy more than those who adopt it among the Muslims.<sup>7</sup>

And possible to say *Kufr* can be called Islamic? Refuge is sought in Allâh from such a horrendous claim.<sup>1</sup>

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<sup>1</sup> Socialism too is trying to make use of democracy but capitalist-democracies like the US and UK will not allow that. Russia and China, being the major socialist countries today, as not being seen as true democracies. At least the cry against China, now, being a country challenging the West economically, is well-noticed.

<sup>2</sup> *Naqd al-Judhuur al-fikriyyah Lil-Deemoqraatiyyah al-Ghar'biyyah*, p.31.

<sup>3</sup> For more on such doubts, see the section on 'doubts regarding democracy' in this piece below.

<sup>4</sup> See *Waqafaat ma'a Tandheem al-Ikhwaan al-Muslimeen* p.84

<sup>5</sup> Unbelief.

<sup>6</sup> It is not in the dictionary of democracy such thing as Islamic democracy!

<sup>7</sup> *Waqafaat ma'a tandheem al-Ikhwaan al-Muslimeen* p.85

The conclusion therefore is that democracy is alien to Islâm it is nothing but a new idea unknown to Islam. The rule has always been for Allâh in Islâm and it will continue to be.<sup>2</sup> Allâh ﷻ says:

﴿إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

".... the command (or the judgement) is for none but Allâh. He has commanded that you worship none but Him (i.e. His monotheism), that is the (true) straight religion, but most men know not. [Yûsuf: 40]

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ﴾

Do they then seek the judgement of (the days of) Ignorance? And who is better In judgement than Allâh for a people who have firm faith? [Mâidah: 50]

In the last Verse cited, Allâh made it clear that there are just two rules: His Rule and that of other than Him that can come from His creatures. He explains that the latter is nothing but the rule of ignorance no matter what might be said about it. Allâh ﷻ also said:

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾

"And whosoever does not judge by what Allâh has revealed, such are the *Kâfirûn* (i.e. disbelievers<sup>3</sup>). [Maidah:44]

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

And whosoever does not judge by that which Allâh has revealed, such are the *Zhâlimûn* (polytheists and wrong-doers). [Mâidah: 45]

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

And whosoever does not judge by what Allâh has revealed (then) such (people) are the *Fâsiqûn* (the rebellious) to Allâh. [Mâidah: 46]

It will be interesting to know that the above Verses were revealed with regard to some People of the Book<sup>1</sup> who rejected a judgement that was given over a person that committed

<sup>1</sup> This issue is further treated under the section on 'doubts regarding democracy.'

<sup>2</sup> It is a fact and it has been a part of Tauheed which the Community of *Ahlu-Sunnah wal-Jama'ah* has subscribed to ever since. People like Faisal Al-Jamaykee (the Jamaican trouble-maker Muslim) should not come and tell us that there is a fourth branch of Tauheed (that is, *At-Tauheed Al-Haakimiyyah*) which he and his teachers accuse the Teachers of Sunnah – old and present – of neglecting upon which he declared them as *Kuffâr* (unbelievers). May Allâh save the *Ummah* from the evil of this Faisal; he is indeed a person under the spell of misguidance. May Allâh rectify him.

<sup>3</sup> At what level? See the section on 'the ruling on whoever partakes in democracy' below.

*Zinâ* which Allâh had ordained in their Book.<sup>2</sup> Rather they went after a law they formulated by themselves. With that, Allâh ﷻ ruled they were unbelievers, unjust ones and rebellious.

What will therefore be said about a person who derides Allâh's laws or reject them, will he not be said to be guilty of a severer *Kufr*, *Zhulm* and *Fisq*?<sup>3</sup>

'Therefore whoever accepts a law other than Law of Allâh has associated partner with Allâh; and whatever Allâh ﷻ and His Messenger ﷺ have not legislated as acts of worship is nothing but innovations; and all innovations are misguidance...

'Whatever Allâh and His Messenger ﷺ have not legislated as methods of administration and judgement among the people then such is rule of *Tâghût*<sup>4</sup> and rule of *Jâhiliyyah*...

'So also legislating the lawful and unlawful is a sole right of Allâh ﷻ; it is not for anyone to compete with Allâh in this regard. Allâh ﷻ said:

﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذَكَّرْ عَلَيْهِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ وَإِنَّ الشَّيَاطِينَ لِيُوحُونَ إِلَيْكَ أَوْلِيَاءَهُمْ لِيُجَدِّدُوا لَكُمْ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ﴾

**Eat not (O believers) of that (meat) on which Allâh's Name has not been pronounced (at the time of the slaughtering of the animal), for sure it is *Fisq* (a sin and disobedience of Allâh). And Certainly, the *Shayâtin* (devils) do inspire their friends (from mankind) to dispute with you, and if you obey them, then you would indeed be *Mushrikûn* (polytheists)<sup>5</sup>. [Al-An'âm: 121].<sup>6</sup>**

### Third Section

#### Evils of Democracy cum Elections<sup>7</sup>

Democracy being a system devoid of Allâh's guidance is embedded in evils. Some of the evils are mentioned in this section with brief explanations. It is however the people of guidance that will take to guidance.

<sup>1</sup> As Christians and Jews are called in the Language of the Qur'ân and Sunnah.

<sup>2</sup> That such should be stoned to death; if a married person.

<sup>3</sup> *Tanweer azh-Zhulumaat bi Kashf Mafaasid wa Shubuhaat Al-Intikhaabaat*, pp. 10-11.

<sup>4</sup> A false deity that includes the person who judges with other than Allâh's Laws. It is mandatory to disbelief in *Tâghût* by the virtue of Soorah Al-Baqarah Verse: 256. For more on *Tawâgeet* (plural of *Tâghût*) see *Thalaathahul-Usuul* of Ash-Shaykh Muhammad bn Abdil-Wahhâb.

<sup>5</sup> 'Because they (devils and their friends) made lawful to you to eat that which Allâh has made unlawful to eat and you obeyed them by considering it lawful to eat, and by doing so you worshipped them, and to worship others besides Allâh is polytheism].' Muhsin Khan.

<sup>6</sup> As adapted from *Kitaabu Tauheed* of Ash-Shaykh Fauzân pp.51-52.

<sup>7</sup> The evils are so many that Ash-Shaykh Muhammad bn Abdillâh Al-Imâm mentioned about forty of them in his book *Tanweer Azh-Zhulumaat*; it is a must read.

Have you seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement (in their disputes) to the *Tâghût* (false judges, etc.) while they have been ordered to reject them. But Shaytân wishes to lead them far astray. [Nisâ: 60]

### Democracy is against the laws of Allâh

The laws of democracy without doubt militate against the laws of Allâh; this is *Kufr* as was earlier pointed out. Verses have been mentioned regarding the fact that Allâh alone has the sole authority to make laws and that whoever makes judgement with other than the Book of Allâh and the Sunnah of His Messenger ﷺ such has referred judgement to *Tâghût*. Allâh ﷻ said:

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

To adopt democracy is to make oneself subservient to a book which there is no guidance in it for the Muslims. That book is the constitution which is man-made.

For instance the 1999 Constitution of the Federal Republic of Nigeria declares:

We the People of the Federal Republic of Nigeria:

Do hereby make, enact and give to ourselves the following Constitution:<sup>1</sup>

The Constitution goes ahead to say in s.1 (1):

This Constitution is supreme<sup>2</sup> and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.<sup>3</sup>

In its subsection three it declares:

If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void.<sup>1</sup>

<sup>1</sup> Muslims who are into democracy should be ashamed of this fact. Yet they do swear (or affirm) to uphold the Constitution as required by the Seventh Schedule of the said Constitution when they assume office.

<sup>2</sup> In constitution drafting, a 'good' Constitution should be in this way; that is the standard set by the United States (in its written constitution which Nigeria emulates) and the United Kingdom in its unwritten constitution. The constitution must be held supreme to all laws including the Laws of the Creator of the constitution drafters. Verily we are from Allâh and to Him we shall return.

<sup>3</sup> Meaning that it is supreme over the Book of Allâh and the Sunnah of the Messenger of Allâh; none will doubt the *Kufr* in that except he that has no sight.

## Democracy promotes violence and causes disunity

The truth of this fact is not hidden from those who have seen democracy in practice. Everywhere there is democracy there is one form of conflict or the other. Nigeria is a good example of what democracy does in action; the number of lives that have been lost since the enthronement of democracy in the country is alarming. Yet there seems no end to further loss of lives; bomb blasts are becoming usual occurrence in the country. Inter parties' violence is not seen as a big thing.

There is no how the Muslims will venture into democratic politics and remain united because of the disunity that democracy is known to cause among those who subscribe to it.

Writes the author of *Tanweer Dhulumaat*<sup>2</sup>: 'We see from our brothers the so-called Islamists who say there is no way all Muslims should not partake in the electioneering processes even if it will amount to cooperating with the secular parties. As for the person that cuts people away from elections and sees that joining in the process is not permissible, you will see them (the Islamists) criticizing such, harbouring grudges against him and depicting his comments as being foolhardy; at times they may eject him from the mosque or his workplace, they may incriminate him in several ways. If they have the ability of inflicting punishment on him they will do so. They do all this in order to help partisanship.

'There is no doubt that democracy will break the unity of the Muslims; you may find a son and his father in the same house with hostility between them.<sup>3</sup> Even the women are not safe, so also are the neighbours to one another...

'The enmity becomes entrenched, Shaytân takes over and everyone becomes an enemy to the other...'

Allâh's Command is that Muslims should form one single brotherhood that is based on the values of the Qur'ân and Sunnah upon the understanding of the Pious Predecessors.<sup>4</sup>

Allâh ﷻ said:

﴿وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا وَاذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ كُنْتُمْ أَعْدَاءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ فَأَصْبَحْتُمْ بِنِعْمَتِهِ إِخْوَانًا وَكُنْتُمْ عَلَىٰ شَفَا حُفْرَةٍ مِنَ النَّارِ فَأَنْقَذَكُمْ مِنْهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَهْتَدُونَ﴾

<sup>1</sup> Like the Islamic law that states a thief's hand should be cut, that an adulterer should be stoned to death etc. Those who say they will use democracy to enshrine the Shariah should take a clue from this; it is not possible unless there is no Constitution, and when there is no Constitution there is no democracy.

<sup>2</sup> P.74.

<sup>3</sup> This is a common phenomenon in Nigeria as an instance.

<sup>4</sup> This is one of the bedrocks of the call to the way of the Salaf (*Salafiyah*) which the *Jamâ'ât* today fight at all cost because the call exposes the falsehood upon which those who call to sectarianism and groupism are.

**And hold fast, all of you together, to the Rope of Allâh (i.e. this Qur'ân), and be not divided among yourselves, and remember Allâh's Favour on you, for you were enemies one to another but He joined your hearts together, so that, by His Grace, you became brethren (in Islâmic Faith), and you were on the brink of a pit of Fire, and He saved you from it. Thus Allâh makes His *Ayât* (proofs, evidences, etc.) clear to you, that you may be guided. [Aal-'Imrân: 103]**

If one may ask what kind of brotherhood is in Muslims fighting one another because they belong to different groups, political or otherwise? What interest are they fighting for? Is that what Islam commands?

### **Democracy encourages craving for leadership position**

This is another evil that goes with democracy. Every person in democracy seeks a way of having an access to power, directly or indirectly. Political parties front candidates that seek to become rulers after elections; that is the aim of every political party.

Love for the leadership position is forbidden in the religion of Islam because the post of leadership is not what should be quested for.

Al-Imâm Al-Bukhârî reported on the authority of AbdurRahman bn Samurah رضي الله عنه that the Prophet ﷺ said to him:

«يَا عَبْدَ الرَّحْمَنِ بْنَ سُمْرَةَ لَا تَسْأَلْ عَنِ الْإِمَارَةِ فَإِنَّكَ إِنْ أُوْتِيْتَهَا عَنْ مَسْأَلَةٍ وَكَلْتِ إِلَيْهَا وَإِنْ أُوْتِيْتَهَا مِنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا».

'O AbdurRahman bn Samurah, do not ask for leadership position because if you were entrusted a leadership position after you have asked for it, you will be left alone with it (that is, Allâh will not assist you) but if you are given without asking for it, you will be helped over it...<sup>1</sup>

And the Prophet ﷺ warned his Ummah in the hadith below from craving for leadership positions. Al-Bukhârî also reported on the authority of Abu Hurairah رضي الله عنه:

«إِنَّكُمْ سَتَحْرِصُونَ عَلَى الْإِمَارَةِ وَسَتَكُونُونَ نَدَامَةً يَوْمَ الْقِيَامَةِ».

'You (my Ummah) shall verily crave for leadership positions, and it is going to be a regret on the Day of Resurrection.<sup>2</sup>

Ibn Al-Hajar said commenting on some of the *Ahâdîth* above:

<sup>1</sup>Al-Bukhârî (6/2613).

<sup>2</sup>Al-Bukhârî (3/1456).

'Al-Mulahhab said: It is the craving for leadership positions that is the cause of conflict among the people such that a lot of blood has been spilled while many properties are usurped (unjustly) and women raped. Corruption has become widespread on the surface of the earth (due to it). Regrets usually follow killing the person in power (who might have come to power by craving too); it may be that he is removed or he dies...<sup>1</sup>

### Democracy allows for a non-Muslim ruling over the Muslims

This is a very serious matter which few Muslims pay attention to, in fact, some Muslims will see nothing wrong with it. Sure, such a conclusion can only come from the depth of the ignorant ones. The bulk of those who inhabit the surface of the earth are people with evil intent. Or to put it in a more understandable way, the non-Muslim population is more than that of the Muslims. Allâh ﷻ alluded to it in His Noble Book:

﴿ وَإِنْ تُطِيعُوا أَكْثَرَ مَنْ فِي الْأَرْضِ خَلَوْا بِهِمْ سَبِيلَ اللَّهِ إِنَّ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ هُمْ إِلَّا يَخْرُصُونَ ﴾

**And if you obey most of those on earth, they will mislead you far away from Allâh's Path. They follow nothing but conjectures, and they do nothing but lie. [Al-An'âm: 116].**

Allâh ﷻ also said:

﴿ وَمَا أَكْثَرَ النَّاسِ وَلَوْ حَرَصْتَ بِمُؤْمِنِينَ ﴾

**And most of mankind will not believe even if you desire it eagerly. [Yûsuf: 103]**

The undesirability of a non-Muslim ruling over the Muslims should be known to the wise. Its attendant harms cannot be over emphasized.

