

Elections Theme LC Documents

Asalamu Alaikum,

In relation to the Elections theme, here are some guidelines for the next manakh.

The manakh presents an opportunity for trashing out and illustrating how to pass our main arguments and refute the counter arguments that will be encountered during interaction with our ummah.

A

Read out and explain the sheet that outlines the objectives of the Elections theme.

B

Attached articles for your information

- 1) Ruling by kufr is haram - Muhammad Al-Mas'ari
- 2) Ruling of Islam on elections – Wilayah of Jordan (1996)
- 3) The Shariah rule regarding the elections of the Egyptian parliament - Wilayah of Egypt
- 4) Refutation of arguments for voting for kuffur - Majid Nawaz
- 5) A brother's answer to questions on elections
- 6) Shura is not democracy
- 7) Participation in elections – Ar-Raya magazine (1992)
- 8) Elections in Islam – Kmag

C

- (i) Entertain questions on the arguments outlined below.
- (ii) Allocate a panel that is well versed in the arguments below.
- (iii) Ensure all panelists have reviewed the supplied leaflets\articles for answers\evidences.
- (iii) Allocate specific Shabab to ask questions to clarify each of the arguments outlined below in case no one raises questions on a particular argument.

Below are the points to cover as well as the attached article(s) containing relevant explanations and evidences. Though one article may be cited, others may contain other angles\evidences so review all attached articles.

- **Elections are permitted, even in dar al kufr.**

[Ruling of Islam on elections - Wilayah of Jordan (1996)]

[The Shariah rule regarding the elections of the Egyptian parliament - Wilayah of Egypt]

- * **Reality of elected bodies (parliaments)**

[A brother's answer to questions on elections]

[Ruling by kufr is haram - Muhammad Al-Mas'ari]

- * **Conditions under which a candidate can stand for elections in**

dar al kufr (i.e. accounting the rulers and enjoining maruf and forbidding munkar).

[A brother's answer to questions on elections]

[Ruling by kufr is haram - Muhammad Al-Mas'ari]

- * **The reality of Sheikh Ahmed Ad-Daur being elected in Jordan. (HT used as a STYLE)**

[A brother's answer to questions on elections]

[Ruling by kufr is haram - Muhammad Al-Mas'ari]

- * **How elections can be used to select a Khalifah**

Refutation of counter arguments in support of democratic elections

- **Good intentions (ends justify the means)**
- **Necessity (otherwise Muslims loose out to others)**
- **Lesser of two evils**
- **That Yusuf (as) took part in kuffur government**
- **That Najashi ruled by kuffur**
- **Hilf ul-fudhool**
- **Shura = democracy**

[Refutation of arguments for voting for kuffur - Majid Nawaz]

D

Give out the 3 leaflets

- (i) Ruling of Islam on elections - Wilayah of Jordan (1996)
- (ii) The Shariah rule regarding the elections of the Egyptian parliament - Wilayah of Egypt
- (iii) Participation in elections – Ar-Raya magazine (1992)

E

Ensure that those unable to attend the manakh are familiarised with the arguments.

Shura (Consultation) in the Islamic Ruling System

Shura does not mean Democracy

It seems these days democracy has come to mean all things to all men. It has come to be seen as a term of approval for anything good. Consequently many Muslims have sought to equate the Islamic principle of shura, i.e., consultation, with democracy. The concepts are, however, quite different. These and other points are covered in this third pamphlet in a series covering aspects of the Ruling System in Islam prepared by Members of Hizb ut-Tahrir in Britain.

Defining Democracy

Abraham Lincoln in his Gettysburg Address described democracy as 'government of the people by the people for the people'

Sovereignty

Lord Hailsham, in his book "The Dilemma of Democracy", says that the only proper use of the expression 'democracy' is in respect of "political sovereignty and nothing else... Sovereignty can reside in an individual, a selected number of citizens or the whole adult population. Only the last named can be properly called a democracy".

Popular sovereignty means that the people as a whole are the final source of government, authority and legitimacy. Democratic government is 'of the people' in the sense that it is derived from and based on the people's will.

In Islam sovereignty is for Allah, expressed in the mastership of the shar'iyah (divine law) over the will of the people.

"So judge between them by that which Allah hath revealed, and follow not their desires, but beware of them lest they seduce thee from just some part of that which Allah hath revealed unto thee". [Al Ma'idah:49]

"No guardian have they apart from Him, since He allots to no one a share in His rule!" [Al Khaf:26]

The Principle of Shura (i.e. consultation)

Allah indicates in the Qur'an:

"And those who answer the call of their Lord and establish prayer, and who conduct their affairs by mutual consultation, and who spend of what We have bestowed upon them". [As-Shura:38]

and:

"So pass over (Their Faults), and ask for (God's) forgiveness; and consult them in affairs (of the moment) then, when you have taken a decision, put thy trust in God". [Al-i-Imran:159]

Al-Tabari in his tafseer of this verse says that "Allah ordered His Prophet to consult his companions in certain matters so that the community knows about it, and follows this principle by consulting among themselves when they are faced with calamities". And in al Razi' interpretation of this verse it is reported that al-Hassan and Sufyan bin Uyaynah as saying "Allah ordered the prophet to consult his companions, so that others may follow him and thus it would become a tradition for the community".

Further evidences for the practice, and importance of Shura, can be gleaned from the life of the Prophet (peace be upon him). He consulted with his companions on the eve of the battle of Badr, on the day of Badr, on the day of Uhud, and on the day of Khandaq (a fuller account of these events will be discussed further on).

These evidences have made it clear that the Muslims have been commanded to undertake consultation, i.e., shura, and Allah has praised the Muslims for deciding their affairs by way of consultation.

In what matters should consultation apply?

Shura can include every matter, with no difference between legislative matters or worldly affairs like war, politics and the general interests of the people. This is because the two verses that have been revealed on the subject of shura are general in scope i.e., in the language of Islamic jurisprudence *'Amm*. *'Amm* may be defined as a word which applies to many things, not limited in number, and includes everything to which it is applicable. This is established by the linguistic patterns of words and the style of speech and grammar, in the particular case of shura the verses are general proclamations which are not specified or limited by other verses of the Qur'an.

The Community is the Source of Power

The Muslims are responsible for the implementation of the Islamic laws.

"O ye who believe stand out firmly for justice..". [Al-Nisa:135];

"O ye who believe fulfill (all) obligations" [Al-Maida:1];

"The believers, men and women, are protectors one of another: they enjoy what is just, and forbid what is evil" [al-Tauba:71]

and many other verses place the responsibility of upholding Islam on the shoulders of the nation, i.e., the Muslims as a whole.

To discharge this responsibility the nation, which possesses the power or authority, selects a leader to manage the affairs of the nation in accordance with the Islamic law. The Khalifah is only empowered to rule by the Muslims giving him bayah, i.e., a pledge of allegiance, through an offer and acceptance.

Sharia is Sovereign

Whilst the nation is the source of power, it has a limited authority. The nation's authority is restricted by the unlimited powers of Allah.

Thus in the question of shura, although the people have the right to be consulted in everything, their opinion will not necessarily be transferred into law. This is quite unlike democracy where in theory the people are sovereign and their will is transferred into law.

The divine law, i.e., Allah's law is sovereign and consultation cannot overrule it. Simply put, for example, no matter how many people hold the opinion that the obligatory prayers should be reduced from five times a day to two times a day, the law will not be changed.

Shura carries no weight when in opposition to revelation, i.e., the Book and the Sunnah. Al-Imam Bukhari has narrated in his book that: "The imams after the Prophet (SAW) used to consult the reliable of knowledge in the permissible matters (al Mubah), in order to take the easiest of them. And if the matter was explained in the Book of Allah and the Sunnah they would not go further than that".

Shura can only Legislate in the Permissible (al Mubah) Matters

Mubah is defined as communication from the Lawgiver concerning the conduct of the individual which gives him the option to do or not to do something. As al-Ghazali explains, it is established in the express permission of the Almighty God which renders the commission or omission of an act permissible either in religious terms or in respect of a possible benefit or harm that may accrue from it in this world.

Al Mubah is one of the five varieties of divine rules (hokm shar'i), the others being: the obligatory (wajib, fard), recommended (mandub), abominable, i.e., disliked (makruh), and the forbidden (haram).

Shura can not change the obligatory into a permissible act, for example shura cannot make the payment of zakat (alms) an optional act. Abu Bakr raised an army to fight those people who wished to do so, because it was, still, and will always be, an obligatory act. Likewise the community cannot make the forbidden permissible, such as making alcohol allowable; or turn the abominable into the recommended or the recommended into the abominable.

The will of the nation as expressed through shura can be turned into legislation in the area of mubah, provided that when the community renders the commission or omission of an act it does so in accordance with the rule of Allah.

The Different Forms of Consultation

1. Consultation with the community

In issues which directly involve the community, i.e., the masses, the community is consulted directly.

The Prophet Muhammad (SAW) consulted with the majority of the people of Madina in the question of leaving Madina to fight the enemies at Uhud. He said to the people of Madina "Give me your suggestions". He wanted to know from them whether they wanted to fight the enemy inside or outside the city of Madina.

This consultation can be with the masses or representatives of the masses. The Prophet (SAW) consulted the two Sa'ads, Sa'ad bin Mu'az and Sa'ad bin Ubadah in connection with the compromise with the tribe of Ghatfan in return for one third of the fruit crops of Madina, on condition that they would retreat from fighting against the Muslims in the battle of the Ditch. The two said, "If it is an order from the heavens, please comply with it. If it is a matter in which you are not ordered by Allah, and you wish it so, we obey you. But if it is an opinion, then they have nothing from us except the sword. The Prophet (SAW) accepted their opinion and abandoned the topic of compromise with Ghatfan. The two Sa'ad's were the leaders of their people, being the chiefs of the Ansar.

2. Consultation with the scholars, specialists and experts in their field.

Al-Qurtabi in his tafseer of the Qur'an comments: "It is the duty of the rulers to consult the scholars on matters not known to them and in religious matters not clear to them, to consult the leaders of the army in matters related to war, and leaders of the people in matters related to administration. The teachers, ministers and governors in matters related to the welfare of the country and its development".

During the preparation for the battle of Badr, the Prophet (pbuh) consulted with the military expert Habaab al Mundhir.

The Decision of the Khalifah

The Messenger of Allah (SAW) consulted his companions on several issues by practising shura effectively. However, consultation and decision making are two different matters, this is due to two reasons: Firstly, the type of opinion in which (shura) consultation is exercised, and secondly, the centrality of leadership in Islam.

The first reason is based on the fact that the type of opinions are divided into four categories and no more, and these are the areas on which shura is applied.

