

SANKORE'



Institute of Islamic - African Studies International
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

Chapter One On the Obligations of Obedience to the *as-Sultan*

Realize that obedience to the ruler¹ outwardly and inwardly is obligatory according to the Book, the *Sunna* and the consensus (*Ijma`*).

The Book

Allah ta`ala says:

{ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ }

“O you who believe obey Allah, obey the Messenger and those in authority from among you.”²

¹ Here ends folio 6 of manuscript A after 24 lines of colophon.

² *Quran* – 4:59. The text of the entire verse is: “O you who believe, obey Allah, obey the Messenger and those who possess the authority from among you. For when you dispute regarding an affair then refer it back to Allah and the Messenger if indeed you believe in Allah and the Last Day. That is what is good and the best interpolation.” *Imam at-Tabari* said in his *Jaami`* ‘*l-Bayaan*’: “Those who possess the authority among you; are the people of the verse which precedes this verse where Allah ta`ala says: ‘Verily Allah orders you to give over the trust to its people and when you judge between people that you judge with equity’. Here Allah is addressing those who possess the authority among the Muslims, that they are obligated to give over the trusts to those who are its owners and that they govern the affairs of the Muslims with justice and equity, and divide wealth between them equally. He then addresses the Muslim subjects by His words: ‘O you who believe, obey Allah, obey the Messenger and those who possess the authority from among you’. Thus, after establishing the existence of the Muslim authorities He ordered the rulers to take care of the subjects and then ordered the subjects to obey the Muslim rulers.” This *Qur’anic* verse is the most important regarding the evidence of the obligation of establishing independent Islamic government, the obligation of choosing leaders from among the Muslims, and the prerequisite of obedience to Muslim rulers relying upon their connectedness to the *Sunna* of the Messenger. It also establishes the prohibition of choosing disbelievers as their rulers. This in effect precludes Muslims residing in the lands of the disbelievers participating in the party politics of those nations, voting and choosing elected officials who are none Muslim. When the verse is examined grammatically this general principle is made clear. Allah ta`ala says: “O you who believe”, this address is made to the believers and not to the hypocrites whose custom it is to take the disbelievers as protecting or governing friends over and above the believers. “... obey Allah”, that is obey Allah ta`ala by adhering to the commands and prohibitions in the *Qur’an*. This is an independent clause, which means that obedience to Allah is not conditioned by anything because Allah is All Wise and Perfect in His Judgment. Allah ta`ala says: “This is a blessed scripture which We have revealed: so follow it.” Likewise, “... obey the Messenger”, that is, obey the Messenger of Allah, may Allah bless him and grant him peace by adhering to his *Sunna* in word and deed. Again this sentence is also an independent clause, which means that obedience to the Messenger of Allah, may Allah bless him and grant him peace is not conditioned by anything because he is infallible. Allah ta`ala says: “Whatever the Messenger gives you, take it. And whatever he forbids you, abstain from it”. However, “...and those who possess the authority from among you”, is a dependent clause connected to the expression before it. This means that obedience to those Muslims who possess the authority is conditioned and not absolute. The precondition is based upon the fact that Muslim rulers regardless of how upright, are not infallible. Consequently, Allah ta`ala made it a dependent clause and conjuncted it to the two independent clauses that preceded it. This means that it is obligatory to obey Muslim rulers and their

It has been related by Sa'id ibn Mansuur³, Ibn Abi Shayba⁴, Abdu ibn Humayd,⁵ Ibn Jareer,⁶ Ibn Mundhir,⁷ and Ibn Abi Haatim⁸ on the authority of Abu Hurayra,⁹ may Allah be pleased with him who said regarding Allah's statement: "Those in authority among you":

هُمُ الْأُمَرَاءُ

"These are the regional rulers (*umara*)."¹⁰

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representatives as long as they order and prohibit what Allah and His Messenger have ordered and prohibited. However, when they order or prohibit that which neither the *Qur'an*, the *Sunna* nor the principles derived from them by the *Sunni* scholars sanction; then obedience is not obligatory. The Messenger of Allah, may Allah bless him and grant him peace said: "There is no obedience to a created thing in disobedience to the Creator."

³ For a brief biography of Abu Uthman **Sa'id ibn Mansuur** ibn Shu'ba al-Khurasani al-Marwazi, see the introduction footnote # 7, www.siiyasi.org.

⁴ He was Abu Bakr Abdallah ibn Muhammad al-'Absiyi **ibn al-Qadi Abi Shayba** Ibrahim ibn Uthman ibn Khuwaasti. He was an *Imam* in the sciences of *Islam*, a traditionist and the author of the notable works: the *al-Musnad*, the *al-Musnaf* and a major exegesis on the *Qur'an*. He was a sea of knowledge and it was about him that many later generations draw and example regarding memorization. 'Amr ibn Ali al-Falaas said: "I never saw anyone whose memory was as great as that of Abu Bakr ibn Abi Shayba." Al-Khateeb said: "Abu Bakr was an expert in the legal sciences, possessed astounding memory and was the author of the *al-Musnad*, the *al-Ahkaam* and a major exegesis on the *Qur'an*. He, along with his brothers al-Qasim and Uthman narrated prophetic traditions in Baghdad." Both *Imam* al-Bukhari and *Imam* Muslim took transmission from him, as well as Abu Dawud, and Ibn Maja. He died in the month of *Muharram* in the year 235 of the *hijra*.

⁵ For a brief biography of Abu Muhammad **Abdu ibn Humayd** ibn Nasr al-Kissayya, see the introduction footnote # 8, www.siiyasi.org.

⁶ For a brief biography of Abu'l-Abass **Wahb ibn Jareer** ibn Haazim ibn Zayd ibn Abdallah ibn Shuja' al-Azadi al-Basri, see the introduction footnote # 9, www.siiyasi.org.

⁷ For a brief biography of Abu Is'haq **Ibrahim ibn al-Mundhir** ibn Abdallah ibn al-Mundhir ibn al-Mughira al-Qurayshi al-Asadi al-Hizami al-Medini, see the introduction footnote # 10, www.siiyasi.org.

⁸ For a brief biography of Abu Muhammad **Abd'r-Rahman ibn Abi Hatim** Muhammad ibn Idris ibn al-Mundhir ibn Dawuud ibn Mihran, see the introduction footnote # 14, www.siiyasi.org.

⁹ For a brief biography of **Abu Hurayra** or Abu'l-Aswad Abd'r-Rahman ibn Sakhar ad-Dawsi al-Yamani, see the introduction footnote # 19, www.siiyasi.org.

¹⁰ The expression *umara* is plural for the word *amir* (ruler/governor). When the expression is used in an unqualified sense it refers to the supreme ruler or in Arabic the *khalifa* (vicegerent), *wali* (governor), *sultan* (ruler) or *Amir'l-Mu'mineen*. However, when the expression is qualified it refers to a regional governor or an official over a specific segment or sector of the government. *Shehu* Uthman ibn Fuduye' elaborated on this indirectly in his *Kitaab'l-Farq* where he said: "Allah ta'ala says: 'Those who oppose the Messenger after the guidance has been made clear unto him and then follows other than the way of the believers; We shall appoint him to that unto which he himself has turned, and expose him to Hell - an evil destiny.' Therefore, do not follow their manners in their government. Neither seek to resemble them even in the titles of their kingdom. ...But, rather you should call your absolute ruler *Amir'l-Mu'mineen*; the governor of a land the *amir* of so-and-so; the administrator of a locale the *amir* of so-and-so locale; the head of every village the *amir* of so-and-so village; and for the one appointed to administer the punitive punishments of Allah the *amir* of punitive punishment." This the concept has an unqualified meaning and a restricted meaning.

It has been related by the two Shaykhs,¹¹ Ibn Jareer and Ibn Abi Haatim on the authority of Abu Hurayra who said the Messenger of Allah, may Allah bless him and grant him peace said:

((مَنْ أَطَاعَنِي فَقَدْ أَطَاعَ اللَّهَ وَمَنْ أَطَاعَ أَمِيرِي فَقَدْ أَطَاعَنِي، وَمَنْ عَصَانِي فَقَدْ عَصَى اللَّهَ وَمَنْ عَصَى أَمِيرِي فَقَدْ عَصَانِي))

“Whoever obeys me has obeyed Allah. Whoever obeys my *amir* has obeyed me. Whoever disobeys me has disobeyed Allah. Whoever disobeys my *amir* has disobeyed me.”¹²

¹¹ The two *Shaykhs* refer to *Imam* al-Bukhari and *Imam* Muslim. *Imam* al-Bukhari was Abu Abdallah **Muhammad ibn Isma`il** ibn Ibrahim ibn al-Mughira, known as al-Bukhari. He was born in the month of *Shawwal* in the year 194 of the *hijra*. Although he lost his eyesight when he was very young, Allah ta`ala blessed him to regain it and he subsequently became the most superior of people in the science of prophetic traditions. He was called *Amir 'l-Mu'mineen* in the field of prophetic traditions. He authored many works, among them, the *Tarikh*, *Adab 'l-Mufrad* and the renowned *Jaami` as-Saheeh*. The latter became the highest and most sound written text that has fallen into the hands of Muslims after the *Qur'an*. He himself said about that: “I never placed a prophetic tradition in it without first taking a complete ritual bath and performing two *raka`ats*.” He also said: “I composed the *Saheeh* in sixteen years and made it a proof between me and Allah ta`ala. An-Najm ibn al-Fadayl said: “I once saw the Prophet, may Allah bless him and grant him peace in my sleep while he was walking and Muhammad ibn Isma`il was walking behind him. Each time the Prophet, may Allah bless him and grant him peace lifted his foot from a spot, Muhammad ibn Isma`il would place his foot in that same spot.” Al-Hassan ibn Muhammad said: “I never saw any comparable to Muhammad ibn Isma`il. Even Muslim ibn al-Hajjaj didn't reach to the standard of Muhammad ibn Isma`il.” Abu Zayd al-Marwazi once said: “Once I was sleeping in the precincts of the Ka`ba facing the area between the Yemeni corner and the *maqam* of Ibrahim, when I saw the Prophet, may Allah bless him and grant him peace who then said to me: ‘O Abu Zayd, how long will you study the book of as-Shafi`i and not study my book?’ I said: ‘O Messenger of Allah, what is your book?’ He said: ‘The *Jaami`* of Muhammad ibn Isma`il.’” *Imam* Muslim ibn al-Hajjaj once said to *Imam* al-Bukhari: “I bear witness that there is no one in this world like you.” *Imam* al-Bukhari died on a Saturday night, the last night of *Ramadhan* just at the time of the *ishaa* prayer. He was buried on the *Eid* after the *dhuhr* prayer in the year 256 of the *hijra*. He lived to be 62 years old, short of thirteen days. As for *Imam* Muslim, he was Abu'l-Husayn **Muslim ibn al-Hajjaj** ibn Muslim ibn Wardi ibn Kawshadh al-Qushayri an-Naysabuuri, the author of the *Saheeh*. He was born in the year 204 of the *hijra*. He was from among the most learned of the people of his time and was a virtual encyclopedia of knowledge. Abd'r-Rahman ibn Abi Hatim said: “Muslim was the most reliable of the memorizers of prophetic traditions.” *Imam* Muslim said himself: “I composed foundations of this *Saheeh* from three hundred thousand prophetic traditions which I heard personally.” He also said; “I did not place anything in this *al-Musnad* except with clear evidence, and I did not remove anything from it except with clear evidence.” Ahmad ibn Salma said: “I was with Muslim when he composed his *Saheeh* which took fifteen years where he placed in it twelve thousand prophetic traditions.” *Imam* Muslim died in the month of *Rajab* in the year 261 of the *hijra* in Naysabuuri at the age of fifty and some odd years.

