

Ruling by Kufr is Haraam

PART (I)

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The 'Muslim News' published in its March 28 1997 issue 95, page 4, in its 'Election Special' feature an article entitled: "Islam is not opposed to power-sharing" by Brother Azzam Tamimi. The article argues, in essence, that participating in Kufr governments and elections is perfectly permissible, even a duty for Muslims! Unfortunately Br. Tamimi could not accept that the other opposing point of view is based on respectable and considerable train of thought, rather he insisted to belittle it and its advocates. For example he said: **[Islamists, who treat the questions of democracy or power-sharing as matters of 'Aqidah (faith), usually have no specialised or adequate knowledge in the humanities, and are indoctrinated with some shallow Islamic literature]**. This is most unfortunate! The following discussion will clearly expose Br. Tamimi's point of view as the weakly founded and shallow one.

In the first four paragraphs or so Br. Tamimi summarises the position of Ayman Az-Zhawahiri, a leader of one of the Egyptian Jihaad movements, in his "Bitter Harvest" and the position of Hizb-ut-Tahreer. I do not have currently a copy of "The Bitter Harvest", but I am sufficiently familiar with Hizb-ut-Tahreer, its struggle, literature and thought, to describe Br. Tamimi's representation as essentially flawed and simplistic. Even historic facts are given inaccurately.

It is a matter of public record that Sheikh Ahmad Ad-Da'our, member of Hizb-ut-Tahreer, did NOT give, after his election to the Jordanian Parliament, the official oath of allegiance to the King of Jordan (Check the Jordanian Parliaments minutes and records for this). As a matter of fact he sat with late founder and leader of Hizb-ut-Tahreer Sheikh Taqi-ud-deen An-Nabhaani, may Allah be pleased with him, for hours, to devise an oath formula affirming allegiance to Allah, His Messenger, the Ummah and the Jordanian people and not contradicting the party's classification of the Jordanian regime as a Kufr regime.

Br. Tamimi's claim that: "Only Ad-Da'ur won because he entered into an arrangement with the Muslim Brotherhood" is not supported by historic evidence! Both Hizb-ut-Tahreer and the Muslim Brotherhood are Islaamic organisations. Co-operation and arrangements between them is their Islaamic duty. They should have been doing it all the time intensively. Unfortunately the Muslim Brotherhood preferred to treat their Muslim brethren as enemies to the extent that some researcher believe that the Muslim Brotherhood was more opposed to Hizb-ut-Tahreer than to the Communist Party! (see, for example, Prof. Riyadh Yusuf As-Subh's article series about "The Jordanian Islaamic political parties and their impact on society and politics", in the London based newspaper Al-Quds Al-Arabi, concluded in No. 2471, of Saturday/Sunday 19/20 April 1997, page 14). If this is true then we have to ask ourselves: Which kind of "Muslim Brotherhood" is this?!

Prior to those elections of the early fifties, in which Hizb-ut-Tahreer did participate, as well as prior to the elections of the late eighties, in which Hizb-ut-Tahreer did not participate, Hizb-ut-Tahreer issued communiqués in which its point of view about participating in elections of Kufr systems, like the Jordanian one, was elaborated and clarified. That basic theory was developed further in the Hizb-ut-Tahreer's magazine Al-Wa'i and other publications. Members of Hizb-ut-Tahreer and students in its circles developed and polished the theory further [see: Memorandum of Advice by a group of activists, intellectuals and scholars in Arabia; My book entitled: "Taa'at Uli-l-amr" (Obedience to the Ruler)]. We summarise it here for the benefit of the readers.

Elected bodies are either law making, that is making essential laws, or not. The non law-making bodies are essentially administrative (classical examples are: City and regional councils, school boards ..etc). They administer and manage within given "laws", enacted by a higher law-making authority (King and/or Parliament; Revolutionary Council; Military Junta, Cardinal Convent; Sanhedrin; Central Committee of the Ruling Party in one party dictatorship, ... etc). They do issue regulations and by-laws, which are administrative and procedural (That is regulating the how? when? with which means? .. etc) in nature, rarely enacting essential law (That is what is obligatory, permitted or forbidden; conditionals, causatives, exceptions, waivers, valid, invalid, void ..etc).

Since the basic Islaamic ruling about administrative and procedural regulations that they ALL are permitted in principle (unless a specific prohibition with its specific legitimate evidence can be shown), it should be clear that elections and membership in those bodies (city, county and regional councils; school boards; medical associations; ... etc), as well as administrative and management jobs and positions in general are basically permitted and not a problem. It is also not a problem, for example, to work in agricultural banks (like the Saudi Agricultural Bank) which are designed to give interest free loans, equipment, fertilisers, seeds for cash or instalment payments.