The types of opinions are as follows:

1. Opinion on legislative matters
2. Opinion on intellectual matters
3. Opinion on arts matters
4. Opinion that offers guidelines to an action to be taken.

The opinion on legislative matters: It is known by necessity that legislation can only be according to the revelations of the Qur'an and Sunnah, for the supremacy in the Islamic life is to the shar'iyah and not to the people for Allah (SWT) has indicated:

"The rule is none but Allah" [6:57]

If the supremacy were to the people, the opinion of the majority would be valid and binding on the head of state; this would lead to the halal becoming haram and vice-versa. Therefore, the shura in legislative matters is restricted to outweighing and favouring one opinion according to the strength of the evidence in the case of plurality of opinions and understandings.

Despite the fact that the strength of evidence is what makes an opinion outweigh the others, the head of state is the sole body with the mandatory power to make that opinion binding and law on all Muslims.

Evidence for this is extracted from what took place during the peace treaty of Hdaybia; Ibnu Ishaq and Ibnu Hisham mentioned in the book of Sira (The life of Muhammad (SAW)), as did Ibnu Kathir in his book of Tafseer Vol4, p196, on the treaty of Hdaybia, that when the Muslims objected to what Allah's Messenger (SAW) signed with Quraysh, he (SAW) followed the revelation and ignored the Muslim's opinion and objection. Therefore, if shura had any value in this instance, Allah's Messenger (SAW) would not have opposed all his companions.

Similarly, when the Khalifah Abu Bakr decided to fight the rebels, and Umar objected, Al-Imam Imnu Hajar Al-Asqalani wrote in his book Fathul-Bari Vol 17, p106: "Umar said: How could you fight when Allah's Messenger (SAW) said: "I was ordered to fight people until they profess that there is no god but Allah, Muhammad is His Messenger, if they did their blood and money would be spared except by right". Abu Bakr replied: By Allah I shall fight whoever divided between what Allah's messenger (SAW) has united. Umar then persisted but Abu Bakr did not listen, nor did he refer to consultation for he had the ruling and the verdict of Allah's Messenger (SAW): "Whoever changed his deen, kill him".

Outweighing an opinion over another on the strength of the evidence is down to the one seeking an opinion and not down to the people; that is the opinion of Al-Imam Shafi'i expressed in his book Al Risala, Al-Imam Qurafi is of the same opinion which he expressed in his book Al Ahkam p79: "If the ruler were a mujtahid (jurisprudent), he should rule only by the opinion which he believes outweighs others".

Abu Bakr and Umar, both had their respective evidences, but Abu Bakr's evidence was stronger for it fitted the reality of the rejectors (rebels) more than Umar's evidence did.

Abu Bakr looked upon the issue as being the rebellion of a group of subjects against the shar'iyah laws, whereas Umar translated it as a fight against a strong Muslim faction defying the state, where the state may not be capable of fighting it. Therefore, Abu Bakr legislated by what he deemed to be the stronger opinion of the two, and made it binding on Muslims to fight those who refuse to pay the zakat.

The head of state is therefore the exclusive body that has the mandatory power in decision making, and in enacting laws that are binding, for shar'iyah allows for the head of state to have the final say after consultation, and execute his opinion, and not that of the shura people.

Islam made the head of state the sole decision maker, where an opinion which he alone thinks outweighs other opinions, he would then make that opinion law and binding; if he adopts an opinion, it becomes law, and all Muslims should obey him. Two Shar'iyah opinions say: "The order of the Imam settles differences" and "The order of the Imam is law, openly and secretly".

Organizing Shura (consultation) Today

Although the practise of shura is well established by the Book of Allah and the traditions of the Prophet (SAW), Islam has not laid down a definitive mechanism for shura. With knowledge of the limits, functions and responsibilities of shura, we submit that shura should be formalised in a consultative forum, i.e., majlis as-shura, wherein the people, as represented by their elected representatives, can formulate their views for the Khalifah to consider.

Functions of the Majlis as-Shura (Consultative Assembly)

1. To formulate and exercise the assemblies view on all "mishwarah" matters, i.e., issues deemed to be the legitimate concern of the assembly. Mishwara matters would include matters of health, education, ruling and the economy. All within the area of permissibility (mubah). Such as deciding whether to build hospitals instead of schools, or whether to provide street lighting in rural areas instead of building a new road, etc.
2. To question the government on all actions it carries out.
3. To express dissatisfaction in the governors and assistants to the Khalifah.
4. To express views on the rules the Khalifah intends to adopt for legislation.
5. To select a list of candidates to stand for the position of Khalifah.

Is the View of the Majlis as-Shura Binding on the Khalifah?

Almighty Allah has warned in the Qur'an:

"And consult them in affairs (of moment). Then when you have taken a decision put thy trust in Allah". [Al-i-Imran:159]

Al-Imam Qatadeh says: "Allah commands His Messenger that when he decides upon a matter, he should go ahead with it and trust in Allah".

In the verse of Ali-i-Imran Allah indicates "When YOU have taken a decision", in Arabic the singular form of you is employed as opposed to the plural form of you. Thus when the ruler has formed a definite view, which may, or may not, represent the view of the majority, the ruler is to put his trust in Allah.

As Al-Imam Zamakhshari says in his book al-Kasharf "And when you are resolved and when your opinion has become resolved on a thing, following shura, then depend on Allah".

The opinion of the majority is therefore not binding on the Khalifah in certain areas. When the Khalifah is seeking the strongest opinion on a certain rule, the ruler is to be driven by the quest for the strongest shar'iyah opinion and not the view of the majority. In this regard greater weight is given to the strength of Islamic evidence rather than the will of the majority. Similarly, when the Khalifah considers the view of the experts and specialist he will take the view which convinces him, rather than the majority view.

However, in the area where the majlis as-shura has been given the right to formulate its view on "mishwarah" matters, the majority view of the majlis is binding. This is supported by the action of the Prophet (pbuh) in the question of going out of Madina to confront the enemies at Uhud. Even though the Prophet's opinion was to stay inside Madina, he (SAW) accepted the view of the majority.

To conclude, all issues that are the legitimate concern of the majlis as-shura, i.e., mishwarah matters, are to be decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of shura the correct opinion is sought, whether it be a majority or minority held view.

Censuring the Ruler

It is the right of the nation to censure the head of the state and all the officers and governors. It is an important function of the shura to ensure that the ruler conforms to the Book of Allah.

"The deen is an advice... For the sake of Allah, His Book, His Prophet and for the leaders of the Muslims and the masses".

The nation must remain conscious that it is Allah, the Almighty, who must be obeyed, and not the whims and fancies of man.

The essential dictum being:

"There is no loyalty unto the created which involves disloyalty unto the Creator". (Bukhari)

This is personified in the behaviour of the rightly guided Khulafaa'. Abu Bakr (may Allah be pleased with him) in his first speech as the Khalifah said: "If I behave well support me, if I falter straighten me".

Umar ibn al Khattab (may Allah be pleased with him), in his capacity as Khalifah, said, "Those of you who see in me crookedness must straighten it". One amongst the audience replied, "By God, if we see in you crookedness, we will straighten it with our swords". Umar said "Thank God, He has created someone in the community of Muhammad who can straighten Umar with his sword". The same man Umar later appointed to the court of the acts of injustice "mahkamat ul-madhalim" as a qadi (judge).

Umar exemplified the behaviour of the God conscious ruler. Once, Umar declared that none should increase the dowry (mahr) more than 400 dirhams. He was concerned that the dowry was becoming excessive. On descending the pulpit an old lady said to him, O Umar, have you not heard Allah's injunction? Umar went back to the pulpit and said, the woman is right and Umar is wrong. I was asking you not to give more than 400 dirhams as dowry. Whoever so wishes may give as much property as he likes.

Conflict between the Majlis as-shura and the Ruler

If the majlis as-shura disagrees with the ruler over an action from the view point of shar'iyah, the matter is to be decided by the court for the unjust acts (mahkamat ul-madhalim). The mahkamat ul-madhalim consists of a small band of jurists, who are qualified with the ability to make ijthad, thus able to determine whether the ruler has acted in accordance with the divine law. This accords with the command of Allah:

"O you who believe, obey Allah, and obey the Messenger and those charged with authority among you. If you differ in anything among yourselves refer it to Allah and His messenger if you do believe in Allah and the Last day: That is best, and most suitable for final determination". [an-Nisa:59]

Selecting candidates for the position of Khalifah

The Muslim members of the majlis as-shura check and determine the candidates to stand for election to the post of Khalifah. The majlis as-shura announces the candidates and the Muslims are asked to elect one of the candidates to office.

Membership of the Majlis as Shura

Every citizen of the Islamic state has the right to become a member of the majlis as-shura, provided, that is, he or she is both mature and sane.

Non-muslims can be members of the majlis as-shura. Their presence in the assembly is confined to representing their community in respect of their grievances against the ruler and the misapplication of Islam upon them.

A Draft Constitution for the Khilafah

Majlis as-Shura [The Consultative Assembly]

The following articles, that deal with the formalising of shura in a future Islamic state, are taken from a draft constitution prepared by Hizb ut-Tahrir, the full version of the constitution is available in the books (Distoor) - in Arabic, and (The System of Islam) in English.

Article 101

The membership of the majlis as-shura consists of those people who represent the muslims in respect of expressing their views to the Khalifah when consulted. Non-muslims are allowed to be members of the majlis as-shura so that they can voice their complaints in respect of unjust acts performed by the rulers and/ or misapplication of the Islamic rules.

Article 102

The members of the majlis as-shura are elected by the people.

Article 103

Every citizen of the state has the right to become a member of the majlis as-shura, provided he or she is both mature and sane; this applies to muslim and non-muslim. However, membership to non-muslims is confined to their voicing of complaints in respect of unjust acts performed by the rulers and/or the misapplication of Islam upon them.

Article 104

Consultation (shura) constitutes the seeking of views, and the majlis as-shura seeks to arrive at the definitive view. Matters of legislation, definitions, expertise, science and technology are

not to be considered by the majlis as-shura. It is the right of the majlis to express views on all other matters.

Article 105

All citizens, muslims or not, may express their views, but shura is a right for the muslims only.

Article 106

All issues that are the legitimate concern of the majlis are decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of consultation the correct opinion is sought, whether it be a minority or majority held opinion.

