

Details about the Legitimacy of the Rulers Part 1

(Translated)

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All praise be for Allah (swt) alone. There is no obedience except to His commands; there is no abiding except to His Shar'a (Law); there is no loyalty except to His most loyal and purest. Peace and blessings be upon the first Waliy ul-Amr (ولي الأمر Ruler of Authority), the one with the most complete Shariah, peace and blessings be upon him (saw), his family and his Companions (ra).

The issue of Obedience to the Wulaath ul-Amr (ولاية الأمر Rulers of Authority) has been most controversial since the fall of the Islamic State. The West came to rule over the Muslim countries and appointed over them tyrant rulers, who filled the earth with injustice and oppression. They laid the foundation of oppressive rule upon our Ummah, which dragged our Ummah back into the first era of Jahiliyah.

What is most strange to see within this miserable situation is that the Ummah and its Dawah Carriers are confronted by a group of Muslims, who wear the clothes of Ulema and assume their names, that rebuke the lashed Ummah and not the ones who lash it. They demand that the Ummah is patient, obedient and acceptable to aggression, ruling by Kufr and to the lashing of their backs as long as the one who lashes is the Ruler of the Authority!!! It is as if the oppressive ruling was not complete until this group came to strengthen its arms and firm its roots.

Whether it is the Jaamiyism of Muhammed Amaan Al-Jami or the Madkhalism of Rabee' Ibn Haadee 'Umayr al-Madkhalee or the Raslanists of Muḥammad Sa'īd Raslān in Egypt or others, the names of these groups are not important. Instead, what is important is the dressing up of these names in the Sunnah of RasulAllah (saw)!!!

The call of these groups and all those who associate themselves with Salaf and attempt to link to them are summarized as follows:

1) Strong allegiance to the rulers, in their capacity as rulers, defending them, justifying their sins, forbidding dissent against them or even rivalry with them. Moreover, they accuse those who stand against them as being Khawarij, dogs of the people of Hell and those who cause spilling of blood, even though they accuse the most pious of Ulema.

2) Emphasizing the legitimacy of the existence of these rulers even though they usurp the rule and rob the Ummah of her authority.

3) Absolute obedience to the rulers regardless of their transgression, oppression and increasing corruption upon the earth even though they rule by Kufr and make allies with the enemies of Allah (swt). Some of them even went on to say that they must be obeyed even if they are Kafir!!!

However, what was agreed upon, by the least extreme of them, is that it is allowed to leave the obedience of the Ruler, if there are five conditions:

Those conditions are:

1. The necessity of depending on the direct sighting of the matter that contradicts Shar'a, which the ruler commits, without depending on the sayings of so and so persons. There is a Sahih Hadith that indicates this, which is narrated by Ubada bin Samit (ra) from RasulAllah (sw), in which he (saw) said, «إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنْ اللَّهِ فِيهِ بَرَهَانٌ» **“except when you see Manifest Kufr for which you have Evidence from Allah.”** [Sahih Bukhari]

2. The matter which the Muslims see of the Ruler must be Kufr i.e. it should not be only a sin or disobedience, as it does not take the person out of Islam. For example, seeing the

ruler prostrating in front of idols or reviling Allah (swt) and RasulAllah (saw) or other kufir matters.

3. The Kufr of the ruler must be Buwaha (بواح Manifest) according to the noble hadith, and the meaning of Manifest i.e. Sareeh (صريح Explicit) is that there should be no room for interpretation. Imam Ahmed bin Hanbal, in his time, believed in the saying of the Creation of Quran as Kufr. However, he did not consider the ruler of Muslims, Ma'moon, as Kafir when he spoke of the Creation of Quran, since it was an interpreted meaning.

4. Muslims should have clear Evidence of the Kufr of ruler with Definite Evidence and Affirming Evidence.

5. Khurooj (خروج Dissent) against the ruler should not lead to corruption and evil that is greater than that of staying Obedient to the ruler.

What distinguishes the proponents of this Shubha (شبهة Judicially Doubted Opinion) is their prolific production of Evidences from the Quran and Sunnah, in addition to statements collected from previous prominent scholars and the pious predecessors. They then bombard those who disagree with them, or those who are surprised by them, with these texts. The insolence and harshness, that they unleash against Muslims, is seen at the same time as their gentleness and softness with the greatest of tyrants!!!

Amongst the most well-known of these texts are:

Allah (swt) said, ﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا 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﴾ **“O You who have believed, obey Allah and obey the Messenger and the Guardians of Authority among you. And if you quarrel over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.”** [TMQ 4:59]

Abu Huraira narrated that Messenger of Allah (saw) said, ﴿عَلَيْكَ بِالطَّاعَةِ فِي مَشْطِكَ وَمَحْرَهَكَ وَغُسْرِكَ وَيُسْرِكَ وَأَثَرَةَ عَلَيْكَ﴾ **“You have to obey when you feel energetic and when you feel tired, during your ease and your hardship, and when others are preferred over you.”** It is graded as authentic, reported by An-Nasai and Ahmed!