A non-Muslim ruling over the Muslims can never assure the safety of the Muslims in their *Deen*; there is every tendency that he will hate Islam and the Muslims and work towards jeopardizing their interests as Muslims. Allâh ﷻ said about what will be the general attitude of the Christians and the Jews to the Muslims:

﴿ وَلَنْ رَضَىٰ عَنْكَ الْيَهُودُ وَلَا النَّصَارَىٰ حَتَّىٰ تَتَّبِعَ مِلَّتَهُمْ قُلْ إِنَّ هُدَىٰ اللَّهِ هُوَ الْهُدَىٰ وَلَئِنَّ آتِبِعَتِ أَهْوَاءَهُمْ بَعْدَ الَّذِي جَاءَكَ مِنَ الْعِلْمِ مَا لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٍ ﴾

<sup>1</sup>Fat'hul-Bâri (13/135) as cited in Al-Adillah Ash-Shar'iyah pp.76-77.

**Never will the Jews nor the Christians be pleased with you (O Muslims) till you follow their religion. Say: "Verily, the guidance of Allâh that is the (only) guidance. And if you were to follow their (Jews and Christians) desires after what you have received of knowledge (i.e. the Qur'ân), then you would have against Allâh neither any *Walî* (protector or guardian) nor any helper. [Baqarah: 120].**

Some will say but how can only Muslims rule under socio-cultural setting where the population are not only Muslims. The ethos of Islam is that Muslims should rule because they are the ones that can carry out the Legislated Will<sup>1</sup> of Allâh – that only He is worthy of worship – on earth. Thus, any system that favours whatever is contrary to this is faulty and devilish.

### **Democracy gives room for a woman becoming the leader**

Just as it was said in the last point, another evil attendant of any democratic process is the possibility of a woman becoming the leader. That cannot be strange in any democracy as it is noticeable in the communities where democracy has been entrenched; a good example is Pakistan.

That a woman becomes the leader in Islâm is an anomaly. When the Prophet of Allâh ﷺ heard of the Persians enthroning the daughter of their dead king as the Queen he said:

«لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ».

'They will not be successful, a people who entrust their affair to a woman.'<sup>2</sup>

Al-Hâfidh Ibn Hajar Al-Asqalâni said over the hadith above: 'Al-Khattâbi said: There is in the hadith that a woman cannot assume a post of leadership (over men) nor become a judge.'<sup>3</sup>

*Sharî'ah* has described the women as being faulty in intellect and Deen; said the Messenger of Allâh ﷺ:

«مَا رَأَيْتُ مِنْ نَاقِصَاتِ عَقْلِ وَدِينٍ».

'...I have not seen those faulty in intellect and *Deen* (as you women)...'

The above statement does not however mean that women are perpetually of lesser status than men. Rather women can achieve the same level of piety as that of men or more than; but here it is the physical nature of women that is being looked at. It is known that women

<sup>1</sup> That is, His *Mashee'ah Shar'iyyah* as against *Mashee'ah Kawniyyah* (Universal Will) that allows certain things which has been in His Universal Will happen in the world such as non-Muslims ruling over the Muslims.

<sup>2</sup> Al-Bukhârî (4/1610).

<sup>3</sup> *Fat'hul-Bâri* (7/735).

are usually more emotional than men are; they are prone to more physical weakness and the likes.

Even though the West and its acolytes might take this as an affront on the womenfolk, the fact of the *Shariah* is that women are different from men. This is why it is men that lead the families. The West is getting more immoral partly because of the breakdown in the family set-up; leadership structure in the family has become loosened.

Imagine the Chief of Army Staff of the United States of American being a woman! The day the US will allow that, its fall is hastened. One may ask when men and women will have the same race such as 100m, marathon, etc, in sports. Maybe the United States should experiment a woman president in its next elections; Britain ought not to have made it only Thatcher, there should be more women prime ministers!

That is just by the way, the divine decree is that men are different from women and it is from this purview that the *Shariah* views the leadership position as a serious business that cannot be left in the hands of women. A married woman who becomes a president will first be loyal to her husband, if she is responsible, and if she is not married, then to his father or brothers, and if not to those, then to her boy-friends! Thus a woman in the leadership position is not the real leader.

Countries that have witnessed women leadership have their stories to tell. One day Britain will speak up on Margaret Thatcher leadership so also will Pakistan tell the world what it got from Benazir Bhutto. Germany is considered getting weaker today because of its leader who is a woman. What did Philippines, Turkey, Bangladesh, Indonesia, etc, achieve with their one-time women leadership?

With no apology to anyone, the position of the *Shariah* is clear in this area, and it is a matter of creed, that women are asked to stay clear of public leadership positions but rather the leadership position Allâh ﷻ has assigned them in their husbands' homes over their kids and other people under their husbands' service.

### **Democracy allows formation of blind alliances**

Even when a group of Muslims claims they are going into democracy in the name of Islam and thereby forming an Islamic party, their success in their political endeavor is always hinged on some alliances they form with other political parties in the field. Often, it might be difficult for a party that has a seeming Islamic orientation from displaying all its Islam without

some concessions, like making the presidential running mate a Christian<sup>1</sup> or whatsoever in order to appeal to the majority of the electorate among whom are many non-Muslims.

Parties with Muslims orientation often 'disguise' to defuse any criticism that might come from other political parties which might accuse the 'Islamic party' of wanting to turn the polity to that of *Shariah*.

Similar to that is where Muslim candidates take women as their running mates. The effect of that in the democratic setting is that where 'His Excellency' dies or resigns, or for any reason cannot continue in office, it is his deputy who is a woman (even if not a Christian or a Jewess) that will take over.

Another format of such devilish and blind alliances is the fact that some political parties in Nigeria, for instance, are known to have roots in the traditional system<sup>2</sup>, meaning that many of their secret oaths are carried out using fetishes like dane guns, kolanut, cowries and rest of the paraphernalia of *Shirk* (polytheism).<sup>3</sup>

Allâh ﷻ however warns the Muslims from going into such alliances; He said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَطِيعُوا الَّذِينَ كَفَرُوا يُرَدُّوكُمْ عَلَىٰ أَعْقَابِكُمْ فَتَنْقَلِبُوا خَاسِرِينَ﴾

**O you who believe! If you obey those who disbelieve, they will send you back on your heels, and you will turn back (from Faith) as losers. [Al-An'âm: 149]**

### **Democracy misplaces the concept of *Al-Walâ* (friendship) and *Al-Barâ* (enmity) in Islâm**

Closely related with the last point above is that democracy paves the way for Muslims to relate with whom they ought to take as enemies. Most often the people the Muslims will interact with are those who will make jest of the Book of Allah and the Sunnah of His Messenger ﷺ, or people that will generally deride the Islam and Muslims.

Islam says Muslims are those that should be taken as friends (this is *Al-Walâ*) and non-Muslims, potential enemies (this is *Al-Barâ*).

Allâh ﷻ said:

<sup>1</sup> One of them picked a Christian pastor (who was an apostate from Islâm!) as a running mate, and another Sunnah-supposed candidate picked a deaconess as a running mate.

<sup>2</sup> There is a political party in South-West Nigeria that makes an instrument of polytheism (a legendary staff believed to be a source of power for a legend in Yoruba land) as its symbol. The party is known for its promotion of the 'traditional belief system'.

<sup>3</sup> In addition to that is the fact that many of those in politics today 'fortify' themselves with any kind of instrument of *Shirk* such as amulets, talisman, etc. so that they will not be susceptible to physical and spiritual attacks in their political sojourn. Even the voters have been advised not to forget *the elders' thing* at home on the day of elections; the advice was reportedly given by a State Governor known with apparent *Sunnah*.

﴿يَأَيُّهَا الَّذِينَ ءَامَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضُهُمْ فَإِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ ﴿٥١﴾ قَتَرَ الَّذِينَ فِي قُلُوبِهِمْ مَرَضٌ يُسْرِعُونَ فِيهِمْ يَقُولُونَ نَحْشَىٰ أَنْ تُصِيبَنَا دَائِرَةٌ فَعَسَىٰ اللَّهُ أَنْ يَأْتِيَ بِالْفَتْحِ أَوْ أَمْرٍ مِّنْ عِنْدِهِ فَيُصْبِحُوا عَلَىٰ مَا أَسْرُوا فِي أَنْفُسِهِمْ تَدِيمِينَ ﴿٥٢﴾﴾

**O You who believe! Take not the Jews and the Christians as *Auliyâ'* (friends, protectors, helpers, etc.), they are but *Auliyâ'* to one another. And if any amongst you takes them as *Auliyâ'*, then surely he is one of them. Verily, Allâh guides not those people who are *Zâlimûn* (polytheists and wrong-doers and unjust).**

**And you see those in whose hearts there is a disease (of hypocrisy), they hurry to their friendship, saying: "We fear lest some misfortune of a disaster may befall us." Perhaps Allâh may bring a victory or a decision according to His Will. Then they will become regretful for what they have been keeping as a secret in themselves. [Al-Mâidah: 51-52]**

Muslims who are into democracy should ponder very well on the Verses above; they should recall if the reason for their going into democratic politics is not the fear that the non-Muslims will deal them a blow if they do not go with them.<sup>1</sup>

The Prophet of Allâh ﷺ also said on the matter:

«أَوْتُقُ عَرَى الْإِيمَانِ الْمُؤَالَاةُ فِي اللَّهِ، وَالْمُعَادَاةُ فِي اللَّهِ، وَالْحُبُّ فِي اللَّهِ، وَالْبُعْضُ فِي اللَّهِ».

**'The strongest tie of Faith is taking friends, hating and loving because of Allâh'<sup>2</sup>**

Associated with that evil is the fact that democracy makes obedience to Allâh's enemies binding. This brings nothing but ill-omen for the Muslims. Allâh ﷻ said:

﴿يَأَيُّهَا الَّذِينَ ءَامَنُوا إِن تَطِيعُوا قَرِيبًا مِّنَ الَّذِينَ أُوتُوا الْكِتَابَ بَرُدُّوكُم بَعْدَ إِيمَانِكُمْ كَفْرِينَ ﴿١٠٠﴾﴾

**O You who believe! If you obey a group of those who were given the Scripture, they would (indeed) render you disbelievers after you have believed! [Al-Imrân: 100].**

Those who take the *Kuffâr* (unbelievers) as friends cannot help themselves from emulating the latter in their manners; this is reprehensible. The Prophet ﷺ had said:

«مَنْ تَشَبَهَ بِقَوْمٍ فَهُوَ مِنْهُمْ».

**'Whoever emulates a people is from them.'<sup>3</sup>**

<sup>1</sup> Upon the devilish principle that 'if you cannot beat them join them.'

<sup>2</sup> The hadith was reported by At-Tabarâni in *Al-Mu'jam Al-Kabîr* (11/215) and Al-Baghawi in *Shar'h As-Sunnah* (3/429) with a weak chain; Ash-Ashaykh Al-Albâni said in *As-Sahîhah* (2/734) that the conglomeration of all its routes make it at least hasan.

<sup>3</sup> Recorded by Abû Dâwud in his *Sunan* on the authority of Abdullâh bn Umar (4/314); Ash-Shaykh Al-Albâni authenticated it in *Irwâ'ul-Ghâfil* (5/109).

This democracy of the West is much of copying the West; any Muslim who ventures into it cannot rule it out.

### **The concept of majority rule in democracy is a sheer pandemonium in governance**

The principle of majority rule is opposing to Islâm because Allâh the Mighty said:

﴿ وَإِنْ تَطَّعَ أَكْثَرُ مَنْ فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ اللَّهِ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّهُمْ إِلَّا يَخْرُصُونَ ﴾

**And if you obey most of those on earth, they will mislead you far away from Allâh's Path. They follow nothing but conjectures, and they do nothing but lie. [Al-An'âm: 116]**

Allâh the Mighty also said:

﴿ وَمَا أَكْثَرُ النَّاسِ وَلَوْ حَرَصْتَ بِمُؤْمِنِينَ ﴾

**And most of mankind will not believe even if you desire it eagerly. [Yûsuf: 103]**

The purport of the Verses above is that the people will remain on their wrongdoing even at utmost effort to take them out of misguidance.

Ash-Shaykh As-Sa'dee said<sup>1</sup>: 'The Verses indicate that there is no justification in saying that the truth is what the majority holds to. The claim that those who tread a path will be regarded as being upon falsehood if they are not many. What is daily observed proves otherwise; the people of truth are always very minor but great in the Sight of Allah in worth and rewards. What is however imperative is that truth and falsehood should be judged from how they are reached.'<sup>2</sup>

Added to that is the truth that a man's view is according to his knowledge, therefore when people have different knowledge their views will be different. This is one of the reasons people in parliaments hardly agree on an issue except after they might have exchanged blows and hot words; this happens everywhere they practise democracy, it is not peculiar to Nigeria as some might say<sup>3</sup>.

In Islam, when there is a difference of opinion, as it is human to differ on things, matters are to be referred to Allâh and His Messenger ﷺ, that is, to Qur'ân and Sunnah. Referring all matters to the Book of Allâh and the Sunnah of His Messenger ﷺ falls among the Cardinals of the Islamic Faith. Allâh ﷻ said:

<sup>1</sup> *Tayseer Al-Kareem Ar-Rahman (2/72)*; as cited by the author of *Al-Adillah Ash-Shar'iyah* p.99.