¹² Variations of this prophetic tradition were also related by an-Nisaai, Ibn Maja, al-Humaydi, and Ahmad ibn Hanbal on the authority of Abu Hurayra and Abdallah ibn Umar. *Imam* Ibn Hajr al-`Asqalani said in his *Fat'h 'l-Baari*: “The meaning of his expression: ‘Whoever has obeyed me has obeyed Allah’, is a sentence extracted from the words of Allah ta`ala: ‘Whoever has obeyed the Messenger has obeyed Allah’. It is as if he, may Allah bless him and grant him peace said I only order what Allah has ordered. Thus whoever does what He orders also obeys the One who commanded me to order. Or it is conceivable that the meaning is: ‘Since Allah has ordered that I be obeyed, then whoever obeys me has in effect obeyed the order of Allah by obeying me. And this is the same with disobedience’. Obedience means performing what has been ordered and ceasing from doing what has been prohibited; while disobedience is the contrary to this. As for his words, may Allah bless him and grant him peace: ‘Whoever has obeyed my *Amir* has obeyed me’, differs slightly from another narration by Himam, al-`Araj and others by Muslim, where he, may Allah bless him and grant him peace said: ‘Whoever has obeyed the *Amir*’. It is possible that the answer to these two expressions has a single meaning, because every person who commands the truth and is just and upright is in effect an *Amir* of the Divine Law. This is because he has been appointed by the command of the Messenger of Allah, may Allah bless him and grant him peace and the *shari`a* to command the good and forbid evil.

It has been related by Ibn Jareer on the authority of Ibn Zayd¹³ concerning the words of Allah ta'ala: “Those in authority among you”:

هُمُ السَّلَاطِينُ

“They are the rulers (*salaateen*).”¹⁴

The Sunna

The Messenger of Allah, may Allah bless him and grant him peace said:¹⁵

((الطَّاعَةُ الطَّاعَةُ وَفِي الطَّاعَةِ بَلَاءٌ)) وَقَالَ: ((فَلَوْ شَاءَ لَجَعَلَ الْأَمْرَ فِي الْأَنْبِيَاءِ)) يَعْْنِي: لَقَدْ

جَعَلَ إِلَيْهِمْ وَالْأَنْبِيَاءَ مَعَهُمْ، أَلَا تَرَى جِئْنَا حَكْمًا فِي قَتْلِ يَحْيَى ابْنِ زَكَرِيَّا

“Adhere to obedience. Adhere to obedience. And in obedience there is affliction.”¹⁶

He also said: “If had so willed He would have made this affair of government among

Thus, the meaning of the two expressions: ‘my *Amir*’ and ‘the *Amir*’ can have one meaning especially when both narrations he, may Allah bless him and grant him peace said: ‘has obeyed me’, that is to say, he has acted in accordance with me *shari`a*. The wisdom in specifying ‘his’ *Amir* with mention is that he, may Allah bless him and grant him peace intended a specific person at the time of his address, because that was the causative factor of the narration of the prophetic tradition. However, the legal judgment of the prophetic tradition is general and universal because the crucial factor of the legal judgment lies in the generality of the expression and not in the specificity of the causative factor. A proof that this prophetic tradition has general and universal application and that it is not specified by a certain time is in the narration which was related by Himam, where he, may Allah bless him and grant him peace said: ‘Whoever obeys the *Amir* has obeyed me’, using the present tense form of the verb, and likewise: ‘Whoever disobeys the *Amir* has disobeyed me’. The objective in the use of the present tense form of the verb includes general and wide-reaching legal address and applies also to those who will come after that in the future.” Thus, the prophetic tradition establishes the obligation of obedience to those who possess the authority among the Muslims until the Day of Judgment as long as they do not order that in which there is disobedience. The wisdom in ordering obedience to them is to preserve the unified word of the Muslims and protect them from the corruption which results from mutual division and enmity.

¹³ He was Abdallah ibn Zayd ibn `Aasim ibn Ka`b al-Maazini an-Najaari and was known as Ibn Umm `Umara. He was from among the prominent Companions of the Prophet, may Allah bless him and grant him peace and was well known for narrating prophetic tradition regarding the ritual ablution. He was present at the Battles of Badr and Uhud and was the one who killed Musaylama the Liar. He was killed in the Battle of al-Hurra in the year 63 of the *hijra*.

¹⁴ This expression clearly establishes the legitimate authority for the *Sultan*. The expression *salaateen* is plural for the word *sultan* that means ruler or governor and applies to the supreme administrator or *Amir`l-Mu`mineen*. There are many prophetic traditions which establishes the utilization of this term synonymous with the concept of *khalifa* or *amir`l-mu`mineen* as the author will indicate. *Shaykh* Abdullahi ibn Fuduye` said in his *Diya`l-Hukaam*: “Realize that appointing the *Imam* is obligatory upon the Muslims according to the consensus of the *shari`a*. Al-Laqaani said, "This is addressed to the entire *Umma* from the moment he, may Allah bless him and grant him peace, died until the establishment of the Hour. For when the people who loose and bind establish it, then the responsibility is removed from the rest. And there is no difference of opinion concerning that, regardless if it is a time of tribulation or not.”

¹⁵ This prophetic tradition was related by at-Tabari and others on the authority of Ubayy.

¹⁶ The expressions: ‘Obedience! Obedience!’, are grammatically objects of the verb and their doer (*maf`ul bihi*) which have been omitted (*mahdhuuf*), but implied (*muqaddir*); and means: “You should adhere to obedience! You should adhere to obedience!”. The Messenger of Allah, may Allah bless him and grant him peace repeated it twice in order to demonstrate the magnitude of adhering to obedience and the importance of Islamic political authority. Although the expression ‘adversity’ (*balaa`*) sometimes imply something harmful like when Allah ta'ala says: “In that for you was an immense adversity from your Lord”, speaking of the torture and punishment which Pharaoh inflicted (*ibtuliyaa*) upon the Banu Isra`il. Here Allah uses the expression to imply a ‘test’ (*imtihaan*) or affliction (*museeba*). However, in another context Allah ta'ala uses the expression ‘adversity’ (*balaa`*) to indicate blessing (*ni`ma*) by His words: “And in order to afflict the believers by it with an excellent intricacy (*balaa`an hassanan*).” Abu al-Haytham said: “Adversity can be good and evil. Its etymological meaning is rooted in the synonym ‘ordeal’ (*mihna*). Thus Allah azza wa jalla sometimes afflicts His

the Prophets.”¹⁷ This means that He would have placed for them rulers and placed the Prophets with them. Have you not seen how the rulers judged regarding the killing of Yayha ibn Zakariya?¹⁸

servants with an excellent blessing to test them to see if they will be grateful. And sometimes He afflicts them with a hardship which they dislike in order to see if they will remain patient and steadfast.” It is for this reason that ‘adversity’ can be taken both ways: as good or evil. In the case of the above mentioned verse regarding the Banu Isra`il, the ‘adversity’ of being sacrificed and tortured was evil, while the ‘ordeal’ of being redeemed from being sacrificed and tortured was good. Similar in the other verse cited, the ‘excellent intricacy’ for the believers could prove to be evil if they are not grateful, or good if they show their gratitude for the blessing. Subsequently, the above mentioned prophetic tradition should be interpolated to mean a ‘test’ which can be both good and evil. *Sultan Muhammad Bello* indicated this in his *Usul as-Siyaasa* when he said: “When a person is given leadership he will be questioned about those under his charge. Accordingly, how will his circumstances be with him, knowing that he will be reckoned for the deeds of those under his charge. It is for this reason that it is said that whoever Allah establishes in obscurity, he should be truly grateful to Allah and praise Him for that, because Allah will lighten his reckoning and count him among those whose judgment will be made easy. Allah will protect him from eternal afflictions and he will receive no rebuke in this world’s life as a result of his obscurity, since obscurity in this world’s life will not result in anything except punishment for one’s own misdeeds in the Hereafter. Accordingly, the Messenger of Allah, may Allah bless him and grant him peace said, “Shall I inform you about authority and power and what it induces?” They said; “Yes, O Messenger of Allah.” He said: “Its first part is condemnation. Its second part is regret, and its third part is punishment on the Day of Standing... On the other hand, whomever Allah ta`ala afflicts with the responsibility of authority, he should struggle to convey its rights to its people. If he is able to do this, then the responsibility of government will be the greatest of blessings for him. He who establishes the rights of government and is grateful to the One who bestowed it upon him will obtain supreme happiness which has no ending to it. Rather, it will be a joy after which there will be no other. However, whoever fails to accomplish the advancement of the rights of government and fails to show gratitude to the One who bestowed it upon him will fall into misery, the like of which has no end to it. Rather, it will be a tribulation after which there will be no other, except open disbelief in Allah ta`ala.” Examine how *Shehu* Uthman ibn Fuduye’ was appointed to govern the *Jama`at* under whose authority it grew and prospered into a *Khalifate* that stressed over the entire western and central *Bilad’s-Sudan*, and then he retired from active rule, but continued to advise the rulers and subjects. Similarly, *Shaykh* Abdullahi ibn Fuduye’ ruled the *emirate* of Gwandu successfully, fulfilling the rights of government and then turned the authority over to his son and nephew: Muhammad ibn Abdullahi and Muhammad al-Bukhari. He resigned himself to more spiritual pursuits and advising the rulers. In both cases the test of governmental was an excellent ‘adversity’ which they were able pass and give over to others.

