

## Details about the Legitimacy of the Rulers Part 2

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(Translated)

The issue of Obedience to the Wulaat ul-Amr (ولاية الأمر Rulers of Authority) has been most controversial since the fall of the Islamic State. The West came to rule over the Muslim countries and appointed over them tyrant rulers, who filled the earth with injustice and oppression. They laid the foundation of oppressive rule upon our Ummah, which dragged our Ummah back into the first era of Jahiliyah.

What is most strange to see within this miserable situation is that the Ummah and its Dawah Carriers are confronted by a group of Muslims, who wear the clothes of Ulema and assume their names that rebuke the lashed Ummah and not the ones who lash it. They demand that the Ummah is patient, obedient and accept aggression, ruling by Kufr and the lashing of their backs, as long as the one who lashes is the Ruler of the Authority!!! It is as if the oppressive ruling was not complete until this group came to strengthen its arms and secure its roots.

Here the important matter, worthy of attention, is that we are the Ummah of texts and narrations. Therefore, it is not wise that the primary response to this postulation is to discredit its proponents by exposing their suspicious relationships with the rulers, before refuting their Judicially Doubted Opinions in a complete and comprehensive manner. Most of those who follow this aspersion are doing so out of respect to the texts, even though it conflicts with desire and self. Therefore, it is wrong to deal with them without studying the texts and eliciting their meanings. Otherwise, the attack would be in the favor of the Shubha, as it would appear as if it is more consistent to the noble Revelation than we are. It would then appear as if we are of the abhorred who prefer human reasoning over Daleel (دليل Divine Evidence)!!!

In the previous article, we have presented some of the divine texts proposed by these people. Consequently, we have explained their complete error in understanding the reality upon which these texts are revealed, the TaHqeeq ul ManaaT (تحقيق المناط Investigation of the Objects). In this article, we will see their complete error in combining the divine texts to the subject and in its studies.

Government scholars and ignorant sheikhs have succeeded in creating great confusion amongst the Muslim masses with regards to Shari'ah rules pertaining to the leader i.e. Ameer or Ruler. They have caused the people to think that it is obligatory upon them to obey the Kafir ruler or the ruler who rules by other than all that Allah (swt) has revealed. Some of them even thought that such a terrible criminal obedience may lead one to draw closer to Allah (swt)!!! Hence, the issue is related to Obedience of Wulattul Amr (Rulers of Authority).

First of all, understanding the Shari'ah pertaining to obedience emerges from deep-rooted belief that obedience is deserved to Allah (swt). Hence, the basis of obedience in this sense is the obedience to Allah (swt). Obedience to Him (swt) is by obeying what was commanded or authorized to obey; however, all the obedience by disobeying him are forbidden sins. Hence, there is no obligation to obey the man, abiding to man's command and refraining from his prohibition, except when there exists divine evidence. For example, it is obligatory for a woman to obey her husband, not because of his personality, but because of the description of marriage. It is not obligatory for her to obey him when this description ceases to exist through Khula'a or Talaq (طلاق Divorce). He then becomes another person, so that he is not obeyed.

Obedience to the leader of Ummah and its rulers in the state is obligatory, with the condition or because of his description and not because of his personality. When the condition is lost or the description is removed, it is not obligatory to obey him. Adherence

(موالاة) to him is obligatory, with condition and description. If they are absent, adherence to him is forbidden and his authority is lost. Hence, obedience is for the sake of obedience i.e. our obedience to them is because of their obedience to Allah (swt) and His Messenger (saw); otherwise, there will be no obedience. In this context, we should understand all the divine texts pertaining to obedience in the light of this firm and consistent understanding.

RasulAllah (saw) sent an army and appointed a man from Ansar (Abdullah bin Hudafa bin Qais bin Adiy) as their commander. When they set forth, he found something (hateful) from them and he said to them, "Is it not that Messenger of Allah (saw) has ordered you to obey me?" They said, "Yes." He said, "Collect me the woods" and then he asked to kindle the fire in it. He then said, "I certainly order you to enter it." The people hesitated to enter it. One young man amongst them said to them, "Flee from the fire to the Messenger of Allah (saw) and do not stop until you meet Messenger of Allah (saw) and if he commands you to enter it, then enter it." So they returned to Messenger of Allah (saw) and informed him. The Messenger of Allah (saw) said to them, «لَوْ دَخَلْتُمُوهَا مَا خَرَجْتُمْ مِنْهَا أَبَدًا إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ» **"If they had entered it (the fire) they would never have come out of it, for obedience is only in what is good."** [Ahmad]. In another narration, it was reported that RasulAllah (saw) also said to them, «لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ» **"There is no obedience to the creation in Ma'siyyah (معصية Disobedience) of Allah."** [Muslim]. It was reported in Ibn Majah and Ahmad with a sound narration as, «مَنْ أَمَرَكَ مِنْهُمْ بِمَعْصِيَةِ اللَّهِ فَلَا تُطِيعُوهُ» **"Whosoever amongst you commands you to Ma'siyyah (معصية Disobedience) of Allah, do not obey him."** More than one of the Mufasssireen (Quranic Commentators), including Ibn Kathir and Qurtubi, mentioned this hadith in the Tafsir of the verse, «وَأُولِي الْأَمْرِ مِنْكُمْ» **"(obey) rulers in authority from amongst you"** [Surah an-Nisa'a 4:59] and they used this hadith as evidence to restrict obedience to that in goodness. It is reported in Sahih Bukhari that RasulAllah (saw) said, «السَّمْعُ وَالطَّاعَةُ حَقٌّ مَا» **"(It is obligatory for one to) listen to and obey (the ruler) as long as he does not command of Ma'siyyah (معصية Disobedience) (of Allah), but if he commands of Ma'siyyah (معصية Disobedience) (of Allah) there is no listening of obedience."** It is reported in Sahih Bukhari that Messenger of Allah (saaw) said «عَلَى الْمَرْءِ الْمُسْلِمِ السَّمْعُ وَالطَّاعَةَ فِيمَا أَحَبَّ وَكَرِهَ إِلَّا أَنْ يُؤْمَرَ بِمَعْصِيَةٍ، فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ» **"It is obligatory upon a Muslim that he must listen (to the ruler) and obey him whether he likes it or not, except if he is ordered in Ma'siyyah (معصية Disobedience). If he is ordered in Ma'siyyah (معصية Disobedience), there is no listening or obedience."** In light of this principle, we understand the divine texts relating to obedience and we reject the Mutashabih (متشابه Imprecise, of more than one possible meaning) from it to the firmly established Muhkam (محكم Precise, of only one possible meaning).