This does not mean, that in a Kufr domain problems rarely arise, they do arise frequently! For example a city council may have to regulate '**red light districts**' made legal by a higher law making authorities. A Muslim member of the city council will face that and other dilemmas. The same applies to the Muslim public servant in the domain of Kufr, if he is ordered to draft and execute an interest (Riba) loan contract. These problems arise, from time to time, in a Kufr or in an unjust corrupt system, but they are not the standard day to day basic situation: They are accidental and they are not an essential part of the job or functions definition. A Muslim should, for example, never be a party, witness or writer/drafter of a Riba contract, unless he is comfortable with inviting the Divine course invoked by the Messenger of Allah on Riba, its parties, its witnesses and its writer! He can never issue permits for prostitutes or other '**red light district**' businesses.

As a matter of fact the Messenger of Allah (PBUH) said, in a strong (Saheeh) Hadeeth, after warning of coming times of corrupt rulers: **(Should any one of you reach that time, do NOT be: 'Areef, Shurti, Jaabi, or Khaazin!)**, narrated by Ibn Hibbaan in his Saheeh.

(a) Shurti = Policeman or security service man. Obviously working in secret services is a compounded crime and even worse and more sinful.

(b) Khaazin: Literally Storage Keeper, mostly used in the meaning of Treasurer.

(c) Jaabi: Collector of state revenues. This even applies to Zakaat collection, but also to Kharaaj (land tax), customs and excises, and all other taxes.

(d) 'Areef: Most difficult to translate, literally "Recogniser". From other Hadeeth evidence we know that a 'Areef is some one who know the people in a village, city subsection or a sub-tribe, so he could report their opinion, marital status .. etc. This meaning is evidenced and explained by the following incident: After the battle of Hunain the Messenger of Allah decided to set his own prisoners of war of the defeated tribe of Hawaazin free and asked the people in congregation to do the same, possibly in return for a future re-imbursement. The masses shouted: Yes, we do the same, but the Messenger of Allah insisted: "Go to your camps! Your ('Areefs) will check with each of you one by one and report back to us, so that we know who is really satisfied or not".

This Hadeeth together with the numerous Qur'aanic and Prophetic injunctions against Kufr, oppression, injustice and their perpetuators and any support for, even 'inclination' or 'closeness' to, them are strong evidence of the prohibition of at least certain jobs and functions under Kufr and/or Zulm regimes, as Allah, blessed be His Names, says: **{Do not incline (or lean) towards the**

unjust one, else you would experience the touch of hell-fire, you will not find any protector besides Allah, nor shall you be helped or supported (Hood; 11:113). Some Islaamists argue even for complete abstaining from any public office under such regimes, but the above Hadeeth indicates otherwise, because it enumerates clearly four categories instead of saying, for example: "Do not work (or do not do any thing) for them!" More over Jihaad is a duty and called for under the command of even corrupt and oppressive rulers.

I therefore argue that in principle administrative functions (as public servant or as a member of such administrative bodies) is in principle permitted. We must in any case be alert to the above stated prohibition of certain functions and also ready to stand firm in any single conflict situation (usury contracts, 'red light district', licences for prostitution, quality certification for alcoholic beverages, and much, much more).

The discussion above was concerned ONLY with administrative function under Kufr (disbelief) and Zulm (oppressive) systems. The question of law-making (legislative) functions and court and tribunal rulings (judicial) function has not been yet addressed.

We must first clarify the different meanings and usages, in Qur'aan and Sunnah, of the word 'Hukm' best translated as 'Rule'. If we go through an indexed dictionary of the Qur'aan (see: Muhammad Fou'aad Abdul-Baqee's famous indexed dictionary) then we find the following usages:

(a) Ruling (mostly judicial ruling). The Judge is also termed Haakim (or Qaadi).

(a.1) Allah, blessed his names, has the sole Hukm in the day of Judgement as in: Ghaafir (40:48), Aal-Imraan (3:55), Az-Zumar (39:46), Al-Baqarah (2:113), An-Nisaa' (4:141), An-Nahl (16:124), and many more.

(a.2) In this world this function is performed by duly appointed officials (judges), to arbitrate and settle disputes. This is the most prominent usage of the Qur'aan and Sunnah like in Al-Maa'idah (5:42), An-Nisaa' (4:58), An-Nisaa' (4:105), Al-Anbiaa' (21:78), Saad (38:22), An-Nisaa' (4:60), Al-Maa'idah (5:44-50), Al-Baqarah (2:188) and many more. Most, but not all, these verses could and should be also understood in the sense of general "rule" and govern, even manage and administer i.e. applying certain laws and principle in managing public affairs!