Article 107

The majlis as-shura is charged with four duties, they are:

1a. To arrive at the definitive view of the assembly on matters that are considered to be legitimately the concern of the majlis, such as: affairs of ruling, education, health, and the economy. In all other matters, such as foreign policy, finance and the army - which are not the concern of the majlis - the opinion of the assembly is not necessarily sought.

b. To question the government on all actions it actually carried out, whether they be internal or external affairs, financial or military. In matters where the majority view decides, the majority view is binding. Where the majority view is not sought the viewpoint is not binding. In the event of the assembly and the rulers disagreeing on an action, from the viewpoint of the shar'iyah, the verdict of the Mahkamat ul-Madhalim (Court for Unjust Acts) is to decide.

2. To express dissatisfaction in the governors and assistants. In this matter the view of the assembly is binding. The Khalifah must discharge them at once.

3. To discuss and express opinion on the rules, the constitution and canons that the Khalifah intends to adopt and which he has presented to the assembly. The views of the assembly are not binding in this matter, but they have the right to express their views; non-muslims have no such right.

4. To select the list of candidates to stand for the position of Khalifah; no candidate excluded from this list may stand. The decision of the assembly is binding. Only muslim members of the assembly may participate in drawing up this list.

The Structure of the Khilafah Ruling System

The Khalifah - Head of State

Delegated Assistant to Khalifah

Executive Assistant to the Khalifah

The Amir of Jihad

The Governors of the Provinces

The Administrative System

Majlis as-Shura

The Judiciary

This is number three in a series of pamphlets that outline various aspects of the ruling system in Islam, known as the Khilafah.

Ruling by Kufr is Haraam

By Prof. Muhammad Al-Mass'ari

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 Ysuf 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 than 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; Sanhidreen; 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 Islamic 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, as well as administrative and management jobs and positions in general are basically permitted and not a problem. It is 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' permitted by a higher law making authorities. A Muslim council member 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. 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 Zakat 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-imburement. 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 perpetrators 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', permits 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'ad 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 law-maker. All of them agree unanimously that Allah is the Haakim, not Humans nor Reason.

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) Ijtihad: 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 "Ijtihad". Ijtihad is both the right and duty of the Muslim Ummah. The Ummah is empowered, by Allah blessed be His Names, to perform Ijtihad. 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 Ijtihad 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 Islam, 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 Islamic 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 Islamic 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 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 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 Islamic 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 Islamic 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) the Ikhwaan-ul-Muslimoon, the biggest Islamic 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 Islamic 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 form 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 Islamic 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 Rule) and its relation to human authority and responsibility. We must distinguish sharply between Sovereignty or 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 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, 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 Islamic 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 mis-application 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 the sin.

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, Zaalim and Faasiq 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 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 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 worship 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"

In a previous article entitled: "Ruling by Kufr is Haraam" [An abridged version of which was published in Muslim News, No. 96, on Friday 25 April 1997 (18/12/1417H), Page 6, while the full version was circulated via the Internet] 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 Kifayah", 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 a sodomist, 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 an "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 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 Ijtihaad. But not referring to the revelation makes us sinful Kuffaar! So a Muslim should never accept any law not derived by a an acceptable Ijtihaad, 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 sounds 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!

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 ultimate 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-Islamic 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 different from pork breeding, keeping, selling and eating by non-Muslims, which Islaam expressly 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-elexir, which, in one strike, cures all ills and keeps youth for ever!

Let give things their right names. the land in which Islamic 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 battle field 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 thing else 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! 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 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, crack-downs 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: 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" 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 that 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 manpower and resources. 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 man-kind! They are actually a prime counter-example to Br. Tamimi's theory!

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.

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)

(

) 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!!

A Refutation of the Arguments that are put Forward to say that voting in a Kufr system is Halal

Introduction

"So rule between them by what Allah has revealed, and follow not their vain desires, diverging away from the truth that has come to you" [TMQ Al-Ma'idah: 46].

Al-haafith ibn Katheer dissected the above ayah in his tafseer:

"So rule between them by what Allah has revealed"

This ayah commands: O Muhammad! Rule between the people, Arabs and non-Arabs, lettered and unlettered, by what Allah (swt) has revealed to you in this glorious Book.

"And follow not their vain desires"

This is with regards to the ideas they promote. These are the same ideas that distracted them from Allah (swt) and His revelations. This is why the Qur'an warns:

"And follow not their vain desires, diverging away from the truth that has come to you."

This ayah commands the people to stay true to the path that Allah (swt) has ordained and refrain from the vain desires of the ignorant (ibn Katheer v3, 198-9).

Understand, brothers and sisters, we are commanded to rule between this Ummah of yours by what Allah (swt) has revealed. Thus, you are commanded to pay no heed to those who wish to rule by Kufr with their empty ideas and vain desires. Despite this, some still insist upon calling you to elect them to power in the Kufr regimes of the Muslim, and non-Muslim world. Truly, this is a great haram. In voting for Kufr rulers, we are treading the thorny path of power sharing, partial implementation of Islam, compromise and gradualism. Insha-Allah, it is this very path that we plan to expose, so that its ugliness becomes manifest to you, and so that you reject this munkar (evil) decisively.

Voting: A system or a leader?

In clarifying this matter, two very different issues must remain distinct in the call and separate in the minds. These are the difference between electing a leader, and electing a system.

As for electing a leader, Islam obliges his election. It is well known that the Khulafaa ur-Raashidoon (ra) were indirectly elected. Alas, today, and since 1924, there is no such Khilafah system. All that remains is in jeopardy from Kufr colonialist who continue to carve up this once united Islamic world.

As a result, any such elections nowadays are not simply elections for a ruler; rather, they imply voting for an entire system. It has become a common sight to see 'Islamic' parties campaigning alongside secular parties in a vain attempt at gaining seats in the various Kufr legislative assemblies across the Islamic world. Their stated aim is to gain some influence in these assemblies in order to 'Islamise' these systems with a gradual process of legislation. That is why competing in elections of a Kufr regime is synonymous to the call for power sharing, gradualism, compromise and partial implementation of Islam.

It is this matter, and not electing a Khaleefah within the Khilafah, that is decisively prohibited with no room whatsoever for Ikhtilaaf (difference of opinion). The Muslims can choose their Khaleefah but are not allowed to choose their law, as is clearly stated in the Qur'an:

"It is not for a believer, man or woman, when Allah and His Messenger have decided a matter that they have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error" [TMQ Al-Ahzab: 36].

Al-haafith ibn Katheer comments, "This ayah is general in meaning and applies to all matters, i.e., if Allah and his Messenger (saw) decreed a matter, no one has the right to go against that, and no one has any choice or room for personal opinion in this case. The Qur'an explains:

"But no by your Lord, they can have no iman, until they make you rule in all disputes between them, and find in themselves no resistance against your decisions, and accept them with full submission" [TMQ An-Nisa': 65].

Hence, the issue of going against it is addressed in such strong terms ... This is like the ayah:

'And let those who oppose the Messengers commandment beware, lest some Fitnah should befall them or a painful torment be inflicted on them' [TMQ An-Nur: 63]"

(ibn Katheer v7, 694-5).

So what of these various parties who call upon the Muslims to exercise a choice in an affair that Allah (swt) and His Messenger (saw) have already decided? Indeed, they should take heed in case some fitnah should befall them, as they are those who make *"their vain desires"* their criteria. It is upon such desires that they choose, whilst voting in the legislative assemblies, to call for some Ahkaam of Islam whilst abandoning others. A warning against such partial implementation is apparent in the following ayat:

"So rule between them by all that Allah has revealed, do not follow their vain desires, and beware of them in case they seduce you from any part of what Allah has revealed to you. And if they turn away then know that Allah wishes to punish them for some of their sins. Indeed, most men are Fasiqoon (evil doers)" [TMQ Al-Ma'idah: 49].

"Do they then seek the judgement of Jaahilyyah (ignorance)? And who is better in judgement than Allah for a people who have a firm belief" [TMQ Al-Ma'idah: 50].

Thus, Allah (swt) has spoken, and indeed He speaks the truth. Al-haafith ibn Katheer comments upon above ayat, "Allah criticises those who ignore Allah's commandments ... but they refer instead to opinions, desires and customs that people themselves invented, all of which have no basis in Allah's Deen ... The Tartar abided by the law that they inherited ... This book contains some rulings that were derived from religions such as Judaism, Christianity and Islam ... Therefore, whoever does this is a Kafir who deserves to be fought against until he reverts to the decisions of Allah and His Messenger (saw), so that no law, minor or major, is referred to except His law" (ibn Katheer v3, 202).

It is important to add, however, that such people only become Kafir if they actually believed in their partial implementation of Islam (at-Tabari 10: 355). Ibn Katheer's view is enough, at least, to demonstrate what all the scholars consented upon: the prohibition of partial ruling by Islam.

Oh Muslims, do not be tempted by those who attempt to seduce you into voting for a gradual and partial implementation of Islam. They use "*their vain desires*" to decide which law of Allah (swt) should be implemented today, and which law tomorrow. Know that it is haram to help such parties by voting for them under the guise of co-operating in good deeds. There is no co-operation in sin. This is not a good deed, it is a haram, a dhulm (oppression), and the perpetrators of this deed are on the verge of Kufr. You are commanded to forbid this munkar, not aid it.

Where participation is allowed

Participation in government offices in any Kufr system is only allowed for non-ruling posts. Such posts stem from the Mubah. Choosing a job is mubah, as long as no specific evidence prohibits it. Jobs that do not involve ruling are not covered by the above ayat, which prohibits ruling with Kufr. Thus, a Muslim is allowed to work for a post office, the social security office, or to be elected to some sort of similar body with non-ruling powers, even though they are government offices. The Jordanian Assembly in the 1950's, before it was given legislative powers and its oath was introduced, was an example of such a body. No matter what the post, however, if a Muslim is asked to do haram, he must decline. Some sincere Islamic activists argue that no post in a Kufr government is allowed. This, however, is countered by other ahadith that state that certain work can be done even under the tyrants. For example, jihad is a duty even under the command of the faajir (wicked) rulers,

In a translation, Abu Dawud narrated from abu Hurayrah, the Prophet (saw) said: **"Jihad is obligatory upon you together with every Ameer, whether he is righteous or wicked."**

In fact, the Prophet (saw) confirmed this understanding in a sahih hadith, after warning of the times to come wherein there will be corrupt rulers. **"Should any one of you reach that time, do not be 'Areef, Shurti, Jaabi, or Khaazin"** [Ibn Hibbaan].

The above hadith clearly indicates that the four categories are excluded from the general permission of working in administrative posts. It did not say, for example, 'do

not work, or do any thing for them.' The conclusion in the hadith, therefore, is that in times such as these do take the following posts within the corrupt system.