Now let us see the principle evidence related to this subject in the Book of Allah. Allah (swt) said, «يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ» **"O you who have believed, obey Allah and obey the Messenger and rulers in authority from amongst you. And if you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is the best [way] and best in result."** [Surah an-Nisa'a 4:59]. What is to be noted is the verse that mentions obedience to Allah (swt) without association (مقرونة Maqroonah) and with no restriction (مقيدة Muqayyadah), as Allah (swt) Alone is the One Who orders everything. The verse also mentions the obedience to RasulAllah (saw) without association (مقرونة Maqroonah) and with no restriction (مقيدة Muqayyadah) because RasulAllah (saw) is the one who delivers from his Lord Allah and it is inconceivable that he (saw) commands without obeying Allah (swt). As for obedience to those in authority, it is not mentioned as an isolated expression (مفردة Mufardah) but is understood only in conjunction (عطف ATaf). So those in authority are not isolated in terms of commanding to obedience, unlike Allah (swt) and RasulAllah (saw). This indicates that those in authority who must be obeyed are only those who obey Allah (swt) and RasulAllah (saw) in the affairs of their authority, particularly in taking care of the worldly affairs according to Islam i.e. ruling by Shari'ah in the life affairs of the people. Otherwise, it is not permissible for them to be obeyed and it is not fit for them to have authority, neither in evil nor in goodness. As Alusi says in his

Spirit of Meanings (روح المعاني RuH ul-Ma'aanee), "The Verb (obey) is repeated such that obedience to Rasool is conjugated (مقتترنة Muqtarnah) to obedience to Allah, concerning his (saw) affair. It is absolutely inconceivable that he would not comply with all that is in the noble Quran. This signifies that the obedience to RasulAllah (saw) is so Independently/Autonomously (استقلالاً Istaqlalan) such that it is not affirmed for any other than him (saw). And then the verb 'obey' is not repeated in His saying ﴿وَأُولِي الْأَمْرِ مِنْكُمْ﴾ **"rulers of authority from amongst you"** [Surah an-Nisa'a 4:59] which signifies that obedience to them is not Independent (استقلال Istiqlal), like the Independence of obedience to RasulAllah (saw). Hence, Obedience to the ruler in authority is Dependent (تابعة Taabi'ah) upon obeying Allah and His Messenger (saw) and it is not independent. As for obedience in Sin, people of knowledge agreed that obedience in sin is not allowed, as mentioned by Nawawi in Sharh (Explanation of) Sahih Muslim."

This is further clarified by saying that if a higher authority says, "Obey the lower authority unless he orders you to disobey me," then it is the reality of authority (الأمر). However, if you say "obey me by disobeying me," while you are in authority over that matter simultaneously, then this is impossible. When the authority is of the highest authority of all i.e. that of Allah (swt), the impossibility is even greater and more terrible. Then, the verse commands to refer the legislation from the Speech of Allah (swt) and RasulAllah (saw) when there is disagreement. It does not command to refer legislation from the speech of the rulers of authority in any case. This is enough to indicate the restriction of obeying the authority only to the two noble revelations, i.e. the Quran and the Sunnah. What is to be noted is the noble verse that does not leave any scope for people of desires and government scholars to interpret the verse in a way that they ascribe sanctity to the rulers of authority, i.e. they order the Ummah to obey them in Ma'siyyah (معصية Disobedience) of Allah (swt). This verse is directly followed by the Quranic address, in another verse, that talks about tyrants, prohibition of obeying them and prohibition of referring to their systems. Then the matter in its entirety is referred to Allah (swt) and His Messenger (saw) such that loyalty and orientation in their entirety are to Allah (swt). Allah (swt) said after this verse, ﴿الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أَنْزَلَ إِلَيْكَ وَمَا أَنْزَلَ مِنْ قَبْلِكَ يَرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضَلَّهُمْ ضَلَالًا بَعِيدًا ٦٠ وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَى مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُونَ عَنْكَ صُدُودًا ٦١ فَكَيْفَ إِذَا أَصَابَتْهُمُ مُصِيبَةٌ بِمَا قَدَّمَتْ أَيْدِيهِمْ ثُمَّ جَاءُوكَ يَخْلِفُونَ بِاللَّهِ إِنْ أَرَدْنَا إِلَّا إِحْسَانًا وَتَوْفِيقًا ٦٢ أُولَئِكَ الَّذِينَ يَعْلَمُ اللَّهُ مَا فِي قُلُوبِهِمْ فَأَعْرِضْ عَنْهُمْ وَعِظْهُمْ وَقُلْ لَهُمْ فِي أَنْفُسِهِمْ قَوْلًا بَلِيغًا ٦٣ وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ وَلَوْ أَنَّهُمْ إِذْ ظَلَمُوا أَنْفُسَهُمْ جَاءُوكَ فَاسْتَغْفَرُوا اللَّهَ وَاسْتَغْفَرَ لَهُمُ الرَّسُولُ لَوَجَدُوا اللَّهَ تَوَّابًا رَحِيمًا ٦٤ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ٦٥﴾