¹⁷ As He did with the Bani Isra`il when He says: “*Have you not seen how an assembly of the Banu Isra`il after Musa, who said to their Prophet: Make for us a king so that we can fight in the Way of Allah. He said: Will you say when fighting is prescribed for you that you will not fight? They said: How can we not fight in the Way of Allah, when we and our children have been driven out of our homes?! However when fighting was prescribed for them they turned away, all but a few of them. And Allah is All Knowing of the unjust. He said to them: Verily Allah has made Talut for you as a king. They said: Will the kingdom be given to a greater right over it? While he has not been given even the slightest portion of wealth? He said: Verily Allah chose him over you and increased him in control in knowledge and bodily strength. Allah gives His kingdom to whomever He wills and Allah is Vast All Knowing.*” [Qur’an: 2/236-237]

¹⁸ These are the words of the narrator, Ubayy and explains the above *Qur’anic* verse indicating that the custom among the Banu Isra`il was to have a king who was backed up by a Prophet, like in the case of the king Talut and the Prophet Samuel. Or sometimes the king and Prophet were the same persons, like in the case of Dawud and his son, Sulayman, upon them be peace. Whenever the rulership was in the hands of their king there was a constant dynamic tension between him and the Prophet that accompanied him. It was only when the rulership and prophethood were joined that the Bani Isra`il prospered and were given during the time of Sulayman a kingdom that had not be given to any mortal human being. Allah ta`ala honored the *Umma* of Muhammad, may Allah bless him and grant him peace by first giving them a infallible Prophet who also acted as ruler. Thus, government prospered and the rights of the people under his authority were realized. Then when the Prophet, may Allah bless him and grant him peace died, the authority was given the Abu Bakr as-Sideeq who was not a Prophet nor

It has been related by al-Bukhari on the authority of Anas¹⁹ who said that the Messenger of Allah, may Allah bless him and grant him peace said:

((اسْمَعُوا وَأَطِيعُوا، وَإِنْ اسْتُعْمِلَ حَبَشِيٌّ كَانَ رَأْسَهُ زَبِيئَةً))

“Listen and obey, even if there is²⁰ appointed over you an Ethiopian slave whose head is like a raisin.”²¹

infallible and needed what all governments demand: ‘checks and balances’. It is for this reason Abu Bakr said: “No one is to give judgment in Medina as long as Abu’l-Hassan Ali ibn Abi Talib is alive.” Thus, he established the judiciary which comprised of Ali and those companions and colleagues of his who were erudite and upright, who checked and supported the government of Abu as-Sideeq. When his time passed the government was given over to Umar al-Faruq, who also is reported to have said: “If it were not for Abu’l-Hassan (Ali), Ibn al-Khattab would have been destroyed.” He said this to indicate how on many occasions Umar gave decisions and Ali would come and rectify them, because he was most the knowledgeable of the Companions regarding the causative factor of the descent of revelation, the causative factors and times of the narration of prophetic traditions. When Umar’s time had passed the authority was given over to Uthman, which witnessed the emergence of ‘adversities’ as a result of the death of Umar. The Prophet, may Allah bless him and grant him peace said: “Tribulation will not appear as long as Umar is alive.” Yet during this time Ali ibn Abi Talib acted as the advisor and the judiciary during the time of Uthman, resolving many of the complex problems that emerged during that time, and even stood in defense of Uthman when the Egyptians, the Khawaarij and others sought to take his life. In all three cases the executive government was supported, checked and sometimes sanctioned by the judiciary leg of the government, which comprised of upright ascetic scholars. In many occasions the relationship between the branches of Islamic government was not so amiable, yet the dynamic tension between the two were necessary. Then Ali ibn Abi Talib was given the authority, at which point again the executive branch of government and the judiciary branch were joined in the same person. What is significant is that unlike the time of the Prophet, may Allah bless him and grant him peace, Ali rule was plagued with turmoil and strife. The wisdom behind this is that during the time of the Prophet, the executive governments and the judiciary governments were joined in a person who was infallible. However, under Ali, may Allah ennoble his face, the two branches of government were joined in a person who was not infallible. Were he fallible then the two branches of government would have functioned well and the strife and tribulation which plagued the government of Ali would not have emerged. Thus, the establishment of bi-polar government where the executive government is checked by the judiciary was a *Sunna* established in Islam. According to classical Islamic governmental theory it is the judiciary which checks the limits of executive government when it has overstepped its limits. The judge fuses judiciary and executive power with the legal power to legislate through the *fatwa* (legal decision) and creates an authority which effectively rules the supreme office of *Caliph*. This phenomenon was seen: during the epoch of the Four Righteous *Caliphs*; during the second and third generation after Prophet Muhammad; during the age of the Murabitun of North Africa and Andalusia; during the golden age of the Songhay Empire; and finally during the Sokoto *Caliphate*. The phenomenon where the *amirs* and the *Caliph* voluntarily yields to the opinion of the scholar notables (*fuqaha*) before implementing any executive policy is the essence of reform (*tajdid*) in Islam. Again this dynamic tension is not always amiable and friendly, but IT IS NECESSARY!

¹⁹ He was Abu Hamza **Anas ibn Malik** ibn an-Nadr ibn Damdam ibn Zayd ibn Hiram ibn Jundub ibn `Aamir ibn Ghanim ibn `Adiy an-Najaari al-Ansaari al-Khazraji. He was the personal assistant to the Messenger of Allah, may Allah bless him and grant him peace and among those Companions who had narrated many prophetic traditions from him. He said: “When the Messenger of Allah, may Allah bless him and grant him peace came to Medina I was 10 years old.” His mother, Um Salim brought him to the Prophet, may Allah bless him and grant him peace and said: “This is Anas a young boy who will act as your personal assistant.” The Prophet, the made supplication for him saying: “O Allah increase him in wealth and children and give him *bakara* in them.” Anas said: “I have produced more than 125 children and the lands which I own gives forth its produce twice a year.” He served the Prophet, may Allah bless him and grant him peace for 10 years. He died in the year in the year 93 of the *hijra* at the age of 107.

²⁰ Here ends folio 9 of manuscript B after 18 lines of colophon,

²¹ *Imam* Ibn Hajr said in his *Fat’h’l-Baari*: “He words, may Allah bless him and grant him peace: ‘Hear and obey...’ means in those matters which there is obedience to Allah. His words, may Allah bless him and grant him peace: ‘... even if there is placed over you an Abyssinian’, means if he is placed over you as a governor (*aamil*). It is related in the al-Ahkaam on the authority of Musaddid on the authority

of Yahya, that he, may Allah bless him and grant him peace said: ‘...even if there is placed over you an Abyssinian slave’. This expression is much clearer in expressing the meaning of the narrator.” The scholars of the *Sunna* differ regarding the meaning of the expression ‘slave’. Some uphold that it actually refers to the acceptance of the authority of a slave as a governor. However, this view is obscure, because one of the conditions of the ruler is that he be a freeman (*hurr*). Some of the scholars interpolate this expression to mean a person who was at once a slave, but was freed, distinguished himself and was then appointed as ruler. This view is the majority opinion as was actually practiced during the early days of Islam, which prompted Umar ibn al-Khataab to ask the question: “Why have the freedmen superseded the Arabs in authority?” It was said: “It is because they are more knowledgeable of what is permitted and what is forbidden.” He then said: “All praises are due to Allah who has elevated some people by means of this *Qur’an* and humiliated others by means of It.” He was referring to men like Ada ibn Abi Rabah, an ex-slave ruled Mecca because of his superb erudition in Islam. Ta’us ibn Kaysan, an ex-slave, ruled the Arabs of Yemen. Yazid ibn Abi Habib, an ex-slave, ruled the people of Egypt. Makhut al-Damasqi, a Nubian ex-slave, ruled Syria. The ruler of Mesopotamia was an ex-slave named Maymun ibn Mahran. And the ruler of Basra was none other than the illustrious scholar and mystic al-Hassan ibn Abu’l-Hassan al-Basri, also an ex-slave. All this occurred within a short time after the time of Prophet Muhammad, may Allah bless him and grant him peace and it exemplified a pattern that would continue with the spread of Islam in Africa. The great Turudbe ruler of the Songhay Empire, *Amir’l-Mu’mineen Askia* Muhammad ibn Abu Bakr Ture’ was an ex-slave of the Sosso leader Sonni Ali. His trusted secretary of state, Ali Fulani was a slave who had distinguished himself by his erudition and piety among the scholars of Timbuktu. Some of the scholars hold the opinion that the expression ‘slave’ is not speaking of the social status of the person but to the general attribute of ‘servitude’ to Allah (*Abdallah*), thus the meaning of the prophetic tradition being: ‘...even if there is placed over you an Abyssinian who is a servant of Allah, that is he is considered just and upright.’ Their evidence being what was related by Muslim on the authority of Umm al-Hissein that the Messenger of Allah, may Allah bless him and grant him peace said: “Hear and obey even if there is placed over you a slave who compels you by the Book of Allah.” In this tradition there is no referent indicating social status for the expression ‘slave’, but could mean ‘servant’ or ‘worshipper’, as in *Abdallah* (‘the slave of Allah’). In these days of hyper-racism and ethnocentrism, the above prophetic tradition could be interpolated to imply denigration of African people on the part of the Messenger of Allah, may Allah bless him and grant him peace. This view is far from the truth and is in fact a denigration of the Prophet himself, may Allah bless him and grant him peace because it lowers his status as a Prophet, by attributing unfounded prejudice and racism to him. I myself questioned several *shuyukh* on the meaning of this prophetic tradition and asked if it implied a natural inferiority to the Abyssinian or if it indicated some racial prejudice on the part of the Prophet, may Allah bless him and grant him peace towards them. Both *Shaykh* Faraj ‘t-Tayyib and *Shaykh* Dr. Abdallah at-Tayyib of Sudan, agreed that what the Messenger of Allah, may Allah bless him and grant him peace was highlighting was the prejudice of the Arabs themselves and was applying a remedial cure to it by ordering them to hear and obey a person that they deemed beneath them in status. By doing so he was able to eradicate racial prejudice on their parts which is affirmed by the prophetic tradition: “The white is not superior to the black; nor is the Arab superior to the non Arab except by *taqwa*.” *Shaykh* Muhammad al-Amin ibn Adam confirmed this interpolation and added that the prophetic tradition is considered by the scholars to be one of the miraculous prophecies of the Messenger of Allah, may Allah bless him and grant him peace. He added that the conditional verbal particle ‘even if’ (*in*) in the prophetic tradition can be interpolated as a form of prophecy, like when a person is aware that the people in an assembly do not like people who wear red garments, and he was aware that a person wearing red garments would be entering the assembly and that this person should be followed in spite of their prejudice. He would say: “I advise you to hear and obey the next person that enters this assembly, even if he is wearing red garments.” And then suddenly a person wearing red garments enters the assembly. This advice indicates that the speaker was aware that the people of the assembly were prejudiced against people wearing red garments, that such garments did not constitute a substandard quality in itself, and that a person wearing such garments could be the cause of benefit for the entire assembly. Thus, the speaker advises the assembly in such a manner as a prescriptive remedy for their unfounded chauvinism as well as informing them of what will transpire in the future. The *Shaykh* said that the prophetic tradition: “Hear and obey even if there is placed over you an Abyssinian, whose head is like a dried raisin” is a prescription against racism as well as a prophecy regarding the nature and character of the just Muslim rulers in the Last Days before the appearance of the *Mahdi*. *Shaykh* Mahnud Ka’ti said in his *Tarikh el-Fattash* that the last of the *Khulafa* before the appearance of the *Mahdi* will be men of African origin. If we exclude the plebian origins of the Ottoman authorities

