

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Answer to Question

Participation in Kufr Systems

(Translated)

Question:

While researching the prohibition for a Muslim to participate in a Kufr system which does not rule by Islam, someone said that they heard one of the scholars allowing this participation citing Yusuf (as) ruling by the laws (shariyah) of the king of Egypt... Also that the Negus remained for many years ruling by Kufr even though he was a Muslim and the Prophet (saw) prayed Janazah prayer in absentia for him. And that benefit (Maslaha) which is a Shariyah evidence requires so (i.e. participation). A Muslim in ruling (hukm) will cater to the interests of Muslims more than a secularist.

The question is how valid are these evidences? Is it true that there are scholars who advocate this? Please provide us with the answers, Jazak Allah Khairan.

Answer:

Yes, some Government scholars speak of this rhetoric. They do not base what they say on evidences; because the ruling by what Allah has revealed is based on clear and explicit definite texts with definite meaning; there is no difference of opinion between scholars regarding this.

Ruling by what Allah (swt) has revealed is an obligation; Allah (swt) says,

﴿فَاخْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ﴾

“So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth.” [Al-Ma’ida: 48]

And He (swt) says:

﴿وَأَنْ اِخْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ﴾

“And judge, [O Muhammad], between them by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has revealed to you” [Al-Ma’ida: 49]

There are numerous texts carrying similar meaning.

Ruling by other than what Allah has revealed and resorting to ruling by man-made laws is Kufr if the rulers believes in them; it is oppression (thulm) or transgression (fisuq) if the ruler does not believe in them. This is mentioned in the saying of Allah (swt),

﴿وَمَنْ لَمْ يَخْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the disbelievers” [Al-Ma’ida: 44]

And His (swt) saying:

﴿وَمَنْ لَمْ يَخْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers” [Al-Ma’ida: 45]

And His (swt) saying:

﴿وَمَنْ لَمْ يَخْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient” [al-Ma’ida: 47]

What the government scholars quote as evidences have no basis, as we have said, for the following reasons.

1. Quoting the action of Yusuf (as) as an evidence for arguing that he ruled on some issues with the laws of the king of Egypt, i.e. by other than what Allah has revealed, this reference is out of context. Because we are commanded to follow Islam brought by Muhammad (saw) through revelation from

Allah (swt), we are not commanded to follow the Shariyah of Yusuf (as) or any other Prophets (as) of Allah (swt) because the law of the people before us is not a law for us. Islam abrogated them. Allah (swt) says:

﴿وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا﴾

“And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law and a method” [Al-Ma’ida: 48]

The meaning of **“a criterion over it”** is that it abrogates others. Islam abrogated all previous books, this is why the laws of the people before us is not a law for us.

There are some scholars of Usul who adopt this principle in a different version: «شُرْعٌ مَنْ قَبْلَنَا شَرَعَ لَنَا مَا لَمْ يُنْسَخْ» “The law of the people before us is a law for us as long as it is not abrogated.”

It restricts referring to previous laws as evidence only in rules that were not abrogated by Islam. As for the laws that were abrogated by Islam, they are not allowed to be adopted from the previous laws. We are commanded with what is mentioned in our Shariyah. Ruling by what Allah has revealed is clear in Islam. Islam abrogates all previous laws that contradict it. All the renowned scholars of Usul whether they adopt the first principle: “The law of the people before us is not a law for us”. Or they adopt the second principle: “The law of the people before us is a law for us as long as it is not abrogated”. They both oblige ruling by what Allah has revealed because it is clearly and explicitly mentioned in Islam in definite texts and definite meaning; Islam abrogates previous laws if it contradicts it.

We mentioned the above assuming that Yusuf (as) has ruled in some issues with the law of the king of Egypt, but what is correct is that Yusuf (as) is a Prophet who is infallible (Ma’soom), so he only rules by what Allah (swt) has revealed to him. So as was described by Allah (swt) in his (as) dialogue with the two companions in prison, he (as) said that the rule is for none but Allah:

﴿يَا صَاحِبِي السَّجْنِ أَرَبَابٌ مُتَفَرِّقُونَ خَيْرٌ أَمْ اللَّهُ الْوَاحِدُ الْقَهَّارُ * مَا تَعْبُدُونَ مِنْ دُونِهِ إِلَّا أَسْمَاءٌ سَمَّيْتُمُوهَا أَنْتُمْ وَأَبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ إِنْ الْحُكْمُ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

“O [my] two companions of prison, are separate lords better or Allah, the One, the Prevailing? You worship not besides Him except [mere] names you have named them, you and your fathers, for which Allah has sent down no authority. Legislation is not but for Allah. He has commanded that you worship not except Him. That is the correct religion, but most of the people do not know.” [Yusuf: 39-40] So Yusuf (as) said, ﴿إِنَّ الْحُكْمَ إِلَّا لِلَّهِ﴾ **“Legislation is not but for Allah” [Yusuf: 40].** Therefore the rule is for the Lord of the worlds who is worshipped by the Muslims and takes his Shariyah from Him (swt) alone and does not associate another god with Him.