The occupation of 'Areef is prohibited. Literally this word means 'recogniser.' Ahadith indicate that an 'Areef is someone who knows the people in a certain area, so he is able to report information such as opinion and marital status. This post is an opinion poll collector for the government. This position is explained further in the following incident. After the battle of Hunayn, the Prophet (saw) decided to set his prisoners of war, the defeated tribe of Hawaazin, free. He asked the others to do the same, possibly in return for a future reimbursement. The people shouted in agreement, but Mohammad (saw) replied: **"Go to your camps! Your 'Areef will check with each of you one by one and then report back to us, so that we know who is really satisfied."**

The hadith also explains that we are forbidden to take the position of Shurti. This is a secret service agent or a Policeman. It is obvious that working in secret services is a heinous sin. Neither may we hold the office of Jabbi, or collector of state revenues. This applies to Zakat collection, Kharaaj (land tax), customs and excises and all other taxes. We are also not allowed to hold the position of Khaazin. This literal meaning of this term is 'storage keeper.' The term, however, is also reserved for the position of treasurer.

Thus, the hadith of ibn Hibbaan, together with numerous other evidences against Kufr, Dhulm, injustice, and their perpetrators, including any support for, or even inclination or closeness to them, are strong evidences for the prohibition of certain jobs and functions under Kufr and Dhulm regimes. The glorious Qur'an explains:

"Do not incline (or lean) towards the unjust one (Dhaalim), else you would experience the touch of hell-fire, you will not find any protector besides Allah, nor shall you be helped or supported" [TMQ Hud: 113].

Despite these clear evidences that forbid compromising in matters of ruling, some still attempt to justify their munkar. They do this by misquoting the divine evidences. For this reason, a point-by-point refutation has been provided below to clearly expose the fallacy of such claims.

The intention, the action, and necessity

The most common justification for the decisive haram of participating in a Kufr system has become the issue of intention and necessity. The argument has been used that as long as the intention for standing in such elections is good, then Allah (swt) will forgive the evil action of participating in a Kufr system, as it is a necessity. They have even extended such corruption to the level of a general principle. This is not dissimilar to the Capitalistic principle of 'the ends justify the means.' As evidence for this corruption, they reference the hadith of the Prophet (saw), **"The A'maal (actions) are but by the Niyaa (intention)"** [Bukhari and Muslim].

Such reasoning is flawed. In Islam the means are just as important as the end itself. In fact, this hadith applies to halal actions only. Halal actions must be performed correctly and with good intentions. For example, Allah (swt) commanded Muslims to

pray. The Prophet (saw) told the Muslims to follow his (saw) example in prayer. So, if a Muslim wishes to pray Maghrib, he must have the correct intention, wishing to worship Allah (swt) alone, as opposed to showing off. He must also perform the Salah exactly as ordered in the Sunnah. If a Muslim prayed four rak'at of Salat ul-Maghrib instead of three, thinking that four would surely be rewarded more than three, his prayer is invalid, despite his apparent 'good' intention. There can be no excuse for performing a haram based upon a 'good' intention. The hadith recorded by Al-Hakim, Ibn Hibbaan and Ibn Khazimi, indicates from the Prophet (saw), **"If anyone amasses wealth through Haram means and then gives charity with it. There is no regard for him and the burden of sin remains."**

In another translation, he (saw) said, **"Whoever performs a deed which we have not ordered (anyone) to do then that deed will be rejected and will not be accepted"** [Aa'isha in al-Bukhari].

It is appropriate here to quote the saying of the great Islamic scholar al-Imaam al-Ghazali:

"The sins do not change their nature by intention. So the ignorant must understand that from the generality of his saying (saw): **"Actions are but by intentions,"** then thinks that a sin can be turned into an obedience by (a good) intention, such as the person who backbites a man to please the heart of someone else, feeds the needy person with someone else's money or builds a school, a mosque or a military camp with unlawful money, while his intention is to do good. This is all ignorance; and the intention has no effect in ruling out its being oppression, an aggression and a sin. In fact his intending to good by an evil means, which opposes the requirement of the Shari'ah, is another evil ... As a matter of fact, the things which cause this in the heart are the hidden pleasure and the inward desire ... Therefore his (saw) saying that **"Actions are but by intentions"** is confined ... to obedience and mubahaat (permissible) things but not sins. This is because obedience can be turned into a sin by the (wrong) intention. Also, the mubah (permissible) can be turned into sin by the (wrong) intention. In contrast, a sin can never be turned into an obedience by the (good) intention" (Imam al-Ghazali v4).

To elaborate upon this excellent point, it is important to emphasize that only where Allah (swt) permits, due to a necessity as defined by the Shari'i texts, can a sin be deemed lawful. As an example, eating haram foods is forbidden by general evidence, but then that same evidence provides one with an exception that occurs in a specific case of necessity. The following ayah clarifies this point:

"He has forbidden you only the carrion, and blood, and the flesh of swine, and that which is slaughtered as sacrifice for other than Allah, but if one is forced by necessity without wilful disobedience, nor transgressing due limits, then there is no sin on him" [TMQ Al-Baqara: 173].

This *ayah* establishes the general rule of prohibiting haram food and then continues to specify and restrict an exception: starvation. Indeed, here it would be a sin not to consume such food, as saving one's life is a duty. Restricting oneself to this exception is obligatory, as haram food cannot be legalised for any other reason. Giving haram food as a gift to a Muslim, which is otherwise a charitable act, even if this is done

with a good intention, is absolutely prohibited. Only the Shari'i can specify and restrict exceptions, not the mind.

As no 'Illah Shar'iyyah (textual divine reasoning) exists for rules related to foodstuffs, no qiyas (analogy) can be made between this ayah and anything else, such as elections in a Kufr system. Also, despite this point, no qiyas can contradict clear and established laws in Islam. Even if a Muslim were to make an invalid qiyas here to voting in a Kufr system, it would clearly contradict the overwhelming evidence in the Qur'an that prohibits ruling with Kufr by even one law. Finally, we ask those who run in such elections, where is the necessity? Are they forced to stand for elections?

Eating from the haram, and other exceptions such as lying to resolve a dispute or to save one's life, have specific evidences exempting them from the general prohibition. Therefore, unless it is accepted that these exceptions can only be defined by a Shari'ah text, the principle that a sin can be turned into a good action by its intention, has no bounds.

Indeed, what would stop anyone applying it to the legalising of prostitution cases where a mother needs to feed her children, as has happened in Bangladesh? For that matter, stealing would also be allowed under this misguided reasoning. The Shari'ah would become subject to the desires and whims of man, and the term haram would lose its meaning. Every action that benefits a person would be made halal. In such a case, the desires would be the criteria for action, not Islam.

"Have you seen him who has taken as his Ilaah (God) his own vain desires? They are like cattle - Nay, they are even further astray from the path (i.e.: even worse than cattle)" [TMQ Al-Furqan: 43-44].

Al-haafith ibn Katheer elaborates upon this ayah by saying, "Meaning, whatever he admires and sees as good in his own desires becomes his Deen and his way" (ibn Katheer v7, 176-7). Ibn Katheer goes on to quote the ayah:

"Is he then to whom the evil of his deeds is made fair seeming? So that he considers it as good? Verily Allah sends astray who he wills" [TMQ Fatir: 8].

Thus, it has been established that the sin of participating in a Kufr government cannot be legalised by a good intention. It is expressly prohibited, and no specific evidence is found to exempt it. For those who find themselves going down this dangerous path, we remind you of the ayah:

"Is he then to whom the evil of his deeds is made fair seeming? So that he considers it as good? Verily Allah sends astray who he wills" [TMQ Faatir: 8].

The Prophet Yusuf (as) in the Store Houses of Egypt

The Qur'an relates the story of Prophet Yusuf (as):

"Set me over the store-houses of the land; I will indeed guard them with full knowledge. Thus did we give full authority to Yusuf in the land, to take possession therein, when or where he likes..." [TMQ Yusuf: 55-56].

This ayah is often used in an attempt to prove that Prophet Yusuf (as, was allowed to participate in the un-Islamic system of the King of Egypt. Some claim that the Muslims of today should be allowed to do likewise. They use the following ayah as an evidence:

"He could not take his brother by the Deen (law) of the King (as a slave) except that Allah willed it" [TMQ Yusuf: 76].

This is used to prove that Prophet Yusuf (as) deceived the King in allowing him to judge his brother by the Shari'ah of Ya'qub, that is to enslave a thief, rather than using the Kings law. Therefore, it is claimed that the opposite understanding (Mafhoom ul-Mukhalafa) implies here that with other than his brother, Yusuf (as) judged by the Kings law.

Using these evidences in an attempt to prove that Prophet Yusuf (as) ruled in an un-Islamic government and judged by other than the Shari'ah is a slander against the infallibility of a prophet, therefore, the argument is flawed. Before further discussion resumes on the flaws of these arguments, we will first prove that Prophet Yusuf (as) never participated in a Kufr system.

Defending the honour of Prophet Yusuf (as)

Let us consider the first ayah, which is used to discredit the Prophet Yusuf (as):

"Set me over the store-houses of the land; I will indeed guard them with full knowledge. Thus did we give full authority to Yusuf in the land, to take possession therein, when or where he likes..." [TMQ Yusuf: 55-56].

There are only two possible correct explanations for this ayah. Firstly, it could mean that Prophet Yusuf (as) was simply set in-charge of collecting and storing the harvest of Egypt, which included guarding over the store houses. This is an administrative post, not a ruling post. Ibn Katheer expresses this opinion in his tafseer of the ayah. Shu'aybah ibn Nu'ama holds this same view. They hold that the Prophet Yusuf (as) was "...responsible for the harvest storehouses, in which they would collect produce for the years of drought which he told them would come. He wanted to be the guard, so that he could dispense the harvest in the wisest, best and most beneficial way" (ibn Katheer v5, 179).

This opinion does not suggest in any way that Yusuf (as) ruled by Kufr or even partook in any ruling. Rather, it means that he (as) simply participated in an administrative post and this is not haram, even in today's times, as explained above. Thus, this is far from ruling and participating in a Kufr system like those of today, where an oath is taken, and Islam is subjected to partial implementation and the whims of man.

The second view is that Prophet Yusuf (as) was placed in charge of the entire land, symbolised by the authority over the region's most important commodity: finance. This opinion was proposed by Imaam an-Nasafi who says that the king was placed subordinate to Yusuf (as) and could not issue any judgement without his authorisation. Ibn Jarir at-Tabari reports As-Suddi and Abdur-Rahmaan ibn Zayd ibn Aslam as saying that Yusuf (as) was given authority "to do whatever he wants therein" (at-Tabari v16, 151-2). This is supported by the view of some scholars that the king actually embraced Islam, ibn Katheer quotes Mujahid as holding this view.