<sup>2</sup> That is, if a means to a phenomenon is true then it will be true and if otherwise then it is otherwise. Therefore, democracy as a means is falsehood, its result too is falsehood.

<sup>3</sup> Can someone mention a parliament that is not always rowdy when issues are being addressed? Maybe Nigerian Parliaments!

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ

خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

**O You who believe! Obey Allâh and obey the Messenger, and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger, if you believe in Allâh and in the Last Day. That is better and more suitable for final determination. [Nisâ: 59].**

Never can referring matters to the majority view solve the human problems. The majority are usually made up of fools, drunkards, polytheists, oppressors, capitalists, usurers, gamblers, fornicators and the rest of the evils<sup>1</sup>.

### **Democracy and wasteful spending**

That there is wastefulness in democracy is a point which none will dispute. At least if none is clear, wastefulness of time should be. In democracy, people waste their time. Right from registration of voters to campaigns and to actual casting of ballots.<sup>2</sup> Election tribunals usually follow the characteristic rigging of elections<sup>3</sup>; this is also nothing but a sheer waste of time and money.

Waste of money is another thing in democracy. It is known that if you do not have money you cannot become a leader in democracy. Imagining the best brain in a village becoming a president of country like Nigeria, never, he must have money or a political god-father that will turn him into a puppet.

How many are those who wanted to contest in elections, procure forms and spent money but lost at the end of the day? Losers are usually very many in a democracy and that is what often leads to do-or-die posture of those who venture into democracy. People have sold their personal belongings in order to contest in an election; and they often lose.<sup>4</sup>

Running a democratic government is also wasteful because there are many leaders at different capacities therefore there are many looters. The 'national cake' syndrome in Nigeria has come to stay. Even the official payment for political office holders can make one shudder,

<sup>1</sup> Visit any Nigerian Legislative Assembly, National or State and confirm for yourself.

<sup>2</sup> As was witnessed in the National Assembly elections that were supposed to be held 2nd March, 2011.

<sup>3</sup> Rigging in an election is a normal thing in democracy; and there is no democracy – be it US or UK – where rigging does not take place it is only that the so-called advanced countries do their own in an advanced manner and the less-developed countries like Nigeria does its own in a less-advanced manner like snatching ballot boxes, branding guns at voters, scaring voters away, etc. An all-time example of election rigging in the Western world was the Watergate issue in the US.

<sup>4</sup> Those losers often cite Abraham Lincoln as an example; they say he contested more than twenty times before he finally became a president of the United States of America. That is nothing but satanic whispering to mislead his folks.

and the payment is not based on educational qualifications. The President of Nigeria who may be a mere leaving school certificate holder – as their Constitution says<sup>1</sup> – earn millions in a week. It is never believed that a mere Local Government Councilor can become poor again after winning an election and sworn in. no wonder people – including some faceless Muslims – want to kill themselves so as to share in the 'national cake.'

Islam forbids wastefulness; Allâh ﷻ says:

﴿ إِنَّ الْمُبْدِرِينَ كَانُوا إِخْوَانَ الشَّيْطَانِ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا ﴾

**Verily, spendthrifts are brothers of *Shayatîn* (devils), and Shaitân (Satan) is ever ungrateful to his Lord. [Al-Isrâ: 27].**

Al-Imâm Al-Bukhârî recorded<sup>2</sup> on the authority of Abdullâh bn Abbâs ؓ that the Messenger of Allâh ﷺ said:

«نِعْمَتَانِ مَعْبُودُونَ فِيهِمَا كَثِيرٌ مِنَ النَّاسِ الصَّحَّةُ وَالْفَرَاغُ».

'Two favours are misused by most of the people: good health and leisure time.'

Al-Imâm At-Tirmidhî recorded on the authority of Abu Bar'zah ؓ that the Messenger of Allâh ﷺ said:

«لَا تَزُولُ قَدَمُ ابْنِ آدَمَ يَوْمَ الْقِيَامَةِ حَتَّى يُسْأَلَ عَنْ عُمُرِهِ فِيْمَ أَقْتَاهُ وَعَنْ شَبَابِهِ فِيْمَ أَبْلَاهُ وَمَالِهِ مِنْ أَيْنَ اكْتَسَبَهُ وَفِيمَ أَنْفَقَهُ وَمَاذَا عَمِلَ فِيْمَا عَلِمَ».

'The heels of the son of Adam will not move on the Day of Resurrection until he shall be asked with respect to his lifetime on what he finished it, his youthfulness on what he spent it, his wealth where he got it and where he spent it and what he did with respect to his knowledge (about Islâm).'<sup>3</sup>

The hadith above is worth pondering over.

## Display of Pictures

Electioneering in democracy makes picture taking binding. Voters are usually compelled to take snapshots when they want to register as voters; also contestants for elective posts have to post their photographs around on handbills and billboards for people to see. It is impossible that a person will ask to be voted for without displaying himself. He has to display himself on papers and make frivolous self-praising comments and promises.

<sup>1</sup> See S. 131 (d).

<sup>2</sup> (5/2307).

<sup>3</sup> *Sunan At-Tirmidhî* (4/612), Ash-Shaykh Al-Albâni authenticated in *Sahîh At-Tirmidhî* (2/290).

Taking pictures of live objects is *haram* in Islam. It is a trite statement that Islam is a religion of no image and statue.<sup>1</sup>

Al-Imâm Al-Bukhârî recorded<sup>2</sup> on the authority of Abdullâh bin Mas'uud ؓ that the Messenger of Allâh ﷺ said:

«إِنَّ أَشَدَّ النَّاسِ عَذَابًا عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ الْمُصَوِّرُونَ.»

'Verily the people with severest punishment on the Day of Resurrection are the picture-makers.'

Al-Bukhârî also recorded,<sup>3</sup> the Messenger of Allâh ﷺ:

«مَنْ صَوَّرَ صُورَةً فِي الدُّنْيَا كُفِّ بِهَا يَوْمَ الْقِيَامَةِ أَنْ يَنْفُخَ فِيهَا الرُّوحَ وَلَيْسَ بِنَافِخٍ.»

'Whoever makes a picture in this life, the picture will be forced on him on the Day of Resurrection, he will be asked to blow life into it and he will not be able to do so.'

The Messenger of Allâh ﷺ warned that angels will not enter any house that has pictures and dogs in it:

«لَا تَدْخُلُ الْمَلَائِكَةُ بَيْتًا فِيهِ كَلْبٌ وَلَا تَصَاوِيرٌ.»

'Angels enter not a house that has a dog or pictures in it.'

There is a doubt usually cast on the purport of the *Ahâdîth* cited above; some do say that the *Ahâdîth* have to do with pictures that have shades (that is, three-dimensional pictures such as human statues). This is false because there are some narrations that make it clear that pictures, whether they have shades or not, are all forbidden. A singular proof to quash that doubt was the incident of Conquest of Makkah when the Prophet ﷺ entered into Ka'bah, he saw some pictures on the wall, he then called for a bowl of water and began to wash saying: 'May Allâh curse a people who make pictures of what they cannot create.'<sup>4</sup>

Another doubt is that some people say, the *Ahâdîth* are only threatening those who make pictures not those they are made for.

Ash-Shaykh Abdul-Azîz bn Bâz – may Allâh bestow mercy on him – answered that by saying<sup>5</sup>: '...the evidences that have come cursing the picture-makers and that threaten them with fire

<sup>1</sup> A Muslim artist can only make pictures of non-living things (in the normal sense) as rocks, oceans, trees, vehicles, houses, pathways, etc. as indicated in the comment of Ibn Abbaas (may Allâh be pleased with him) on one of the *Ahâdîth* forbidding picture-making. [See Al-Bukhârî: 5/2225].

<sup>2</sup> (5/2220)

<sup>3</sup> (5/2223)

<sup>4</sup> *Musnad At-Tayâlisî* (no: 623); Ash-Shaykh Al-Albâni authenticated it in *Sahîh Al-Jâmi* (2/791).

<sup>5</sup> As cited by the author of *Al-Adillah Ash-Shar'iyah* p.110.

in the hereafter also affect the person that puts himself forward to be snapped.' The Shaykh then cited the Verse below as the proof of what he said:

﴿وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّىٰ يَخُوضُوا فِي حَدِيثٍ غَيْرِهِ إِذًا مَثَلُهُمْ إِنَّا﴾  
﴿اللَّهُ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا﴾

**And it has already been revealed to you in the Book (this Qur'ân) that when you hear the Verses of Allâh being denied and mocked at, then sit not with them, until they engage in a talk other than that; (but if you stayed with them) certainly in that case you would be like them. Surely, Allâh will collect the hypocrites and disbelievers all together in Hell [Nisâ: 140].**

Another doubt being cast around picture-making by those who operate in democracy among the Muslims is that they do claim that elections can be viewed from the perspective of an Hajj exercise which requires that a traveler who wants to travel from another country to the Kingdom of Saudi Arabia will have to take a picture.

A person that passes a verdict like this is but suffering from an illusion. The basis of such verdict is falsehood because Hajj is a legislated act in the religion of Islam – even it is an obligatory act – while elections are forbidden, so how can one equate between a forbidden act and an obligatory act?

### **Women going out to register for elections or to cast ballots**

What Allâh ﷻ said in the Qur'ân is that women should remain in their houses; He the Mighty said:

﴿وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ﴾

**And stay (O women) in your houses, and do not display yourselves like that of the times of ignorance. [Ahzâb: 33]**

Al-Hâfidh Ibn Hajar said the meaning of that is that they should remain in their houses, they should not leave them except for dire needs like going to the mosque, visiting relatives, going to ease herself (if the house does not have a toilet facility) among other reasons.<sup>1</sup>

Going out to register for election or to cast ballot is a not a dire need (*daruurah*) for a Muslim woman such that if she does not do so she will be greatly affected in her religion. Whoever says otherwise should come up with proofs; and never will he be able!

<sup>1</sup> All that with the leave of her husband.

Making campaigns that Muslim women should go and register their names<sup>1</sup> or cast ballot is nothing but a campaign towards corrupting the Muslim women. The men involved in the act should fear Allâh ﷻ and not spoil the Muslim women.

The Messenger of Allâh ﷺ said:

«كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ... وَالرَّجُلُ رَاعٍ فِي أَهْلِهِ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ...»

'Each of you is a shepherd and you shall be questioned as to your flock... a man is a shepherd with regard to his family and shall be questioned as to his flock...'<sup>2</sup>

Therefore, Muslim men should fear Allâh ﷻ and not mislead their women.

An-Nâsîh Al-Amîn Ash-Shaykh Yahyâ Al-Hâjuri – may Allâh preserve him,<sup>3</sup> summarized the evils of elections as follows: 'Elections are from the democratic system which comes to oppose the Laws of Allâh, the truth; election is an act of emulating the *Kuffâr* while emulating the *Kuffâr* is not permissible. Elections have many evils; there is no benefit nor goodness in it for the Muslims.'<sup>4</sup>

'Among its major evils are the following: Equating the truth with falsehood, truth-bearer with falsehood-bearer based on the majority view. So also is its misplacing the sense of friendship and enmity in Islâm, dividing the Muslims, causing enmity, anger, factionalism and fanaticism among them. So also are deception, deceit, swindle, falsehood, waste of time and wealth, destroying the modesty in women and puncturing the trustworthy ones as regard the Sciences of the Shariah, Islam and the scholars.'<sup>5</sup>

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<sup>1</sup> An instance of that was witnessed recently in Nigeria where all the citizens were hoodwinked into registering their names for the forthcoming elections; some Muslim men were greatly fooled that they sent their women out too for registration! It was a very sad scenario such that some of the Muslim women – in their traditional Islamic garb (*viz* the *Jalbâb* and *Niqâb*) were cited sitting by the roadside (where one of the registration centres was situated) lying waste for hours to be snapped by cameras prepared for the registration exercise. May Allâh save the Muslims from losing all their sense. The voters lists have been displayed, pictures of those Muslim women are displayed alongside!

<sup>2</sup> A part of hadith recorded by Al-Bukhâri on the authority of Abdullâh bn Umar (1/304).

<sup>3</sup> The supervising scholar at Dârul-Hadîth, Dammâj, Yemen – may Allâh preserve the city from onslaught of the enemy.

<sup>4</sup> May Allâh reward the Shaykh for this truth.

<sup>5</sup> These Muslim democrats who have the privilege of using the Friday pulpits should refrain from misuse of the pulpits such as using them to covertly or overtly campaign for democracy. If the mosques of Allâh are to be freed from announcing lost items in them, then democracy which is an act of Kufr is better saved from the mosque. [See *I'lâm Al-Masâjid* of Ash-Shaykh Abu Bakr Abdur-Razzâq bn Sâlih An-Nahmee pp. 16-23].

## Fourth Section

### Doubts Regarding Democracy and Answers to Them

Those who have wanted to sell democracy to the Muslims at all cost often come up with some doubts with which they use to confuse some unsuspecting Muslims. The author of *Al-Adillah Ash-Shar'iyah*, Ash-Shaykh Hasan bn Al-Qâsim Al-Hasaniyy, brought some of those doubts and explained them one after the other in the light of proofs from the Book of Allâh and the Sunnah of His Messenger ﷺ.