The actions of Yusuf (as) did not contradict his words; it does not make sense that he (as) says that the rule is for none but Allah and yet refers to the law of Kufir. This argument is an attack on the infallibility of one of the Prophets of Allah Ta’ala and defamation against Allah; it is a grave matter. Therefore, Yusuf (as) did not rule by kufir, but he ruled by what Allah (swt) revealed to him, truthful and sincere to Allah (swt).

As we have said, assuming that Allah (swt) has allowed Yusuf (as) in his Shariyah to rule in some issues with the rules of the King of Egypt, Islam has abrogated previous laws and it has become an obligation on us, after the message of Prophet (saw), to rule by Islam and nothing else.

2. As for citing the actions of Negus as evidence, it is also out of context. If one scrutinises the issue he will find that Negus was a king prior to converting to Islam, he embraced Islam secretly and died shortly after. And he was not able to implement Islam and could not dare to declare his Islam because his people were Kuffar. This does not apply to a Muslim who is known for his Islam by the people. Further details for the issue:

a. Negus is not the name of the ruler of Abyssinia but it is a title given to the rulers of Abyssinia; he is called ‘Negus’ just like the ruler of Persia is called ‘Chosroes’ and the Roman ruler as ‘Caesar’. Negus, who embraced Islam and the Prophet (saw) prayed for, is unlike what the question stated that his Islam was for many years, the period of his Islam was short, it was not more than days or a month or two... He was not the Negus that Muslims had emigrated to from Makkah and was not the Negus that Prophet (saw) sent ‘Amr ibn Umayyah Ad-Dhamiri after the Treaty of Hudaibiyah when he (saw) sent his messengers to the rulers. But he was different Negus, who came to power, after Negus – the one that Prophet (saw) sent a message to together with the other rulers.

The narrations regarding this topic are found in Bukhari and Muslim. Those who thought that Negus, who embraced Islam, is the same Negus that Muslims had emigrated to from Makkah are mistaken; or that he was the Negus that the Prophet (saw) sent 'Amr ibn Umayyah Ad-Dhamiri after the Treaty of Hdaybiah. This contradicts with what is in Bukhari and Muslim and is rejected. As for the evidences for what we have mentioned previously we say the following;

Muslim reported from Qatada from Anas,

«أَنَّ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَتَبَ إِلَى كِسْرَى، وَإِلَى قَيْصَرَ، وَإِلَى النَّجَاشِيِّ، وَإِلَى كُلِّ جَبَّارٍ يَدْعُوهُمْ إِلَى اللَّهِ تَعَالَى»، وَلَيْسَ بِالنَّجَاشِيِّ الَّذِي صَلَّى عَلَيْهِ النَّبِيُّ (p) اَنْتَهَى

“The Prophet (saw) wrote to Chosroes, Caesar, Nagus, and to every tyrant (leader) calling them to Allah Ta’ala” and was not Negus that the Prophet (saw) prayed for.) **End.**

At-Tirmidhi reported on the authority of Qatada from Anas;

«أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَتَبَ قَبْلَ مَوْتِهِ إِلَى كِسْرَى وَإِلَى قَيْصَرَ وَإِلَى النَّجَاشِيِّ وَإِلَى كُلِّ جَبَّارٍ يَدْعُوهُمْ إِلَى اللَّهِ»

“That the Prophet (saw) wrote before His death to Chosroes, to Ceaser, to Nagus, and. to every tyrant calling them to Allah” and was not Negus that the Prophet (saw) prayed for) **End.**

What is clear from the hadith of Muslim and Tirmidhi is that the text in which Negus, who embraced Islam and the Prophet (saw) prayed for, was not Negus that Prophet (saw) sent the message to with the other rulers after Hdaybiah.

b. Prophet (saw) sent messages to rulers after he arrived back from Hdaybiah, which is after Dhul Qa’idah of the 6th year after Hijra. The Negus, who embraced Islam, is not the same Negus who the Prophet (saw) sent a message to with the other rulers, but he was Negus who came after and took rule around the 7th year after Hijra.

c. Abu Hurayrah (ra) was with the Prophet (saw) when he (saw) prayed for Negus, who had embraced Islam, as in the hadith regarding praying for Negus. Abu Hurayrah (ra) is known for embracing Islam and arriving in the delegation of seventy or eighty from Daws to Medina when the Prophet (saw) was in Khyber. So they followed him and met him there. The Prophet (saw) gave them a share of the booty of Khyber; Khyber was in the 7th year after Hijra. This means that Negus embraced Islam and became a ruler of Abyssinia around the 7th year after Hijra and died in the same year i.e. he did not live except for short time.

d. Abyssinia was inhabited by Kuffar of the Christian religion. Their ruler Negus embraced Islam secretly without their knowledge or anybody’s knowledge, including the Prophet (saw), as understood from the ahadith of prayer for Negus. He (saw) learned of Negus’s death through revelation. The meaning of the ahadith of praying for him is an evidence for this:

«أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَعَى النَّجَاشِيَّ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ حَرَجَ إِلَى الْمُصَلَّى، فَصَفَّ بِهِمْ وَكَبَّرَ أَرْبَعًا»