Again, no analogy can be drawn with the tactics of those who participate in elections in Kufr systems. Imaam an-Nasafi states that this ayah simply proves that it is allowed for one to request that a tyrant ruler to hand over authority to one who is just. This would mean that no partial implementation occurred, as the full authority would be transferred.

It is actually impossible, and unthinkable, that these ayat could mean that participating in a Kufr system, or that partial implementation of Islam, is allowed. To interpret the Qur'an in such a way would contradict the many decisive ayat that clearly prohibits this. They describe the one who does so as either a Kafir, if he believes in his Kufr ruling; for any other excuse, he is simply an asiq (evil-doer) or dhaalim (tyrant oppressor) [5: 44, 45 and 47]. We ask you, oh Muslims, how could we possibly associate such attributes with regards to our beloved infallible Prophet Yusuf (as)?

Such a concept contradicts the Prophet Yusuf's (as) own statement to his two companions in prison which is recorded in the Qur'an:

"The rule (Hukm) is for none but Allah, he has commanded that you worship none but Him, that is the straight Deen, but most men know not" [TMQ Yusuf: 40].

In this ayah it is evident that Yusuf (as) actually believed that anyone who does not rule by Allah's (swt) Shari'ah has invented their own Deen (religion). This is illustrated by his (as) words, 'that is the straight Deen.' Clearly, according to Yusuf (as), ruling by Allah's (swt) Shari'ah was a matter of Aqeedah (Creed), Tawheed (belief in Allah's unity) and conforming to Allah's (swt) judgement. This is how ibn Katheer interprets Yusuf's (as) words, describing he who does not follow this straight Deen as a Mushrik (idolater). Ibn Katheer's interpretation is that

" 'That is the straight Deen,' means this Tawheed of Allah and directing all acts of worship at Him alone ... is the right, straight Deen that Allah has ordained and for which He has revealed what He wills of proofs and evidences. 'But most men know not' ... is why most of them are Mushrikeen" (ibn Katheer v5, 168).

In narrating that Yusuf (as) did not judge his brother by the law of the king. The Qur'an makes reference to the word 'Deen' when referring to the Kings law. In other words, the king had a Deen, and Yusuf (as) had another Deen.

"He could not take his brother by the Deen (law) of the King (as a slave) except that Allah willed it" [TMQ Yusuf: 76].

How can it be, oh Muslims, that our Prophet Yusuf (as) would tell his companions in prison that to rule by Allah's (swt) Shari'ah is the straight Deen one moment but adopt the Deen of the king the next moment? We seek refuge in Allah (swt) from such a slander, and to those who propagate such a myth, repent before its too late!

Imaam Nasafi, Ibn Katheer and Imaam as-Shawkaani relate that this ayah means that Yusuf (as) judged his brother by the Shari'ah of Ya'qub. This ayah is used by some to claim that the Mafhoom al-Mukhalafa here implies that with others he (as) used to judge by the law of the king. Mafhoom ul-Mukhalafa is valid on numbers ('adad) and descriptions (wasf), as long as it does not contradict clear texts, but it is not valid in this case. This particular type of Mafhoom is known as Mafhoom ul-Laqaab, an opposite meaning taken from a noun or a name, i.e. Yusuf's (as) brother. However, as will be demonstrated, the usage of this weak type of Mafhoom (accepted by Abu Bakr, al-Daqaq and ibn Farooq) is not valid.

To demonstrate their reasoning by a basic example, the statement: 'I saw Zayd' is held by those who subscribe to this type of Mafhoom to possibly mean: 'I didn't see anyone else other than Zayd.' In this example, Allah's (swt) saying that Yusuf (as) judged upon his brother by the Shari'ah of Ya'qub is purported to mean that he (as) judged others by the king's law. This is actually one of the weakest types of Mafhoom ul-Mukhalafah possible. In fact, Imaam as-Shawkaani states that those who use this type of reasoning have no excuse, whether it is linguistic, legal or rational. The Imaam continued by saying, "It is known from the tongue of the Arabs that whoever says: I saw Zayd, will not be implying that he did not see other than Zayd, but if there is indication in the text that this meaning is correct then the evidence is by the indication."

Even if this type of Mafhoom was valid, it still cannot be used in the example at hand. That is because even they believed that its usage must not contradict certain conditions such explicit texts. Therefore, any usage of this type of Mafhoom upon the ayah in question would contradict the many clear ayat of the Qur'an that forbid ruling by Kufr, including Yusuf's (as) own words regarding the rule being for none but Allah's (swt). Such a meaning would result in the heinous slander against a noble prophet of Allah. Even al-Daqaq and ibn Farooq would have rejected this type of Mafhoom ul-Laqaab here, as it can only render an absurd meaning. Thus, we must absolutely reject it.

The root flaw in the argument: Shar'a from our past

The above was just to defend the honour of Prophet Yusuf (as) from slander. The actual flaw of the argument that he (as) participated in an un-Islamic system, and their claim that it is allowed for us, is as follows. This claim is based upon the assumption that the Shari'ah of Yusuf (as) is valid for us to follow. This is, in fact, a very weak principle, so even if Yusuf (as) had participated in ruling by the Deen of the king (something unthinkable), this in no way sets a precedent for Muslims. This is because Muslims are bound by the Shari'ah of the last and best seal of all prophets, Muhammad ibn Abdullah (saw).

Some scholars (mainly the Hanifi school), however, did accept this principle, but even they stipulated the following condition: the Shari'ah of our past is a Shari'ah for as

long as it does not contradict the Shari'ah brought by Muhammad (saw). These are the only two views on the matter, no scholar had any other. It is ridiculous to suggest that a ruling of a past prophet can over-ride the Shari'ah brought by Muhammad (saw). The same goes for any other weak, but valid, principle which they may try and use to justify their actions, such as Maqasid us-Shari'ah (objectives of the Shari'ah), the spirit of the text, Masalih al-Mursala (public interest) or the lesser of two evils. None of them can be used to contradict clear Shari'ah texts. Imaam al-Ghazaali, Aamidi and ibn Haajib have reported an Ijmaa' (scholarly consensus) that no general evidence can be used for a specific issue without first looking for a specific evidence. Therefore, before resorting to secondary legislative sources, like the weak yet valid principle 'Shari'ah from our past,' the specific evidence brought by our Prophet (saw) must be referred to.

In the case at hand, whichever opinion is adopted, strong or weak, no analogy can be drawn between the action of Yusuf (as) and participating in the Kufr systems of today. Such an action would blatantly contradict the Shari'ah brought by Muhammad (saw), in many ayat of the Qur'an, such as in the following ayah:

"So rule between them by all that Allah has revealed, do not follow their vain desires, and beware of them in case they seduce you from any part of what Allah has revealed to you" [TMQ Al-Ma'idah: 49].

In summarising the story of Yusuf (as), no plausible opinion, whether it be that he (as) participated in the system as an administrator and not a ruler; or he took charge of the whole system; or that the Shari'ah he brought is not valid today; or even that it is valid except if it contradicts the Shari'ah brought by Muhammad (saw); indeed, none of these stances can be used to justify participating in a Kufr system today. Such an action is one of the biggest sins against Allah (swt), as it means ruling by Kufr. If believed in, it makes the ruler a Kafir, and if not, it will at least definitely make him a Dhaalim or a Faasiq.

Difference between ruling by partial Islam (Kufr) and Shura

It is claimed that the Islamic concept of Shura (consultation in affairs) is no different to consulting the legislative assembly, and even the Ummah itself, on Shari'ah matters. Thus, this is another argument used to justify standing for elections in Kufr systems. Such a weak and flimsy theory is easily dealt a blow by the pristine clarity of Islam.

It is true that the Prophet (saw) was commanded by Allah (swt) to seek the advice from the Sahabah (ra) [3: 159]. The Qur'an describes consultation as a good quality for the believers [42: 38]. Now does this mean that such consultation can take the place of Wahy (revelation)? Never! Such a thought negates the concept of sovereignty for Allah (swt), thus it is absolutely absurd. The Shura is invalid in cases where Allah (swt) has not given the Muslims any choice, namely the fard and haram. As has been established above, the issue of ruling is not subject to the choice of the Ummah, and thus, nor is it open to Shura.

The Prophet (saw) did not accept anyone's advice in signing the treaty of Hudaibiyah his (saw) ignored usage of Shura is defined clearly in the Sunnah of the Prophet (saw). He (saw) sought advice in the battle of Uhud, as to whether to fight inside or outside of Madina. Likewise, he (saw) sought Shura in the battle of Badr regarding where to camp. He (saw) also sought advise from the Sahabah (ra) in the case of the slander against Aa'isha (ra). These were all of the permissible forms of advice. In any matter where Allah (swt) had already decided His hukm (ruling), the Prophet (saw) did not consider the objection of the majority of the Sahabah (ra), responding that he was sent to obey Allah (swt) and not any other. Clearly then, there is no Shura upon a hukm of Allah, as is conveyed by the following ayah, the tafseer for which was given above:

"It is not for a believer, man or woman, when Allah and His Messenger have decided a matter that they have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error" [TMQ Al-Ahzab: 36].

Gradual revelation of Islam

Another deviated claim by those smitten by Western electioneering is that the gradual revelation of the Qur'an is a proof for their actions today. They attempt to prove that because Allah (swt) conveyed the message to the Prophet (saw) in pieces, like alcohol being forbidden in three stages, they are allowed to rule gradually today.

The truth of the matter is that even though Allah (swt) revealed the Qur'an gradually, the Prophet (saw) and the Sahabah (ra) implemented it immediately as and when it was revealed. For example, when Banu Thaqeef wanted to be exempt from salat and to keep their idol, al-Lat, for three years as conditions for their embracing Islam, the Prophet (saw) refused and insisted upon the immediate destruction of the idol, and the commencement of salat. Thus, in matters of fard and haram no gradualism is employed. He (saw) did allow for them not to destroy the idol by their own hands. This, however, is not compromising a hukm, because the fard was simply the destruction of the idol. It did not specify who destroyed it. So, he (saw) simply sent Khalid bin Waleed (ra) to destroy it instead.

Another example raised is the Prophet's (saw) agreement to remove the words "ar-Rahmaan ir-Raheem" and "Muhammad Rasool-Allah" from the treaty of Hudaibiyah. Again, it was not fard for the Prophet (saw) to begin the treaty in these words, rather it is of the Mandoobaat (recommended) to begin with such words. Therefore, it was definitely not haram to remove them. Only the ignorant would claim that this is an example of the Prophet (saw) compromising. So how can this be compared to the decisive haram of partial implementation of Islam?