Abu Huraira narrated that RasulAllah (saw) said, ﴿مَنْ أَطَاعَنِي فَقَدْ أَطَاعَ اللَّهَ وَمَنْ عَصَانِي فَقَدْ عَصَى اللَّهَ﴾ **“Whoever obeys me, obeys Allah, and whoever disobeys me, disobeys Allah, and whoever obeys the ruler I appoint, obeys me, and whoever disobeys the ruler I appoint, disobeys me.”** And in another narration, it comes with the word **“the ruler”** (الأمير) and **“the Imam”** (الإمام) instead of the word **“the ruler I appoint”** (أميري), It is graded as authentic, also agreed upon, also reported in An-Nasai, Ibn Majah and Ahmed.

Ibn Abbas narrated that RasulAllah (saaw) said, ﴿مَنْ رَأَى مِنْ أَمِيرِهِ شَيْئًا يَكْرَهُهُ فَلْيَصْبِرْ فَإِنَّهُ مَنْ فَارَقَ الْجَمَاعَةَ شَيْئًا مَاتَ مِيتَةً جَاهِلِيَّةً﴾ **“If somebody sees his ruler doing something he disapproves of, he should be patient, for whoever becomes separate from the Muslim group even for a span and then dies, he will die the death of Ignorance.”** The Hadith is Sahih (صحيح Authentic) and agreed upon in its authenticity. In the narration of Muslim, it is stated, ﴿فَإِنَّهُ مَنْ خَرَجَ مِنَ السُّلْطَانِ شَيْئًا مَاتَ مِيتَةً جَاهِلِيَّةً﴾ **“for whoever separates from Sultan even a span will die the death of Ignorance”**. It is also reported by Ahmad with a Sahih chain of narration.

RasulAllah (saaw) said, ﴿يَكُونُ بَعْدِي أُمَّةٌ لَا يَهْتَدُونَ بِهَدَايَ وَلَا يَسْتَنُونَ بِسُنَّتِي وَسَيَقُومُ فِيهِمْ رِجَالٌ قُلُوبُهُمْ قُلُوبُ الشَّيَاطِينِ فِي جُثْمَانِ إِنْسٍ﴾ **“There will be leaders who will not be led by my guidance and who will not adopt my ways? There will be among them men who will have the hearts of devils in the bodies of human beings. I said: “What should I do. Messenger of Allah, if I (happen) to live in that time? ” He replied: You will listen to the Amir and carry out his orders; even if your back is flogged and your wealth is snatched, you should listen and obey”**. It is reported by Muslim and Al-Hakim, closely from Abu Salam.

From the sayings of scholars:

ولهذا كان المشهور من مذهب أهل السنة “**Minhaj Sunnah**,” Shaykul Islam Ibn Taymiyyah says in his “**Minhaj Sunnah**,” أنهم لا يرون الخروج عن الأئمة وقتالهم بالسيف، وإن كان فيهم ظلم، كما دلت على ذلك الأحاديث الصحيحة المستفيضة عن النبي صلى الله عليه وسلم؛ لأن الفساد في القتال والفتنة أعظم من الفساد الحاصل بظلمهم بدون قتال ولا فتنة. ولعله لا يكاد يعرف طائفة “Therefore the famous from the schools of thought of Ahl Sunnah do not view Khurooj (خروج Dissent) from (the obedience to) the rulers and fighting them with the sword, if they are oppressive, as it was indicated by elaborated authentic hadiths from RasulAllah (saw). This is because the corruption and tribulations during fighting are greater than the existing corruption and tribulations due to their oppression without fighting. The group that had dissented from obedience to the sultan hardly knew that. However, their dissent due to corruption was worse than the corruption they removed.”

This is how they are confused in their call and aggressive in their discord. What helps them is the condition that we live today in terms of intellectual decline, distorted Islamic concepts in general, and what is related from them of Shariah politics in particular. They used this situation effectively and found the best atmosphere and fertile ground for their Shubhaat (شبهات Judicially Doubted Opinions).

In front of these explicit evidences which they hurl against those who oppose, the Muslim becomes confused and regretful. The Muslim is confused as he is facing great oppression from these tyrants that will not be removed with mere silence and obedience, rather, it would be aggravated and increased. The Muslim is confused because all that Islam cultivated within him of loftiness prevents him from bowing to anyone other than Allah (swt) and remaining silent over Ma’siyyah (معصية Disobedience). How can it be otherwise when he reads what he reads in the Seerah (سيرة Biography) of Muhammad (saw), who rose against the leaders of falsehood and refused to be submissive to them? How can it ever be thought that Allah (swt) and RasulAllah (saw) ordered us to surrender to the very persons who fight against Allah (swt) and RasulAllah (saw)?!!!