Bukhari reported from Abu Hurayrah (ra) that **“Allah's Apostle informed (the people) about the death of An-Najashi on the very day he died. He went towards the Musalla (praying place) and the people stood behind him in rows. He said four Takbirs (i.e. offered the Funeral prayer).”**

In another narration: **“Allah's Apostle informed us about the death of An-Najashi on the very day he died.”** He said: **«اسْتَغْفِرُوا لِأَخِيكُمْ»** **"Ask forgiveness for your brother."**

Bukhari reported from Jabir bin Abdullah (ra) saying that the Prophet (saw) said: **«قَدْ تُوْفِيَ الْيَوْمَ رَجُلٌ صَالِحٌ مَنْ فَصَّلُوا عَلَيْهِ»** **“Today, a righteous man died, so gather to pray for him”**. He said, “We lined up behind the Prophet (saw) in rows and prayed; Abu az-Zubayr said from Jabir, “I was in the second row” and in another narration from Jabir that the Prophet (saw) said when Negus died: **«مَاتَ الْيَوْمَ رَجُلٌ صَالِحٌ، فَاقُومُوا فَصَلُّوا»** **“Today, a righteous man died, so gather and pray for Ashama (Negus’s name)”**

“Allah's Apostle informed (the people) about the death of An-Najashi on the very day he died” **«نَعَى النَّجَاشِيَّ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ»** **“Allah's Apostle informed us about the death of An-Najashi on the very day he died”** **«اسْتَغْفِرُوا لِأَخِيكُمْ»** **«مَاتَ الْيَوْمَ رَجُلٌ صَالِحٌ...»** **“Today, a righteous man died”** **“Ask forgiveness for your brother.”**

The announcement of death on the day he died, Negus was in Abyssinia and the Prophet (saw) was in Medina, which means that he (saw) was informed by revelation. Also the saying of the Prophet (saw): **«مَاتَ الْيَوْمَ رَجُلٌ صَالِحٌ...»** **“Today, a righteous man died...”** It means that they did not have knowledge of his death.

e. Therefore, the case of Negus does not match the reality here; Negus embraced Islam secretly, his people were Kuffar, he died after a short time and no one knew of his Islam except through revelation. This situation does not match the reality of participation by a Muslim who is known for his Islam in ruling by other

than what Allah (swt) revealed. Those who say that it is relevant hold no evidence, not even doubtful evidence.

3. As for using Maslaha (benefit) as evidence – it is also out of context and we present it as follows: Some of the scholars of Usul (jurisdiction) who adopted **benefit as evidence** have set a condition that it is taken if Shariyah does not mention the benefit as a command or a prohibition. If there is a mention of a command or a prohibition then the rule of the benefit is not considered at all; only the rule which is mentioned in the Shariyah is taken. None of the renowned scholars of Usul said that the text and rule revealed by *Wahi* (Revelation) will be suspended on the justification of the call for benefit.

Riba is haram, it was prohibited by Shariyah text through revelation. If Riba is required due to benefit - it is irrelevant since Shariyah prohibits and rejects it, even if some so-called scholars give a fatwa allowing it – their fatwa is rejected because it clashes with the Shariyah that came through Revelation.

The issue of ruling by other than what Allah (swt) has revealed is prohibited in a definite manner, just like the prohibition of Riba because the text came from revelation. So there is no place to refer to benefit – rather the benefit is what the Shariyah has defined and not vice versa.

In this research even the scholars of Usul, who mistakenly adopted *Masalih Mursala*, did not place benefit as a reference in their school of thought. In reality, *Masalih Mursala* do not exist. It is only present in the eyes of those that say Shariyah left some issues without a rule and this is when they use *Maslaha* (benefit).

In reality Islam did not leave any matter without explaining it; it gave rules on every matter:

﴿تَبَيَّنَّا لَكُلِّ شَيْءٍ﴾

“And We have sent down to you the Book as clarification for all things” [Al-Nahl: 89]

﴿مَا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ﴾

“We neglected nothing out of the Book” [Al-An’am: 38]

﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا﴾

“This day I have perfected for you your Deen and completed My favor upon you and have approved for you Islam as a deen.” [Al-Ma’ida: 3]

4. In conclusion, participation in the system of Kufr and ruling by other than what Allah (swt) has revealed is Kufr if the ruler who is not ruling by what Allah (swt) has revealed believes in the rules; and it is an injustice and transgression if the ruler who is ruling by other than what Allah (swt) has revealed does not believe in the rules:

﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the disbelievers” [Al-Ma’ida: 44]

﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers” [Al-Ma’ida: 45]

﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

“And whoever does not judge by what Allah has revealed - then it is those who are the defiantly disobedient” [al-Ma’ida: 47]

Those who say that it is allowed for a Muslim to participate in ruling with other than what Allah (swt) has revealed have no evidence, not even a doubtful evidence because the texts which prohibits this matter are definite in both text and meaning.

I hope that this answer is sufficient, clear and satisfying by the permission of Allah (swt).

4 Rajab 1435 AH

3/5/2014 CE