

Obeying the Law of the Land

Muslim reported that Wali ibn Hujir said that Salama ibn Yazid Al-Jo'fi asked the Prophet (saws), "Tell me if our rulers should be such that they should require from us their due and should refuse to render our due (haq); what would your direction be to us?"

The Prophet (saw) turned away from him, but he repeated the question, whereupon the Holy Prophet (saws) said: "Hear them and obey them. They are accountable for their obligations and you are accountable for yours."

Muslim and Bukhari reported that Abu Hurayrah quoted the Prophet (saw), "He who obeys me, obeys Allah and who disobeys me, disobeys Allah. And he who obeys the ruler (Imam), obeys me and he who disobeys the ruler, disobeys me. Verily the ruler is a shield, one who fights behind him is safeguarded by him. If the ruler orders with God consciousness and acts justly, he is entitled to a reward for that and if he speaks otherwise he will bear the burden of his misdeeds."

Using these and similar hadith our present rulers appeal for absolute submission from the Muslim Ummah to their rule. This concept has been hit home incessantly since the removal of the Islamic rule, i.e. Khilafah, and many well meaning Muslims have adopted this call wholeheartedly. They feel compelled to accept Israel, for it's existence has the blessing of our rulers. They do not disapprove when Muslim armies are withheld from areas where Jihad is needed, such as Bosnia, Kashmir, Palestine. Yet by the same token they do not think twice when Muslim armies are brought into conflict with Muslims under the auspices of the UN, as in Somalia or Bosnia. In Britain too, Muslims are heard to say they see nothing wrong in taking loans involving interest, or voting Labour or Conservative, or participating in the Kufr ruling system. They reason that one should obey the "law of the land", hence 'when in Rome do as the Romans do'.

Furthermore, they maintain that if misdeeds are done, such as peace with Israel, the rulers alone are responsible for the sin i.e. that the Ummah would be absolved from any responsibility for these. In support they refer to the noble hadith reported by Muslim, that Auf bin Malik al-Ashja'ee heard the Prophet (saws) say, "Your best rulers (Ameer) are those whom you love and they love you, and you bless them and they bless you, and your worst rulers are those whom you hate and they hate you, and you curse them and they curse you." He said, "We asked the Messenger of Allah, may we then overthrow them in such a case?" He said, "No, as long as they establish prayer (Salah) amongst you. No as long as they establish prayer amongst you. Behold, he who is ruled by a ruler and finds him committing disobedience (Ma'ssiyya) to Allah he should dislike what he commits as a disobedience to Allah but should not rise in revolt against him." So hand in hand with such placid submission, is frustration with those who challenge the ruler and work against the system. They are seen as being 'fundamentalists'. Sincere Muslims may be drawn into collusion with the rulers in crushing any such rebellious conduct, by acting as informants. They would even defend the rulers, by saying that although the leaders are guilty of indiscretions as cited above, they allow Muslims to pray, so are not needy of correction, save by Allah (wt).

Unfortunately, this phenomenon can be observed all over the world. At a time when Muslims need to unite together behind the correct call, fighting those who seek their destruction, they find themselves labelled as 'moderates' and 'fundamentalists'. This necessitates that the ahadith be studied properly, and in context, not in isolation.

What should be noted immediately, but is often missed in translation into English, is that the Prophet (saws) does not refer to any ruler, but specifically, Imams and Ameer. Not the plethora of Presidents, Kings, Prime Ministers and Dictators that presently plague our lands. For unlike the latter rulers, Imams and Ameer rule by the Book of Allah alone, the disobedience (Ma'ssiyya) that is mentioned is not in the matter of ruling but in the matter of personal indiscretion. This can be understood on referral to the text on the Ma'ssiyya that is ordered, i.e. that which is in the matter of ruling. Ibn Umar narrated on the authority of Muslim, that the Prophet (saws) said, "Listen and obey those in authority in what is liked and disliked as long as there is no order in disobedience (Ma'ssiyya); if there is order in disobedience then there is no listening or obedience."

However, one may retort that the hadith of Abu Hurayrah suggests the cut off point for disobedience is the abandonment of prayer. This argument can be discounted if it is realised that this understanding is at the mercy of English translators. For the word 'Salah' in Arabic has 'Ma'nat-ul-Ishtirak', i.e. more than one meaning. Salah has three meanings. The first mentioned in the hadith is to bless. The second is the prayer services, e.g. Fajr. However, Salat also means the whole of Islam. That is what is meant by this hadith. This understanding can be corroborated when one considers that the rulers that Mohammed (saws) placed over various governates were known as Ameers of Salat. This term is synonymous with Ameers of Bilaad (Land). No one rules a land by prayer services alone.

The matter is resolved. There is no obligation whatsoever to obey those who flagrantly disobey the law of Allah (swt) daily. For obedience is conditional upon this. Allah (swt) says:

"O you who believe obey Allah and obey his Messenger and those of you in authority, and if you differ in a matter refer it to Allah and his messenger" (TMQ 4:59)

Allah (swt) draws a distinction between 'those of you in authority' and Allah and His Messenger. For the former is not prefixed by the word 'ateuu (obey). This shows that the obedience to the rulers is distinct from obedience to Allah (swt) and his Messenger (saws). In the last part of the ayyat the concept is developed, as it orders that disputes are resolved by Allah (swt) and his Messenger (saws), and not the ruler.

Furthermore, this verse is evidence for the formation of the 'Mahkamaat al-Madhalim', the Court of the Unjust Acts. This court is empowered to remove the Khaleefah should he start to enforce the Ma'ssiyya. This requires that the Ummah in general, and the ulama in particular, are well versed in Islam as a way of life, so that transgressions of the Deen in the fields of ruling, economics etc. are apparent, unlike today, when many Muslims are blissfully unaware of the neglect of our rulers.

This reality is far removed from the lies that the Muslims are told, to keep them from working against the existing regimes. Not only are hadith distorted, even the fatwa of our scholars are misquoted. It is alleged, for example, that Imam Abu Hanifah ordered the obedience to the law of the land. This was never the case. This fatwa referred to the status of non-Muslims under Islamic Law, not Muslims under Non-Islamic law! He held the view that Muslims follow the law of the Islamic State as an act of worship, whereas the Kafir Dhimmi (Non-Muslim citizens of the Islamic State) obey it as the law of the land.

In our present situation the rule of Islam has been torn away from us. Our Prophet (saws) was anything but submissive when confronted with this situation; far from conforming to the line of the rulers, even on the numerous occasions they asked him to, he sent reverberating shocks to dismantle their rule. Confronting the Non-Islamic law in a forthright way, and instructing obedience to Allah (swt) and his Messenger (saw). he (saw) said:

"The chief of martyrs is Hamza, the one who stands in the court of the unjust ruler, advises him and is killed"

As Muslims let us commit ourselves to imbue ourselves with the culture of Islam, so that we remain pure of the poison of the Kufr system here in the west or elsewhere and so that the crimes that our rulers commit against the Deen of Allah (swt) become apparent to us, so that we are motivated to remove their rule as an act of worship, and so that when the rule by Islam returns (Khilafah) we are aware enough to account the Khaleefah.