

Ruling by the Law

Verily from the Greater and clear Kufr is giving to the accursed man-made laws the position of that with which the faithful spirit descended upon the heart of Muhammad that he should be a warner in the clear Arabic tongue, judging by it between the nations, and referring back to it when there is disagreement, in contradiction to, and obstinate rejection of, Allaah, the Mighty and Exalted's saying:

○ ye who believe! Obey Allaah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allaah and His Messenger, if ye do believe in Allaah and the Last Day: that is best, and most suitable for final determination. (Al Nisa' 4:59)

Allaah the Most Perfect and Most High has negated the imaan of those who do not make the Prophet the judge in that about which they differ - strengthening the negation by repeating it and swearing upon it, He says:

But no, by the Lord, they can have no (real) Faith, until they make thee judge in all disputes between them, and find in their souls no resistance against thy decisions, but accept them with the fullest conviction. (Al Nisa' 4:65)

He ta'ala did not make it sufficient that they should merely make the Prophet the judge, but further that they should not find any resistance in themselves - rather their hearts must extend to accomodate that - not being at all disturbed or uneasy.

Allaah ta'ala did not make just these two things sufficient - until complete submission to his judgement is added thereto - such that they are free from any attachment to the (desires of) the self - and they totally submit to the true judgement, and Allaah ta'ala emphasises this by stating the verbal root (tasleem) after its verb (yusallimoo) - showing that He is not

satisfied only with submission, but that it has to be total and unconditional submission.

Consider what is contained in the first aayah (Al Nisa' 4:59), how He has left the thing about which they dispute indefinite, after the condition of their disputing in general - which will cover all types and scale of disagreement.

Then consider how He has made that a condition for the presence of Imaan in Allaah and the Last Day. Then He describes that as being good and anything which He calls good can never be approached by evil - rather it is totally good for the present and the future.

Then He states that it is better for final determination - that is better in the end in this world and the Hereafter - showing that referring back to other than the Messenger when there is disagreement is totally evil and has the worst outcome in this world and the Hereafter, this being contrary to what the hypocrites say:

"We meant no more than goodwill and conciliation!" (Al Nisa' 4:62) and **"Why, we only want to make peace!"** (Al Baqarah 2:11)

Allaah ta'ala replies to them that rather they are the mischief-makers though they perceive not.

Contrary to what the supporters of the man-made laws claim - that the people have need of them (indeed that they cannot do without them) and this is to have mistrust in what the Messenger came with and to treat the explanation of Allaah and His Messenger as if it is incomplete - and judging it to be insufficient for the people when they disagree - and this will bring an evil result for them in this world and the Hereafter.

Consider the generalisation in the second Aayah (Al Nisa' 4:65) regarding that which is disputed amongst them - and the generalisation and comprehensiveness covers all types and

forms - and likewise covers the extent - so there is no difference in that as regards the type of disagreement, nor whether great or small - and Allaah ta'ala has negated the imaan of the hypocrites who wish to refer for judgement to other than that which Rasoolullah came with, as Allaah ta'ala says:

Hast thou not turned thy vision to those who declare that they believe in the revelations that have come to thee and to those before thee? Their (real) wish is to resort together for judgement (in their disputes) to the Evil One, though they were ordered to reject him. But Satan's wish is to lead them astray far away (from the Right). (Al Nisa' 4:60)

(Allaah ta'ala mentions the case of those who claim to believe in the previous and the final revelation who then wish to refer back in disputes to other than the Qur'an and Sunnah, referring back to the judgement of ignorance - and thereby refuting their claim to imaan: Ibn Katheer).

Allaah ta'ala herein gives the lie to their claim of having imaan, since referring back in a dispute to other than that which the Prophet brought cannot come together along with imaan in a person's heart, rather one of them will totally dispel the other. And *at-taaghoot* (as mentioned in the Aayah) has the root-meaning of 'exceeding the limits/overstepping the bounds'. So all who judge by other than that which the Prophet came with or refer back for judgement thereto - then he has made the *taaghoot* his judge and has sought judgement therefrom. Therefore it is binding upon everyone to judge only by that which the Prophet came with, not with anything else. In the same way it is binding upon everyone to seek judgement according to that which the Prophet brought - thus those who judge by or seek judgement according to other than that - then they have transgressed and exceeded the bounds and have become a *taaghoot* by that action.