(a.3) Ruling in the intellectual sense; Informed opinion; Judgement of an opinion or situation. Allah, blessed be His Names, condemns the practice of burying baby girls: ***{If one of them is informed about the birth of a baby girl his face darkens, and he is filled with inward grief! * Ashamed he***

hides himself from the people, because of the bad news he just received! Shall he retain it on sufferance and contempt, or bury it in the dust?! Oh how miserable they judge (rule)?!!} (An-Nahl 16:59); See also Yunus (10:36), As-Saaffaat (37:154), Al-Qalam (68:36,39), Al-An'aam (6:136) and many more.

(b) Law-Making. The word "Hukm" is used less frequently in this meaning in the Qur'aan. We have Allah, blessed be His Names, saying after prohibiting hunting while in the holy precincts and/or in the state of Ihraam: ***{ ... Allah commands (rules) what he wants}*** (Al-Maa'idah 5:1). We have also Al-Maa'idah (5:50), Al-Kahf (18:26), Yusuf (12:40) and Al-Mumtahinah (60:10), and some others. The word "Hukm" is used there in the meaning of commanding, ordering, or enacting a law. Normally the Qur'aan refers for such meanings of commanding and making laws to Allah being Lord (Rabb), Sovereign or King. The word "Amr" meaning command is more often used, like in: ***{.. indeed His is the Creation (Khalq) and the Command (Amr), blessed be Allah, the Lord of the universes}*** (Al-A'raaf 7:54). The term (Tashree') is also some times used. This Sovereignty or Law-Making power is the privilege of Allah alone according to the overwhelming evidence of Qur'aan, Sunnah and necessities of the reason, any belief to the contrary is necessarily **Shirk and Kufr**. The scholars of Usul-ul-Fiqh (principles of law derivation) have used the term Hukm to denote any specific legislation and Haakim as the lawmaker. All of them agree unanimously that Allah is the Haakim, not Humans nor Reason, nor anything else.

The "law making" process in Islaam is quite complex. We have:

(1) **Revelation:** The Divine revelation in Qur'aan and Sunnah, which is textual and concerned mainly, but not exclusively, with the details of "essential" laws.

(2) **Ijtihaad:** These textual references must be understood and applied to real concrete situations. So proper understanding of the texts and understanding of the reality and the essential ingredients of the situation is a necessary condition for 'extracting' the divine ruling for that specific situation. This process of extraction is called "Ijtihaad". Ijtihaad is both the **right** and **duty** of the Muslim Ummah. The Ummah is empowered, by Allah blessed be His Names, to perform Ijtihaad. It is a duty on the Ummah as an Ummah. It is "Fardh Kifaayah". For any new situation we face in life there is a Divine ruling, which we must find, else we betray the reason of our existence: To worship Allah, that is, love, respect, glorify, praise, obey and surrender to Him. At least one Mujtahid must exist to face the challenge and perform that duty, else the whole Ummah becomes sinful.

The scholars of Usul-ul-Fiqh (principles of law derivation) have studied the subject of Ijtihaad in full detail, so we refer to their works in this matter. We stress only some very important facts:

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

(2.b) The Ijtihad is a human process and it is not infallible. The results of Ijtihad are not THE Revelation or THE Shari'a. They are the Mujtahid's or Faqih's understanding of the Revelation or Shari'a. The same is to be said about the bulk of statements in the Fiqh books. It is generally improper, impolite and arrogant to say: This is Allah's ruling or the verdict of Islaam, rather a more cautious and humble statement like: This is my understanding of Allah's ruling or of the verdict of Islaam, or this is an Islaamic point of view!

(3) **Adoption:** Because Ijtihad is fallible human process, and because a considerable number of problems and questions do not admit a definitive (qat'i) textual evidence and because a considerable number of Hadeeth references is not of well established agreed upon authenticity; Because of all these main reasons and other minor reasons there will be a considerable number of diverging points of view and results of Ijtihad today and possibly until the Day of Judgement. The believer will face, sooner or later, the problem which one of the different, some times conflicting, rulings he should follow: **This the problem of adoption.**

For individual Muslims the problem has been studied extensively by the scholars of Usul-ul-Fiqh (principles of law derivation) under the Chapters of (**Taqleed**) and (**Ittibaa'**). The conditions and permissibility of Taqleed, that is following a scholar on the merit of his personality, reputation, ... etc., but not on the merit of his argument for the specific ruling, has been extensively discussed. The same was done for (Ittibaa'), that is following on the merit of the argument for the specific ruling.