It has been related by at-Tirmidhi,²² al-Hakim who verified it and al-Bayhaqi²³ in his as-Shu'ab on the authority of Abu Amama²⁴ who said the following. "I heard the Messenger of Allah, may Allah bless him and grant him peace say during the sermon of the farewell pilgrimage:

((اعْبُدُوا رَبَّكُمْ وَصَلُّوا خَمْسَكُمْ وَصُومُوا شَهْرَكُمْ وَأَدُّوا زَكَاةَ أَمْوَالِكُمْ وَأَطِيعُوا أَمْرًا لَكُمْ تَدْخُلُوا جَنَّةَ رَبِّكُمْ))

and examine the character of the rulers of the Muslim lands just prior to the appearance of the *Zaman 'n-Nasaara* (the Hour of the European Christians), most if not all of the just rulers were men of African origin. Among them were *Amir* Muhammad ibn Abdallah ibn al-Hassan of Somalia; *Amir* Umar Tall ibn Sa'id of Hamdullahi and his vicegerents; *Amir'l-Mumineen Shehu* Uthman ibn Fuduye' and his 12 vicegerents (including the author *Sultan* Muhammad Bello ibn *Shehu* Uthman); as well as those rulers who made the *hijra* to the east and settled in the Sudan, such as the descendents of *Amir* Umar Tall in Galadima and the present *Amir'l-Mu'mineen* and *Sultan* of Maiurno, *al-Hajj* Abu Bakr ibn Muhammad Tahir ibn Muhammad Bello Maiurno ibn Muhammad Attahiru ibn Ahmad Zaruku ibn Abu Bakr Atiku ibn *Shehu* Uthman ibn Fuduye'. Thus, the prophetic tradition, far from being a chauvinistic assessment of African people, it is an affirmation of their humanity and a testament to the role they will play in the future establishment of Islam in the world. And Allah knows best. *Imam* Ibn Hajr said that the meanings of his words, may Allah bless him and grant him peace: "...whose head is like a dried raisin", it is said that this refers to smallness of the head because small heads is well known with the Abyssinians. It is also said that it refers to 'the blackness' because most raisins when dried are black in color. It is also said that it refers to the hair of the head and its resemblance to black pepper. However the legal evidence which is drawn from this prophetic tradition is the validity of the *imamate* of a slave, if he is ordered to be obeyed, as Ibn Bataal said: 'This is when it is ordered to perform the prayer behind him'; since it is the Supreme *Imam* who either leads the prayer or appoints a representative (*na'ib*) to lead the prayer on his behalf. It is well known that the Supreme *Imam* is specifically stipulated for a man from the *Quraysh*, if he can be found. Thus, when the *Imam* appoints a slave to lead the people in prayer, or appoints him over another sector of the government like collecting the obligatory alms or overseeing the preparation for war, it becomes obligatory to hear and obey him in that. Our evidence for this and for the fact that this prophetic tradition was apart of the miraculous prophecies of the Messenger of Allah, may Allah bless him and grant him peace is what was related by al-Hakim, al-Bayhaqi, Muslim and others that when Abu Dharr was exiled to Rabaada, he found the people establishing one of the prescribed prayers and was being led by a slave. It was said: 'That is Abu Dharr, step back and let him lead.' Then Abu Dharr said: 'Verily my bosom friend, may Allah bless him and grant him peace advised me to hear and obey even if it is to an Abyssinian slave with mutilated limbs of the body'."

²² He was Abu Isa **Muhammad ibn Isa** ibn Surat ibn Musa ibn ad-Duhaak at-Tirmidhi. He was born in the year 210 of the *hijra*. He was a famous traditionist and author of the al-Jaami, the al-'Illal and the famous as-Shimaa'il al-Muhammadiyah. Abu Ali Mansur ibn Abdallah al-Khaalidi said: 'Abu Isa once said: 'When I composed the book (the al-Jaami), I then showed it to the scholars of the Hijaz, Iraq, and Khurasan and they were all pleased with it. Whoever has this book in his home, it is as though he has a Prophet speaking in his home.' Al-Haakim said: 'I heard Umar ibn 'Ulak say: 'When al-Bukhari died there was no one left in Khurasan like Abu Isa in knowledge, memorization, scrupulous piety and asceticism. He wept until he went blind.' He died on the 13th of *Rajab* in the year 279 of the *hijra*.

²³ For a brief biography of **Abu Bakr Ahmad ibn Husayn** ibn Ali ibn Musa al-Bayhaqi al-Khusrawjardi al-Khurasani, see the introduction footnote # 31, www.sijasi.org.

²⁴ He was Abu Amaama al-Bahili. He was among the Companions of the Messenger of Allah, may Allah bless him and grant him peace, who gave the Oath of Fealty beneath the tree. He settled in the city of Hims in Syria. He narrated many prophetic traditions directly from the Prophet, may Allah bless him and grant him peace, as well as from Umar ibn al-Khattab, Mu'adh ibn Jabal and Abu 'Ubayda ibn Jarrah. The Messenger of Allah, may Allah bless him and grant him peace appointed him as an emissary to the people of Bahila. He was well known for his many miracles. He died in the year 86 of the *hijra*.

‘Worship your Lord, pray your five prayers, fast during your month, give the obligatory alms from your wealth and obey your *amirs*. Subsequently, you will enter the Paradise of your Lord.’²⁵

It has been related by Ibn Jareer on the authority of Ibn Umar²⁶ from the Prophet, may Allah bless him and grant him peace who said:

((عَلَى الْمَرْءِ الْمُسْلِمِ الطَّاعَةُ فِيمَا أَحَبُّ أَوْ كَرَهُ إِلَّا أَنْ يُؤْمَرَ بِمَعْصِيَةٍ، فَمَنْ أَمَرَ بِمَعْصِيَةٍ فَلَا طَاعَةَ))

“Obligatory upon the Muslim is obedience in what he likes and dislikes, except when he is ordered to disobedience. Whoever is ordered to disobedience then there is no obedience in that.”²⁷

²⁵ This prophetic tradition has many variations related by Ahmad ibn Hanbal in his *al-Musnad*, Ibn Mani`u, Muhammad ibn Nasr, Ibn Jareer, al-Hakim in his *al-Mustadrak*, Ibn Habban in his *Saheeh*, Sa`id ibn Mansur in his *Sunnan*, and ad-Daraqutni in his *Sunnan*: all on the authority of Abu Amaama al-Bahili or Anas ibn Malik. In the narration of Muhammad ibn Nasr on the authority of Abu Amaama the Prophet, may Allah bless him and grant him peace said: “Since you will not be seeing me after this year of yours: therefore worship your Lord, pray your five prayers, fast your month, make the pilgrimage to your House, give the alms on your wealth from the goodness of your soul, and obey, then, your *Amirs*; you will then be entered in the Paradise of your Lord.” In the narrations of Ahmad, Ibn Habban, ad-Daraqutni, al-Hakim, Sa`id ibn Mansuur, and Ibn Mani`u on the authority of Abu Amaama the Prophet, may Allah bless him and grant him peace said: “Will you not listen? You should worship your Lord, pray your five prayers, fast your month, give the alms on your wealth and obey, then, your *Amirs*; you will then be entered in the Paradise of your Lord.” In the narration by Ibn Jareer on the authority of Abu Amaama who said that the Prophet, may Allah bless him and grant him peace stood before us during the Farewell pilgrimage while he mounted on his camel called al-Judaa`. He then placed his feet in the insertion of the saddle in order to make himself tall where he can be heard by the people. He then shouted lengthened his voice: “Will you not listen?” Then a man from a group of people said: “With what will you pledge to us?” He then said: “Worship your Lord, pray your five prayers, fast your month, give the alms on your wealth and obey those who possess the authority over you, then, you will then be entered in the Paradise of your Lord.” Someone said to Abu Amaama: “O Abu Amaam you were like what then?” He said: “I was then about thirty years old.”

²⁶ For a brief biography of Abu Abd`r-Rahman **Abdallah ibn Umar**, see the introduction footnote # 26, www.siiasi.org.