These, and other such evidences, are not examples of the Prophet (saw) sanctioning the gradual implementation of a fard. Rather, they are examples of hikmah (wisdom) on a means that is Mubah.

We boldly ask the protagonists of such a fallacy, are they accusing the Prophet (saw) or the Sahabah (ra) of haram? Never! Are they saying that it is allowed for a Muslim to do haram? Would they accept activists of their da'wa to undertake the da'wa whilst still not having given up alcohol or drugs? Would they themselves be in such a

position? Why then, do they use the issue of alcohol being forbidden in three stages, what is that meant to prove? After all, if they are not prepared to drink alcohol and do da'wa, how can they justify ruling by Kufr and doing da'wa? Today Muslims have no choice in the matters of law, as the revelation is complete. The law before completion of revelation is not considered, as that is the hukm of Jaahilyyah. The following ayah, with its aforementioned tafseer, clarifies this point.

“Do they then seek the judgement of Jaahilyyah (ignorance)? And who is better in judgement than Allah for a people who have a firm belief” [TMQ Al-Ma'idah: 50].

Hilf ul-Fudhool

The Hilf ul-Fudhool was an agreement made by Zubayr ibn 'Abdul-Muttalib before Islam. It was aimed at preventing traders from making promises to pay to travellers entering Madina for goods, and then reneging on their obligation due to the weak tribal position of the traveller. The Prophet (saw) said that he would approve of that agreement if initiated again. This is used in an absurd attempt to prove that a Kufr law can be good if it is just, and that Muslims are allowed to take the good things from Kufr.

In refuting this claim, we only need to point out that anything approved of from the days of Jaahiliyyah by Allah (swt) or His Prophet (saw), like the Arabic language, the dress of the Qurayshi men and the Hilf ul-Fudhool, is no longer Kufr. Rather, it then becomes Islam. Thus the Prophet's (saw) agreement to this treaty is simply an evidence that this particular type of agreement, if made today, is valid. It is not, under any circumstance, evidence to say that to rule by Kufr is allowed. Otherwise, what is the point of all the ayat prohibiting ruling by Kufr?

Najashi al-Habashi

Najashi, the Christian King of Habasha (Ethiopia) is reported to have accepted Islam, yet he was not able to inform his subjects, for they would have overthrown and killed him. The Prophet (saw) prayed the Salaat ul-Janaaza for him in his absence. Some draw an analogy from here, because Najashi accepted Islam, yet he did not give up ruling as a king, to the situation today as allowing them to compete in legislative elections and rule by partial Islam. In fact, it is reported in Muslim by Anas ibn Malik that the Najashi, who embraced Islam, was not the same Najashi who was the King of Habasha. This issue is argued over by the scholars. Some, like ibn Hazm, say that they were two different people.

Assuming that it was the same Najashi, their argument is still groundless. This issue is an example of a ruler who was in power before he became a Muslim. His conversion to Islam puts him in a position of duress, preventing him from declaring faith to others. This is simply not analogous to those who actually seek the power by competing in elections freely, as they are under no duress to run for elections, and no-one forces them to do this. Ibn Taymiyyah, in his Majmoo' al-Fatawa states that Najashi could not even pray, fast, wage Jihad, perform Hajj or pay Zakat. He also had nobody to teach him the Deen. This is the extent to which he was under duress. Those who compete in the legislative elections of today do so freely, are not under any

duress and their lives are not threatened if they do not stand for these elections. This is simply not an evidence for them. Would they accept the abandonment of prayers, and fasting, under this same evidence, just so they could achieve their political aims? We hope not.

In fact, this is actually an evidence supporting any sincere general or army officer in the Muslim lands, who enters the Deen, and as a result fears for his life if he declares his Islam. This evidence allows such a man, to keep his Islam quiet until he has mustered up enough support to remove the Kufr by force. This is exactly what Najashi had wanted when he wrote to the Prophet (saw) saying, "my support in Habasha is so small, leave me until I gain more support and soften the hearts (to Islam)."

The Islamic position to the Kufr regimes

What should be the stance of the righteous towards these systems? Islam has determined that nothing but hostility and struggle should exist between the Kufr governments and the guardians of the Deen. They are deemed illegitimate by Islam, deserving to be fought and removed so that the Khilafah can be established upon their ashes. The sahih hadith narrated by 'Ubadah ibn Samit is ample proof of this. The Prophet's (saw) replied when asked by the Sahabah (ra) if they should fight them, was **"No, unless you see the manifest Kufr for which you have clear proof from Allah."**

Wherever and whenever manifest Kufr exists, only a relationship of hostility, political struggle and fighting are legitimate. No compromise and loving relationship is sanctioned by the texts. We call upon you, oh Muslims, to gather your power by your tongues, and work to convince those who have the ability to remove these rulers by their hands, so that these rulers can be removed by the people of Nusra (physical support). Ignore the false call of compromise, indignity and humiliation; for that is the call of electioneering. Indeed, work to re-establish your Khilafah upon the ashes that these colonialists established over us!

Maajid Nawaz

ELECTIONS IN ISLAM

The Prophet Muhammad (saw) said, "Islam started as something strange and will again return as something strange. So give glad tidings to the strangers who will revive the Sunnah after it became corrupted."

The resurgence of the Islamic Ummah and her demands to return to the Islamic way of life in all her affairs has become apparent for all the people to witness. This has manifested itself in the revival of Islam as a political Deen, which seeks to implement itself over the affairs of man. In fact, the discussion that Islam is political and the need for Khilafah in order to apply the Islamic rules and laws that have been detailed in the Qur'an and the Sunnah are foregone conclusions. The revival of Islam started as something "strange" in the new secular world order, but it is now whole-heartedly adopted by the Islamic Ummah as her cause.

However, confusions still exist within certain elements of the Islamic Ummah, who, whilst sincere in their efforts and noble in their goals, have failed to understand the error of the path they tread. They cannot distinguish between the elections as a process of determining the consent of the masses in its selection of a ruler and the system of Democracy.

Democracy: The Rule of Man versus the Rule of Allah

Democracy, in principle, means that man has a free hand in determining rules and laws as he pleases, and he is in total control of this i.e. he is the sovereign master of himself. Hence, man can decide to enact a piece of legislation that pleases him. For example, in some Muslim countries (including Indonesia) nightclubs were closed for Ramadhan and reopened after Ramadhan! Or, there is legislation that is still being considered in Bangladesh as to whether to legalise prostitution. In Pakistan it has taken years to decide whether Riba is forbidden! While in the West, they have been having trouble deciding whether to permit homosexual relationships at sixteen or eighteen and whether to have an un-elected chamber that can accept or reject legislation.

In democratic societies, people feel that they have the right to decide whether to accept liberal values, terminate the life of a baby, exterminate populations in 'humanitarian' wars such as Iraq, or severely place a people in hunger such as in Afghanistan. The fundamental principle here is that man possesses the right to legislate and make rules and laws. Individuals are appointed in parliaments and legislative houses to debate, scrutinise and enact law. The basis of legislation is the majority decision of these selected people, who will vote according to their own personal experiences, their party line, their business interests (more often than not) and the like.

This is something that is contradictory to the very foundations of Islam and its basic beliefs. Here, there is a total disregard for Allah (swt) the Sovereign Master, and thus, the only One (swt) that may lawfully determine legislation and rules for the rest of creation. Mankind has no right but to hear and obey the orders of Allah (swt).

In Surah Yusuf we find the ayah, "The right of Rule is solely for Allah." [TMQ Surah Yusuf: 40] This clearly establishes that He (swt) is the sole Legislator. In fact, it is a principle of Aqeedah that Allah (swt) is the source of all of Ahkam (laws).

In Surah al-Maida we find the verse, "and whosoever does not rule by what Allah has revealed then such are the kafireen (disbelievers)." [TMQ Al-Maida: 44]

Ibn Abbas (ra) stated in his Tafsir of this verse that anybody who denies a definitive judgement of Allah (swt) contained in the Shariah is a Kafir. Ibn Jarir at Tabari says that this is agreed upon. Ibn Abbas (ra) went on to say that anyone who says that the Rule of Allah (swt) does not have to be established, then he is a Kafir. The one who says that the rule of man is better than the Rule of Allah (swt) is a Kafir. The one who states that the rules of man are just as good as the Rule of Allah (swt) is a Kafir. He (swt) also said that the one who does not deny Allah's (swt) Hukm, but believes that it is allowed to rule by other than what Allah (swt) has revealed, he is also a Kafir because he is denying that the right of Rule is solely for Allah (swt). This is the case even if he says that the rule of Allah (swt) is better than the rule implemented by man.

However, if someone rules by the rules of Kufr, and does not believe in them, and even hates them, then what he is doing is a major sin. Such a person would have committed Kufr doon Kufr, a Kufr which is less than Kufr. In other words, it is a major sin that is definitely haram, but he is not a Kafir. This is the soundest position in our view, but others have held different positions

Al Hafidh Ibn Katheer (ra) in his tafsir of verse 151 of Surah an-Nisa made reference to the Tartars at his time, "...who put together for them a law book extracted from different laws of the Jews, the Christians and the Deen of Islam. It also contained many rules taken only from their own opinion and desires that later became a system of law followed by the people and given precedence over the Book of Allah (swt) and the Sunnah of his Messenger (saw) so the ruler who does that is a Kafir." Taken from Tafseerul Quran ul Atheem.

Whilst the position that we adopt is not quite as harsh as that adopted by Ibn Katheer (ra), it makes it clear that any notion of ruling, supporting, or voting for a political party that will endorse the rules or legislation of other than Islam, is clearly haram.

This should be obvious then, that voting or taking part in elections in a democratic system for any of the Kufr parties is something that is at least a major Haram, regardless of the benefit (Maslahah). This conflicts with the very Aqeedah of the Muslim.

Imam Shatibi (ra) said in his al Muwaffaqaat fee Usul al Ahkam volume page 25, "The objective behind the Shariah is to liberate the individual from his desires in order to be a true slave of Allah and that is the legitimate Maslahah (Benefit)...Violating the Shariah under the pretext of following the basic objectives or values (maqasid) of the Shariah is like the one who cares about the spirit without the body, and since the body without the spirit is useless, therefore the spirit without the body is useless too."

Elections

Voting for any political party that is going to work within a democratic framework and voting for or against legislation in a parliament, regardless of the apparent credentials, is haram. As for voting for a secular party in the Western systems, regardless of a noble goal and the correctness of the intention, this is something that contradicts the foundations of what it means to be a Muslim; without a shadow of a doubt, it is Haram.