**"Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut, while they were commanded to reject it; and Satan wishes to lead them far astray. (60) And when it is said to them, "Come to what Allah (swt) has revealed and to the Messenger," you see the hypocrites turning away from you in aversion. (61) So how [will it be] when disaster strikes them because of what their hands have put forth and then they come to you swearing by Allah, 'We intended nothing but good conduct and accommodation. (62) Those are the ones of whom Allah (swt) knows what is in their hearts, so turn away from them but admonish them and speak to them a far-reaching word. (63) And We did not send any messenger except to be obeyed by permission of Allah (swt). And if, when they wronged themselves, they had come to you, [O Muhammad], and asked forgiveness of Allah and the Messenger had asked forgiveness for them, they would have found Allah Accepting of repentance and Merciful. (64) But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission. (65)"** [Surah an-Nisa'a 4:60-65].

Referring to Allah (swt) and His Messenger (saw) is referring to the authority that issues legislation based on these two. This is the only referring that will end the disagreement as indicated by the verse because failure to appoint the authority, whose legislation in their

affairs is to be abided by all, will ensure the disagreement between the ruler and the Ummah persists. Everyone relies on Shari'ah evidences that support what he arrives at by understanding those two types of evidences from his point of view. This would undermine the verse that commands to refer Allah (swt) and His Messenger (saw) to end the disagreement. Therefore, appointing the authority is obligatory, so that the two disputing parties will refer to it and abide by its legislation. It is known that the authority which issues legislation for such a disagreement in the Islamic State is Wilayatul Mudhaalim (ولاية المظالم Authority of Unjust Acts) or Qudaa'ul Mudhaalim (قضاء المظالم Court of Unjust Acts.) This is the situation when the Islamic State is present. When there is no Islamic state, it is then referred to the pure Ulema and wise Fuqaha (Jurists) of the Ummah as mentioned in the Authentic and Explicit Sunnah that confirms the principle (of prohibition of obedience in disobeying Allah), as mentioned by Abdullah bin Masood (ra) who narrated that RasulAllah (saw) said, «سَيَلِي أُمُورَكُمْ بَعْدِي رَجَالٌ يُطْفِنُونَ السُّنَّةَ وَيَعْمَلُونَ بِالْبِدْعَةِ وَيُؤَخِّرُونَ الصَّلَاةَ عَنْ مَوَاقِيتِهَا فَقُلْتُ يَا رَسُولَ اللَّهِ إِنْ أَدْرَكْتَهُمْ كَيْفَ أَفْعَلُ قَالَ تَسْأَلُنِي يَا ابْنَ أُمِّ عَبْدِ كَيْفَ «Among those in charge of you, after I am gone, will be men who extinguish the Sunnah and follow innovation. They will delay the prayer from its proper time.» I said: “O Messenger of Allah, if I live to see them, what should I do?” He said: “You ask me, O Ibn ‘Abd, what you should do? There is no obedience to one who disobeys Allah.” This was reported by Ibn Majah. The words in the above hadith are with a Sound (جيد حسن) chain. Sunnah does not just emphasize the prohibition of Obedience in sin, but it also removes the legitimacy of rulers who follow other than the Shari'ah of Allah (swt), as it mentions, without leaving any scope for interpretation, on how to deal legitimately with the likes of them. RasulAllah (saw) said, «سَتَكُونُ عَلَيْكُمْ أُمَرَاءٌ مِنْ بَعْدِي، يَأْمُرُونَكُمْ بِمَا لَا تَعْرِفُونَ، وَيَعْمَلُونَ بِمَا تَكْرَهُونَ، فَمَا تَشْكُرُونَ، فَلَيْسَ أَوْلَانِكُمْ عَلَيْكُمْ بِأَنْمَةِ» “There will be leaders over you, after I am gone. They will enjoin you what you disapprove ( i.e. evil) and they will forbid you what you approve (i.e. goodness), so they will not be leaders over you” (i.e. they are illegitimate which means they are tyrants and there is no obedience to them. Rather they are applicable to the hadiths on how to deal with tyrants). [Narrated by Ubada bin Samith, reporter of Hadith is Suyuthi, the source is Al-Jamiu as-Sagheer, and the grade of the hadith is Hasan]. RasulAllah (saw) said, «سَيَلِي أُمُورِكُمْ مِنْ بَعْدِي رِجَالٌ يَعْرِفُونَكُمْ مَا تَكْرَهُونَ، وَيَنْكُرُونَ عَلَيْكُمْ مَا تَعْرِفُونَ، فَمَنْ أَدْرَكَ ذَلِكَ «Among those in charge of you, after I am gone, will be men who will enjoin what you disapprove (of evil) and they will forbid you what you approve (of goodness). Whoever amongst you live