²⁷ *Shaykh* Abdullahi ibn Fuduye` said in his *Diya`l-Hukaam*: “It is obligatory upon every responsible person to obey him (*taa`atuhu*) outwardly and inwardly in all that he orders them as long as it is not in disobedience. As for that which makes it forbidden for them to obey him, it is proved and narrated by the tradition, “There is no obedience to a created thing in disobedience of the Creator.” Other than disobedience, that which is reprehensible (*al-makruuh*) can be included in the above. However there is a difference of opinion in their obeying him in the reprehensible. Ibn `Arafa says that it is obligatory to obey him as long as its reprehensibility is not unanimously agreed upon. Al-Qurtubi says there is no obedience in that. The general opinion in that is that he is to be obeyed outwardly but not inwardly as related in the *al-Fawaakihaani*... An-Nafraawi said, “However, it is not obligatory to obey an *Imam* except with him meeting the prerequisites of [1] *Islam*, [2] maturity, [3] male, [4] free, [6] just, [7] knowledgeable, [8] having reached the collective obligations, [9] being from the Quraysh, and [10] that he be the only one chosen. However, there is a difference of opinion if there is more than one *imam* chosen which gathers together the above characteristics. In that case, the *Imam* (leader) is the one to whom the oath of allegiance (*bai`a*) has been given to with the consent of the influential people (*ahl`l-hall wa`l-`aqd*) or ‘those qualified to loose and bind’. If the oath of allegiance is given to two *Imams* in two different lands at one time, it is said that the true *Imam* is the one to whom was given the oath of allegiance in the land in which the former ruler died. It is also said that preference should be made between them. According to consensus (*ijma`*), it is not permitted for there to be more than one *imam* at the same time and in the same place, except if the locality of the two *imams* is far apart from one another wherein the jurisdiction of one *imam* can not reach the locality of another, like Andalusia, and Khorasan. Then having more than one *imam* is permissible in order that the rights of the people and their governance be not terminated.” This is clear and unambiguous that neither the *Sultan* nor any of his representatives can give an order which contrary to the *shari`a*. An example of this is that the

It has been related by Ibn Jareer on the authority of Abu Hurayra that the Prophet, may Allah bless him and grant him peace said:

((سَيَلِيكُم بَعْدِي وُلَاةٌ فَيَلِيكُمُ الْبِرُّ بِيْرِهِ وَالْفَاجِرُ بِفُجُوْرِهِ فَاسْمَعُوْا لَهُمْ وَاَطِيعُوْا فِيْ كُلِّ مَا وَاْفِقَ الْحَقَّ وَصَلُّوْا وَّرَاءَهُمْ فَاِنْ اَحْسَنُوْا فَلَكُمْ وَّلَهُمْ وَاِنْ اَسَاءُوْا فَلَكُمْ وَعَلَيْهِمْ))

“There will govern you after me governors. The righteous ones will govern you with their righteousness and the sinful ones will govern you with their sinfulness. However, listen to them, obey them in everything which accords with the truth and pray behind them. If they do well,²⁸ then it will be in their own behalf and yours. However, if they do evil then it will be on your behalf but against them.”²⁹

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Sultan cannot give an order abrogating his authority or revoking any of the power that he had when the oath of allegiance was given to him. We will discuss this in more detail below, Allah willing.

²⁸ Here ends folio 7 of manuscript A after 24 lines of colophon.

²⁹ This prophetic tradition was also narrated by ad-Darraquṭni and Ibn `n-Najaar on the authority of Abu Hurayra. The scholars of the *Sunna* disagree regarding which level of authority is being addressed. The majority of the scholars maintain that those being addressed here are the supreme authority in Islam. This is based upon what was related by Ahmad on the authority of Humayd ibn Abd`r-Rahman who said: “When the Messenger of Allah, may Allah bless him and grant him peace died, Abu Bakr was among a group of men in Medina...He and Umar went to another gathering of men (among which was Sa`d), where Abu Bakr addressed them. He did not leave out a single *Qur`anic* verse which was revealed regarding the merits of the Ansaar. Nor did he leave out a single tradition from the Messenger of Allah, may Allah bless him and grant him peace regarding their immense standing. He then said: ‘You all know that the Messenger of Allah, may Allah bless him and grant him peace said: ‘If the people took a road to a valley and the Ansaar took a road to a valley, I would follow the road taken by the Ansaar.’ However, Sa`d you also know that the Messenger of Allah, may Allah bless him and grant him peace said while you were sitting with him: ‘The Quraysh are governors of this affair. For the righteous of the people will adhere to the righteous among them and the sinful people will adhere to the sinful among them’. Then Sa`d said: ‘You have told then truth. We (the *Ansaar*) are the *wuzara* (chief advisors) and you (the Quraysh) are rulers.’” This means that the supreme ruler, the *Amir`l-Mu`mineen*, or the *Sultan* cannot be removed or overthrown for anything short of disbelief. In another narration related by at-Tirmidhi on the authority of Abdallah ibn Abi al-Hudhayl who said that once a man sitting with `Amr ibn al-`Aas said: “The Quraysh should cease or Allah will place the affair in a group of the Arabs other than them.” Amr said: “You have lied! I heard the Messenger of Allah, may Allah bless him and grant him peace say: ‘The Quraysh are the governors of the people in good and in evil until the Day of Standing’.” *Shaykh* Abdullahi ibn Fuduye` said in his *Diya`l-Hukaam*: “The majority of opinion holds that whoever has the authority (*imamate*) confirmed for him, then he is not to be deposed because of sinfulness (*fisq*) or tyranny (*juur*), because at the time he was appointed he was considered just. The contract of *imamate* can only be dissolved if the original purposes of it are dissolved; like apostasy from *Islam*, complete insanity, that the *imam* becomes a captive and it is not expected that he can be released, a sickness which causes him to forget knowledge, blindness, deafness, dumbness, and likewise by deposing himself when he realizes his inability to establish the welfare of the Muslims. That is, he is afraid for himself for that. It was in this way which prompted al-Hassan, may Allah be pleased with him, to depose himself.” However, the regional governors and officials can be deposed by the people for the above infractions. *Sultan* Muhammad Bello said in his *Usuul as-Siyaasa* advising the rulers: “Be extremely resolute in being cautious of government officials and retainers. Because of their circumstance they unjustly regulate the ruler and love that injustice be associated with him. As a result, they will eventually meet him again in the Hell Fires because of his permitting them to attain their selfish interest. Realize, also, that the most threatening and severest enemy who will bring about your destruction as a leader is the government officials and retinue. They are, in most cases, slaves of their stomachs, their private parts and their corrupt passions. Truly they have made their rulers the snare by which they procure their corrupt desires.” Based upon this regional rulers and officials can be deposed by the Supreme ruler and the subjects due to sinfulness and infractions of the law.

It has been related by al-Bayhaqi on the authority of al-Miqdam³⁰ that the Messenger of Allah, may Allah bless him and grant him peace said:

((أَطِيعُوا أَمْرَاءَكُمْ، فَإِنْ أَمْرُكُمْ بِمَا جِئْتُمْ بِهِ فَإِنَّهُمْ يُوجِرُونَ عَلَيْهِ وَتُوجِرُونَ بِطَاعَتِهِمْ، وَإِنْ أَمْرُكُمْ بِمَا لَمْ يَأْتِكُمْ بِهِ فَهُوَ عَلَيْهِمْ وَأَنْتُمْ بَرَاءٌ مِنْ ذَلِكَ، إِذَا لَقَيْتُمْ اللَّهَ قُلْتُمْ: "رَبَّنَا لَا ظُلْمَ"، فَيَقُولُ: "لَا ظُلْمَ"، فَتَقُولُونَ: "رَبَّنَا أَرْسَلْتَ إِلَيْنَا رَسُولًا فَأَطَعْنَاهُ بِإِذْنِكَ، وَأَسْتَخْلَفْتَ عَلَيْنَا خُلَفَاءَ، فَأَطَعْنَاهُمْ بِإِذْنِكَ، وَأَمَرْتَ عَلَيْنَا أَمْرَاءَ، فَأَطَعْنَاهُمْ بِإِذْنِكَ، فَيَقُولُ: "صَدَقْتُمْ هُوَ عَلَيْهِمْ وَأَنْتُمْ مِنْهُ بَرَاءٌ"))

“Obey your *amirs*. If they order you with what I came with then they will be rewarded for and you will be rewarded for obeying them. However, when they order you with what I did not come with, then it will be against them and you will be free of that. When you meet with your Lord you will say: ‘Our Lord please no injustice’. And He will say: ‘Indeed, no injustice’. Then you will say: ‘O Lord, You sent³¹ to us messengers and we obeyed them by Your permission. You then appointed after them over us vicegerents (*khulafa*) and we obeyed them by Your permission. Then You placed in authority over us governors (*umara*) and we obeyed them by Your permission’. He will say in response: ‘You have spoken the truth. This will be against them and you will be free of all that.’³²

³⁰ He was Abu Karima, Abu Yazid, Abu Saalih or Abu Bishr, al-Miqdaam ibn Ma`d Yukrib ibn `Amr ibn Yazid. He settled in Hams in Syria. He narrated many prophetic traditions which were transmitted to Jubayr ibn Nufayr, as-Sha`bi, al-Hassan, his son Yahya ibn al-Miqdaam, his grandson Saalih ibn Yahya ibn al-Miqdaam and others. It was from him that the famous prophetic tradition was related where the Messenger of Allah, may Allah bless him and grant him peace said: “You will have succeeded O Qudaym if you die and you never were an *Amir*, a tax collector or government agent.” He died in the year 87 of the *hijra* at the age of 91.

³¹ Here ends folio 10 of manuscript B after 18 lines of colophon.