Unfortunately the question of adoption in the public domain that is by the **STATE** has not been addressed in past centuries in any respectable length. All what the classical scholars have said was only: The legitimate Waliyy-ul-Amr, Imaam, or Khaleefah generally has the right to adopt and must be obeyed, that is: His adoption, if duly enacted and published, becomes binding law.

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

Dustoor) published by Hizb-ut-Tahreer over 40 years ago in the early fifties of the twentieth century. Hizb-ut-Tahreer invited scholars, movements and all Muslims to participate in the further development of those drafts, to no avail. Nobody else, including the leading Islaamic movements, according to my knowledge, contributed any thing significant to this most important constitutional debate. It is rather regretful that members of such movements, like Br. Tamimi, preferred to indulge in mockery of such works, belittlement of their Muslim brethren and admire instead Western democratic thought, which is based on a completely different view of God, man, life and the universe.

Further developments were made in the above-mentioned "Memorandum of Advice", in which the problem of "**essential**" and "**procedural**" law has been addressed and largely clarified. This has been further developed in my book "Taa'at Uli-l-amr" (Obedience to the Ruler). Therein the most significant problem of adoption in 'Ibaadat (pure cultic activities and acts of worship) and 'Aqa'id (creed) has been addressed and significant solutions suggested. **It is not an exaggeration to state, that a satisfactory resolution of those constitutional problems is a necessary condition for the survival of the Islaamic state in our modern times in competition with secular materialistic West.**

It is also interesting to note that the "Draft of The Constitution" (Mashroo'-ud-Dustoor), together with its justification in the "Prologue to the Constitution" did address and, at least partly, resolved the problems of existence and permissibility of multiple parties in the **Islaamic** state, elections in general and of the head of state (Imaam or Khaleefah) in particular, accountability of the government, constitutional court, permissible taxes, public and private ownership, and women participation in elections and membership in elected assemblies and many other important constitutional issues. In those times (the fifties of the twentieth century) the Ikhwaan-ul-Muslimoon, the biggest **Islaamic** movement, was arguing for one-party-system and were at loss, to say the least, about women's role and participation in party activities, not to speak from elected bodies of the **Islaamic** state!! Even the Ikhwaan-ul-Muslimoon's more 'liberal' daughter organisation in Sudan is still stuck with a military one-party dictatorship and still unable to firm their opinion about such a simple problem like currency exchange over borders: Is it Halaal or Haraam, and if Haraam should any one, because of it, face capital punishment, as they did administer?! The brothers should fear Allah and educate themselves more thoroughly about **Islaamic** thought, before even starting with Locke and John Stewart Mill, or even dare to assume government responsibility!

It is obvious, from the above, that law making in Islaam is quite involved! Elaborate developments are needed to clarify the principle of Divine Sovereignty (God's Rulership) and its relation to human authority and responsibility. We must distinguish sharply between Sovereignty and Rule (Siyadah or Haakimiyyah),

which is God's exclusively, and Authority (Sultaan), which belongs to the Ummah (or to a divinely appointed Imaam in the Shi'a's school of thought). Western Liberal Capitalist democracy is on the other hand based on human sovereignty or, theoretically at least, sovereignty of the reason. Things are simple there: People meet and decide with a suitable majority, or elect an assembly, which has the right to enact, in a suitable majority decision, essentially any thing: The most base crimes, like **Sodomy** punishable by death in times past, becomes respectable expression and assertion of human "dignity" and "self-determination" and a legally protected right after a simple vote of the parliament!

Now since enacting (essential) laws is the Divine privilege, any one doing the same is transgressing against the Divine Rank and Majesty of God Most High and trespassing on the secluded Divine Domain of the Sovereign Most Ultimate and Absolute and hence committing a crime of cosmic proportion: **Shirk and Kufr**. If rebellion against a worldly king is high treason, then rebellion against the King of kings is the Highest of High Treason!! This ought to be known, by necessity, from Qur'aan, Sunnah, and principles of reason and consensus of scholars, even consensus of all rational beings.

This is for enacting of laws, but what about ruling, governing, judging, administering according to any law enacted not according with the principle of Divine Sovereignty or God's Rule?!