Before we reproduce some of those doubts and answers to them, it is imperative to state here that some people will always try to find proofs<sup>1</sup> for their falsehood in the Book of Allâh the Sunnah of His Messenger ﷺ, therefore it should not be surprising if a gay who is a Muslim brings a proof for his evil act in the Qur'ân. Allâh the Mighty talks about such people:

﴿هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ وَابْتِغَاءَ تَأْوِيلِهِ وَمَا يَعْلَمُ تَأْوِيلَهُ إِلَّا اللَّهُ وَالرَّاسِخُونَ فِي الْعِلْمِ يَقُولُونَ ءَامَنَّا بِهِ كُلٌّ مِنْ عِنْدِ رَبِّنَا وَمَا يَذَّكَّرُ إِلَّا أُولُو الْأَلْبَابِ﴾

**It is He Who has sent down to you (Muhammad) the Book (this Qur'ân). In it are Verses that are entirely clear, they are the Foundations of the Book;<sup>2</sup> and others not entirely clear. So as for those in whose hearts there is a deviation (from the truth) they follow that which is not entirely clear thereof, seeking *Al-Fitnah* (polytheism and trials, etc.), and seeking for its hidden meanings, but none knows its hidden meanings save Allâh. And those who are firmly grounded in knowledge say: "We believe In it; the whole of it (clear and unclear verses) are from Our Lord." And none receive admonition except men of understanding.**

[Aal-'Imrân: 7]

Al-Bukhârî and Muslim reported on the authority of Aaisha that when the Messenger of Allâh ﷺ recited the Verse he said:

﴿إِذَا رَأَيْتَ الَّذِينَ يَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ فَأُولَئِكَ الَّذِينَ سَمَى اللَّهُ فَاحْذَرُوهُمْ﴾.

<sup>1</sup> There is a popular saying among people involved in Islamic knowledge that every caller to innovations will try to find proofs for his innovations in the Qur'ân and Sunnah, but they will always fail.

<sup>2</sup> And those are the Verses of *Al-Ahkâm* (commandments, etc.), *Al-Farâ'id* (obligatory duties) and *Al-Hudud* (legal laws for the punishment of thieves, adulterers, etc.). Muhsin Khan.

'When you see those who follow that which is not entirely clear thereof, those are the ones Allâh has mentioned, be wary of them.'<sup>1</sup>

Ibn Jarîr At-Tabarî said: 'This Verse even though it was revealed about the people of *Shirk*, it also refers to all those who introduce innovations into the Deen of Allâh; those whose hearts incline to innovations ...'<sup>2</sup>

Al-Imâm An-Nawawi said: 'There is in the hadith (of Aisha above) a warning as regard mixing with the people of deviation, people of Bid'ah and those who follow issues to cause confusions. As for a person who seeks to know with humility, there is no problem in answering him; as for he who belongs to the first category, he should not be answered, he should be warned against and punished<sup>3</sup> just as Umar bn Al-Khattâb reprimanded Subaygh bn Asal when he was asking after the Verses that are not entirely clear in the Book of Allâh. Allâh knows best.'<sup>4</sup>

Ash-Shaykh Bakr bn Abdillâh Abu Zayd – may Allâh be merciful to him – said: 'People who cause doubts (are so called because) they mix truth with falsehood and they cause confusions to the masses.'<sup>5</sup> They are out of Sunnah by the virtue of the sickness of their destructive doubts.'<sup>6</sup>

### Now the doubts and answers to them:

**Doubt Number One:** They say elections are like *Shûrah*<sup>7</sup> which Allâh enjoins the Muslims upon in His Statement:



### ...and who (conduct) their affairs by mutual consultation [Shûrah: 38]

<sup>1</sup> Al-Bukhârî (4/1655); Muslim (4/2053).

<sup>2</sup> Mentioned in *Al-Adillah Ash-Shar'iyah* p.127.

<sup>3</sup> By the leader of the Muslims in an Islamic Community.

<sup>4</sup> Ibid. p.128

<sup>5</sup> Like a figure that recently declared in a public gathering before a group of Muslims that allowing the lower garment be at the middle of the leg (*nisf-sâq* as it is called) does not befit a Nigerian environment; he said such an exhibition of Sunnah discourages people from accepting Islam. He also said growing girls wearing the *Niqâb* falls within extreme acts in the religion of Islam. That is an instance of compromises which many Sunnah-claiming Muslims are making today. Well they should be told that it is Allâh that guides whomever He wishes to His Deen.

That is an example of how Muslims are faced with doubts with regard to their Deen. Indeed our present state is such that a Muslim should be careful of whom he listens to. Al-Imâm Al-Bar'bahârî said in *Shar'hus-Sunnah*: 'Be very careful of those that live in your time, especially. Watch those whom you sit with and from whom you hear and accompany. Verily the people are as if they have apostatized except whom Allâh saves among them.' [See *Shar'hus-Sunnah* (with commentary of Ash-Shaykh Fauzân) p.383]

<sup>6</sup> Ibid. p.129.

<sup>7</sup> Which some of them even refer to as *Shuraocracy* as a subsidiary of democracy. Evil is the terminology they have come with!

None of the people of knowledge has ever explained the meaning of *Shûrah* to mean the form of democratic elections as we have it today. The difference between the Islamic institution of *Shûrah* and that of elections can be shown in the following ways:

Number one is that elections emanate from democracy while the source of *Shûrah* is the Book of Allâh and the Sunnah of His Messenger ﷺ.

Elections are based on the view of the majority which may be constituted by the worst of the creatures while *Shûrah* is constituted by those who are entitled to making opinions due to their knowledge and piety in the Deen; Allâh ﷻ said about such people:

﴿ وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوِ الْخَوْفِ أَذَاعُوا بِهِ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَىٰ أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنبِطُونَهُ مِنْهُمْ وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ لَاتَّبَعْتُمُ الشَّيْطَانَ إِلَّا قَلِيلًا ﴾

**When there comes to them some matter touching (public) safety or fear, they make it known (among the people), if only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly). Had it not been for the Grace and Mercy of Allâh upon you, you would have followed Shaitân, save a few of you. [An-Nisâ: 83]**

'The proper investigators' are those who constitute the *Shûrah* in Islâm.

Furthermore, to prove that the majority view might not hold water in Islam, the following instances might be good to ponder on:

The Prophet ﷺ shaving his head at Hudaibiyyah even when all his Companions did not want to do so. It was a singular advice of Umm Salamah that changed the course of event.

The act of Abu Bakr sending Usâmah bn Zayd as the commander of a Muslim army marching to fight the Romans. The majority of the Muslims opposed Abu Bakr saying somebody else could have led the army. But Abu Bakr went ahead.

So also was the act of Abu Bakr fighting those who apostatized after the death of the Prophet ﷺ. Many Muslims did not view the fight as Abu Bakr viewed it.

Another big difference between the Islamic *Shûrah* and that of democratic elections is that, the latter came to obliterate the *Shariah* by making permissible what is forbidden in the Deen and vice versa. The *Shûrah* of Islam can never make forbidden what Islâm has permitted neither can it make permissible what Islam has forbidden.

Under this is the popular report that AbdurRahman bn Auf included the general people of Madeenah including men and women in the selection process of Uthmân bn Affân as against Alee bn Abee Tâlib. The report has been variously reported; some saying he actually involved

the general people of Madeenah some saying he did not. The report that says he involved the general people of Madeenah have been found to be very weak hence it cannot be relied on.<sup>1</sup>

**Doubt Number Two:** The claim that they are in democracy to command what is good and forbid what is evil. They often cite this Verse as a proof:

﴿وَلَتَكُنَّ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾

**Let there arise out of you a group of people inviting to All that is good (Islâm), enjoining *Al-Ma'rûf* (i.e. Islâmic Monotheism and all that Islâm orders one to do) and forbidding *Al-Munkar* (polytheism and disbelief and all that Islâm has forbidden). And it is they who are the successful. [Aal-'Imrân: 104]**

How possible when participation in democracy itself is evil? The best way to warn from an evil is not by participating in the same evil one wants to warn of. In Islamic Salafi Da'wah Methodology<sup>2</sup>, the Machiavellian 'the end justifies the means' has no place; both the end and the means must be in accordance with the precepts of the Deen.

So those who think they want to change the societal ills through participation in democracy should know that it is a goal they can never realize because democracy is one of the evils bedeviling the world today.

If one may ask, what system has given the gays and the lesbians freedom today? What system has allowed the prostitutes to have their way? What has allowed for widespread of liquors? What has made gambling a norm? What has made belief in satanism a good way of life? What?! What?! What?! If not democracy!

Wrote Ash-Shaykh Salîm Al-Hilâlî in *Ath-Thabaat Alaa Al-Islâm*<sup>3</sup>: 'Professor Muhammad Qutb<sup>4</sup> Qutb<sup>4</sup> said: '...we debate these hasty scholars those who think they can move the Islamic action forward by entering into this path (of democracy) that has no limits, and that via the path they will be able to achieve this desired goal (of enthroning Islamic governance)...We say to such people: Making use of this path is a play that leads nowhere before...Assuming we attained an Islamic parliament hundred percent such that each member calls for the enthronement of the Shariah, what can this parliament do without the Islamic Basis that

<sup>1</sup> See *Al-Adillah Ash-Sha'riyyah* [pp.150-152].

<sup>2</sup> The correct methodology of calling to Islâm which the Prophet ﷺ and those after him among his Companions and those after them were upon. May Allâh make the Muslims come back to this Methodology.

<sup>3</sup> Pp. 49-50.

<sup>4</sup> Even though he is one of the arrowheads of the Ikhwâni thought, which seeks to rubbish the methodology of the Salaf in propagating Islam, in this century. Ash-Shaykh Salîm Al-Hilâlî brought his statement here from his (Muhammad Qutb's) book, *Waaqiu'na-l-Muaasir*, as a discovery of one of those who promote the Ikhwâni thought. It was cited from the perspective of this Verse: '...and a witness of her household bore witness...' [Yûsuf: 26]. Muhammad Qutb (may Allâh rectify him and us) is a younger brother of Sayyid Qutb (may Allâh pardon him) the developer of the Ikhwâni thought after the demise of Hasan Al-Bana (may Allâh pardon him), the founder.

supports the establishment of the Islamic Rule and which ensures its being in place even afterwards?'

**Doubt Number Three:** Their statement that democracy is a matter of juristic exercise.<sup>1</sup> The implication of the statement is that some of the scholars of the Deen might have given verdicts with respect to the permissibility of partaking in the democratic processes. They often say such scholars permit participating in democracy based on the balance of the public benefit (*Al-Mas'lahah*) over the public disadvantage (*Al-Mafsadah*) and using a lesser harm to ward off a bigger harm.<sup>2</sup>

Reply<sup>3</sup>: What we worship Allâh with as regard our noble scholars is love and respect as due; we regard any attack on them as an attack on what they bear as a methodology; attacking the scholars<sup>4</sup> is the way of people of deviation and innovations.

In spite of the above however, we do not believe that each of the scholars is immune from errors rather we say any of them can fall into errors and with that he will be rewarded as the Prophet ﷺ had said.<sup>5</sup>

It often occurs that many of the people of desires do pose questions to scholars while they want the latter answer them the way they have wanted. We have known from our noble scholars via their books and tapes the fact that they decry the innovated acts of forming parties. We have also known from them that they do warn from differing and disunity (among the Muslims) while they also forbid the womenfolk from displaying themselves about; they do forbid snapping of pictures especially those of women. We have known them as people who hold as forbidden taking judgement to other than Allâh. All what of we have stated only result from elections; if all these evils were made clear to the scholars when they are being asked about questions on such topics as participating elections, what we expect from them is that they will warn from participating in it.

Added to the above, it should be known that the real people of Sunnah – the Salafees – will not ape any specific person except the Messenger of Allâh ﷺ; this is what all the scholars of Sunnah – old and present – have often enjoined; that the proof is in following the Book of Allâh, the Sunnah of His Messenger of Allâh ﷺ and the Consensus of the Salaf of this Ummah.

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<sup>1</sup> This is the last doubt that made some 'core' Ahlu-Sunnah brethren become democrats in their final sojourn in Sunnah. We hope if this doubt is quashed, *Insha Allâh*, they will have a rethink. It is Allâh alone that guides to that which is right.

<sup>2</sup> Which is the Islamic juristic principle known as *daf'u ad-darar al-akbar bi-darar al-asgar*.

<sup>3</sup> As given by Ash-Shaykh Hasan bn Qaasimi Al-Hasanee in *Al-Adillah Ash-Shar'iyah*.

<sup>4</sup> Which is systematically becoming a vogue today via the influence of the Ikhwâni Da'wah as foisted on the Jamâ'ât that borrow a leaf from their methodology. Aforetime has the Ikhwânis been saying that Islam is a religion of no clergy. Yes Islâm has no 'clergy,' as understood in Christendom but Islâm has scholars which it describes as the inheritors of the prophets. Ikhwâni Da'wah only wants to paint a picture of everybody having a say in the Deen. No everybody does not have a say in the Deen it is those who have knowledge of it that have a say.

<sup>5</sup> A hadith recorded in Sahîh Al-Bukhârî and Muslim on the authority of Amr bn Al-Aas (may Allâh be pleased with both the father and son).

Therefore when the statement of a scholar contradicts what the texts (which include the Consensus) of the *Shariah* indicate, such statement will not be considered.<sup>1</sup>

We feel it is necessary that we bring a sample of such verdicts<sup>2</sup> wherein one of the noble scholars was said to have permitted participating in elections; that is the *fatwa* of Ash-Shaykh Al-Imâm Muhadith Al-Asr, Muhammad Nâsirudeen Al-Albâni, may Allâh bestow mercy on him, which he gave two days before the famous Algerian General Elections of 1992 which the Islamic Salvation Front was acclaimed to have won.

It was a fax message to the leaders of the group who knowingly withheld from asking the Shaykh whether they should be voted for or not even after their three years into active partisan politics; it was when it remained two days to the elections that they 'pressurized' Ash-Shaykh Al-Albâni into arming them with a *fatwa*. Below is an excerpt from the verdict of the Shaykh:<sup>3</sup>

'In the Name of Allâh the Most Compassionate the Most Beneficent: 'Verily all praise is due to Allâh...

'Question One: What is the ruling on taking part in elections which we want to use to establish an Islamic state and the righteous caliphacy?