³² *Shaykh* Abdullahi ibn Fuduye` clarified in his *Diya'l-Hukaam* that there is disagreement among the scholars regarding the right to depose the *Imam* for sinfulness; or for him to step down from authority without a valid reason. "According to the majority of opinion whoever has the authority (*imamate*) confirmed for him, then he is not to be deposed because of sinfulness (*fisq*) or tyranny (*juur*), because at the time he was appointed he was considered just. The contract of *imamate* can only be dissolved if the original purposes of it are dissolved; like apostasy from *Islam*, complete insanity, that the *imam* becomes a captive and it is not expected that he can be released, a sickness which causes him to forget knowledge, blindness, deafness, dumbness, and likewise by deposing himself when he realizes his inability to establish the welfare of the Muslims. That is, he is afraid for himself for that. It was in this way which prompted al-Hassan, may Allah be pleased with him, to depose himself. Al-Qurtubi said, "According to the majority of the scholars, the *imam* is to be deposed for apparent sinfulness because he has been nominated in order to execute the legal punishments, to completely discharge the rights of his subjects, to guard the wealth of the orphans and those who are insane, to look into their affairs, and the like. The sinfulness of the *imam* makes the above responsibilities improbable." An-Nafrawi said, "I say that it is necessary that there be some disagreement in this matter unless the harm in his continuation increases. In that case there is agreement on his being deposed." As for the representative of the *Imam*, he is not like the *Imam*. He can be deposed for corruption, by consensus - period. As for the *Imam* removing himself from the position of authority without reason, he can not do that according to the *madh'haab* of Imam Malik. In the *Daabit* of the learned scholar Khaleel, he explained, "Whoever possesses a right from one respect, he does not have the right to remove himself from that right. He has the right to transfer it to another and to leave it to someone who acts as his representative; like the *khilafa*." According to Ibn al-Qaasim, "The forced caretaker in marriage, the *Imam* of the prayer and everyone who possesses a right from one respect also has the right to remove himself from it. He cannot transfer it to another nor leave it to someone else except with clear prerequisites; like a judge (*al-qaadi*) or the guardian (*al-wakeel*) even if he has been empowered. When he removes himself or is removed without sound reason, then the *imamate* is not authenticated nor validated for the one who is appointed after him."

It has been related by al-Bayhaqi on the authority of Abu Sa`id al-Khudri³³ who said, the Messenger of Allah, may Allah bless him and grant him peace said: ((تَكُونُ أَمْرَاءَ تَطْمَئِنُّ إِلَيْهِمُ الْقُلُوبُ وَتَلِينُ مِنْهُمُ الْجُلُودُ ثُمَّ يَكُونُ أَمْرَاءَ تَشْمَعُ مِنْهُمْ الْقُلُوبُ وَتَقْشَعُرُ مِنْهُمُ الْجُلُودُ))

“There will be governors who will cause hearts to be tranquil and skins to be pliant. Then there will be governors who will cause hearts to shrink and skins to tremor.” Then a man said: “Do we fight them O Messenger of Allah?” He responded:

((لَا مَا أَقَامُوا الصَّلَاةَ))

“No, not as long as they are establishing the prayer.”³⁴

SANKORE

³³ He was **Abu Sa`id Sa`d ibn Malik** ibn Sinaan ibn Tha`laba ibn `Ubayd ibn al-Abjar ibn `Awf ibn al-Harith ibn al-Khazraj **al-Khudri**. He was a prominent leader among the Companions of Muhammad, may Allah bless him and grant him peace, a military commander as well as a *mufti* of the city of Medina. He was present in the Battle of the Trench, the ‘Oath of Fealty’, and was among the jurist who exercised independent judgment (*ijtihad*). Handhala ibn Abu Sufyan narrated on the authority of his teachers: “That there was no one during the time of the Companions of the Messenger of Allah, may Allah bless him and grant him peace who was more knowledgeable than Abu Sa`id al-Khudri.” Baqi ibn Mukhlad narrated in his *Musnad`l-Kabeer*: “Abu Sa`id al-Khudri collected about 1170 prophetic traditions.” He died in the year 74 of the *hijra*.

³⁴ This prophetic tradition establishes the veracity of the prayer (*as-salaat*) as being the key and most important outward prerequisite for judging a person’s *Islam*. The Messenger of Allah, may Allah bless him and grant him peace is reported to have said: “There is no difference between the disbeliever and the Muslim except by the prayer.” In another narration he, may Allah bless him and grant him peace said: “There is nothing that distinguishes a true servant and disbelief except the leaving of the prayer.” It has been related by Nu`aym ibn Humaad on the authority of al-Hassan who said: “The Messenger of Allah, may Allah bless him and grant him peace once mentioned the evil *amirs* and leaders (*a`ima*) and also mentioned the errors that would occur after them that will fill the heavens and the earth. It was then said to him: ‘O Messenger of Allah, shouldn’t we strike their faces with the sword?’ He said: ‘No, not as long as they pray.’ Or he said: ‘As long as they pray the prayer, then no’.” It has been related by Ahmad on the authority of Ibn Mas`ud that the Prophet, may Allah bless him and grant him peace once said to him: “How will behave O Abu Abd`r-Rahman when there will be *Amirs* over you who will extinguish the *Sunna* and postpone the prayers from their rightful times?” I said: “How do you command me to behave O Messenger of Allah?” The Messenger of Allah, may Allah bless him and grant him peace said: “The son of the mother of a servant of Allah, asks me how should he behave? There is no obedience to creation in disobedience to Allah.” It has been related by Ibn Jareer on the authority of Abu Dharr who said: “I used to serve the Messenger of Allah, may Allah bless him and grant him peace, and whenever I would complete my work, I would go to the *masjid* to rest and sleep. Once I was resting in the *masjid*, when the Messenger of Allah, may Allah bless him and grant him peace came and woke me up by nudging me with his feet. I then sat up and he, may Allah bless him and grant him peace said: ‘What will you do when those in authority drive you from it?’ I said: ‘Do you mean from the *masjid* of the Messenger of Allah, may Allah bless him and grant him peace?’ He said: ‘Yes’. I said: ‘I when then go and stick to the lands of the Prophets (meaning in Jerusalem).’ He then said: ‘What will you do when you are driven from their?’ I said: ‘I will take my sword and strike the one who will try and drive me out from there.’ Then he, upon him be blessings and peace took his hand and stuck my shoulder and said: ‘Forgiveness for you O Abu Dharr. Comply with them wherever they send you, and yield to them wherever they drive you, even if it is done by a black slave.’” This prophetic traditions addresses the three issues: [1] the miraculous abilities of the Prophet, may Allah bless him and grant him peace to know future events; [2] the remedy which the Prophet gave to those Arabs who held xenophobic ideas regarding Africans and non Arabs; and [3] the obligation of obedience to the rulers even when they are unjust, as long as they do not order an act of disobedience.

It has been related by al-Bayhaqi³⁵ on the authority of Abdullahi³⁶ on the authority of the Prophet, may Allah bless him and grant him peace who said:

((إِنَّكُمْ سَتَرَوْنَ بَعْدِي أَثْرَةً وَأُمُورًا تُنْكِرُونَهَا))

“Verily you will see after me selfishness (*athara*) and things you will dislike.” We said: “What do you order us to do O Messenger of Allah?” He responded:

((أُدُّوا الْحَقَّ الَّذِي عَلَيْكُمْ وَاسْأَلِ اللَّهَ الَّذِي لَكُمْ))

“Give over the rights which are obligatory upon you and ask Allah for those rights which are yours.”³⁷

³⁵ Similar narrations of this prophetic tradition were related by al-Bukhari on the authority of Anas ibn Malik, Ahmad and at-Tirmidhi on the authority of Abdallah ibn Mas'ud, and Nu'aym on the authority of Abu ad-Darda.

³⁶ This is Abdallah ibn Mas'ud, for his brief biography see the introduction to this text footnote # 13 at www.sijasi.org.

³⁷ In this prophetic tradition the Prophet, may Allah bless him and grant him peace indicates what will occur in the future of the competitiveness and selfishness which the Quraysh would have for governmental authority over the Ansaar in terms of wealth, compensation and other than that. In it is a sign of the prophethood and his miraculous abilities to know the outcome of future events. The meaning of his words, may Allah bless him and grant him peace: ‘...and things you will dislike’, means in the matters of the religion. In one narration of this prophetic traditions the particle of conjunction between: ‘selfishness’ and ‘things you will dislike’ was omitted making the later phrase a verbal substitute (*badal*) of the former phrase, meaning that the ‘selfishness’ would be the things that would be disliked. The meaning of his words, may Allah bless him and grant him peace: ‘Give over the rights which are obligatory upon you’, means give over to the *Amirs* those rights which you are obligated to give over to him either generally or specifically. This includes the *zakat* on your wealth as well as the obligation to fight in the *jihad* when he calls you. The meaning of his words, may Allah bless him and grant him peace: ‘...and ask Allah for those rights which are yours’, means ask Allah for those rights which the *Amir* is required to give over to you but fails. Ibn at-Teen related on the authority of as-Dawudi that this prophetic tradition is specific for the Ansaar, however *Imam* Ibn Hajr said that this specification only applies to the Ansaar in their relationship with the Muhajirun. However this prophetic tradition has general application based upon another narration by at-Tabarani on the authority of Yazid ibn Salma al-Ja'afi who once said: “O Messenger of Allah, if there are over us *Amirs* who seize the rights which are obligatory upon us, but refuse the rights which are ours, do we fight them?” He said: “No. They will be responsible for their burden and you will be responsible for your burden.” Ibn Hajr said: “This explains that these matters would not happen during their time, nor is it making reference specifically to the rulers of that time, but it is an address to the general welfare of all the Muslims in all times. The ‘selfishness’ referred to here is the portion of this world’s life which would be a main preoccupation after the time of the early community of Islam.” In the narration of Awf ibn Malik, he, may Allah bless him and grant him peace said: “When you see those in authority over you doing things which you dislike, then dislike their actions but do not remove your hand from obedience.” In a narration by al-Isma'ili on the authority of Umar that the Prophet, may Allah bless him and grant him peace once said: “Jibril came to me and said: ‘Verily your *Umma* will suffer tribulations after you’ I then said to him: ‘From which direction?’ He said: ‘From the direction of their *Amirs* and intellectuals (*quraa*). For the *Amirs* will hold back the rights due to the people but demand their rights, thus creating tribulations for them. And the intellectuals will follow and support these *Amirs* causing more tribulations’. I then said: ‘Then how will those who remain safe become safe from this?’ He said: ‘By forbearance and patience; by giving over what is obligatory for them to give over and by simply forgoing what will be held back from them.’” In the narration of Nu'aym on the authority of Abu ad-Darda that the Messenger of Allah, may Allah bless him and grant him peace said: “You will see matters which you will dislike, but incumbent upon you is patience, do not alter or change things, and do not say: ‘We have changed and alter things until Allah Himself changes things’.” What is clear from the above is that Islam does not support coup d'etat, or intrigues to overthrow Islamic government. When an Islamic government has become corrupt, the obligation upon the scholars, the righteous officials, the *awliyya* and the citizens alike is to command the good and forbid evil and demand change in the workings of the government until its leadership repents and returns to what is correct, as the author will explain.