Allah, blessed be His Names and exalted be His Attributes, condemned such acts, that is ruling, governing, judging, administering according to any thing not sanctioned by the Divine law, as criminal. These acts are classified as acts of: Kufr (disbelief), Zulm (oppression and injustice) and Fisq (manifest and public rebellion and disobedience). The appropriate verses in Qur'aan are well known and lengthy. I will not quote them, rather I would just give their references. Please refer first to the verses of Al-Maa'idah (5: 41-50) as main authority in the subject, but the Qur'aan is full with other relevant direct and indirect evidence for this most fundamental fact, see also An-Nisaa' (4:105), Saad (38:22), An-Nisaa' (4:60,65), and many more. The scholars are in agreement that a judge applying any thing other than **Islaamic** law is Kaafir, unless he has valid excuse like compulsion ... etc. They have had never any argument about that. The only dispute was about intentional misapplication of the Islaamic law for a monetary gain (bribe) or for family, tribal, national or political bias. Some scholar regard a judge in such a case as only Faasiq (sinful) Muslim, others insisted in regarding him a Kaafir, that is a disbeliever and exclude him from the domain of Islaam and out of the community of the believer, but all agree on the extreme seriousness of this crime.

It is obvious that a judge is obliged to apply the valid law and hence in a Kufr system he must generally apply Kufr rules and laws. Such judges deserve then all the condemnation and the titles of Kaafir (infidel, disbeliever), Zaalim (oppressor, unjust) and Faasiq (rebellious, disobedient) according to Al-Maa'idah (5: 41-50), possible exemption are judges in some Muslim countries in special courts, for example family courts, who apply **only and exclusively Islaamic law** in marital and other specific disputes.

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

How then could it be conceivable for a Muslim to accept to fall in Shirk, Kufr, Zulm and Fisq for the return of a miserable "share" of Kufr or Zulm power?! Human beings were not created to exercise power or share in power, rather they were created to worship Allah, Most High, that is to love, respect, glorify, praise, obey and surrender to non but Him. This SURRENDER legitimises and empowers them to establish God's Rule and a system of true justice on earth, based on a firm moral and spiritual base.

The train of arguments of Br. Tamimi has not yet been discussed here in full. His representation of the theory of Imaam Ash-Shaatibi in Al-Muaafaqat, his invocation of the principle of "necessity" and their relevance or rather irrelevance for the problem at hand deserve another more lengthy discussion in a future article. Some fine points of the membership in Kufr law-making bodies and the permissibility of using such bodies as Da'wa platform and an instrument for accounting the government ought also to be treated in our future article.

Meanwhile let us agree on the fact that it is very difficult to live and work UNDER Kufr and Zulm regimes, but the difficulties escalate to higher order of magnitudes if you want to work WITH them. Br. Tamimi and the other advocates of power-sharing should fear Allah, do their home work studying the relevant Qur'aan verses and Hadeeths before indulging in simplistic, sweeping and virtually useless general statements and empty slogans about "power-sharing"

Ruling by Kufr is Haraam

PART (II)

In a previous article entitled: "Ruling by Kufr is Haraam Part(I)" the present author argued for the general non-permissibility of "power-sharing" in Kufr and Zulm regimes. It was argued specifically that, in a Kufr system, that is in Dar-ul-Kufr, the law-making function of the parliament, but also the "ruling", that is: sharing in law-making process; Governing, Managing public affairs, Defending the constitutional system, Establishing law and order ... etc. normally performed by the head of state, prime-minister and cabinet minister, in their capacity as cabinet members, are necessarily: Kufr (disbelief), Zulm (injustice and oppression) and Fisq (manifest rebellion against God) according to the definite ruling of the Qur'aan, Sunnah, and consensus of the Companions and all generations of scholars till today.

We should not overlook the fact that parliaments do have other functions to perform, besides their basic first function of law making, these are:

- (2) **Control and Check** of the government (mainly the executive power), and
- (3) **Intellectual and Media Platform**, that is representing and arguing for or against certain ideas and views being widely discussed in the society.

It is known from Islaam by necessity that accounting the rulers is a fundamental right of every single Muslim, man or woman, of every group or organisation and of the whole Ummah as an Ummah (See any standard references about "Al-Amr bil Ma'roof wan-Nahyi 'an-il-Munkar", also our book: **(Muhaasabat-ul-Hukkaam)**). Actually it is the duty of the Ummah as an Ummah, that it is "**Fardh Kifaayah**", if it is not performed in sufficiency, the whole Ummah becomes sinful and punishable, except those who are struggling to perform, individually and collectively, that fundamental duty.

The sad and miserable state of affairs of our Ummah currently is, partially, the necessary result and worldly punishment for its negligence of this vital duty, and there is more and severe questioning coming in the Day of Judgement!