to know them, there is no obedience to those who disobey Allah azza wa jall” [Narrated by Ubada bin Samith, reporter of Hadith is Suyuthi, the source is Al-Jamiu as-Sagheer, and the grade of the hadith is Saheeh]. Jabir bin Abdullah narrated that RasulAllah (saw) told Ka'b bin Ujra, «أَعَاذَكَ اللَّهُ مِنْ إِمَارَةِ السُّفَهَاءِ قَالَ وَمَا إِمَارَةُ السُّفَهَاءِ قَالَ أَمْرَاءُ يَكُونُونَ بَعْدِي لَا يَفْتَدُونَ بِهَدْيِي وَلَا يَسْتَنْوْنَ بِسُنَّتِي فَمَنْ صَدَّقَهُمْ بِكُذِبِهِمْ وَأَعَانَهُمْ عَلَى ظُلْمِهِمْ فَأَوْلَانِكَ لَيْسُوا مِنِّي وَلَسْتُ مِنْهُمْ وَلَا يَرُدُّوْا عَلَيَّ حَوْضِي وَمَنْ لَمْ يَصْدَقْهُمْ بِكُذِبِهِمْ وَلَمْ يُعَنْهُمْ عَلَى ظُلْمِهِمْ فَأَوْلَانِكَ مِنِّي وَأَنَا «May Allah protect you from foolish Leaders”. He asked “What are foolish leaders?” He (saw) said, “Leaders who come after me, they will not lead with my guidance, they will not adopt my Sunnah. Whosoever believes in their lies and helps them in their wrongdoing is not of me, and I am not of him, and he will not come to me at my Cistern (Howdh). Whoever does not believe their lies and does not help them in their wrongdoing, he is of me, and I am of him, and he will come to me at my Cistern (Howdh)” It was reported by Ahmed with the above words, by Darami and Ibn Hibban. It was graded as Sahih by Ibn Hajar, Albani and others. We say that if Muslims were to bow to each leader and ruler who ruled by sin, then what of the Seerah of Mustafa (saw), who stood up against the sinful influential and tyrants?! How can we be deserving for his (saw) intercession, whilst following the path contradicting his (saw) straight path?! Have not misguidance and corruption spread over the earth because of the following by the weak of the influential and masters?! In the Hereafter, these followers will remember the corruption of Allah (swt) mentioned about their last desperate dialogue, «...وَلَوْ تَرَى إِذِ الظَّالِمُونَ مَوْفُوفُونَ عِنْدَ رَبِّهِمْ يَرْجِعُ بَعْضُهُمْ إِلَى بَعْضٍ الْقَوْلَ يَقُولُ الَّذِينَ اسْتَضَعُّوا لِلَّذِينَ اسْتَكْبَرُوا لَوْلَا أَنْتُمْ لَكُنَّا مُؤْمِنِينَ ٣١ قَالَ الَّذِينَ اسْتَكْبَرُوا لِلَّذِينَ اسْتَضَعُّوا أَنْحَنُ صَدَدْتُمْ عَنْ الْهُدَى بَعْدَ إِذْ جَاءَكُمْ بَلْ كُنْتُمْ مُجْرِمِينَ ٣٢ وَقَالَ الَّذِينَ اسْتَضَعُّوا لِلَّذِينَ اسْتَكْبَرُوا بَلْ مَكَرُ اللَّيْلِ وَالنَّهَارِ إِذْ تَأْمُرُونَنَا أَنْ نَكْفُرَ بِاللَّهِ وَنَجْعَلَ لَهُ ٣٣ «But if you

could see when the wrongdoers are made to stand before their Lord, refuting each other's words. Those who were oppressed will say to those who were arrogant, "If not for you, we would have been believers." (31) Those who were arrogant will say to those who were oppressed, "Did we avert you from guidance after it had come to you? Rather, you were criminals." (32) Those who were oppressed will say to those who were arrogant, "Rather, [it was your] conspiracy of night and day when you were ordering us to disbelieve in Allah and attribute to Him equals." But they will [all] confide regret when they see the punishment; and We will put shackles on the necks of those who disbelieved. Will they be recompensed except for what they used to do?" [Surah as-Saba 34: 31-33]. Allah (swt) narrates about them that they will be turned about after that in Hell, ﴿يَوْمَ تَقَلَّبُ وُجُوهُهُمْ فِي النَّارِ يَقُولُونَ يَلَيْتَنَّا أَطَعْنَا اللَّهَ أَطَعْنَا الرَّسُولَ ۖ ۶۶ وَقَالُوا رَبَّنَا إِنَّا أَطَعْنَا سَادَتَنَا﴾ "The Day their faces will be turned about in the Fire, they will say, "How we wish we had obeyed Allah and obeyed the Messenger. (66) And they will say, "Our Lord, indeed we obeyed our masters and our influential, and they led us astray from the [right] way. Our Lord, give them double the punishment and curse them with a great curse.(67)" [Surah al-Ahzab 33:66-67]

In light of these clear evidences, we can refute the Shubha (شبهة Judicially Doubted Opinions) that were raised about the Ahadeeth pertaining to obedience of the ruler Ma'siyyah (معصية Disobedience) of Allah (swt). We can also refute the ambiguity pertaining to Repudiating and Contradicting Ahadeeth, where we must abide to the Usuli Principle which states, **"Acting upon two evidences is better than acting upon one evidence and neglecting the other."** This means that we should combine all the divine texts that are seemingly contradicting in such a way that negates this contradiction, and all the divine texts are acted upon in terms of their reality and Manat.