It has been related by al-Bayhaqi in his as-Shu'ab on the authority of Abu `Ubayda ibn al-Jaraah³⁸ who said, I heard the Messenger of Allah, may Allah bless him and grant him peace say:

((لَا تَسُبُّوا السُّلْطَانَ فَإِنَّهُمْ فِيئُ اللَّهِ فِي أَرْضِهِ))

“Do not denounce the ruler (*as-Sultan*) for verily they are the shadow of Allah on His earth.”³⁹

It has been related by al-Bayhaqi on the authority of Anas ibn Malik who said:
 أَمْرُنَا أَكْبَارُنَا مِنْ أَصْحَابِ مُحَمَّدٍ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ لَا نَسُبَّ أَمْرَاءَنَا وَلَا نَعْشَهُمْ
 وَلَا نَعْصِيَهُمْ وَأَنْ نَتَّقِيَ اللَّهَ وَنَصْبِرُ فَإِنَّ الْأَمْرَ قَرِيبٌ

“We were ordered by the notables among the Companions of Muhammad, may Allah bless him and grant him peace not to denounce our governors (*umara*) nor to deceive nor disobey them; and to fear Allah and be patient for verily the matter is near.”⁴⁰

³⁸ He was **Abu `Ubayda** `Aamir ibn Abdallah **ibn al-Jaraah** ibn Hilaal ibn Uheeb ibn Dhabba ibn al-Harith ibn Fihri ibn Malik ibn an-Nadr ibn Kinana ibn Khuzayma ibn Madraka ibn Ilyas ibn Madar ibn Nizaar ibn Ma'd ibn Adnaan al-Qurayshi. He was among the notables of the first and foremost of the Companions of Muhammad, may Allah bless him and grant him peace. He was among those who resolved to establish Abu Bakr as-Sideeq as the *khalifa*. He among those whom the Messenger of Allah, may Allah bless him and grant him peace testified regarding assurance of Paradise and called him ‘the trustworthy one of the *Umma*’. He was well known for his excellent character, forbearance, asceticism and humility. He died in the 18 of the *hijra* at the age of 58.

³⁹ Although this prophetic tradition uses the expression ‘*sultan*’, it also refers to all categories of leaders as it has been narrated in a similar tradition in the al-Jaami` as-Sagheer of *Imam* as-Suyuti on the authority of Abu Amama that the Prophet, may Allah bless him and grant him peace said: “Do not denounce the leaders (*al-a`imma*), but supplicate to Allah that He will correct them, for verily in their correction is your correction.” Further clarification that the above prophetic tradition refers to the general leadership among the Muslims is what was related by Ibn Jareer on the authority of Anas ibn Malik, that he said: ‘The prominent Companions of Muhammad, may Allah bless him and grant him peace were prohibited by his words: ‘Do not denounce your *Amirs*, do not revile them and do not disobey them. But fear Allah and be patient for verily the matter is near.’” The above prophetic tradition also establishes the spiritual station and rank of the *Sultan* within the hierarchy of the sages and *awliyya* by his expression, may Allah bless him and grant him peace: ‘...verily they are the shadow of Allah on His earth.’ It has been related by Abu Shaykh on the authority of Abu Bakr: “The just and humble *Sultan* is the shade of Allah and His lance on earth. Every day and night, there rises into the heavens for the humble and just *Sultan* the good deeds equal to sixty Champions of Truth (*sideeq*), each of whose status is that of a worshipping *mujtahid*.” *Shaykh al-Akbar* tells us in his Futuh al-Makkiyya: “The *Sultan* or *Imam* of the Muslims when he is just is the spiritual pole of the age (*qutb`z-zamaan*). It is for this reason that the Messenger of Allah, may Allah bless him and grant him peace said: ‘The *Sultan* is the shade of Allah on earth.’” The expression ‘denounce’ (*sabab/sabb*) according to the Lisan`l-Arab means to ‘cut something short’ (*qata*). It also means to revile (*shattam*) something or someone. As the prophetic tradition states: “The reviling (*sibaab*) of a Muslim is a sin and killing him is disbelief.” It also means pointing to or highlighting the wrongs in a person, from which the index finger gets its name from (*as-sabaaba*) or the ‘pointing finger’. The concept of ‘denouncing’ also implies belittling or taking a person’s rightful station away from them, that is to say refusing to recognize their given station. Thus, the denouncing of the *Sultan* could include refusing to recognize his station outwardly and inwardly, and to verbally denigrate the office of the *Sultan*, and to make it less than what it is. And Allah knows best.

⁴⁰ This prophetic tradition gives evidence that not all of the Companions of the Prophet were *mujtahid imams* based upon the expression: ‘We were ordered by the notables among the Companions’. While some of the scholars say that the expression means that the notability of age because Anas ibn Malik was very young in comparison to other close Companions of the Prophet, may Allah bless him and grant him peace. While yet other scholars say that this narrative establishes the hierarchy of the *mujtahiduun* themselves, and that some of the Companions were higher than others in their abilities to give independent judgment (*ijtihaad*). Thus, this establishes the right of some of the Companions who were more knowledgeable to ‘order’ others less knowledgeable. Here ends folio 11 of manuscript B after 18 lines of colophon,

It has been related by al-Bayhaqi on the authority of Ali ibn Abi Talib⁴¹ who said:

لَا يَصْلُحُ النَّاسَ إِلَّا أَمِيرٌ بَرًّا أَوْ فَاجِرًا

“People will never be put right except with a governor (*amir*), upright or corrupt.” They said: “This upright we know but how is it possible with a corrupt one?” He responded:

إِنَّ الْفَاجِرَ يُؤْمِنُ بِاللَّهِ بِالسُّبُلِ وَيُجَاهِدُ بِالْعَدُوِّ وَيُحْيِي بِهِ الْفَيْءَ وَتُقَامُ بِهِ الْحُدُودَ وَيُجْعَلُ بِهِ الْبَيْتَ وَيَعْبُدُ اللَّهَ فِيهِ الْمُسْلِمُ أَمَّنًا حَتَّى يَأْتِيَهُ أَجَلُهُ

“Verily by means of the corrupt ruler Allah protects the roads, *jihad* is undertaken by him against the enemies, the dead lands are revived, the prescribed punitive punishments are established, pilgrimage is made to the House and by means of him the Muslim worship Allah⁴² safely until he appointed times comes.”

The commentary upon the *Laamiyat az-Zuqaq* of al-Mi`yar states: “Ibn `Arafa⁴³ said in the first part of the book of *Jihad* narrated by Ibn Rushd:⁴⁴

وَطَاعَتُهُ لَازِمَةٌ وَلَوْ كَانَ غَيْرُ عَدْلٍ مَا لَمْ يَأْمُرْ بِمَعْصِيَةٍ

‘Obedience to the governor in necessary even if he be unjust as long as he does not order you to disobedience.’

⁴¹ He was *Amir'l-Mu'mineen Abu'l-Hassan Ali ibn Abi Talib* ibn Abd'l-Muttalib ibn Haashim ibn Abd'l-Manaf al-Qurayshi al-Haashimi. He was the cousin to the Prophet, may Allah bless him and grant him peace, and was the first male to accept Islam at the age of ten. He was raised in the home of the Prophet, may Allah bless him and grant him peace and never parted from him. He was present in all the battles with the Prophet as his flag bearer except in the battle of Tabuk. When he asked why he was ordered to stay in Medina, the Messenger of Allah, may Allah bless him and grant him peace said: “Are you not content that your place with me is like the place of Harun with Musa?” He was the husband of the leader of the women of Paradise, Fatima bint Muhammad, the Messenger of Allah, may Allah bless him and grant him peace, with whom he fathered al-Hassan, al-Husayn (the leader of the youth of Paradise), Zaynab, Umm Kulthum and Mushin (who died young). He also fathered Muhammad al-Hanifiya, Umar al-Abass and nine other children after the death of Fatima. When the Messenger of Allah, may Allah bless him and grant him peace made brotherhood pacts between the Companions he said to Ali: “You are my brother.” *Imam Ahmad* ibn Hanbal said: “Not one of the Companions attained the virtues that Ali attained.” He was renowned for his bravery, fearlessness and prowess on the battlefield. Abu Ja`far Muhammad al-Baaqir ibn Ali was asked about the description of Ali and he said: “He was extremely dark skinned and had a sturdy body.” He was assassinated in Kufa by the worst of people Abd'r-Rahman ibn Muljam on the 19th of *Ramadhan* in the year 40 of the *hijra* at age of 63.

⁴² Here ends folio 8 of manuscript A after 24 lines of colophon.

⁴³ He was Abu Ali al-Hassan *Ibn Arafa* ibn Yazid al-'Abdi al-Baghdadi al-Mu`adabi. He was born in the year 150 of the *hijra*. He was a traditionist, jurist and *Imam*. He lived to be 110 years and when he was asked about that he said: “I have lived 110 years. No one among the people of knowledge besides myself ever reached this advanced age.” He died on the 26th of *Dhu'l-Hijja* in the year 257 of the *hijra*.

⁴⁴ He was Abu'l-Waleed Muhammad ibn Ahmad ibn Ahmad *Ibn Rushd* al-Qurtubi al-Maliki. He was a learned *Imam*, *Shaykh* of the Maliki *madh'hab* and Chief Judge of the city of Cordoba in Andalusia. He was a learned jurist who had meticulously memorized the teachings of *Imam Malik* and was well versed in the science of giving legal decisions. He had piercing abilities in the science of inheritance, and the foundations of jurisprudence. He was the leader of the people of knowledge in his time, comprehension, religion, spiritual bounty, dignity, forbearance, excellent bearing, guidance and uprightness. He composed the *al-Muqaddima* on the first books of the *al-Mudawwana*, the *al-Bayaan wa't-Tahseel*, the *at-Ta'leel*, the *al-Mabsuuta*, the *Mushakal al-Athaar* and others. He died in the month of *Dhu'l-Qa`ida* in the year 125 of the *hijra* at the age of 70.