This accounting of the rulers by Muslims could and should be only based on Islaam. If a ruler punishes an adulterer or adulteress, his act will be praised and supported by Muslims, but he will be severely criticised and attacked by

Western Liberals for punishing "love" and interfering with personal "choice", "freedom" and "self-determination". Both, the Muslims and the Western Liberals, are doing their "duty" and accounting their ruler according to their "Deen", that is their ideology and way of life, Islaam and Western Liberal Secularism respectively.

The accounting process entails many actions by a parliament (or any other elected body) and its member. The function of accounting, check and control can take many forms, procedures and styles: Live debates, **votes of no-confidence**, rebuttals, written and oral questions, parliamentary investigations, petitions, ombudsman action, confirmation of certain officials in certain systems (American Congress), and many others. All are only procedures, and as such, in principle, permitted for Muslims if based on Islaam and Islaam alone.

It is, for example, outrageous and unacceptable from any Muslim to give his vote of confidence to any government applying Kufr law. This is precisely the blunder, that a "Muslim Brotherhood" members of the Jordanian parliament committed arguing that: "A vote of confidence has no relation to applying Kufr or Islaam"!! A vote of confidence for Kufr law means that we trust it to make human beings happy in this world and, as a consequence, in the hereafter! If so, than why Islaam in the first place?! Why then scream all the time: **(Islaam is the solution)?!** Why then the ferocious, some times bloody, confrontation with the secular regimes in Muslim countries?!

The function of elected bodies, law-making or not, as **intellectual and media platform** is very intriguing, specifically in these modern times of mass media, which is being declared "the fourth power" in the public domain, the three other powers being the legislative, executive and judicial powers. A Muslim member of such a body will have an over proportional share in the media power and if is he a committed Muslim, then he is by necessity a Daa'iyah, a caller and inviter to Islaam: Its creed, its laws, morality, code of conduct and all of its way of life. Almost all parliamentary functions and actions can by intelligently used for Da'wa and expressing the Islaamic point of view, but there are, for this purpose, specific actions possible: Motions, questions, written and oral, to officials, debates, rebuttals and non-binding resolutions.

It should be clear now that a **Muslim** could nominate himself for law-making Kufr parliament under the following conditions:

(1) Abstain from law-making process. All Muslims would agree that this entails voting against any law contradicting Islaam in its content. I do not believe that this is enough, because derivation of the law by reference to Qur'aan and Sunnah is as essential as, even more important than, the content of the law. Worshipping Allah necessitates surrender and submission to Him without any question to content of His command. We submit because He is the Lord, the King, the Sovereign; He commanded per se, not because He commanded this specific regulation, which we may like or dislike! Hence the process of referring to the revelation is the test for Islaam and Imaan. It is very well possible, that our understanding of a certain revelation is wrong, but this does not make us Kuffaar (disbeliever), actually not even sinful if we did our best Ijtihad. But not referring to the revelation makes us sinful Kuffaar! So a Muslim should never accept any

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

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

(2) Controlling, Checking and Accounting the government based on Islaam. No vote of confidence for Kufr rule is possible (let alone membership in such governments in the first place).

(3) Propagating the Islaamic point of view in every occasion, at every question and towards every issue.

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

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

These conditions may sound almost impossible to fulfil, but the Example of Sheikh Ad-Da'our, of Hizb-ut-Tahreer, who was elected to the Jordanian Parliament twice in the 1950s, and strictly adhered to them proves otherwise: It is difficult but not impossible. It sound also quite meagre for power-hungry characters, who want power at any price, but the **reason of the creation and the purpose of life is not power, full power or share in power, rather it is to become spiritual by acknowledging and surrendering to Allah's Sovereignty and Lordship and worshipping Him alone, thus achieving Divine pleasure, that is achieving eternal happiness!**

Now what the individual Muslim is supposed to do in Dar-ul-Kufr, that is a domain of Kufr rule or Kuffaar supremacy, with a Muslim majority like Jordan or a non-Muslim majority like Britain?! Obviously again worship Allah alone and hence stick to Halaal and avoid Haraam. As Muslim is not permitted to do Haraam, he is not permitted to authorise Haraam. So he cannot vote for a Muslim candidate who is committing Haraam by not adhering to the conditions given above. The authorisation is then invalid and the act is sinful, possibly an act of Kufr!

The same applies for a non-Muslim candidate too, because he is not permitted by Islaam to rule, govern or have an all-over authority over Muslims like the one exercised by the Head of State, Prime minister, Cabinet Members and the like, in short he is not permitted to be a "ruler". He may manage and administer but only according to Islaam and under an ultimate and supreme Islaamic authority!