**Regarding the Shubha (شبهة Judicially Doubted Opinions) pertaining to the Ahadith of listen and obey the rulers:** the most prominent of its divine texts is the famous hadith reported in Sahih Muslim that Muawiya alias Ibn Salam narrated from Zaid bin Salam from Abu Salam (Mamthur Al-Habashi) who said that Hudaifa bin Yaman said, "I said "O Messenger of Allah!, no doubt, we had an evil time (i. e. the days of Jahiliyya or ignorance) and Allah brought us a good time (i. e. Islamic period) through which we are now living. Will there be a bad time after this good time? He (the Holy Prophet) said: Yes. I said: Will there be a good time after this bad time? He said: Yes. I said: Will there be a bad time after good time? He said: Yes. I said: How? Whereupon he (saw) said, ﴿يَكُونُ بَعْدِي أُمَّةٌ لَا يَهْتَدُونَ بِهَدَايَ وَلَا﴾ "There will be leaders who will not be led by my guidance and who will not adopt my Sunnah. There will be among them men who will have the hearts of devils in the bodies of human beings." I said: What should I do. O Messenger of Allah, if I (happen) to live in that time?" He (saw) replied, ﴿تَسْمَعُ﴾ "You will listen to the Amir and carry out his orders; even if your back is flogged and your wealth is snatched, you should listen and obey." Al-Hakim reported similar to this Hadith from Abu Salam.

The hearts of the government scholars and courtier jurists, may Allah (swt) humiliate them, would rejoice, if this hadith were Sahih (صحيح Authentic). If the hadith were not Sahih, it would then be authenticated by force, by elusion, by deception or fabrication! This is the hadith which they chant sitting and standing. They indicate this hadith as an escape and retreat. Whenever they indulge in discussion, they would unsheathe this hadith as a sword to cut the discussion. Often they use it as a veil to hide themselves behind, so that their ugly actions such as their attachment to the doors of despotic kings, their sitting over the tables of oppressive rulers and their endorsement of the injustice against the citizens will not be exposed. They even almost make this hadith as half of Islam, if not its whole, so that many would think from their speech that obedience to the ruler is the aim and objective behind revelation and that obedience to Allah (swt) is only after the consent of the oppressive ruler. Is it thus possible that this hadith came from our Prophet (saw) by whom Allah (swt) smashed the banner of oppression? Did he really say it?! Is it conceivable to interpret that

Islam favors the unjust in his injustice? And before that, is this narration valid from the basis?! It is also clear that the wording of this hadith constitutes a clear contradiction with the definiteness of the other divine texts, such as the hadith of Ka'b bin Ujra and the hadith of Ubada bin Samith that was graded as Sahih by Ibn Hibban.

Ubada bin Samith (raheemullah) said, the Messenger of Allah (saaw) said: "O Ubada", I replied "At your service (O Messenger of Allah)" He (saw) said: «اسمع وأطع في عسرك ويسرك، وإن أكلوا مالك، وضربوا ظهرك، إلا أن تكون معصية لله بواحا» **Listen and obey (the ruler) in prosperity and adversity, whether you are unwilling, or when someone is given undue preference over you, or when they eat your wealth, or when they lash your back, except when they order you explicitly in Ma'siyyah (معصية Disobedience) of Allah (swt).**" It means there is no obedience in Sin. Before we understand the wording, «تَسْمَعُ وَتَطِيعُ» **"You will listen to the Amir and carry out his orders; even if your back is flogged and your wealth is snatched,"** let us delve into the authenticity of its chains. We find all the narrators and Jurists (Fuqaha) who have graded this addition of wordings in the hadith as weak. The most prominent scholars of them are Darul Qutni and others. Al-Hafiz Abul Hasan Darul Qutni denied this hadith by saying "According to me this hadith is Mursal (مرسل Interrupted in Chain) because Abu Salam neither heard from Hudaifa nor his peers who landed in Iraq, as Hudaifa bin Yaman died one night after the killing of Uthman (ra). And it was stated in the hadith that **"قال: قال حذيفة"** which means, "Abu Salam said: Hudaifa said..." which indicates that this hadith is Mursal."

Upon scrutinizing, it is clear that Abu Salam's name is Mamtur Al-Habashi and he was from Damascus in his heritage, whereas Hudaifa bin Yaman (ra) was in Medina, then Kufa and Iraq. The Ulema have agreed that Abu Salam did not hear from Hudaifa bin Yaman. It seems that Abu Salam had heard this hadith from Shaamy the weak (Da'ef) from Hudaifa. And this wording "You will listen to the Amir and carry out his orders; even if your back is flogged," which he mentions is Mudraj (مدرج Inserted) into the Hadith.