This does not mean that in principle elections are not permitted. Rather, elections that aim to gain the consent of the Ummah or the representation of the Muslims as a whole, such as in selecting the Majlis of the Ummah (in the legitimate Khilafah), are valid. Furthermore, elections ashan likely be one of the mechanisms that the Khilafah, whose return is imminent Inshallah, would utilise since it facilitates the expression of the opinion of the masses. Imam Muslim narrates in his Saheeh that when Umar ibn al Khattab (ra), who was then Khaleefah, was returning from an expedition, he overheard the Muslims saying that when Umar (ra) passes away they would appoint such and such. This concerned Umar (ra), so he called for a gathering of all the Muslims, including the Sahabah (ra), in which he stated regarding the one who appoints someone in authority without consulting the Muslims, "kill him and kill the one who he appointed!"

This was something that all the Muslims witnessed; yet, although the permission to spill Muslim blood was granted, they acknowledged the truth of the statement. This demonstrated the Ijma (consensus) of the Sahabah. It clarified the message to the masses that they must select the ruler and not the opinion of a minority faction.

Today, however, we are living without the Khilafah and the right of Muslims in appointing and selecting the Amir of the Mumineen has been taken away. Tyrant rulers have been appointed by the Kuffar who promote the secular democratic and autocratic systems in our land.

We are therefore required to work to establish the Khilafah and give Bayah to a Khaleefah so that this right of selecting the ruler can be returned to the Ummah.

Imam al Ghazali (ra) when writing of the consequences of losing the Khilafah stated, "The Judges are suspended, the wilayaat (authorities) are nullified, ... (and) the decrees of those in authority can not be executed and all humans are on the verge of Haram". [al Iqtisad fil Itiqad page 240]

So we ask you, dear Muslims, do seek the Islamic rule regarding voting in a kufr system, and not to follow the nafs (desires). Instead we ask you to wait patiently for the return of the Khilafah that will be a guide to all of humankind, East or West.

"So rule between them by what Allah has revealed and follow not their vain desires, diverging from the truth that has come to you." [TMQ Al-Maida: 49]

Source: Jalaluddin Patel & Rashad Ali

Here are some Questions that were asked, and answered by a brother

There are certain points to raise that he may come out with.

Question:

He says Sheikh Taqi was a Judge in a kufr regime.

Answer:

We say that a judge is not a ruler. It is allowed to work as a judge. It is allowed to work in civil service. He was a shariah judge resolving disputes between 2 parties, according to the Ottoman court system that existed at that time. The brother does not know the reality of the time. Also this is not ruling by Kufr, if you are judging by the shariah, to resolve disputes.

To answer the Parliament questions, this can be answered as follows:

A. What is the function of Parliament?

It has 3 functions

- 1) First function of law-making,
- 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.

The party used it as a **STYLE** used to account, to enjoin the good and forbid the evil.

B. What are the conditions to join the Parliament?

- 1) Not get involved in legislation
- 2) Controlling, Checking and Accounting the government based on Islam. No vote of confidence for Kufr rule is possible (let alone membership in such governments in the first place).
- 3) Propagating the Islamic 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 Islam and sufficiently embarrassing for the regime! For example instead of allegiance to the King, an oath to "serve the nation and protect its interests based on Islam" may be substituted. This may not work and could result in termination of membership of such an elected body before is even really started, but their 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.

From the above you may say it is impossible, but Sheikh Ahmed Duaar managed to do it, to the extent, that he caused chaos for the Parliament, and was arrested and imprisoned and eventually banned from standing.

It is a matter of public record that Sheikh Ahmad Ad-Da'our, 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-Tahrir 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 Kufir regime.

Ikhwani's claim that: "Only Ad-Da'ur won because he entered into an arrangement with the Muslim Brotherhood" is not supported by historic evidence! Unfortunately the Muslim Brotherhood preferred to treat their Muslim brethren as enemies to the extent that some researchers believe that the Muslim Brotherhood was more opposed to Hizb-ut-Tahrir than to the Communist Party! (See for example, Prof. Riyadh Yusuf As-Subh's article series about "The Jordanian Islamic 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 than we have to ask ourselves: Which kind of "Muslim Brotherhood" is this?!

The Shari'a rule regarding the elections of the Egyptian parliament (*ramadhan.org - 10th October 2000*)

Bismillah ar-Rahman ar-Raheem

Preparations are underway for the coming elections of the Egyptian parliament accompanied by a media campaign about the farce and neutrality of these elections. Especially after the constitutional court ruled that supervision of the election committees by anything other than the judicial body in Egypt is unconstitutional. Even though this rule contains a condemnation of all past elections of this parliament, it also condemns the legitimacy of these previous parliaments according to this man-made constitution. However, we shall not stop at this secular legitimacy, rather what concerns us is the true legitimacy over which there is no other legitimacy and that is the Islamic legitimacy.

Explaining this legitimacy requires us to explain the reality of parliaments and the rule regarding their membership and participation in elections and casting votes.

The reality of these parliaments is that it is an expression or embodiment of democracy which is that 'sovereignty is for the people'. Since democracy gives the 'sovereignty to the people' i.e. it gives the people the exclusive right to judge on things and actions as pretty or ugly. Whatever the people deem as ugly is ugly and whatever they deem as pretty is pretty. It has given the people the absolute supreme authority without being restricted by anyone. Thus whatever the people view as pretty becomes law and whatever they view as ugly becomes a crime. Since this is the reality of democracy, it is a system of kufr due to its clear contradiction with the saying of Allah (swt): "The command is for none but Allah." [12:40], and His (swt) saying: 'But no, by your Lord, they can have no iman, until they make you the judge in all disputes between them, and find in themselves no resistance against your decisions, and accept them with full submission.' [4:65] This is not to speak of the fact that democracy emanates from the creed of the Capitalist system: 'separation of religion from life', which emerged after the bloody conflict between the philosophers and thinkers and the holy men of the church in the middle ages in Europe. Thus, democracy or 'demos cratos' (in Greek) ie rule of the people, was the choice of Europe in laying down a system to look after the affairs of life after separating religion from life. Therefore, democracy is a system of Kufr as a thought and method which has not been brought by the revelation (Wahy).

Since the general will of the masses - as expressed by western jurisprudence - is the legislator. Then this will must be embodied and represented. However a disagreement arose in western jurisprudence regarding the manner in which this will should be embodied and represented and this disagreement continues until today. So one school advocates parliamentary representation, and that is verified by electing representatives from the masses to practise this will. Another school advocates free and direct balloting from the masses in all issues to obtain the true expression of this will and to eliminate any independence of the representatives in their opinions – i.e. the Members of Parliament - after entering parliament and disregarding people's interests. Irrespective of this disagreement and the space allowed by the western jurisprudence for parliamentary representation or direct balloting, democracy is a system of kufr, not to mention that it is a fanciful system, which is impossible to apply due its dependence on what they call the general will of the masses which is difficult to embody and represent. That is why this will is formed according to what the capitalists want in the states that are called advanced and it is formed according to the wishes of the rulers, the agents and their retinue from the capitalists in the backward countries.

Furthermore, Shura in Islam is not democracy, as the kaafir west and its orientalist agents try to deceive the Muslims with, so as to carry through their kaafir system under the pretext that 'our property has been returned to us'. Shura in Islam, is the taking of an opinion, but the basis of it is that it should be in the Mubaah (permitted things). As for what is obligatory (wajib), recommended (mustahabb), Haraam or disliked (makrooh), there is no Shura at all. The authority to make decisions after Shura lies with the Khaleefah of the Muslims and not with the majority. Whatever relates to legislation is decided by the strength of the evidence and whatever the Khaleefah of the Muslims is convinced of the Shar'a rule with its evidence regardless of the majority. This is because the Messenger (saw) did not take the opinion of the Sahaba regarding the treaty of Hudaibiyah, rather he went by what his Lord has ordered him by saying: "Verily, I am the slave of Allah and His Messenger, he will not let me perish." In technical matters the Khaleefah of the Muslims will take the opinion of the people of expertise and experience as he (saw) did in Badr when he took the opinion of al-Hubab b. al-Munzir regarding the position of the army. As for the matters which are undertaken by the Ummah, the Khaleefah of the Muslims will take the opinion of the majority as the Messenger of Allah (saw) did when he went out to meet the kuffar in the battlefield in Uhud outside Madinah, which was different to his own opinion and that of the senior Sahabah (may Allah be pleased with them). This is the Shura in Islam and there is no infallibility for the majority or for the general will of the masses. Rather the matter relates to organisation and high perfection, which comprehend the new things in life, preserve its basics and respects human intelligence and the entity of man.

Thus, parliaments, which includes the Egyptian parliament, according to man-made constitutions undertake certain principal actions which are; legislation, electing the president or limiting the nominees to presidency before presentation to a referendum, granting the vote of confidence, approving agreements, monitoring and accounting the government and its institutions.

As for legislation, it is only for the parliament, that is why it is called the legislative authority. This is an action which is not allowed for the Muslim to practise whether in legislation, or voting for or against, even if this legislation agrees with the true Islamic Shar'a because the truthfulness and reference point of the legislation is that it has an evidence from the Shar'a i.e. that it emanated from the Islamic 'Aqeedah and it has been brought by the revelation (Wahy). As for 'that which does not contradict the Shar'a', it is not Islam because it did not emanate from the Islamic 'Aqeedah and it has not been brought by the revelation (Wahy). Legislation of parliament is the legislation of the people and not the legislation of the Shar'a. One should not say that the majority of the people are Muslims and the Muslims do not pass a law contradicting the Law of Allah. That cannot be said, because the Muslim from the very start is not allowed to legislate, not to mention that it is not allowed for him to accept anything other than the Law of Allah just because it is from Allah whether the people agreed with it or not.

As for giving the vote of confidence, electing the president, approving agreements, it is not allowed for the Muslim to give vote of confidence to a government or ruler who rules with other than what Allah has revealed, just as it is not allowed for him to approve agreements based on the kufr laws, let alone the fact that they are agreements which give the Kuffar authority over the land and the people. Allah (swt) says: "And never will Allah grant to the disbelievers a way over the believers." [4:141]

As for accounting the government and the rulers it is a shara'i obligation. It comes under enjoining the Good and forbidding the Evil. It is an obligation with respect to the Muslims, and with respect to the representative the obligation is greater.