Consider Allaah ta'ala's saying that they have been ordered to disbelieve and reject it (*at-Taaghoot*) - we can see from this the obstinate rejection of the upholders of man-made laws and their desire for that which is contrary to what Allaah wants in

this respect - as what is required of them and what has been prescribed as part of worship for them is disbelief in and rejection of the *taaghoot* not referring thereto for judgement.

But the transgressors changed the word from that which had been given them; (Al Baqarah 2:59)

Then consider Allaah's informing us that Satan wished to misguide them - thus it is misguidance, whereas the supporters of the man-made laws regard it as guidance. The Aayah further shows it to be from the designs of Satan, contrary to what the supporters of those laws imagine - that they are far from Satan and that the well-being of mankind lies therein, so according to their claim the well-being of mankind lies in what are the designs of Satan - but that which Allaah desires and with which the best of the descendants of 'Adnaan was sent does not contain that and is far removed from such a purpose. And Allaah ta'ala has said in rebuttal of this type of person and confirming their desire for the judgements of ignorance:

Do they then seek after a judgement of (the Days of) Ignorance? But who, for a people whose faith is assured, can give better judgement than Allaah? (Al Ma'idah 5:50)

[Allaah ta'ala rebukes those who leave Allaah's judgement and turn to other than that - the ideas, desires and laws of men: Ibn Katheer]

Consider this noble Aayah and how judgement will fall into one of only two categories - and that there is besides Allaah's judgement nothing but the judgement of Jaahiliyyah (Ignorance) - which shows that those who uphold the man-made laws are in the party of the people of Jaahiliyyah - whether they like it or not - rather they are in worse condition than them and falser than them in their saying, since the people of the times of ignorance do not contradict themselves in this respect.

However those who support the man-made laws are

self-contradictory since they profess belief in that which the Messenger brought - then contradict that and try to follow their own way and Allaah ta'ala has said about this type of person:

They are in truth (equally) Unbelievers; and We have prepared for Unbelievers a humiliating punishment. (Al Nisa' 4:151)

[Allaah ta'ala explains that they are definitely Unbelievers and that there is a terrible punishment for the Unbelievers: Ibn Katheer]

Then look how this Aayah refutes that which the upholders of the man-made laws claim regarding the excellence of the refuse of their minds and sawdust of their thoughts - (asking rhetorically who is better in judgement than Allaah). And al-Haafiz Ibn Katheer says in tafseer of this aayah:

“Allaah ta'ala rebukes those who leave Allaah's judgement, which contains all that is good and forbids all that is bad, and turn instead to the opinions, desires and laws laid down by men without any recourse to Allaah's Sharee'ah just as the people of Jaahiliyyah used to judge according to misguidance and ignorance which they laid down according to their own ideas and desires; and just as the (Tartars) used to judge according to the laws laid down by their rulers, taken from their king Ghenghis Khan who put together for them a Law-Book extracted from different laws of the Jews, Christians, the religion of Islaam and other sources.

It also contained many judgements taken solely from his own opinion and wishes which later became a system of law followed by the people and given precedence over the laws of Allaah's Book and the Sunnah of His Messenger - so he who does that is a Kaafir who must be fought until he returns to the rule of Allaah and His Messenger and does not govern in any matter except thereby, Allaah ta'ala's saying,

**Do they seek after a judgement of (the days of) Ignorance?
(Maa'idah 5:50)**

That is they wish for and seek it and turn away from Allaah's judgement, and His saying,

But who, for a people whose faith is assured, can give better judgement than Allaah? (Maa'idah 5:50)

That is who is more just in judgement than Allaah for one who understood His Sharee'ah and believed in Him, being certain and knows that Allaah is the Judge of judges and is more merciful to His creation than the mother is to her child, as He, the Exalted, is the one who knows everything, has power over everything, and is perfectly just in everything."

Allaah says before that, addressing His Prophet Muhammad:

To thee We sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety: so judge between them by what Allaah hath revealed, and follow not their vain desires, diverging from the Truth that hath come to thee. (Al Ma'idah 5:48)

[Allaah ta'ala orders His Messenger to judge between them by the revelation and not to follow their desires or be diverted from the truth thereby: Ibn Katheer].

And He says:

And this (He commands): Judge thou between them by what Allaah hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of that (teaching) which Allaah hath sent down to thee. (Al Ma'idah 5:49)

[Allaah ta'ala orders His Messenger to judge between them by that which He reveals and not to follow their desires, but to beware lest they turn you away from part of what Allaah revealed: Ibn Katheer].