Voting a non-Muslim into a position of authority (rule), even if he would apply Islaam only, violates the principle of Islaamic supremacy in any case! Voting for a non-Muslim or an un-Islaamic party with Kufr ideology and program, and hence approving that ideology and/or program, is a compounded crime! This cannot be compared and is vastly and essentially different from pork breeding, keeping, selling and eating by non-Muslims, which Islaam expressively permits for them.

Br. Azzam Tamimi asks: ***(But what if such supremacy is not established in the land. Should all Muslim affairs be put on hold? Should Muslims go to sleep for 309 years like the "people of the cave")***. Obviously they should not, but unfortunately **his** answer is participating in **Kufr**, which he gives a nice name: **Power-sharing**! Again here he lumps vastly different cases and sub-cases into one pile and suggests a sweeping, albeit empty general solution, like the old alchemist who dreamed all his life of the impossible life-elixir, which, in one strike, cures all ills and keeps youth for ever!

Let give things their right names. the land in which **Islaamic** supremacy (that is Rule of Islaamic Law and authority and power for the Muslims) is not established is called Dar-ul-Kufr, an old fashioned name, which many people like Br. Tamimi do not like, but it is extremely precise and descriptive. Such a Dar-ul-Kufr could be one of several cases:

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

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

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

gear. So it may be argued, that the same obligation exist for Muslims, to stand firm and reach for full Islaamic supremacy, if their fraction in the population exceeds a third! They are a minority, but a significant one. In such a situation every Muslim is facing roughly no more than two opponents in the ideological and political struggle. The situation ought to be even better than in military confrontation in the battle field: If Muslims are such a strong and significant (one third, or more) minority, then society is normally deeply fragmented, divided and no seriously organised counter force is to be expected.

Any inability to perform as described above indicates essential defects in the Muslims themselves: In their understanding of Islaam, in their commitment and/or in their willingness to sacrifice. If so, then Muslims are not qualified to exercise power and rule in the name of Islaam. They are also prohibited, as elaborated above and in the previous article from ruling by anything other than Islaam, so Da'wa, that is intensive culturing, education and purification, that is self betterment, is needed first, leading to self organising and identity assertion. There is no need for illicit power sharing. This is the only viable alternative Islaamically.

(2) The Muslims are a (non significant) minority of the citizens of the realm facing considerable social forces preventing them from establishing Islaamic supremacy, but they enjoy some basic protection of their life and individual liberties like in Britain or the US. In such cases the order of the hour is to keep the Islaamic identity, carry Da'wa and invite others to Islaam, to increase the number of Muslims, as to become a significant minority or even a majority in the long run. This is not possible in Isolation. It is only possible by **interacting** with the society, while keeping their distinguished character and identity, and also not by integration and hence melting away in the surrounding Kufr society. The slogan should be: **Interaction, but not Integration!**

Establishing a strong Islaamic schooling system, in the short run, is of utmost importance in such cases. This necessitates, at least partial economic self sufficiency:

(a) to establish a (small starting) number of private Islaamic schools, and

(b) to achieve sufficient media presence to start exercising pressure on the power centres in the surrounding society forcing them to acknowledge the necessity of approving and funding of further Islaamic schools.

This acting as a pressure group for well-defined and limited objectives (Islaamic schools, non co-educational public schools, non mixing in sport, more say in certain parts of the curriculum ... etc.) means concentrating the limited resources on a small target and hence a higher probability of achieving penetration and success.

The limited participation in the political and administrative process described above, which is permitted by Islaam, is more than adequate. I would personally regard any participation higher than local councils and school board in such a situation, although Islaamically permitted, as counter-productive. Such a participation may absorb the energies of talented Muslims in early battles against

economic, tax, penal legislation (homosexuality, incest, ... etc.), which will be wasteful abuse of limited precious resources.

Even if "power-sharing" on higher levels of government (ruling and law-making) were permitted by Islaam (which is not the case), it would, in most cases, be viewed by the surrounding society (or by any powerful section thereof) as dangerous and provocative, leading to confrontations, crackdowns and disruptive severe conflicts, and become hence counter-productive. The current example of Turkey, which should be followed and evaluated very, very carefully (*), and the recent example of Algeria should remind and warn any rational thinker. In other cases Islaamists, who are, unfortunately, less politically and ideologically aware like the "Muslim Brotherhood" in Jordan, may be abused as tools to stabilise and serve the Kufr regimes for a limited time and then later disposed off in a disgraceful way: weakened or eliminated by political manoeuvres and dirty games, a process, in full swing, going now in Jordan!!