As for regret, this is because they hear the correct texts which cannot be answered or refuted!! Thus, the power of change is lost and the changing of Haraam (حرام) itself becomes “Haraam”!!! It turns the obedience to Allah (swt) on its head to the obedience of His (swt) enemies!!! And it rips asunder the bright irradiation of the sayings of the cavalier hero, Rubai bin Aamir, when he said, إن الله ابتعثنا لإخراج من شاء من عبادة العباد إلى عبادة رب العباد، “Allah has sent us to deliver whom he wishes from worshiping the creation to worshiping the Creator of the creation.”!!!

Here the important matter, worthy of attention, is that we are the Ummah of texts and narrations. Therefore, it is not wise that the primary response to this postulate is to discredit its proponents by exposing their suspicious relationships with the rulers before refuting their Judicially Doubted Opinions in a complete and comprehensive manner. Most of those who follow this aspersion are doing so out of respect to the texts, even though it conflicts with desire and self. Therefore, it is wrong to deal with them without studying the texts and eliciting their meanings. Otherwise, the attack would be in the favor of the Shubha, as it would appear as if it is more consistent to the noble Revelation than we are. It would then appear as if we are of the abhorred who prefer human reasoning over Daleel (دليل Divine Evidence)!!!

When we review the issues and texts, which they narrate for their Shubha, we will find them centered on the following:

1. Texts obligating the obedience to the Rulers of Authority.

2. Hadiths about Dispute: «بَايَعْنَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْعُسْرِ وَالْيُسْرِ وَالْمُنْشِطِ وَالْمَكْرَهِ وَعَلَى أَثَرَةٍ عَلَيْنَا وَعَلَى أَنْ لَا تَنَازَعَ الْأَمْرَ أَهْلُهُ إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ وَعَلَى أَنْ نَقُولَ بِالْحَقِّ أَيُّمًا وَالْمَكْرَهِ» **The Messenger of Allah (saaw) called us and we took the oath of allegiance to him. Among the injunctions he made binding upon us was: Listening and obedience (to the Amir) in time of difficulty and in prosperity, in hardship and in ease, to endure being discriminated against and not to dispute about rule with those in**

power, Unless you see Kufr Buwaha (بواح Manifest) regarding which there is a Burhan (بُرْهَان Evidence) from Allah (swt). We swore allegiance to Messenger of Allah to say what was right wherever we were, and not to fear from anyone's reproach." It is reported by Bukhari, Muslim, Ahmed, Tabarani and others. They understand "Unless you see Kufr Buwaha" as "Kufr of the ruler."

3. Hadiths about Munaabdhah (مناذرة Repudiation), «خَيْرُ أَيْمَتِكُمُ الَّذِينَ تُحِبُّونَهُمْ وَيُحِبُّونَكُمْ وَيُصَلُّونَ عَلَيْكُمْ وَتُصَلُّونَ عَلَيْهِمْ وَشَرَّارُ أَيْمَتِكُمُ الَّذِينَ يُبْغِضُونَهُمْ وَيُبْغَضُونَكُمْ وَتَلْعَنُونَهُمْ وَيَلْعَنُونَكُمْ». قِيلَ يَا رَسُولَ اللَّهِ أَفَلَا تُنَادِيهِمْ بِالسَّيْفِ فَقَالَ «لَا» «The best of your rulers are those whom you love and who love you, who invoke Allah's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you. It was asked: Shouldn't we resist (overthrow) them with the help of the sword? He said: No, as long as they establish Salah amongst you. If you then find anything detestable in them, you should hate their administration, but do not withdraw yourselves from their obedience.»

Of course they interpreted "as long as they establish Salah amongst you" as merely permitting us to pray.

4. The issue of obeying the Usurping Ruler.

After one examines their methodology of approaching texts and carefully examines the gloominess of the Shubha in which they have attempted to conceal the error, one is guided by the blessing of Allah to their error, which is in the three steps of the Methodology of Juristic Ijtihad they are:

- Understanding the reality or TaHqeeq ul ManaaT (تحقيق المناط Investigation of the Objects)
- Bringing forth the texts and its studies while ensuring the absence of their contradiction, in addition to approaching the Usuli basis when there exists contradiction.
- Applying the texts upon the reality.

Complete error in understanding the reality or TaHqeeq ul ManaaT (تحقيق المناط Investigation of the Objects):

Perhaps this is the most dangerous slip and this alone is sufficient to refute the Shubha, in its origin.

Who are the Oolul-Amr (أولو الأمر Rulers of Authority) to whom the obedience is obligated?