This is based upon the established prophetic tradition by the *Shaykh* from Sahnun⁴⁵:

يَجِبُ طَاعَةُ الْإِمِيرِ وَلَوْ فِيمَا لَا يَعْلَمُونَ عَاقِبَتَهُ وَلَا يَسْأَلُونَهُ عَنْهَا

‘Obedience to the governor (*al-amir*) is obligatory even when the people are ignorant of the final outcome nor can they ask him about it.’ I say: That is if he is just. He continued: ‘Once Amr ibn al-`Aas⁴⁶ prevented his army from igniting fires during an extremely cold night. When they later proceeded to the Messenger of Allah, may Allah bless him and grant him peace, they complained to him about that. Amr said: My companions were few and I feared the enemies would see them.’ The Messenger of Allah, may Allah bless him and grant him peace was amazed with him for that. He said:

((وَأَيْنَمَا يَسْأَلُونَهُ فِيمَا يَخَافُ فِيهِ الْمَلَكََةَ))

‘They should have asked him concerning the destruction which he feared.’ It is agreed that this was a mistake and they should have questioned him and debated with him about it. If it was apparent that he was correct, then they should have obeyed him if not then not. It is well known that the Companions contested⁴⁷ the opinion of Abu Bakr to fight the apostates and in the dispatching of the army of Usama ibn Zayd. For even when some of them held to the same opinion of the governor (*al-amir*) those who held contrary views had the right to object.’⁴⁸

⁴⁵ He was Abu Sa`id Abd`s-Salaam ibn Habeeb ibn Hassan ibn Hilaal ibn Bakaar ibn Rabi`a ibn Abdallah at-Tanuukhi al-Himsiyi al-Maghribi al-Qayrawani al-Maliki, known as **Sahnuun**. He was the judged of al-Qayrawaan and the author of the famous *al-Mudawwana*. He was the foremost leader of the scholars of the Maghrib and an expert in the teachings of *Imam* Malik and the scholars of Medina. He used to say: ‘Whoever does not act by his knowledge, not only will his knowledge not benefit him, but it will harm him.’ He was once asked: ‘Does a scholar who is asked about some knowledge that he knows have the option to say: ‘I don’t know?’’ He said: ‘As for what is established in the Book and the *Sunna*, no. But as for what comes from opinion then he has the option of saying that because he doesn’t know whether his opinion is correct or wrong.’ Isma`il ibn Ibrahim said: ‘One day I entered upon Sahnun, at which time he was the judge, and around his neck was *tasbeeh* with which he used to glorify Allah with.’ Yahya ibn `Awn said: ‘I and Sahnun entered upon Ali ibn al-Qasaar who was ill. Sahnun asked him: ‘What is this apprehension!’? He said: ‘It is death and arrival at Allah’. Then Sahnun said: ‘Do you not believe in the Messengers, the Resurrection, the Reckoning, the Paradise, the Fire, that the best of this *Umma* is Abu Bakr then Umar, that the *Qur`an* is the Uncreated Speech of Allah, that Allah will be seen on the Day of Judgment, that Allah is *astawaa* upon the Throne, and that you did not revolt against the leaders (*al-`imma*) with the sword even if they were tyrants?’ He said: ‘Yes, by Allah!’ Sahnun then said: ‘Then if you like, then die. If you like, then die.’’ *Imam* Sahnun died in the month of *Rajab* in the year 240 of the *hijra* at the age of 80.

⁴⁶ He was Abu Abdallah `Amr ibn al-`Aas ibn Wa`il as-Sahami. He was a learned Companion of the Prophet, may Allah bless him and grant him peace who was among those who were fortunate to make the *hijra* to Abyssinia. He was described as being short and very dark skinned. He was among the knights and natural warriors of the Quraysh and an excellent poet. Because of this he became one of the men from whom the Quraysh sought opinions regarding diplomacy, strategy and the art of war. He was among the noblest leader of the Arabs and a notable of the *Muhajirun*. He died the night of the *Eid`l-Fitr* in the year 43 of the *hijra* at the age of 100.

⁴⁷ Here ends folio 12 of manuscript B after 18 lines of colophon,

⁴⁸ This is extremely important because it establishes the right of people to disagree with the ruler, the governor, without being maligned, stigmatized or marginalized because of their disagreement. Although, it is the obligation of the subjects to follow their ruler when he takes a direction which is backed by the *shari`a* even when it disagrees with the evidence of the subjects; yet the subjects have a right to object and register their disagreement with him. *Shehu* Uthman ibn Fuduye` clarified the courtesies of making objection in his *Ihya`s-Sunna* when he said: ‘The disagreements of the scholars is a mercy. Based upon that, objection is not permitted except for him who knows that the action which he is prohibiting, there is absolute agreement concerning its prohibition - and the action which he is commanding, there is absolute agreement concerning its obligation. What we mean by objection in this context is the prohibited objection, because if it can be objected to - then the proof upon which it

The Ijma`

The knowing scholar and learned righteous man Abu'l-Abass Sidi Ahmad Zaruuq⁴⁹ may Allah benefit us by his *baraka* said the following in his *an-Naseehat*: “As for as obedience to the governors (*al-umara*), Umar, may Allah be pleased with him said to Suwayd ibn Ghafla⁵⁰:

لَعَلَّكَ لَا تُلْقَانِي بَعْدَ الْيَوْمِ فَعَلَيْكَ بِتَقْوَى اللَّهِ وَالسَّمْعِ وَالطَّاعَةِ لِلْأَمِيرِ وَإِنْ كَانَ عَبْدًا حَبَشِيًّا مَجْدَعًا، إِنْ شَتَمَكَ فَاصْبِرْ، وَإِنْ ضَرَبَكَ فَاصْبِرْ، وَإِنْ أَخَذَ مَالَكَ فَاصْبِرْ، وَإِنْ رَاوَدَكَ عَلَى دِينِكَ فَقُلْ: طَاعَةٌ رَبِّي دُونَ طَاعَةِ مَخْلُوقٍ مِثْلِي، وَلَا تَخْرُجْ يَدًا مِنْ طَاعَةِ اللَّهِ

‘O Suwayd ibn Ghafla due to the fact that you may not meet me again after this day, obligatory upon you are fear of Allah, hearing, and obedience to your governor (*al-amir*), even if there appointed over you a mutilated Abyssinian slave. If he abuses you then be patient. If he seizes your wealth then be patient. However, when he seeks to turn you away from your religion, say: ‘Obedience to my Lord is above obedience to a created being like me.’ Do not ever redraw your hands from obedience to Allah.”

This directive is an assemblage of all the foregoing successful prophetic traditions that have been narrated. Note: What has proceeded establishes the obligation of obedience to the leader (*al-imam*) when he does not order an act of disobedience (*al-ma`aasi*). When he orders disobedience then there is neither listening nor obedience. This has been established clearly in the foregoing prophetic traditions. For when the leader orders someone to kill another or seize the wealth of another unjustly, then it is not permissible to obey him in that⁵¹ or to obey his commands. Whoever does this in obedience to him then he will be seized by it on the Day of Judgment.”

depends can also be objected to. Further, if it can be commanded - then that commanding should be done with sincerity and guidance, which is giving good advice and excellent deeds.” Ibn al-Hindi said, “Do not oppose everyone who passes judgment concerning a problem from the issues of the branches of the *deen*, except when you are certain that his judgment contradicts the Qur'an or the *Sunna*. If you are not certain of that, then do not raise objection to his judgment.”

⁴⁹ He was Abu'l-Abass **Ahmad** ibn Muhammad ibn Isa al-Burnusi al-Fasi as-Shadhili, known as **Zaruuq**. He was born during the rising of the sun on a Thursday, the 18th of *Muharram* in the year 846 of the *hijra*. Both his mother and father died when he was three years old and by the time he was five his paternal uncle died as well. Thus, by the age of seven he was left with no one except Allah ta`ala. In spite of this, *Shaykh* Ahmad Zaruuq became one of the most learned and pious scholars of his time. He composed many illustrious works on the *tawheed*, jurisprudence and *tasawwuf* which are well known, studied and cited throughout the Muslim world. He, may Allah be merciful to him died in the year 899 of the *hijra* and is buried in the desert town of Misrata.

⁵⁰ He was Abu Umayya **Suwayd ibn Ghafla** ibn `Awsaja ibn `Aamir al-Ju`fi al-Kufi. He was an *Imam* in knowledge and a spiritual model. He accepted Islam during the time of the Prophet, may Allah bless him and grant him peace and was present in the Battle of al-Yarmuuk. He took transmission from Abu Bakr as-Sideeq, Umar, Uthman, Ali, `Ubay ibn Ka`b, Bilal, Ab Dharr, Ibn Mas`ud and others. Those who took from him were as-Sha`bi, an-Nakhai`, Ibn Abi Lubaba, and many others. He was the same age of that of the Messenger of Allah, may Allah bless him and grant him peace because he was born during the year of the Elephant. He lived a long time and `Aasim ibn Kulayb said that Suwayd married a young virgin when he was 116 years old. He died at the age of 120 in the year 82 of the *hijra*.

⁵¹ Here ends folio 9 of manuscript A after 25 lines of colophon.

He then said after a little⁵²:

وَالْإِجْمَاعُ عَلَى مَنْعِ قِتَالِ الْعَدْلِ مِنْهُمْ كَمَا أُجْتَمِعُوا عَلَى قِتَالِ الْمُرْتَدِّ مِنْهُمْ

“The consensus (*al-ijma`*) upholds the prohibition of fighting those leaders who are just as they are unanimous concerning fighting the apostates among them.⁵³ The author of the *al-Ikmaal*⁵⁴ said:

وَكَذَلِكَ إِذَا تَرَكَ إِقَامَةَ الصَّلَاةِ وَالذُّعَاءَ إِلَيْهَا أَوْ غَيَّرَ الشَّرْعَ

‘Likewise, when the leader neglects establishing the prayer, inviting people to it or alters the divine law (*shari`a*).’ He then said: “Verily it is obligatory to reinforce them against the disbelievers when they attack the Muslims. However, when it is determined that emigration (*al-hijra*) from him is best then it is not obligatory to reinforce him. It then is obligatory for the Muslims to make the emigration from his land to another land.”



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⁵² The author is referring to Abu'l-Abass Sidi Ahmad Zaruq in his *an-Naseehat*.

⁵³ Here ends folio 13 of manuscript B after 18 lines of colophon,

⁵⁴ The *al-Ikmaal* is the famous commentary upon the *Saheeh* of *Imam* Muslim, by *al-Qadi`Iyad* ibn Musa al-Yahsubi al-Maliki [d. 544 A.H.]. It was a completion of an earlier commentary by *Shaykh* Muhammad ibn Ali al-Maarizi [d. 536] which he named *al-Mu`allam Bi Fawaa'id Kitaab Muslim*.