(3) The Muslims are an oppressed minority, threatened in their lives, wealth and liberties and prevented from performing their basic individual duties, with no capabilities to counter or fight the oppressors and with no powerful Islaamic state around to perform Jihaad for their rescue. In such cases "power-sharing", irrespective of being Halaal or Haraam, could not be conceivably a matter of consideration!

A person, or a few persons, may hide their belief (Tuqyah) and "sneak" in a power position and help a few Muslims here and there, but could not possibly bring any real relief for the oppressed general Muslim minority. Such cases may be justifiable under the principle of necessity, but they are singular and largely accidental admitting no general theory of political action! The only real solution is: Immigration to any realm of security, preferably to an Islaamic domain if it exists.

I admit that the above division in three main case may not exhaust all relevant sub-cases, but it should be a guide to more thorough discourse.

I tried my best to see how the argument of "necessity" fits generally in this study, to no avail. As far as I know there is no compulsion on any one to participate in election, actively or passively. We did not hear yet of machine-gun holding soldiers forcing the populace into election boots. In certain countries you may be penalised for not participating, but all what you need to do is to go to the boot and give an invalid or empty ballot slip! Even enduring the mild, mostly monetary, penalty should not be a problem and does not constitute a case of necessity or compulsion by any stretch of imagination. So could any intelligent human being out there show me where is the general "**necessity**" mentioned by Br. Tamimi in his article?!

It is also very important to note, as we mentioned casually in the above, that non-Muslims are not permitted under Islaamic supremacy that is in Dar-ul-Islaam to participate in "ruling". They enjoy otherwise the full protection, all the

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

The fundamental principles of equity, justice and reciprocity requires Muslims to ask for **no more than that** in any Kufr domain, even if some Kufr regimes like Liberal Secularism (in a self-contradicting way) grants them more! Islaam treats all humans in equal manner, there are no "Elected People of God" with all privileges, and "Gentiles" with treatment like animals! For these reasons it is also obvious that the opportunistic behaviour, past experience, successes(!) and achievements(!) of Jewish minorities in the world could never be a model or a worthy example for true Muslims, however remarkable those were and however great is the temptation!

So when Br. Azzam Tamimi concludes: ***(Should all Muslim affairs be put on hold? Should Muslims go to sleep for 309 years like the "people of the cave")***, the answer must be neither, nor. There is plenty of permitted (Halaal), effective and wise things to do, most likely exceeding available precious manpower and resources of Muslims, which are still very limited indeed. If all resources are pooled together, then may be we will have soon an Islamic educational network with model schools, renowned for academic excellency, with little or no drug problems, with little or no teenage pregnancy problems, with little or no violent bullying problems. I trust we will be having long waiting lists of Muslims and non-Muslims alike. Non-Muslims attending OUR schools will come to see the true face of Islaam. They will be OUR ambassadors to the "surrounding" society. We DO NOT need to be sucked into the FILTHY ideology and politics of Labour and Conservatives (in the UK) or Democrats and Republicans (in the US), or whatever. COME ON, Brothers and Sisters: They just want your vote to gain power, once in power they will sell you out. DON'T BE fooled by the Zionist example: The Zionist and the US establishment, for example, are joined in disbelief and are allied in aggression and injustice. You will never achieve the same without clearly and openly denouncing Islaam and committing apostasy. If that what you really want, then by all means: DO IT!

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

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

The large Islaamic movements, Br. Tamimi and the other advocates of power-sharing should fear Allah, review objectively, and with devotion to Allah, their wrong and misguided "theory" and repent. ***{O, Who you believe turn to Allah with sincere repentance, in the hope that your Lord will forgive your evil deeds and admit you to gardens beneath which rivers flow!}*** (At-Tahreem; 66: 8)

END

(1) An abridged version of the first article was published in Muslim News, No.96, on Friday 25 April 1997 (18/12/1417H), Page 6].

(2) These articles were edited for the last time on Tuesday 20th of August 2002.

(*) Note added on Wednesday 19 November 1997: That was written originally on Tuesday 29 April 1997, when Erbakan was still in power. It looked like a prophetic statement, but it is not: it is a simple rational conclusion! The precarious current situation of Erbakan, and the even more miserable one of his party should be a lesson for all of us. The future may hold things worse in store. May Allah have mercy on the Muslims in Turkey!!

(**) Note added on Tuesday 20th of August 2002: The Sudanese regime established Dr. Hassan At-Turabi is for all practical purposes politically finished. This shows also that opportunistic and machiavellian policies must fail. Islaam cannot be served this way!