As for what has mentioned in Albany's "The Authentic Chain (السلسلة الصحيحة)" taken from Tabarani's "Awsat (الأوسط)," as narrated from Umar bin Raashid Al-Yamami from Yahya bin Abi Katheer from Zaid bin Salam from his father that is Abu Salam Mamtur, from his grandfather and also similarly what was reported by Suyuti with more completeness from the narration of Ibn Asakir, they are not beneficial as the father of Mamtur is the grandfather of Salam, whose name and status is not known. Hence his presence in the chain is the same as his absence! Sheikh Muqbil Alwadi (raheemahullah), researcher of the book, "Obligations and Argumentation (الإلزامات والتتبع)" said "This and that in the Hadith of Hudaifa are additional and they are not in the agreed upon over the Hadith of Hudaifa. As for his saying **«وإن ضرب ظهرك وأخذ مالك»** **even if your back is flogged and your wealth is snatched,** this is a Da'ef (ضعيف Weak) addition, since it is Interrupted (منقطعة) in linkage. And Allah knows best." [Al-Hashiya: 258]. It is reported by Bukhari that Hudaifa bin Yaman (ra) narrated, "The people used to ask Allah's Messenger about good, but I used to ask him about evil for fear that it might overtake me. Once I said, "O Allah's Messenger! We were in ignorance and in evil and Allah has bestowed upon us the present good; will there be any evil after this good?" He said, **«نعم، وفيه دخن!»** **"Yes."** I asked, "Will there be good after that evil?" He (saw) said, **«نعم، وفيه دخن!»** **"Yes, but it would be tainted with Dakhan (i.e. some evil)."** I asked, "What will its Dakhan be?" He (saaw) said, **«قوم يهدون بغير هديي، تعرف منهم وتتكبر!»** **"There will be some people who will guide (people) according to other than my guidance. You will see their actions and disapprove of them."** I said, "Will there be any evil after that good?" He (saw) said, **«نعم، دعاة»** **"Yes, there will be some people who will invite others to the doors of Hell, and whoever accepts their invitation to it will be thrown in it (by them)."** I said, "O Allah's Messenger (saw)! Describe those people to us." He (saw) said, **«هم»** **"They will belong to us and speak our language."** I asked, "What do you order me to do if such a thing should take place in my life?" He (saw) said, **«تلتزم جماعة»** **"Adhere to the group of Muslims and their Imam."** I asked, "If there is neither a group (of Muslims) nor a chief (what shall I do)?" He (saw) said, **«فاعتزل تلك الفرق كلها!»** **"Keep away from all those different sects,**

**even if you had to bite (i.e. eat) the root of a tree, till you meet Allah while you are still in that state.”** This is an authentic hadith whose narrators are trustworthy, confirmatory and authorized in reporting ahadith. It is the strongest hadith in the subject in terms of chain and purity of its texts. Muslim also reported this with the same text and chain. It was also narrated by at-Tabarani in “Musnad As-Shamiyeen” amongst others.

What is to be noted from the wording «يكون بعدي أئمة، لا يهتدون بهدائي، ولا يستنون بسنتي» **“There will be leaders after me who will not be led by my guidance and who will not adopt my Sunnah”** as came in the interrupted hadith of Imam Muslim, it was not reported in other narrations of the same hadith that confirm this narration. Instead, all the narrations say «تلتزم جماعة المسلمين وإمامهم» **“Adhere to the group of Muslims and their Imam.”** None has even a single letter describing the absence of leading by the guidance of RasulAllah (saw) or not adopting his Sunnah or other descriptions, such as oppression and censure. What is apparent is that the Da’eef (ضعيف Weak) narration reported by Mamtur is mixed up between the hadith of Hudaifa and the ahadeeth of Ka’b bin Ujra and others that were reported with similar wording in Authentic narrations. What is to be noted from the hadith of Ka’b bin Ujra for instance, as reported by Ahmad in his Musnad, Barraz, Ibn Hibban in his Sahih, Al-Hakim in Mustadrik about knowing the Companions (ra): As narrated by Jabir bin Abdullah (rali) that Messenger of Allah (saw) told Ka’b bin Ujra that, «أعاذك الله يا كعب بن عجرة من إمارة السفهاء» **“O Ka’b, may Allah protect you from foolish leaders (Imarathu sufaha).”** He asked, “What are foolish leaders?” He (saaw) said, «أمرأء يكونون بعدي لا يهدون بهديي، ولا يستنون بسنتي، فمن صدقهم بكذبهم، أو أعانهم على ظلمهم، فأولئك ليسوا مني ولست منهم، ولا يردون عليّ حوضي، ومن لم يصدقهم على كذبهم، ولم يعنهم على ظلمهم، فأولئك مني وأنا منهم، وسيردون عليّ حوضي. يا كعب بن عجرة، الصوم جنة، والصدقة تطفي الخطينة، والصلاة قربان- أو قال: برهان- يا كعب بن عجرة إنه لا يدخل الجنة لحم نبت من سحت أبداً، النار أولى به، يا كعب بن عجرة الناس قربان- أو قال: برهان- يا كعب بن عجرة إنه لا يدخل الجنة لحم نبت من سحت أبداً، النار أولى به، يا كعب بن عجرة الناس قربان» **“Leaders who come after me, they will not lead with my guidance, they will not adopt my Sunnah. Whosoever believes in their lies and helps them in their wrongdoing is not of me, and I am not of him, and he will not come to me at the Cistern. Whoever does not believe their lies and does not help them in their wrongdoing, he is of me, and I am of him, and he will come to me at my Cistern. O Ka’b bin Ujra! Fasting is a shield, Charity extinguishes the sin, Salah (prayer) is sacrifice (قربان) -or clear evidence. O Ka’b bin Ujra! Flesh raised from the unlawful will never enter paradise and hell-fire is more appropriate for it. O Ka’b bin Ujra! People set forth in the morning and bought themselves to protect themselves (from hell-fire) or sell themselves into the peril.”** Its chain is Hasan, graded as Sahih (صحيح Authentic) by Hakim and agreed upon by Dahabi. Al-Arnooth says in his commentary of Sahih Ibn Hibban “it is Sahih based on the condition of Muslim”. Therefore, this additional wording is Da’eef (ضعيف Weak) in terms of Sanad (سند Chain of Narration) and Munkarah (منكرة Denied) in terms of Matan (متن Text). The chain of this addition is interrupted and weak and its texts are contradicting with authentic texts and what was reported by Muslim without this addition. We also find this addition in other hadiths which says «...يستنون بغير سنتي» “who do not adopt my Sunnah”. However, these ahadeeth do not command to obey the rulers, rather they command to disobey them as in the hadith of Ka’b bin Ujra, which says, «فمن صدقهم بكذبهم، أو أعانهم على ظلمهم، فأولئك ليسوا مني ولست منهم، ولا يردون عليّ حوضي» **“Whoever believes in their lies and helps them in their wrongdoing is not of me, and I am not of him, and he will not come to me at my Cistern (Houdh).”** Then, how can we understand all that came in the Sahih hadith of Muslim, asides from the addition? This Chain of Narration was brought by Muslim (rh) pursuant to what was said by an-Nawawi (rh). However, he brought it to explain its reasoning. He stated in his first Sahih that he would mention some Ahadith to explain its reasoning and this hadith is one of those. It is inconceivable to think that Muslim (rh) missed the fact that Abu Salam did not hear from Hudaifa (rh). Imam Muslim stated his method in this in the introduction of his Sahih as: “As for the first category, we aspired to advance the report which is safer from defects than all others... thus when we examined reports of this description from the people, we also came across reports in whose chains were some who are not characterized with memorization and precision, such as those characterized before them...” Qadi Iyad and Imam Nawawi stated that Muslim adhered to this condition in his Sahih. This is regarding the explanation and clarification of the reasoning, as opposed to