The Sharia Meaning:

Oolul-Amr (أولو الأمر Rulers of Authority): those of authority in the affair of the Ummah, those who are in charge of affairs legally, in whose hands the leadership of the Ummah lies.

This terminology has come in the Sharia, as in the speech of RasulAllah (saw) in a Sahih Hadith, «ثَلَاثُ خِصَالٍ لَا يَغِلُّ عَلَيْهِنَّ قَلْبُ مُسْلِمٍ أَبَدًا إِخْلَاصُ الْعَمَلِ لِلَّهِ، وَمُنَاصَحَةُ وِلَاةِ الْأَمْرِ، وَلِزُومُ الْجَمَاعَةِ» «There are three cases in which the heart of the believer does not betray: sincerity of action for the sake of Allah, offering sincere advice to the Ruler of Affairs, and adhering to the Jama'ah (main body of the Muslims)...»

This meaning is clearly apparent in the account of RasulAllah (saw) presenting himself to the tribe of Banu Amir, as narrated by Ibn Hisham. Baheera bin Faraas of the Banu Amir Bin Sa'sa' tribe said, "What would you say if we gave you the allegiance for your Authority (الأمر), and then Allah made you victorious against your opponent, will the Authority ((الأمر)) be for us after you?" He (saw) said: «الأمر إلى الله يضعه حيث يشاء» «The Authority belongs to Allah and He gives it whoever He wishes" Baheera said: He said to Him: "Do you aim our abyss to Arabs without you. If Allah made you victorious and the Affairs belongs to other than us, we do not need your Affairs and so they refused". It is known that intention is ruling and

the Islamic System, without the consent of Muslims, he is an illegitimate ruler and his ruling will be illegitimate.

2) Shar'iyah (شرعية Legitimacy) of the system: For a system to be Islamic, it must implement the Shar'a (شرع Islamic Law) internally i.e. Islamic Law's Siyaadah (سيادة Sovereignty) and Haakimiyah (حاكمية Jurisdiction) are realized, the Ruling and SulTaan (سلطان Authority) are in the hands of Muslims internally and the 'Iza (عزة Honour) of Islam and Muslims are ensured in the international relationships. And that is so that the Islamic state is an independent sovereign state in the international sense i.e. an independent state with complete independence. It is not permissible for a state to be colonized or under protectorate, regency or mandate of the Kuffar or any Kufr authority, or anything else that violates its sovereignty. In other words, the Dar (دار Abode) must be a Dar ul-Islam (دار الإسلام Abode of Islam) and absolutely never a Dar ul-Kufr (دار الكفر Abode of Kufr).

Upon TaHqeeq ul ManaaT (تحقيق المناط Investigation of the Objects) of these conditions with our rulers today, it is clear, without any doubt, whatsoever that our rulers of today are:

- Those who control the ruling by force or through succession, despite the wrath of the people.
- Those who were elected or given a pledge of allegiance, and their pledge of allegiance was upon a man-made constitution.
- Those who rule with man-made laws in which Islam is merely one of the sources of Legislation, and not the sole and exclusive source. These Legislations are Manifest Kufr such as their seeking judgment from international laws which fight against Islam and Muslims or which are in contradiction with the Shar'a of Allah (swt), such as the United Nations or its Security Council.
- Every one of our rulers violates the condition of 'Adaalah (عدالة Acting Justly) because of their corruption or Kufr and hence the Pledge of Allegiance cannot be contracted upon them in origin.

Accordingly, before jumping into Istidlaal (استدلال Evidencing) with texts for the Obedience to the Rulers of Affairs, it must first established as to whether our rulers are deserving of that position.

Based on the above-mentioned Shar'i conditions, there is absolutely no legitimate Ruler of Authority on the face of the earth today. There only exist foolish tyrants who neglect the Laws of Allah (swt) and rule with the laws of Ignorance.

Evidencing with texts for the obedience to the Ruler of the Authority and applying them to the rulers of today is like applying the laws of obedience of the "husband", in the case of Zina (زنا Adultery)!!!

Any order to obey them is an order of Masiyyah (معصية Disobedience of Allah (swt)), legalizing the falsehood, supporting the kufr rule and co-operating in sin and aggression. In addition to that, it is playing with the Rulings of Allah (swt), betrayal of the Ummah and speaking about Allah (swt) without certain knowledge.

This is the complete subject of "TaHqeeq ul ManaaT (تحقيق المناط Investigation of the Objects) of Waliy ul-Amr (ولي الأمر Ruler of Authority)" in order to smash the Shubha (شبهة Judicially Doubted Opinion) to smithereens. And it also clarifies the extent of deviation and audacity before Allah (swt) of those who venerate the current rulers and clergy of tyrants.