'Answer: The best the Muslims can be in their countries today is that they should seek to raise the flag of *Lâ'ilâha illâ Allâh* and that governance should be upon what Allâh has revealed, and from what there is no doubt is that all the Muslims – according to their capacity – should strive to establish the Islamic state which will rule according to the Book of Allâh and the Sunnah of His Messenger ﷺ and upon the Methodology of the Pious Predecessors, and what is certain as will be known by a Muslim researcher is that that goal cannot be achieved except through beneficial knowledge and good deeds beginning of which a group of the scholars should rise up to two very important phenomena:

[Then the Shaykh went on to elaborate on importance of Tawhîd, freeing the books of Islam from unauthentic narrations and enlightening the Muslims on those facts].

'So also they should know that the Prophet ﷺ began the establishment of the Muslim State by calling to Islam and warning from false deities...thus whoever wants to truly establish an Islamic State should not break the Muslims into factions and should not merge them upon differences of thoughts and training as is the lot of many of the Islamic Parties that are known today; rather their thoughts must be made one so also their different understanding,

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<sup>1</sup> As earlier indicated, the comments have been from the author of *Al-Adillah Ash-Shar'iyah*.

<sup>2</sup> There are similar verdicts being circulated around especially the ones from Ash-Shaykh bn Bâz and Ash-Shaykh Al-Uthaymin, the flagbearers of Sunnah in the century. We hope the answer to the one we have brought from Ash-Shaykh Al-Albâni will solve the issue since it seems more portent. Allâh be pleased with all our dead scholars.

<sup>3</sup> As it appears in *Madaarikun-Nazhar* of Ash-Shaykh Abdul-Malik Ramadaanee pp.361-366.

upon the correct Islam – the Book of Allâh, the Sunnah and upon the methodology of the Salaf<sup>1</sup> as earlier indicated...

'Whoever swerves from this methodology as regard establishment of an Islamic state and follows the ways of the *Kuffâr*<sup>2</sup> in doing so, he is like a person who seeks refuge in scorching heat from fire! He is mistaking, if not to say he is sinning because he opposes the guidance of the Messenger of Allâh ﷺ and has not taken him as a model...

'Second Question: What is the ruling of the Shariah on helping, aiding those who have things to do with matter referred to earlier – elections?

'Answer: In this time, we shall not advise any of our Muslim brothers to nominate himself as a representative in the parliament where the laws of Allâh are not applied even if what is stated in the constitution (of such countries) is: 'The religion of the state is Islâm'<sup>3</sup> because such a declaration – as it has been found out – is meant to drug the minds of the members of the parliament (that might be Muslims) because that cannot change anything in the constitution that opposes the Shariah...because of that we do not advise anyone to nominate himself in an election but I do not see what prevents the Muslims from voting for Muslim candidates – in the many political parties with different ideologies – when there are candidates that might be injurious to Islâm; thus we advise – if the condition is like this – that all the Muslims should vote for only the Muslim candidates and whoever is closer to the correct knowledge-based methodology which has been earlier explained.

'This is my view even though my belief is that this voting cannot actualize the desired goal as we explained earlier on; and I say this from the perspective of reducing the harm, or from the perspective preventing a bigger harm with a lesser harm, as the jurists say it.'

[The Shaykh went on to answer three other questions relating to the topic one of which is the issue of women going out for elections; the Shaykh said a similar thing like he said above.]

From all the statement of the Shaykh what interested the Muslim democrats is the statement: **'...but I do not see what prevents the Muslims from voting for Muslim candidates – in the many political parties with different ideologies – when there are candidates that might be injurious to Islâm; thus we advise – if the condition is like this – that all the Muslims should vote for only the Muslim candidates and whoever is closer to the correct knowledge-based methodology which has been earlier explained.'**

They celebrated it and they quoted and sent it about saying Ash-Shaykh Al-Albâni permitted voting in elections.

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<sup>1</sup> That is the only way the Muslim societies can be rectified any other methods such as democracy will fail.

<sup>2</sup> As democracy clearly is.

<sup>3</sup> That is even where the majority are Muslims and where the constitution seems to recognize Islâm what about Nigeria where its Constitution is held to be secular.

Ash-Shaykh Abdul-Mâlik Ramadaanee adequately dealt their lie a blow as thus:<sup>1</sup>

'Some *hizbees*<sup>2</sup> have got busied with the statement of Ash-Shaykh claiming that he views the permissibility of entering into parliaments and elections while what I have narrated from the Shaykh here is among the most elaborate statements<sup>3</sup> from the Shaykh negating participating in elections...I say verily the Shaykh is of the opinion that it is forbidden<sup>4</sup> to enter into parliament and what precedes it which are elections based on two proofs which he mentioned here and they are:

'That it is an innovation (in the Deen)... and that it is an emulation of the unbelievers...<sup>5</sup>

'These two matters do mean that the Shaykh did not see elections as being forbidden due to harm of the time and place which might have necessitated a change through a benefit of the time and place; nay! The Shaykh saw it forbidden in itself; take note. It will not be hidden from you that the Shaykh saw the elections being permissible for the rest of the Muslims – including their women; the Shaykh said this in situation wherein the Islamists were hell-bent on entering into parliament.<sup>6</sup> Therefore since they would not do otherwise<sup>7</sup> – even in the face of the verdicts of the People of Knowledge – the Shaykh then opined that there was no way other Muslims would not vote for a closer party to Islam from the perspective of preventing a bigger harm with a lesser harm...the Shaykh has equally said to this first and other groups: 'If your heads dominate you and you accept to be the sacrificial lambs then other Muslims should select from these parties which among them is closer to Islam not because they will bring goodness but from the perspective of reducing their evil.' This is the opinion of the Shaykh; this should be known.'

Ash-Shaykh Ramadaanee also said: 'It has come in the tape of *Silisilah Huda wa Nur* (no 1/352) that a questioner asked Ash-Shaykh Al-Albâni:

'We heard that you said – O Shaykh – that it is permissible (that is, going into democratic politics) but upon conditions?

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<sup>1</sup> See the footnotes of *Madaarikun-Nazhar* pp.366-369.

<sup>2</sup> Those who fight for their group's ideologies as it is in *Jamâ'ât* today.

<sup>3</sup> It is scholars that understand other scholars better. The fellow that said he can understand all what scholars say – even with his very shaky Arabic foundation – should now see that it takes one to be a scholar or a capable student-of-knowledge (who is not steeped in fighting for a group's ideology) to understand the statements of scholars. We hope he will now understand.

<sup>4</sup> If Shaykh Al-Albâni viewed otherwise he would have said no while he was writing a praise for the book as it appeared on pages 8-9 of the book. The Shaykh said about the book: '...I found my soul in need of reading it and every time I read an issue in it, I gave my soul a reason to be satisfied with it, as I continued reading it until I read it all then I saw it – in truth – best of its kind...'

<sup>5</sup> Whoever says otherwise should provide proofs for his claims.

<sup>6</sup> This is similar to search for verdicts which some people in the *Jamâ'ât* engage in today; they look for a statement within a large comment of a scholar that can justify what they are upon in their falsehood and they began to spread it about; 'so-and-so Shaykh said we can do *Jamâ'ah*!' you can see our *Message to the Intelligent* for refutation of such claims.

<sup>7</sup> Due to their weakness of Faith.

'The Shaykh answered: 'No! It is not permissible! The conditions – even if they are in place – they will be regarded as views not what could be walked with. Can you recall those conditions that you were told I gave?

'The questioner said: the first condition: That the person should guard his soul well.'

The Shaykh said: 'Is that possible?'

The questioner replied: 'I have not put that into practice.'

The Shaykh then said: 'Allâh willing, you will not be able to put it into practice; those conditions cannot be met. We know of many people who have good standing in their living (as Muslims), at least, in their appearance...their clothing...their beard, (but) when they entered the parliament (Government House, the Senate or House of Representatives as the case may be in Nigeria here) but all of a sudden their known appearance disappeared and changed...we know of a people who entered the parliament with Islamic and Arab outfits but after some few days they changed their clothing...'<sup>1</sup>

'The questioner still asked: Shaykh, I mean the brethren in Algeria;<sup>2</sup> their action and entry into the field of politics.

The Shaykh replied: 'We do not advise; we do not give such advice as to participating in politics these days, in any Muslim country.'<sup>3</sup>

**Doubt Number Four:** The Muslims in democracy often say they enter into democracy from the perspective of the Juristic Principle that says 'taking the lesser of two harms and lesser of two evils.'<sup>4</sup>

The doubt can be answered by saying in the Shariah, 'means share in the ruling of the goals.'<sup>5</sup> Therefore under the Shariah, it is not permissible to emulate Allâh (in any of His Attributes) such as lawmaking by placing some men who make laws that oppose Allâh's laws which is the case in democracy. So if this is not permissible, it is equally not permissible to make use of any means that can lead to making laws that oppose Allâh's Laws.

Democracy is hence not a lesser evil because the harm in partaking in its processes is harmful for both the individual and the society. No evil is greater than when the Book of

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<sup>1</sup> There are some Muslims too today who flood the streets with their posters which contained their bearded portraits.

<sup>2</sup> And what eventually occurred in Algeria after the 1992 elections? The rest is history. Wonderful that Ash-Shaykh Al-Albâni said when he was told of the initial victory of the Front in the elections: 'Foam of soap (or a similar expression)' (see *Madaarikun-Nazhar* p.356) meaning that it was a victory that would not last. Therefore any victory those Muslims in democratic politics might achieve cannot be anything but 'foam of soap.' Like the victory some ill-guided Muslims are celebrating in one of the South-West states of Nigeria.

<sup>3</sup> It is only a person with a disease in his heart that will still say Ash-Shaykh Al-Albâni permitted participating in democratic politics.

<sup>4</sup> *Al-Akhdu bi'akhaffid-Dararayn wa adnal-mafsadatayn.*

<sup>5</sup> That is, *Lil'wasaail hukm al-maqaasid.*

Allâh and the Sunnah of His Messenger ﷺ are put aside and the democratic laws rated over them while the Muslims who partake in it look on.

True as the principle might be, can we however say that partaking in democracy is what can sufficiently remove the harm that has befallen the Muslims? Nothing can remove the harm that might befall the Muslims except by returning to Allâh; not by making use of what is itself forbidden.<sup>1</sup>

The application of the principle in usage is that, the lesser evil will be made use of just one time when there is a dire necessity<sup>2</sup> which is treated as so. But today, those who partake in democracy see it as a permanent necessity. Since all the years, there seems no way out of democracy for them.

Another point is that it is Allâh that possesses His Deen; He guards over it; we cannot make decrees for Him. What is imperative on us is that we follow His decrees by following His Commands – do's and don'ts.

Entering into democracy is nothing but obeying the Christians and the Jews.

**Doubt Number Five:** The act of Prophet Yûsuf ﷺ taking up a job under a *Kâfir*.

The Muslim democrats often come up with the doubt to justify their act of asking for leadership positions via elections.

Answer to that however is to ask them whether the Shariah of those before us is our own Shariah? And is Yusuf's job under a *Kâfir* like their entering into democracy?

Ash-Shaykh As-Sa'dee – may Allâh be merciful to him - said: Yusuf's taking up job under a *Kâfir* was not out of his craving for leadership rather a wish from him to benefit the generality of the people. He knew what he possessed of the capability, trustworthiness and protection which the other people did not know about him. This was why he asked the king to make him the guard over land treasures.<sup>3</sup>

Yûsuf ﷺ asked for the post because it was Yûsuf, a prophet of Allâh, who had the capability, trustworthiness and protection to do that. Do you, O Muslim democrats, possess such capability, trustworthiness and protection to ask for this big task?

Also we may ask them: Did Yûsuf ﷺ make concessions as you people make them in democracy today?

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<sup>1</sup> This is further treated under the section on the way out; below.

<sup>2</sup> *Haajatun shadeedah* or *daruurah* as it is called.

<sup>3</sup> *Tayseer Al-Kareem Ar-Rahmân* (2/422) as quoted in *Al-Adillah Ash-Shar'yyah* p.181.

Some of the scholars have mentioned a situation when it may be permissible to put oneself forward for the post of leadership. They say like when a ruler in place dies and there is nobody else that can take care of the affairs such that if the person does not put himself forward there will be a lot of corruption on the land. At that point, the person that comes to power via that means will be regarded as coming to power without craving for it.<sup>1</sup>

**Doubt Number Six:** Their statement, 'a democratic government is better than a dictatorship.'

We will answer them by saying it is not imperative on us that we take the demonistic democracy while we run away from dictatorship because all are the same; they are both anti-Islamic principles. What can only replace both is clean Islâm.

So also is their statement that democracy has been forced on us; that there is no way out from partaking in it. The simple answer to that is Allâh's statement:

﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا﴾

'...and whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty)...' [At-Talaaq: 3]

## Fifth Section

### The Ruling on Whoever Takes Part in Democracy

To pass down a clear-cut ruling of *Kufr*<sup>2</sup> on whoever calls to democracy or participates in it<sup>3</sup> is not an easy task; it requires a bit of meekness coupled with explanation.

Shaykhul-Islâm Ibn Taymiyyah – may Allâh be merciful to him – said: 'A general declaration of *Kufr* of an act is to be treated as a general warning. As for placing down a judgement on a specific person that he is a *Kâfir* or that Fire has been assured for him, before such can take place, there must be a specific proof (that will be used against the person in his face)<sup>4</sup>; the ruling will then be based on the authenticity of the conditions (for such declaration) and factors negating<sup>5</sup>... It is none's prerogative to declare another person a *Kâfir*, even if he were to make a mistake; he must not be declared a *Kâfir* until the proof is established against him

<sup>1</sup> See *Fat'hul-Bâri* (13/135).

<sup>2</sup> This is one of what distinguishes the Salafee scholars and their students from the *Takfeerees* (the Khawaarij of the time as Ash-Shaykh Al-Albâni once referred to them), those who rush to declare the rulers and the individual Muslims as *Kuffâr* due to a sin they might have committed, sins such as ruling by other than Allâh's Laws.