those who say that this was the intent he aspired to, before completing his purpose for the book. This was clarified by Imam Nawawi in his explanation of Sahih Muslim in the chapter, 'Duration of Hajj.' Mu'lami said in Al-Anwar ul-Kaashifa (الأَنْوَارُ الكَاشِفَةُ Exposed Illuminations) page 230, "...the approach of Muslim in his Sahih was that when he put forward agreed narrations in the sentence, he put forward the most authentic first. Sometimes there may be a summation or mistake in the latter narration, which the former narration clarifies." Hence, Imam Muslim mentioned this hadith, which has this addition, to explain its repudiation and deviation and not to grade it as Sahih, particularly when the hadith is interrupted in transmission. Other narrations of this hadith were also reported by other people of Sunan and Musnad, with all of its narrations classified as Da'eef (Weak). These narrations are not strengthening one another.

Dr. Khalid Al-Hayyak has explained its defects in his research that was published on a website, under the title "Complete repudiation to the Addition 'even if your back is flogged and your wealth is snatched, you must listen. (القطع بِنَكَارَةِ زِيَادَةِ وَإِنْ ضَرَبَ ظَهْرَكَ أَخَذَ مَالَكَ فَاسْمَعْ وَأَطِعْ)." This addition is deniable, since it undermines the principle of rejecting evil. This principle is what makes the Ummah as the best Ummah brought forwards to humankind. This addition also contradicts the Shari'ah of uprooting the oppression upon people. It is the Shari'ah that connects the corruption of nations with the existence of oppression. It is the Shari'ah that places the oppressed one who consent to oppression, in the same rank of the oppressor who practices it. Allah (swt) said, ﴿وَإِذْ يَخَاجُونَ فِي النَّارِ فَيَقُولُ الضُّعْفُؤُا لِلَّذِينَ اسْتَكْبَرُوا إِنَّا كُنَّا لَكُمْ تَبَعًا فَهَلْ أَنْتُمْ مُغْنُونَ ﴿٧﴾ قَالَ الَّذِينَ اسْتَكْبَرُوا إِنَّا كُلٌّ فِيهَا إِنَّ اللَّهَ قَدْ حَكَمَ بَيْنَ الْعِبَادِ﴾ **And [mention] when they will argue within the Fire, and the weak will say to those who had been arrogant, "Indeed, we were [only] your followers, so will you relieve us of a share of the Fire?" (47) Those who had been arrogant will say, "Indeed, all [of us] are in it. Indeed, Allah has judged between the servants."** [Surah al-Ghafir 40:47-48]