Allaah ta'ala says, giving His Prophet Muhammad the choice between judging between the Jews or turning away from them if they come to him for that:

If they do come to thee, either judge between them, or decline to interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in equity between them. For Allaah loveth those who judge in equity. (Al Ma'idah 5:42)

[Further Allaah orders His Messenger if he indeed judges between them to judge justly as He loves the just: Ibn Katheer].

There is no true justice except the judgement of Allaah and His Messenger and judging by other than that is the true oppression, wrongdoing, misguidance, unbelief and iniquity and therefore Allaah ta'ala says thereafter:

If any do fail to judge by (the light of) what Allaah hath revealed, they are (no better than) Unbelievers. (Al Ma'idah 5:44)

And if any do fail to judge by (the light of) what Allaah hath revealed, they are (no better than) wrongdoers. (Al Ma'idah 5:45)

If any do fail to judge by (the light of) what Allaah hath revealed, they are (no better than) those who rebel. (Al Ma'idah 5:47)

So look how Allaah ta'ala records the Kufr, oppression and iniquity of those who govern by other than that which Allaah reveals. And it is impossible for Allaah, the Most Perfect, to call he who judges by other than that which Allaah reveals a Kaafir and for him not to be a Kaafir - rather he is a Kaafir - either being Kufr of action or Kufr of belief - and that which is reported from Ibn 'Abbaas - radiAllaahu'anhumaa - by way of Taawoos and others - in tafseer of this Aayah shows that the ruler by other than that which Allaah reveals is a Kaafir either in belief - which takes him outside the religion - or in action, which does not take him outside the religion.

As for the first, Kufr in belief , then it is of different types:-

(1) That the one judging by other than that which Allaah revealed denies the precedence of the judgement of Allaah and His Messenger - and that is the meaning of what is reported from Ibn 'Abbaas - and is preferred by Ibn Jareer (at-Tabaree) - that it is rejecting the rule of the Sharee'ah which Allaah sent down - and there is no difference amongst the scholars about this, since one of the well-known and agreed upon principles is that he who denies a fundamental part of the deen or a branch which is agreed upon, or denies a single letter of what the Prophet is verified as having brought - then he is a Kaafir who has left Islaam.

(2) That the one ruling by other than that which Allaah revealed does not deny the truth of the judgement of Allaah and His Messenger, but he believes that the judgement of someone other than the Messenger is better than his judgement and more complete and comprehensive for the needs of the people when they disagree and require judgement - either in general or in particular cases , such as those things occurring due to the modern age and changing conditions - and there is also no doubt that this is also Kufr, as he has preferred the judgements of the creation which are merely the refuse of people's minds and dregs of their speculation to the judgement of the All-Wise, the Worthy of all praise.

The judgement of Allaah and His Messenger does not change in its substance along with changing times and development and new situations - as there is no new situation that occurs - except that its ruling is contained in the Book of Allaah and the Sunnah of His Messenger either in the text explicitly or implicitly or to be derived therefrom, etc. - whether the people know or not - and what the scholars have said about the fatwaa changing according to changing times is not as those ignorant of the rules of Allaah think - that they can be adapted to suit their animalistic desires and worldly goals and ideals, which are false and disastrous, and because of this you find them defending them fiercely and trying to bend the texts to suit their purposes

and support them - however possible, by twisting the words from their intended meanings - however what is meant by the scholars is that whatever has been derived by scholars using the fundamentals of the Sharee'ah and its intended aims and noble goals which are of the class of that which Allaah ta'ala wishes and His Messenger, and it is obvious that the 'law-lords' who lay down the man-made laws are far-removed from all of that and that they only say that which they themselves desire - whatever the case - is substantiated by what we observe.

(3) That he does not regard it as being better than the judgement of Allaah and His Messenger but believes it to be equivalent - so he is as the previous two types - being a Kaafir who has left Islaam, since he has put the creation on the same level as to the Creator, and contradicted and wilfully opposed Allaah's saying that there is nothing at all like Him:

There is nothing whatever like unto Him (Al Shooraa 42:11)

Which is repeated in other Aayahs - which show that Allaah alone is perfect and not like anything of creation, neither in His Self, His attributes or His actions, nor in judging between the people in that about which they dispute.