<sup>3</sup> This also has to do with the rulers who seem not to rule with what Allâh has revealed.

<sup>4</sup> This is called *Iqaamatul-hujjah* – 'establishing the proof.'

<sup>5</sup> That is, *shuruut wa mawaani'u*.

and proven. Whoever's faith has been established with certainty cannot be removed with doubt except after establishing the proof against him and the doubt (of his not being a *Kâfir*) removed.<sup>1</sup>

Al-Imâm Ash-Shaukâni – may Allâh be merciful to him – said: 'Know that the ruling over a Muslim that he is out of the Deen of Islâm; or that he is into *Kufr* is not something which a Muslim who believes in Allâh and the Last Day can venture into except with proof clearer than the sun in a daylight.

'It has various come authentically from the Messenger of Allâh ﷺ that he said: Whoever says to his brother: O *Kâfir*, then one of them will be entitled to it.'

'In another version, he ﷺ said: 'Whoever alludes *Kufr* to a (Muslim) man or says he is an enemy of Allâh – while he is not so – such will boomerang on the former...'

'In the *Ahâdîth* above, and the ones similar, there is a big warning and great exhortation as regard refraining from rushing to declare people as *Kuffâr*. Allâh said (a person that can be declared a *Kâfir* is ): '**...but such as open their breasts to disbelief...**' [An-Nahl: 107]. That indicates that a person that can be declared a *Kâfir* must have opened his breast to disbelief also with his mind resting on it and the soul reposing in it.<sup>2</sup>

'Therefore, there is no consideration for those acts that occur in person that indicate disbelief especially if they are done out of ignorance.<sup>3</sup> There is also no consideration for an act of *Kufr* with which the person guilty of it has not intended to leave Islam. Also there is no consideration for an accidental statement which a Muslim might make which indicates *Kufr* if he does not intend its meaning.<sup>4</sup>

The commentator on Aqeedah At-Tahâwiyah – Ibn Abil-Izz Al-Hanafî - wrote:<sup>5</sup>

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴾

**"And Whosoever does not judge by what Allâh has revealed, such are the *Kâfirûn*.  
[Maidah:44]**

'In this Noble Verse, there is the fact that making judgement with other than what Allâh has revealed is an act of *Kufr*; this act of *Kufr* can be regarded as an act of *Kufr* that takes one out

<sup>1</sup> *Majmuu'l-Fatawa* (12/498-501) as cited in *Al-Adillah Ash-Shar'iyah* (p.196).

<sup>2</sup> Ash-Shaykh Al-Albâni – may Allâh bestow mercy on him – differentiated between *Kufr 'Amalee* (*Kufr* in deed, which does not take one of Islam) and *Kufr I'tiqâdee* (*Kufr* in heart which takes one out of Islam) with respect to law-making and ruling by other than Allâh's Laws, in a verdict of his as brought in Al-As'ilah Ash-Shâmiyyah compiled by Ash-Shaykh Aliyy bn Hasan Al-Halabi (pp.66-68).

<sup>3</sup> 'Not every person that is found with a *Kufr* act is guilty of *Kufr*' as it is said.

<sup>4</sup> *As-Sayl Al-Jaraar* (4/578) as cited in *Al-Adillah Ash-Shar'iyah* (p.197).

<sup>5</sup> *Shar'h At-Tahâwiyah* (pp.363-364) as cited in *Kitâb Tauheed* of Ash-Shaykh Fauzân p.48.

of the Deen at a time, and at another time, as an act of *Kufr* of a lesser degree, which does not take one out of the Deen. That will be due to the condition of the person who uses such laws; if he feels that judging with what Allâh has revealed is not obligatory or that he can make a choice or berates the laws of Allâh and believes that other man-made laws and system<sup>1</sup> are better than the laws of Allâh, that the Shariah is not suitable for this present time<sup>2</sup>, or that he judges with other than Allâh's laws to seek the pleasure of the *Kuffâr* and the hypocrites then such constitute an act of bigger *Kufr*.

'But if he believes that it is obligatory to rule with Allâh's laws, put in a given case he turns away from it while he knows that that act of his can earn him punishment (from Allâh), such a person will be regarded as a sinner and he will be called a *Kâfir* but in a lesser sense. But if he is ignorant as to the ruling of Allâh over a matter but makes his utmost to know the ruling but makes a mistake yet, such a person will be regarded as a slipper, he will have the reward of a jurist (who makes a mistake); his mistake will be forgiven.'<sup>3</sup>

Thus there is no gainsaying the fact that democracy is *Kufr* (and *Shir'k*); said Ash-Shaykh Yahyâ Al-Hajuri in *Al-Mubâdi'u Al-Mufeedah* p.29: 'If you were asked: What is the ruling on democracy? Say: It is a bigger act of *Shirk* (polytheism). The proof is Allâh's Statement: "**The command (or the judgement) is for none but Allâh... [Yûsuf: 40]**"; and His Statement: '**...and He makes none to share in His decision and His rule... [Kahf: 26]**.'

Said Ash-Shaykh Fauzân: 'Whoever accepts any law (such as democracy) beside the laws of Allâh has indeed committed *Shirk* with regard to Allâh the Mighty. And whatever Allâh and His Messenger ﷺ have not legislated as acts of worship are regarded as innovations...whatever Allâh and His Messenger ﷺ have not legislated as regard politics and making judgement between the people is rule of *Tâghût* and rule of *Jâhiliyyah*...'<sup>4</sup>

The conclusion from the foregoing is that even though belief – whether by calling to it or by participation - in democracy is *Kufr*, that is the general statement, but applying that judgement to every person (among the Muslims) that partakes in it requires rigorous enlightening of every individual. Even a work like this cannot be regarded as a proof against every Muslim partaker in democracy and elections; it is the work of the more qualified persons – the scholars of the Deen.<sup>5</sup>

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<sup>1</sup> An example of which is democracy.

<sup>2</sup> That *Shariah* better works in the Medieval Period!

<sup>3</sup> Very unfortunate that a fellow who used to teach a group of students this book, *Kitâb Tauheed* of Ash-Shaykh Fauzân did not take heed from this aspect of the book. He is one of those who promote the laws of the *Kufr* today. O Allâh make us not among those who say what they do not put into practice and put into action what they have not been commanded.

<sup>4</sup> *Kitaabu-Tauheed* p.51.

<sup>5</sup> This compiler is compelled to say that it is Allâh the All-Wise that knows better.

Be as it may however, warning Muslims from democracy must go on; its evil must be sounded to the people's hearing until they take heed. It is a duty that we owe one another as Muslims.

## Sixth Section

### A Brief Look at the Islamic Political System

Lest the readers should think Islâm does not have its own system of administration, a topic like this becomes imperative.

Islam does not in any way preach the separation of the state from religion rather it says one of what could make a good state is the religion.

One of the Commands of Allâh is that trusts should be rendered to those who are entitled to them; Allâh said in His Noble Book:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾﴾

**Verily! Allâh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allâh) gives you! Truly, Allâh is ever All-Hearer, All-Seer. [Nisâ: 58-59].**

**O you who believe! Obey Allâh and obey the Messenger (Muhammad), and those of you (Muslims) who are In authority. (and) if you differ In anything amongst yourselves, refer it to Allâh and his Messenger, if you believe In Allâh and in the Last Day. That is better and more suitable for final determination.**

Scholars of the Deen say the first Verse was revealed as regard the rulers; that they should render the trusts to those who are entitled to them among the subjects and that when they judge between people, they should do so with justice. As for the second Verse, it was revealed as regard the subjects that they should obey those who are in the position of authority except when the former command of what is evil. And that when they dispute over

a matter however, they should refer it to the Book of Allâh and the Sunnah of the Messenger of Allâh ﷺ.<sup>1</sup>

Obedience to the rulers is what the Messenger of Allâh ﷺ had enjoined on the Muslims; he said, as reported by Abu Hurairah from him:

«إِنَّ اللَّهَ يَرْضَى لَكُمْ ثَلَاثًا وَيَسْخَطُ لَكُمْ ثَلَاثًا يَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا وَأَنْ تُنَاصِحُوا مَنْ  
وَلَّاهُ اللَّهُ أُمُورَكُمْ وَيَسْخَطُ لَكُمْ قِيلَ وَقَالَ وَإِضَاعَةَ الْمَالِ وَكَثْرَةَ السُّؤَالِ.»

'Verily Allâh is pleased with three things for you and displeased with three: He is pleased with you worshipping Him and not ascribing any partners unto Him, and that you should hold to the rope of Allâh together by not disuniting; and that you should be committed to those whom Allâh has entrusted your affairs. Allâh is displeased with hearsays for you so also waste of wealth and asking too much questions.'<sup>2</sup>

### **Appointment of the Ameerul-Mu'mineen (Commander-of-the-believers)<sup>3</sup>**

That the Muslims State should have a leader is a *Far'd kafaai* (communal obligation) of all the Muslims living in that state. When the Muslim state does not have a ruler, the fault lies on all and most especially on those qualified to appoint a leader for the community, the People of *Aqd* and *Hal*.<sup>4</sup> Those people often possess the qualities of fairness and equity, fear of Allâh, knowledge as regard the *Deen* and as regard who is entitled to the post of the leadership, among other qualities.

As for the leader to be appointed, he should also possess similar qualities which include the soundness of his sense organs such as the sight, hearing, taste and others, so also is the fact that he should be free from physical disability such as loss of one or some of his limbs. The ruler should possess the leadership skills required of a leader; he therefore should not be an ignoramus about the affairs of the religion of Islâm and skills of administration.

The Muslim leader should also be brave and intrepid which ensure his ability to stand up in the face of unusual happenings. The Muslim ruler, ruling over the vast Muslim state, should be from the Quraysh Tribe;<sup>5</sup> that is what the texts of the *Shariah* have stipulated which the Consensus of the Ummah has come to agree over.

The Muslim leader can be appointed in one of these two ways: By the People of *Aqd* and *Hal*; the basis for that was the act of the Messenger of Allâh ﷺ and that of Umar bn Al-Khattâb,

<sup>1</sup> *As-Siyâsah Ash-Shar'iyah* p.4

<sup>2</sup> Reported by Ahmad (2/327); Al-Imâm Muslim also reported the hadith except the last part (1715).

<sup>3</sup> This aspect of the work downwards are derived from *Al-Ahkaam As-Sultaaniyyah* of Al-Imâm Al-Maawar'di.

<sup>4</sup> That is, the *Shuurah* – the Consultative Panel.

<sup>5</sup> *Sahîh Al-Bukhârî* (3239).

the second Khalifah. The second way is through the statement of the leader when he is in office. A leader so appointed in any of these ways<sup>1</sup> is a ruler that the rest of the Muslim must pay allegiance to.<sup>2</sup>

In the Muslim State, there cannot be two commanders-of-the-believers at a time. The rule is that when a commander-of-the-believers has been appointed whoever disputes that by declaring himself another commander-of-the-believers should be put to sword.

However, the fact that there cannot be two commanders-of-the-believers at a time in the Muslim state does not mean there are not other subsidiary leaders. Other leaders, whose authority is derived from the authority of the commander-of-the-believers include ministers in charge of government parastatals on the lead of whom there can be a *Wazeer*<sup>3</sup> (vizier) who often acts as the deputy of the commander-of-the-believers.

Other leaders include heads of cities and regions who are each called an *Ameer* (commander) or *Wali* (governor).

The Chief Justice, head of the army, head of the border guards, head of land tax collectors, head of Zakkah collectors, judge of a town or region are other people who possess power and authority in an Islamic State.

All other leaders, as stated, derive their authority from the commander-of-the-believers at the centre therefore they must be loyal to him after being loyal to Allâh and His Messenger ﷺ. Therefore, their appointment derives force from the commander-of-the-believers. It is pertinent to state here that those other leaders should also possess the likes of the qualities possessed by the commander-of-the-believers. In other words, they should also fit to be the commander-of-the-believers themselves.

For instance, *Umarâ* (plural of *Ameer*) of cities and regions, are often directly appointed by the commander-of-the-believers or by his *Wazeer* who himself derives his own authority from the commander-of-the-believers. It is the *Ameer* of each region that ensures safety of lives and properties in their respective regions. They work in collaboration with other functionaries in the government to maintain law and order.

As another instance, judges to be appointed by the State must each possess the following qualities; they must be males, they must possess the requisite knowledge of the *Shariah* that

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<sup>1</sup> Scholars have equally said when a Muslim leader comes to power through the back door like carrying out a regicide (which is a reprehensible act in Islam), obedience must be paid to him. And as a rule, a leader cannot be fought to be removed except when a clear-cut act of *Kufr* is seen in him (as stated in an authentic hadith from the Prophet); and upon the condition that those seeking to remove him have the wherewithal otherwise they should be patient until Allâh brings a way out.

<sup>2</sup> For details on principles guiding making oath of allegiance to the leaders in Islâm, Dr Khâlid Al-Anbâri's *Bay'ahtul-Hukkaam* is a good read in this area.

<sup>3</sup> The *Wazeer* can be functional or titular. The Functional Vizier (*Wazeer Tafweed*) has some real power in governance unlike Titular Vizier (*Wazeer Tanfeedh*) who merely acts as a link between the commander-of-the-believers and the subjects.

will make them act in their capacity as judges; such requisite knowledge include the adequate knowledge of the Qur'ân and Sunnah and other sources from which the rulings are derived.

Thus there is no gainsaying the fact that Islam ensures good governance. Ibn Taymiyyah said<sup>1</sup>: 'It must be known that taking care of the affairs of the people is among what is obligatory in the Deen; in fact the Deen and the world cannot be except through that, this is because the children of Adam cannot have the completion of their benefits except when they gather to take care of one another's needs, and when they so gather they must have a leader...this is because Allâh makes commanding what is good and forbidding what is evil mandatory and that cannot be achieved except with power and authority this is why it is reported: 'The Sultân (ruler) is Allâh's shade on earth;' it is also said: 'Sixty years under an unjust ruler is better than a night without a ruler;' that has been proved by practice. This is why some of the Salaf like Al-Fudayl bn Iyâd and Ahmad bn Hanbal<sup>2</sup>, among others, used to say: 'If I have a supplication that can be granted, I will make it for the ruler...'