Is it rational to say that Shari'ah has allowed this, whilst RasulAllah (aaw) said, **«إِنَّ النَّاسَ إِذَا رَأَوْا الظَّالِمَ فَلَمْ يَأْخُذُوا عَلَى يَدَيْهِ أَوْشَكَ أَنْ يَعْتَمَهُمُ اللَّهُ بِعِقَابٍ مِنْهُ»** **When the people see the wrongdoer and they do not take him by the hand, then soon Allah shall envelope you in a punishment from him.** [Tirmidhi]?! There is no wonder that the Ummah has been humiliated for centuries. And where is the understanding of the best Companions and purest family of RasulAllah (saw) who did not listen and obey the command of usurpers, as had been done by Abdullah bin Zubair and the grandson of the Prophet (saw), Hussein (ra)!. Instead, they rebelled and fought against them, an action which they drew as an ideal to defend the Revelation of Allah and His Shari'ah. What about the saying of Abu Bakr (ra) **أطيعوني ما أطعت الله** "Obey me as long as I obey Allah over you. If I disobey him, then do not obey me" and the saying of Umar (ra) to the people when he was given pledge of allegiance for Khilafah where he ordered the people to straighten him if they see in him of crookedness? This is because the first generation of Islam understood the Deen in its pure form. Salman al-Farsi (ra) stood up to confront Umar bin al-Khattab (ra), asking about the clothes he wore, "Where did you get those from? Otherwise we will not listen to you and we will not obey you." Abu Dharr (ra) confronted Uthman (ra) several times. Abdullah bin Amr (ra), as reported in Sahih Muslim, gathered his men, weaponry and battalion from his men to confront the Wali of Muawiya in Taif (his brother, Anbasa bin Abu Sufyan), when he came to know that Muawiya wanted to entrench in his land. Khalid bin Al-Aas came to know of the matter and travelled from Makkah to Taif. He then went to Abdullah bin Amr bin Al-Aas and started advising him to be peaceful and surrender to Anbasa, since he was a man of authority and his brother was the general Sultan, i.e. ruler of authority. Abdullah bin Amr (ra) replied, **«مَنْ قَتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ»** **"He who died in protecting his property is a martyr."**

After all, I say that for the sake of imposing the soundness of this controversial addition, they do not understand the intent, which is the obeying of the just Muslim ruler and being patient over him. If we abide by the Usooli principles **الجمع أولى من الترجيح** "combining is more appropriate than outweighing" and **إعمال الداليلين أولى من إهمال أحدهما** "Acting upon two evidences

is more appropriate than neglecting one of them,” we can interpret this notation as follows. It is not invalid to seize your wealth, if it is lawfully, and flog your back, if it is as a punishment, as stated by Ibn Hazam in his “al-Fasl fe al-Melal wa al-Ahwaa wa al-Nahl.”

As for what is ordered by RasulAllah (saw) to be patient on seizing the wealth and flogging the back, there is no doubt that this is only when Imam takes it rightfully and there is no doubt that we should be patient in such a case. If he takes it unlawfully, may Allah prevent us from thinking that RasulAllah (saw) has ordered patience in that case. This is clear from the saying of Allah (swt) ﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالنَّفَقَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾ **“And cooperate in righteousness and piety, but do not cooperate in sin and aggression.”** [Surah al-Maida 5:2] This meaning was emphasized by the hadith of Ibn Hibban in which RasulAllah (saw) restricts the command of being silent over flogging the back, only to the lawful and not in Ma’siyyah (معصية Disobedience). As reported by Ibn Hibban, Ubada bin Samit narrated that the Messenger of Allah (saw) said “O Ubada”, I replied “At your service (O Messenger of Allah) ” He (saaw) said, «اسمع وأطع في عسرك ويسرك، ومكرهك، وأثرة عليك، وإن أكلوا مالك، وضربوا ظهرك، إلا أن تكون معصية لله بواحا» **“Listen and obey (the ruler) in prosperity and adversity, whether you are unwilling, or when someone is given undue preference over you, or when they eat your wealth, or when they lash your back except when they order you explicitly to disobey Allah.”** This means there is no obedience in sin.

The expression, «لا يستنون بسنتي» **“They will not adopt my Sunnah”** denotes that Fisq (Evil doing) is restricted to rulers alone and not to the system by which they rule. The wording «تسمع وتطيع للأمير، وإن ضرب ظهرك، وأخذ مالك» **“You will listen and obey the leader even if he flogs your back and takes your wealth”** contradicts explicitly with the understanding “if he rules you with Kufr.” A person would be patient if the ruler forbids him some of his rights and he may forgive when some actions turn out against his interest, such as when the ruler was hasty in judgment, without the person being able to forward his argument and defend himself in a good manner. In this case, we say to him to be patient and obedient. However, it is not acceptable for us to be silent when we see the ruler who suspends the Shari’ah of Allah (swt), allies with His (swt) enemies and rule us by kufr systems. The wording does not include this and it does not mean that in any way.

Others interpreted it as the patience of the individual over the oppression he is afflicted by and not the patience of the Ummah as a whole.

In conclusion, the Hadith, «وإن ضرب ظهرك وأخذ مالك» **“Even if he flogs your back and takes your wealth”** is deniable in terms of both chain and text. It was used by the government scholars to serve the ruler, stabilize his authority and extend his term, to paralyze the citizens so they sit without reviving the Ummah or without thinking to change the current status quo. They made Shari’ah laws from the wrong interpretation of this hadith, arbitrating over the Ummah, and not its rulers, whereas the Shari’ah of Allah is for arbitration of both the Ummah and the rulers. All this is done by people of desires in a way that distorts the other clear and explicit divine texts. All matters belong to Allah (swt) before and after.