(4) That he does not consider the judgement of the one who judges by other than that which Allaah reveals to be like the judgement of Allaah and His Messenger, not to speak of preferring it thereto, but he believes that it is permissible to give a judgement which goes against the judgement of Allaah and His Messenger. This is one just like the previous one since he makes permissible that which is forbidden in the clear authentic texts about which there is no doubt.

(5) This is the greater, more comprehensive and obvious form of stubborn rejection to the Sharee'ah and haughty rejection of its rulings and showing dissent of Allaah and His Messenger, and challenging the courts of Islamic Law, in its setting-up, maintenance, provisions, foundations and its branches, forms,

types, its judgement and compulsion, references and sources. So just as the Sharee'ah courts have references upon which they depend - all depending upon Allaah's Book and the Sunnah of His Messenger - then in the same way the law-courts of the man-made laws have their sources: laws patched together from many different law-systems, like French laws, American laws, British laws, etc. and from the systems of innovators who claim allegiance to the Sharee'ah, etc.

So these law-courts are now present in many Muslim lands, complete and established, with open doors and the people flock thereto in throngs; their judges give judgements going against the judgements of the Book and Sunnah - according to their own laws and making these pronouncements binding and agreeing thereto and making them unalterable, so what Kufr is greater than this, and what can be a greater contradiction of the testification that Muhammad is the Messenger of Allaah.

The proofs for all that we have stated are clear and well-known, and are too many to mention here, so O people of intelligence and wisdom, how can you be pleased to accept the laws of men like yourselves and the thoughts of similar people to yourselves or lesser than you - who are open to error - rather their errors outweigh what they get right - rather there is nothing in their judgements that is correct except that which is taken from the judgement of Allaah and His Messenger, whether in letter or derived therefrom. How can you leave them to judge about yourselves, your blood, your skins, your dignity and families, wives and offspring, wealth and the rest of your rights - whilst they leave and reject judgement according to the judgements of Allaah and His Messenger - which is free from error - nor can it be approached by falsity from in front or behind - a revelation from the All-Wise, the One worthy of all praise.

The submission of the people to and their compliance with the rule of their Lord is only submission and compliance to the rule of the One who created them that they should worship Him -

and so just as the creation do not prostrate except to Allaah and do not worship except Him, not worshipping anything created - so similarly it is binding that they do not comply, surrender and submit except to the judgement of the All-Wise, the All-Knowing, Worthy of all praise, the Most Compassionate and Most Merciful - not submitting to the judgement of the created-being, the oppressive and ignorant - who is destroyed by doubts, desires and uncertainty - and whose hearts are taken over by forgetfulness, harshness and ignorance.

Therefore the wise people must consider themselves above that as it merely enslaves them and causes them to be ruled by vain desires and selfish interests, errors and mistakes, besides being Kufr - according to Allaah ta'ala's saying:

If any do fail to judge by (the light of) what Allaah hath revealed, they are (no better than) Unbelievers. (Al Ma'idah 5:44)

(6) That which many of the heads of the bedouin and tribes of the desert, etc. judge by - that which they pick up from their fathers and predecessors and their customs which they inherit - judging thereby and using it to solve disputes - remaining from the times of Jaahiliyyah and putting aside and rejecting the judgement of Allaah and His Messenger - and there is no movement and no power except with (the will of) Allaah.

As for the second type of Kufr of the one who judges by other than that which Allaah reveals - and it is that which does not take a person out from Islaam - then as has preceded the tafseer of Ibn 'Abbaas - radiAllaahu'anhu - to Allaah's saying: ***If any do fail to judge by (the light of) what Allaah hath revealed, they are (no better than) Unbelievers. (Al Ma'idah 5:44)*** comprehends this class - in his - radiAllaahu'anhu - saying: "A Kufr less than Kufr" and his saying also: "It is not the Kufr that you think."

This is regarding a man who was prompted to judge in the matter by other than Allaah's revelation by his own desires - whilst believing that the judgement of Allaah and His Messenger is the truth, and knowing himself to be in the wrong

and having left the true guidance.

This even though it does not take him outside of Islaam - then still it is a great sin and one of the worst of the Greater sins, like fornication, drinking alcohol, stealing and taking false-oath, etc. as a sin which Allaah calls Kufr in His Book is greater than any sin which He does not describe as being Kufr.

We ask Allaah to unite all of the Muslims in judging by His Book, submitting thereto and being pleased with it - He is indeed fully able to do that and has full power.