### Offences and their Punishments<sup>3</sup>

*Hudud* (singular *hadd*, literal meaning "limit", or "restriction") is the word often used in Islamic literature for the bounds of acceptable behaviour and the punishments for serious crimes. In the Islamic law usually refers to the class of punishments that are fixed for certain crimes that are considered to be Rights of Allâh. They include theft, fornication, consumption of alcohol, and apostasy.

Also punishments in the Shariah are meant to serve as a deterrent. Criminals are not just punished for the fun of it. For instance, Allâh said as regard when those guilty of *Zinâ* are being punished:

﴿وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ﴾

'...and let a party of the believers witness their punishment.' [Nûr: 2].

### Capital Punishments

<sup>1</sup> In *As-Siyaasah Ash-Shar'iyyah* pp.176-178 as cited in *Madaarikun-Nazhar* pp. 177-178.

<sup>2</sup> Al-Imâm Ahmad warned as regarding staging rebellions against the Muslim rulers; he said in *Usuulus-Sunnah*: 'Hearing and obeying is mandatory towards the rulers and the Commander-of-the-believers, whether just and unjust, and to whoever assumes the caliphate whom the people rally round with pleasure, or whoever assumes it via the sword after which he becomes a caliph and named Commander-of-the-believers.' [See *Shar'h Usuulis-Sunnah* of Ash-Shaykh Rabee bn Haadi Umayr Al-Mad'khalee p.51.]

<sup>3</sup>This part downwards has been adapted from the author's *Administration of Justice under the Shariah* p.74-85.

Among the *Hudud*, there are those who entail taking the life of the accused person when found guilty. Among those offences are the following, and the methods of implementing the punishments.

### **Adultery (*Zina*) [when married people are involved]**

*Zina* in Islam is extramarital sex and premarital sex. Islamic law prescribes punishments for Muslim men and women for the act of *Zina*.

Islamic Law considers this prohibition to be for the protection of men and women and for the respect of marriage.

Islamic Law prescribes stoning as the punishment for adultery committed by a married person, while the punishment for an unmarried adulterer is one hundred lashes or being exiled for a year. The source for the punishment of an unmarried adulterer is the Quran, while the sources for the punishment of the married adulterer is found in the *Ahadith*.

### **Apostasy (*Ar-Riddah*)**

Apostasy in Islam (*irtidād* or *ridda*) is commonly defined as the rejection in word or deed of Islam by a person who was previously an adherent.

Apostasy is among the crimes that can lead to taking of a Muslim life. It is regarded as a treasonable offence for a Muslim after accepting Allâh as his Lord and Muhammad as his Prophet then forsake both. It is regarded as an act of rebellion. Just as worldly kings will not accept that any of their subjects reject them in their kingdom so also does Allâh not allow anybody having affirmed His Oneness to forsake Him in His Kingdom.

The rule on apostasy is rooted in the fact that Islam is a religion of a state, this is why it is only under an Islamic state that the judgment of apostasy can be executed, and it has some conditions among which is asking the person to repent from his crime.

The Prophet ﷺ criminalized turning away from Islam by saying, on the authority of Ibn Abbaas:

«مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ».

Whoever changes his religion (Islam), then kill him<sup>1</sup>

### ***Al-Hirābah* (Highway Banditry)**

*Hirābah* is an Arabic word for 'piracy', or 'unlawful warfare'. *Hirabah* comes from the root *hariba*, which means 'to become angry and enraged'. The noun *harb* (pl. *hurub*) means 'war' and/or 'enemy.' One who commits *hirābah* would be a *hirābi*.

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<sup>1</sup> Sahîh Bukhârî (2794)

The Qur'an commands strict punishment for those who spread disorder in land. As it is in the Qur'an:

﴿ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴾

**The recompense of those who wage war against Allâh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter. [Mâidah: 33].**

### **Qatl (Murder)**

Homicide is among the crimes that can make one be killed under the *Shariah* except if the family opts for *Diyyah* (blood money). Generally it is prohibited to take the life of another whether a Muslim or a non-Muslim. Even an accidental killing under the *Shariah* does not make the culprit go scot free because people may always claim accident after a deliberate act of murder.

Allâh prohibits murder in the Qur'ân by saying:

﴿ مُمَّنًا خَطَا فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسْلَمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَتْ مِنْ قَوْمٍ عَدُوِّكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَتْ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسْلَمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴾

**It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood money, i.e *Diya*) be given to the deceased's family, unless they remit it. If the deceased belonged to a people at war with you and he was a believer; the freeing of a believing slave (is prescribed), and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood money - *Diya*) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever AllKnowing, AllWise. [Nisâ: 92]**

### **Khuruuj ala Wulât (rebellion)**

Many scholars regard this as part of *Hirâbah*, it is only treated here separately to show the commitment of Islam to ensuring law and order in the society.

It is among the cardinal principles of Islâmic rulership that leaders should be obeyed even in the face of oppression. Several narrations from the Messenger of Allâh have enjoined on a Muslim to listen to those who are in position of authority in the interest of peace and stability.

It is often said that being under a bad leadership is better than not being under a ruler at all. Thus a Muslim community will be held sinful if they would stay for a night without a leadership.

Therefore if rising against a bad leadership is prohibited, rising a good one is more prohibited, thus the stiff punishment of rebels is justifiable, and to serve as a deterrent to others.

### Corporal Punishments

This involves when accused persons are flogged. It may come as part of the *Hudud* or *Ta'zir* (the discretion of the judge).

### Fornication (*Zina*) [when unmarried people are involved]

The punishment for this kind of crime is different from when married people are involved as it was earlier explained.

The punishment of flogging the adulterers according to the Qur'an is noted in Soorah 24 (An-Núr), Verse 2:

﴿الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُم بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ



The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allâh, if you believe in Allâh and the Last Day. And let a party of the believers witness their punishment. (This punishment is for unmarried persons guilty of the above crime but if married persons commit it, the punishment is to stone them to death, according to Allâh's Law).

### False Accusation of *Zina* (*Qadhf*)

As the Shariah has come to save guard the honour of people, it frowns on some crimes that will be tantamount to tarnishing people's image. Thus mere acts of backbiting Muslims have been prohibited under the Shariah so also is slandering them.

Therefore among the serious offences that one can commit in an Islamic Community and which will attract a serious punishment (flogging) is slandering the chaste Muslim women (and men) of *Zina*. This is what is known as *al-Qadhf*.

The punishment for *al-Qadhf* is eighty lashes as Allâh has stated:

﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴿٤﴾ إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ﴾

**And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever, they indeed are the *Fâsiqûn* (liars, rebellious, disobedient to Allâh). Except those who repent thereafter and do righteous deeds, (for such) verily, Allâh is Oft-Forgiving, Most Merciful.**

So the slanderer has to repent from his act even after the judgement is executed against him before his further testimony can be accepted.

And when *Qadhf* involves a husband and his wife what will set in is what is known as *Li'aan* (mutual cursing), verses 7 and 8 of the Soorah criminalizing *Qadhf* (as it has come above) indicates that:

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ فَشَهَدُوا أَحَدَهُمْ أَزْوَاجَهُمْ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ ﴿٦﴾ وَالْخَمِيْسَةَ أَنْ لَعْنَتَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ ﴿٧﴾ وَيَدْرَأُ عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعُ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ ﴿٨﴾ وَالْخَمِيْسَةَ أَنْ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ﴾

**And for those who accuse their wives, but have no witnesses except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allâh that he is one of those who speak the truth. And the fifth (testimony) (should be) the invoking of the Curse of Allâh on him if he be of those who tell a lie (against her). But it shall avert the punishment (of stoning to death) from her, if she bears witness four times by Allâh, that he (her husband) is telling a lie. And the fifth (testimony) should be that the Wrath of Allâh be upon her if he (her husband) speaks the truth.**

And the principle is that the couples involved in a *Li'ân* are going to be separated forever because of the inherent incompatibility that has existed between both.

The bottom line of the principle of *Qadhf* is that it has come to protect the woman in Islam. This is one of the means by which Islam gives honour to Muslim women.

### **Stealing (*Sariqah*)**

The *Aayah* that criminalizes stealing is in Soorah *Mâidah* Verse 38:

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾

**Cut off the hand of the thief, male or female, as a recompense for that which they committed, a punishment by way of example from Allâh. And Allâh is All-Powerful, All-Wise.**

The Verse spells out the punishment in a method characteristic of Qur'ânic rhetoric. What is known however is that stealing is prohibited under the Shariah and it constitutes one of the crimes which attract serious punishment in life.

The Verse indicates that the hand should be cut off. That is the generalization of the Qur'ân; the *Sunnah* has limited that to the wrist. So also the *Sunnah* has come down with what level of property will be stolen that will warrant cutting of the hands. The motive behind the stealing is very important.

And it has been argued that when the economy of an Islamic Community is good through proper administration of *Zakah*, which is given by the rich to the poor, case of stealing will reduce if not absolutely removed.

### **Shurbul-Khamr (Taking Intoxicants)**

An example of crime whose punishment has come under the *Shariah* is *Shurbul-Khamr* (taking intoxicants, drugs etc.). Though the Qur'ân and *Sunnah* are explicit in saying that *Khamr*, among other acts, is prohibited Allaah says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾

**O you who believe! Intoxicants (all kinds of alcoholic drinks), gambling, *Al-Ansâb*, and *Al-Azlâm* (arrows for seeking luck or decision) are an abomination of *Shaitân's* (Satan) handiwork. So avoid (strictly all) that (abomination) in order that you may be successful.  
[Mâidah: 95]**

As for the punishment, there is no stated one. However it was reported that the Prophet ordered a drinker to be flogged in an unspecified way.

Abu Bakr too flogged anybody guilty of drunkenness so also were those who came after him among the successors and the later rulers.

### **Ta'âzir (other discretionary punishments)**

In Islamic Law, *Ta'zir* refers to punishment, usually corporal, that can be administered at the discretion of the judge, as opposed to the *hudud*, the punishments for certain offences that are fixed by the Qur'an or *Hadith*. Traditionally, *Ta'zir* punishments could be applied to offences for which no punishment is specified in the Qur'an. They could also be applied to *hadd* offences in situations where the standards of proof required for *hudud* punishments

could not be met. Examples of such include kissing a lad or a strange woman, taking blood or eating dead meat, etc.

### **Conclusion:**

The foregoing has been the bedrock of the political system of Islam with which many good leaders had emerged starting from the Prophet of Islam himself down to his successors (Abu Bakr, Umar, Uthmân and Alee) through the people like Umar bn Abdul-Aziz whose style of leadership remains unsurpassed by those who came after him.<sup>1</sup>

That is the kind of governance desired by Islam not the like of the present-day politics which not participating in it is a way of ensuring safety for oneself and a way of bringing about the desired Islamic system of administration.<sup>2</sup>

## **Seventh Section**

### **What is the way out?**

It should be borne in mind that the pathetic state of the Muslims today is due to nothing but what their hands have set forth.

Allâh ﷻ said:

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<sup>1</sup> At this point it is worth mentioning the effort of the leadership of the Kingdom of Saudi Arabia in striving to implement the laws of Allâh in their country. There is no doubt that the Kingdom remains the only county in the world where the *Shariah* of Allâh is to a greater extent applied. The positive effect of this is not hidden from those who have sight; the Kingdom remains the only country in the world where there is real peace and security. May Allâh save the Kingdom from the evil machinations of its detractors. See *Ad-Durar As-Saniyyah* for the praise of the contemporary scholars of the Sunnah on the Kingdom.

<sup>2</sup> As stated by Ash-Shaykh Mash'hur bn Hasan Aal Salmân in *As-Salafiyah Lattii Yuuridu-haa As-Salafiyyun* p.34.

﴿ وَمَا أَصَابَكُمْ مِنْ مُصِيبَةٍ فِيمَا كَسَبَتْ أَيْدِيكُمْ وَيَعْفُوا عَنْ كَثِيرٍ ﴾

And whatever of misfortune befalls you, it is because of what your hands have earned. And He pardons much. [Ash-Shûrah: 30]

Allâh ﷻ also said:

﴿ ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ ﴾

Evil (sins and disobedience of Allâh, etc.) has appeared on land and sea because of what the hands of men have earned (by oppression and evil deeds, etc.), that Allâh may make them taste a part of that which they have done, in order that they may return (by repenting to Allâh, and begging his Pardon). [Ar-Rûm: 41]

Every time a slave abides by the laws of Allâh, the world will become beneficial to him and he will suffer no real harm. Allâh ﷻ said:

﴿ وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ ءَامَنُوا وَأَتَقُوا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِنَ السَّمَاءِ وَالْأَرْضِ وَلَٰكِن كَذَّبُوا فَأَخَذْنَاهُم بِمَا كَانُوا يَكْسِبُونَ ﴾

And if the people of the towns had believed and had the *Taqwâ* (piety), certainly, We should have opened for them blessings from the heaven and the earth, but they belied (the Messengers). So we took them (with punishment) for what they used to earn (polytheism and crimes, etc.). [Al-A'râf: 96].