Based on this, is it allowed for a Muslim, who fears Allah, to be nominated for the elections in these kufr systems? The answer to that it is allowed on condition that he declares to the public at the time when his nomination is announced that he does not believe in this system. That he will not be part of this system, nor will he ever have any compromise with it or flatter it whether he wins or not. He (swt) says: "They wish that you should compromise with them, so they too would compromise with you." [68:9] Likewise, he is obliged not to conclude alliances to support candidates who believe in this secular system whether as an individual or party. He is, as well, obliged to announce to the public that he seeks nothing more than to occupy a seat in this parliament so as to speak the truth and call people to the Law of Allah and establish the Islamic state - the Khilafah state- and to encourage the Muslims to uproot the Taghut from its roots. One should not say that it is enough for the candidate to conceal this in himself where only some people know about it. Rather he and others are required by the Shar'a to announce this to the people though the obligation on him of informing the people is greater. The Messenger of Allah (saw) said: "The prince of martyrs is Hamzah b. al-Muttalib and a man who stands before a tyrant ruler and enjoins (the good) and forbids (the evil) and the ruler kills him." So the candidate who has stood before an unjust ruler, all he should do is to order (the good) and forbid (the evil). This is not to mention that if he does not do that then he will be the subject of accusations and will fall under suspicion just by announcing his nomination in such systems. For a Muslim to remain under suspicion and accusation is not allowed and it is a sin. Thus, it is not allowed for a Muslim to elect him, help him or even congratulate him when he wins.

As for the elections, i.e. the voting process itself, it is one of the styles which Allah (swt) has allowed to choose representatives (Wukalaa) (deputies and representatives). The Messenger of Allah (saw) at the second pledge of al-'Aqabah said: "Select from amongst yourselves twelve Naqeebs (representatives) who will be responsible for their people including themselves". That is why it is possible to have this as a style to elect members of the Ummah Council in the Khilafah state who will account the Khaleefah of the Muslims, his assistants, governors, district governors, and as well to monitor their actions and put forward their views about them. Similarly (it can be used as a style) to choose the Khaleefah of the Muslims after the Ahlul Hall Wal 'Aqd shortlisted the candidates for the post of Khaleefah.

O Muslims!

Democracy and its parliament is a system of kufr. It is haram to be silent about it, to accept it or to join it under these systems. One should not say that we, by doing this, are abandoning one of the Minbars from which the voice of Islam should be high. This should not be said because the end does not justify the means in the Shar'a, and because what matters is that we should adhere only to the Shara'i rules to achieve the Shara'i objectives. He (swt) says: "O you who believe! If you help (in the cause of) Allah, He will help you, and make your foothold firm." [47:7]

One should not claim that it is the 'lesser of two evils' or 'lesser of two harms' (akhaffu ad dararayn). That should not be claimed because the Muslim is bound to stay away from every evil and to avoid every harm and not to fall in any Haraam except when a Daleel from the shar'a mentions a permission

(rukhsa). Here nothing of this is present in elections. Rather the candidate must adhere to the Shar'a from the moment he presents his nomination until the end. This is possible and there is no excuse. It is not correct that the work for Islam and the return of its state is dependent on the entrance to parliaments, nor is it correct that the work of the Muslim is always more effective inside these parliaments than outside them. Rather, more often, entering parliament becomes a distraction from the work and change, and serves as a vent for the energy of the Ummah, especially if the members are seen to be pious people in the eyes of the people, thus they add legitimacy to these kaafir systems and they become part of their political games to carry through the plots and conspiracies.

O Muslims! We saw a few years ago how the success of the Islamic Salvation Front (FIS) in the Algerian elections did not lead them to the establishment of the Islamic state. Thus, the change or exchange of authority meant for the Kaafir West is only for the secular systems and not Islam. We saw how in Turkey they did not give the Refah party the government post except after they had sworn and given assurances that they would adopt secularism and proceed in everything according to the will of those who hold the authority. We still see the worst parliament in the history of this country despite the heated electoral battles and competition, and claims of foul play and falsification in these cheap battles. The solution therefore is not inside the parliament, rather it is by working to generate an aware public opinion in the Ummah using all the shara'i means and styles and seeking the Nusra from the people of power to wrest the authority from the hands of the kaafir, faasiq and agent rulers and to strengthen Islam by establishing its state, the Khilafah state.

O Muslims! Let not despair get the better of you with regards the return of Islam to the battlefield of life, resumption of the Islamic way of life and carrying the call to the world through its state - the Khilafah state. Let not the despair get better of you and keep you silent about the kufr regimes and consent to them or try to please them, compromise and flatter them. And know that victory comes with patience. And patience here is to restrict oneself to the orders of Allah (swt).

He (swt) said: 'And Allah has full power and control over His affairs, but most of men know not.' [12:21]

Hizb ut-Tahrir
Wilayah of Egypt
25 Jumada II 1421
23/9/2000

Participation in Elections

Many ideas and solutions are presented by Muslim activists and organisations to their brothers in the US to get them out of their troubled situation. The activists as well as the rest of the Muslims in America feel the threat the Western civilisation is causing to the Muslim beliefs. Muslims see their children slipping away from the Islamic code of life to that of the West. They live the difficulty of being a Muslim in a non-Islamic society. As a result, it is very natural for Muslims to carry ideas on improving their surroundings.

Lately and with the American presidential elections approaching, many activists, individuals as well as organisations, have been calling upon Muslims to register to vote in order to participate in the political life and consequently influence the decision makers to better the environment for Muslims. The idea of getting involved in the affairs of Muslims to improve their lives and make them 'more Islamic' is heart thrilling since, it calls for activism. However, the point is not simply to act. Any action must be in accordance with the divine law (Hukum Shari). And as heart thrilling as it is to see Muslims work for Islam, it is heart breaking to see no reference from Islam being used to guide their foot steps. None of the literature, as far as I have read, that deals with the affairs of Muslims has produced a solid proof from the Qur'an or the Sunnah to legitimise their invitation to Muslims to take part in elections. Consequently, we see it a duty to put the Islamic opinion regarding participating in the elections. The matter is of great seriousness and has great implications on Muslims. Thus it requires to be addressed. While Muslims, unfortunately, address it simply from the point of view of the interest of Muslims, I will Insha'a Allah, address it from the Islamic one. However, two points must be made clear.

First: Any Islamic work must be only for the sake of Allah (SWT). So the work is not for the sake of work. Consequently, it is inconceivable to work for Islam in a manner that Islam forbids.

Second: The benefit of Muslims and their well being evolves around the divine law (Hukum Shari) and not vice versa. Thus, the interest of Muslims is not determined by the mind but by the Islamic law. The following rule from the Usul ul-fiqh applies here:

“The good is that which Islam made good. The bad is that which Islam made bad.”

Keeping this in mind we proceed to saying that every action has a rule in Islam, given directly or derived from its texts i.e. the Qur'an and the Sunnah of the Messenger (saw). This is a fact because Islam is not a religion in the Western sense of the word but rather a comprehensive idea regarding man, life, and the universe i.e., the Aqeedah which emanates with a system that covers every aspect of man's life. Consequently, for anyone to say an action is to be performed or abstained from, one must provide a Daleel from either the Qur'an or the Sunnah or what they lead to i.e. the Companion's consensus or qiyas (analogy). It is not allowed for a Muslim to commit an action without knowing the Hukum Shari regarding it. Allah (SWT) says in the Qur'an, **“It is not allowed for a believing man nor a believing woman, if Allah and His Messenger give a judgement to have a choice in their matter.”**

The world is divided in the Islamic point of view into two domains: Dar ul-Islam or Abode of Islam and Dar ul-Kufr or Abode of Kufr. Dar ul-Islam is defined as that which is ruled by the laws of Islam and secured by Muslims. And Dar ul-Kufr is that which is ruled by laws other than Islam and secured by other than the Muslims. Therefore, due to the non-existence of all of Islam in life nowadays, the whole world stands to be Dar ul-Kufr. Then, the question at hand is whether the Muslim is able to participate in electing a person to apply a Kufr system or not?

Before answering such a question, a definition of voting or casting a vote is due. According to Webster's New Collegiate Dictionary, voting is 'a formal expression of opinion or well in response to a proposed decision, esp.: one given as an indication of approval or disapproval of a proposal, motion, or candidate for office.' By definition, to vote for a person is to formally express your approval of him and what he stands for.

Thus, voting in itself is simply a means to express one's opinion formally. It is different from giving the allegiance (Baya'a). Since giving the allegiance is either that of appointment (where the man becomes the leader) i.e. Bayat ul Iniqad or that of obedience (ata'). This is given to the leader of the Muslims simply to affirm the obedience to him as long as he obeys Allah. Then voting in itself is allowed since it is merely a means that has no proof to prohibit.

Voting in itself is permissible but it becomes Haraam if it leads to or expresses Haraam. We find the Sahaba voted i.e. expressed their opinion in whom they wanted to rule them after the second Khalifah Umar (ra). This took place when Abdur Rahman bin Awf (ra) went from house to house and person to person asking every man and every woman whom they wanted as a leader Ali (ra) or Uthman (ra). Their voting reflected their will in being ruled by Islam and led to the fulfilment of the obligation of having a Khalifah.

As for Muslims in America, they have the choice in the '92 elections to choose from three individuals. The three of them are Kuffar. The laws which they stand for and the constitution they function under are one of Kufir. So, what does it mean to vote for one of them?

1) To vote for one of them is to say he is to rule us and to accept one of them is to say he has the upper hand on Muslims. This is against the Ayah of the Qur'an "**And Allah will never allow the Kuffar to dominate the believer.**" This point by itself is sufficient to prove the prohibition of voting for a Kafir.

2) To vote for one of them is to say that we accept their views and ideas.

How can we approve of secularism? How can we approve of their system which states that man is to legislate not Allah? How can we approve of Homosexuality, permission to consume alcohol? How can we approve of their support to the Kuffar who occupy Muslim Lands? Aren't these some of their ideas? Do we approve them in order to vote for them? Is it Halaal to approve them?

3) To vote for any of them is to legitimise their system and strengthen it. Allah says in the Qur'an, "**And help to do good and righteousness and do not help in sins and aggression.**" Is their system not but one of evil and sins? How can we then recognise their system as a valid one while we are prohibited from strengthening and legitimising it? Voting does just that.

We are not Capitalists who are moved by what we perceive as our interest. We are not the Jews who have no standard or value but their interest. We are Muslims and only Muslims. And as Muslims we are governed by the divine laws, not by logic or interest. For us Muslims, benefit is what Allah (SWT) and His Messenger (saw) say is benefit. We are Muslims, our lives revolve around the laws of Islam. That is where we stand and that is how we live urge all Muslims to think about what is written here from the point of view of Islam only, and base their actions on it. Any correction, disagreement, or questions about what this brief presentation is very welcomed and appreciated. Let us not stand idle and watch our honourable Ummah move haphazardly in their work and consequently disobey Allah (SWT).

"Say this is my path, I invite to Allah with clarity (no ambiguity)."