When Muslims are deep in sins, they should expect nothing but the like of what is happening today. The Messenger of Allâh ﷺ said on the authority of Abdullâh bn Umar ؓ who said: The Messenger of Allâh ﷺ faced us and said:

«يَا مَعْشَرَ الْمُهَاجِرِينَ حَمْسٌ إِذَا ابْتَلَيْتُمْ بِهِنَّ وَأَعُوذُ بِاللَّهِ أَنْ تُدْرِكُوهُنَّ: لَمْ تَظْهَرْ الْفَاحِشَةُ فِي قَوْمٍ قَطُّ حَتَّى يُعْلِنُوا بِهَا إِلَّا فِشًا فِيهِمُ الطَّاعُونَ وَالْأَوْجَاعُ الَّتِي لَمْ تَكُنْ مَضَتْ فِي أَسْلَافِهِمُ الَّذِينَ مَضَوْا وَلَمْ يَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ إِلَّا أُحْدُوا بِالسِّنِينَ وَشِدَّةِ الْمُتُونَةِ وَحَوْرِ السُّلْطَانِ عَلَيْهِمْ وَلَمْ يَمْنَعُوا زَكَاةَ أَمْوَالِهِمْ إِلَّا مُنَعُوا الْقَطْرَ مِنَ السَّمَاءِ وَلَوْ لَا الْبِهَائِمُ لَمْ يُمَطَّرُوا وَلَمْ يَنْقُصُوا عَهْدَ اللَّهِ وَعَهْدَ رَسُولِهِ إِلَّا سَلَطَ اللَّهُ عَلَيْهِمْ عَدُوًّا مِنْ غَيْرِهِمْ فَأَحْدُوا بَعْضَ مَا فِي أَيْدِيهِمْ وَمَا لَمْ تَحْكَمْ أُمَّتَهُمْ بِكِتَابِ اللَّهِ وَيَتَحَيَّرُوا مِمَّا أَنْزَلَ اللَّهُ إِلَّا جَعَلَ اللَّهُ بِأَسْهُمٍ بَيْنَهُمْ».

'O Assembly of Muhâjirûn, there are five things when you are afflicted with them, I seek refuge in Allâh that they should befall you: Immodesty will not become rampant among a people such that they celebrate it except that Allâh make epidemic and agonies – whose like has not been in those who went before them - appear in them. They will also not reduce the scale and weight except that they will be touched with famine and lack of provisions and tyranny of rulers over them. They will also not stop from paying the Zakâh of their wealth except that rains will be withheld from them from the haven, if not for the beasts, they

would not see any rain. They will also not break Allâh's Covenant and the covenant of His Messenger except that Allâh will make an enemy from without to overpower them such that he will take some of their wealth from their hands. And their rulers will not fail to judge by the Book of Allâh such that they make choice of what Allâh has revealed except that Allâh will make their problem be from among themselves.<sup>1</sup>

It is apparent from the above quotes from the Book of Allâh and the Sunnah of His Messenger ﷺ that Muslims are in the present state due to what their hands have sent forth. Among the sins of the Muslims, as indicated in the last hadith, is ruling by other than Allâh's laws. Therefore solution to the Muslims' problems cannot be through a sinful act as ruling by other than Allâh's laws is.<sup>2</sup>

Thus there is no doubt that the Muslims are in state of weakness as the Messenger of Allâh ﷺ had foretold in the hadith of Thaubân ؓ:

«يُوشِكُ الْأُمَمُ أَنْ تَدَاعَى عَلَيْكُمْ كَمَا تَدَاعَى الْأَكَلَةُ إِلَى قَصْعِهَا فَقَالَ قَائِلٌ وَمِنْ قِلَّةٍ نَحْنُ يَوْمَئِذٍ قَالَ بَلْ أَنْتُمْ يَوْمَئِذٍ كَثِيرٌ وَلَكِنَّكُمْ غُفَاءَ كُفُوءِ السَّيْلِ وَلَيَنْزَعَنَّ اللَّهُ مِنْ صُدُورِ عَدُوِّكُمْ الْمَهَابَةَ مِنْكُمْ وَلَيَقْدِرَنَّ اللَّهُ فِي قُلُوبِكُمْ الْوَهْنَ فَقَالَ قَائِلٌ يَا رَسُولَ اللَّهِ وَمَا الْوَهْنُ قَالَ حُبُّ الدُّنْيَا وَكَرَاهِيَةُ الْمَوْتِ».

'The nations shall soon call out one another over you just as eaters call out one another over a meal.'

Someone said: 'Is it because of one few number that day?'

The Messenger of Allah ﷺ said: 'Nay you shall be many that day but you (will be like) float on the flood. Allâh shall verily remove from the hearts of your enemy respect due to you and He shall put weakness into your hearts.'

They said: 'O Messenger of Allâh, what will that weakness be like?'

He said: 'Love of the world and hatred for death.'<sup>3</sup>

Mentioning some of the lessons that could be derived from the hadith, Ash-Shaykh Salîm Al-Hilâlî – may Allâh preserve him – said<sup>4</sup>: 'The ingredient of the strength of the Ummah of Islam is not in its numerical strength, provisions (for war), horses and camels; its strength is rather in its Creed and Methodology because Islam is an Ummah of (authentic) creed and the bearer of Tauheed...

<sup>1</sup> The hadith was recorded by Ibn Mâjah (4019) and authenticated by Ash-Shaykh Al-Albâni in his commentary over the hadith. See Ash-Shaykh Ramadaanee's *Kaifa takuunu yuwallaa alaykum* p.23-24.

<sup>2</sup> Shaykh Ramadaanee's *Kaifa takuunu yuwallaa alaykum* can be a very useful material to be read on this area.

<sup>3</sup> Ash-Shaykh Salîm Al-Hilâlî said, in *Limaadha akhtar'tu manhajas-salafee*, it is authentic based on its various routes; the hadith was recorded by Abu Dâwud and Ibn Mâjah.

<sup>4</sup> In *Limaadha akhtar'tul-manhajas-salafee* pp.10-12.

'And that the Ummah of Islam has made the (fleeting thing of this) world its priority and foremost knowledge.<sup>1</sup> It is because of this they (the Muslims) hate death and love the life of this world. They have tasted the world and not prepared for the Hereafter.

'And that the nations of Kufr will not be able to uproot the Ummah of Islam even if they gather to do that from all the regions of the world – and they had once done that. They would not be able to uproot Islam as it has come clearly in the hadith of Thaubân رضي الله عنه wherein the Messenger of Allâh ﷺ said:

«إِنَّ اللَّهَ زَوَى لِي الْأَرْضَ فَرَأَيْتُ مَشَارِقَهَا وَمَغَارِبَهَا وَإِنَّ أُمَّتِي سَيَلُغُ مُلْكُهَا مَا زُوِيَ لِي مِنْهَا وَأَعْطَيْتُ الْكَثْرَيْنِ الْأَحْمَرَ وَالْأَبْيَضَ وَإِنِّي سَأَلْتُ رَبِّي لِأُمَّتِي أَنْ لَا يُهْلِكَهَا بَسَنَةٌ عَامَّةٌ وَأَنْ لَا يُسَلِّطَ عَلَيْهِمْ عَدُوًّا مِنْ سِوَى أَنْفُسِهِمْ فَيَسْتَبِيحَ بَيْضَتَهُمْ وَإِنَّ رَبِّي قَالَ يَا مُحَمَّدُ إِنِّي إِذَا قَضَيْتُ قَضَاءً فَإِنَّهُ لَا يَرُدُّ وَإِنِّي أَعْطَيْتُكَ لِأُمَّتِكَ أَنْ لَا أَهْلِكَهُمْ بَسَنَةٌ عَامَّةٌ وَأَنْ لَا أُسَلِّطَ عَلَيْهِمْ عَدُوًّا مِنْ سِوَى أَنْفُسِهِمْ يَسْتَبِيحُ بَيْضَتَهُمْ وَلَوْ اجْتَمَعَ عَلَيْهِمْ مَنْ يَأْقِطَارُهَا أَوْ قَالَ مَنْ يَبْنِي أَقْطَارَهَا حَتَّى يَكُونَ بَعْضُهُمْ يُهْلِكُ بَعْضًا وَيَسْبِي بَعْضُهُمْ بَعْضًا».

'Verily Allâh collected the land for me thus I could see its east and west. Verily my Ummah shall rule over what was collected before me (among the lands); and I have been given the two treasures – red and white.<sup>2</sup> I asked my Lord for my Ummah that it should not be destroyed by a total famine and that enemy from without should not overpower them by annihilation.

'My Lord said: 'O Muhammad, verily I have made a decree which cannot be overturned; I have granted it. I shall not destroy your Ummah with a total famine, and enemy from without will not overpower them by annihilation even if they were to gather from their regions rather it is they that will destroy one another, and hold one another as captives.<sup>3</sup>

Thus the way out is by having the fear of Allâh and returning to the Deen of Allâh; He ﷻ said:

﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا﴾

**'...and whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty)...' [At-Talaaq: 3]**

Fear of Allâh, without doubt, requires the following:

One: Beneficial knowledge.

Two: Good deeds which have a connection with the beneficial knowledge earlier mentioned which ends in returning to Islam with proper understanding.

<sup>1</sup> This underscores the materialistic tendencies of many Muslims today.

<sup>2</sup> Referring to the two thrones of the Emperors of Persia and Rome. It was Islam that saw to their end by the Mercy of Allâh.

<sup>3</sup> Muslims recorded it (no: 2889).

Al-Imâm Al-Bukhârî and Muslim recorded in their *Saheehayn* on the authority of Hudhayfah رضي الله عنه who said:

'People used to ask the Messenger of Allâh ﷺ about goodness but I used to ask him about evil fearing that it overtakes me. I once said: O Messenger of Allâh, indeed we were in (the period of) ignorance and evil but Allâh brought us this goodness (of Islam); but will there be evil after this goodness? He replied in affirmative. I said further: Will there be goodness after this evil? He replied in affirmative but said there will be smoke in it. I said: What will cause its smoke? He said: A people that will seek guidance in other than my guidance, you will approve of them and decry them (sometimes). I said: will there be evil after that goodness? He replied: Yes; callers on the doors of hell; whoever answers them, they will throw him inside. I said: O Messenger of Allâh, describe them to us. He said: They are from our skin and they speak our tongue. I said: What do you command me to do, if that time meets me (alive)? He replied: 'Stick to the Jamâ'ah<sup>1</sup> of the Muslims and their leader.' I said: 'What if they do not have Jamâ'ah and leader?' He said: 'Shun those other sects even if you were to hold to the root of a tree<sup>2</sup> until death shall meet you while you are in that state.'

Ash-Shaykh Safiyyur-Rahmaan said regarding the hadith above: 'The hadith gives us a good standpoint as to what is happening where we live; that it is not for the Muslims to implement such laws in their countries which are built on participating in electioneering processes as being championed by the political parties, what is imperative on them – if they are wise and leaders – is to implement the Book of Allâh and the Sunnah His Messenger ﷺ; that they would implement the Pure Shariah of Islâm without fear of whoever might criticize them...'<sup>3</sup>

That is the only path to correcting the malaise afflicting the Muslims: 'This path that we call people to is the clearest among the paths and the most self-sufficient and the most complete; on the authority of Al-Ir'bâdh bn Sâriyah who said the Messenger of Allâh ﷺ said:

«قَدْ تَرَكْتُكُمْ عَلَى الْبَيْضَاءِ لَيْلُهَا كَنَهَارِهَا لَا يَزِيغُ عَنْهَا بَعْدِي إِلَّا هَالِكٌ».

'I have left you on a white (path) whose might is like its day none swerves from it except the one that is doomed.'

<sup>1</sup> The Jama'ah intended here is not like as it is understood by the *Jamâ'ât* today; the Jamâ'ah is broader in view and underscored by what the Early Pious Generations of the Muslims were upon in terms of Creed, Methodology and Knowledge, etc.. The forms of the *Jamâ'ât* as we have them today has been declared to be innovated forms of groupings which Islam never known. [see *Minhaajud-Da'wah As-Salafiyyah* p.141 and *Al-As'ilah Al-Yamaaniyyah* p. 61]. Such groupings are the products of the fall of Ottoman Islamic Empire.

<sup>2</sup> The literal meaning of this wording was not intended by the Prophet ﷺ as some people have erroneously believed; what it implies is that the Truth which the Prophet ﷺ and his Companions were upon should be held to when the situation becomes like this. See *Limâdhâ akhtartu manhajas-Salafee* p.27.

<sup>3</sup> *Al-Ahzâb as-Siyâsiyah fee al-Islâm* (p.89) as quoted in *al-Adillah ash-Shar'iyyah* p.194

'When a person tries to complete the Shariah or strives to beautify with what the Messenger had not done nor his Companions, such will only lead the Muslims to different paths or valleys of destruction and this is what the Messenger of Allâh named: misguided innovation.'<sup>1</sup>

### **Golden Advice<sup>2</sup>**

A Muslim who seeks to know the truth should always avoid defending what is falsehood; he that defends the falsehood should know that it will not save him on the Day of Resurrection.

Also every Muslim should avoid forming a belief (in the Deen) before proofs come to him; this is tantamount to saying about Allâh what one does not know; every Muslim should always strive to know the truth at all times.

Every Muslim should also strive to take this knowledge of the Deen from its custodians – the scholars of Sunnah, those who put into action what they say. One should be careful of whom he takes knowledge from, Ibn Seereen said: 'This knowledge (of Islam) is Deen; each of you should watch whom he takes his knowledge from.'<sup>3</sup>

From the last point therefore, every Muslim should learn to be a seeker of knowledge.<sup>4</sup> This might be different from one individual to another but it should be known that certain aspects of the Islamic knowledge such as how one will worship Allâh without ascribing partners unto Him is an individual obligation. The Muslim Community should also strive to promote the learning of Qur'ân and Sunnah upon the understanding of the Pious Predecessors. The second-class or third-class level in which knowledge of Islam has been relegated should be revisited such that the study of the Qur'ân and Sunnah will be the most paramount thing which our kids first learn.

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<sup>1</sup> See *Sittu Durar Min Usul Ahlil-Athar* pp. 60-61.

<sup>2</sup> As stated in *Tanweer Adh-Dhulumaat* pp.257-264.

<sup>3</sup> See *Muqaddimah of Saheeh Muslim*.

<sup>4</sup> The slogan that 'all Muslims cannot be scholars,' as true as it might be, is discouraging for it makes every Muslim think he is among those who cannot be a scholar.

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