Arbitration

Man-Made Laws and Baatil Legislation.

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All praises belong to Allaah Ta’alaa (Alone), Who is the Rabb (Nourisher; sustainer; cherisher; provider; creator; lord) of all universes and all things in existence, and Salaah and Salaam be upon our most trustworthy Rasool (Muhammad ﷺ), and upon his family and companions.

Thereafter:

Allaah Ta’alaa says:

{“Have you not seen those (Munaafiqeen) who claim to believe in that which has been revealed to you and that which was revealed before you, whilst they wish to seek judgement (in their disputes) from Taaghoot, despite having been ordered to reject them? Shaytaan wishes to deviate them very far (from the right path).”} [Soorah an-Nisaa, 4:60.]

Shaykh Sulaymaan ibn Sahmaan رحمة الله عليه said:

“Taaghoot \(^1\) is of three types:

1. A Taaghoot in legislation.
2. A Taaghoot in `Ibaadah.
3. A Taaghoot in obedience.”

Imaam ibn Katheer رحمة الله عليه mentions in his Tafseer of the following Aayah:

{“Is it (then) the judgement of the Days of Jaahiliyyah which they are seeking? And who is better in giving judgement than Allaah, for a people who have Yaqeen.”} [Soorah al-Maa'idah, 5:50.]

“Allaah Ta’alaa rebukes here the who goes against His perfect legislation which includes every form of goodness and prohibits every kind of bad, and instead opts for the whims, fancies and opinions of individuals, and man-made terminologies which have no basis in the Sharee`ah of Allaah Ta’alaa, just as the people of Jaahiliyyah had ruled with it (i.e. their Jaahili constitution) which was filled with deviations and ignorance, all of which had no basis in any Sharee`ah of Allaah but were based upon their own opinions and fancies.

The Tartars had done the same aforetime, when they ruled according to the constitution drawn up for them by their king, Genghis Khan, named “Al-Yaasiq”, which is a Kitaab wherein he compiled laws he had taken from various Sharee`ahs such as those of the Yahood and the Nasaaraa (and other laws which he made up himself), and this constitution of “Al-Yaasiq” was then taken up by his descendants who made it a Sharee`ah on its own to be followed, and placed it above the Kitaab of Allaah and the Sunnah of His Rasool صلى الله عليه وسلم. (Know that) whoever does that is a Kaafir whom it is compulsory to kill, unless he returns to the law of Allaah and His Rasool صلى الله عليه وسلم.\\n\\n---

\(^1\) Taaghoot (false-deity), pl. Tawaagheet. “The word Taaghoot is general. So everything that is worshipped besides Allaah, while being pleased with this worship – whether it is something worshipped, someone followed, or someone obeyed in the absence of obedience to Allaah and His Rasool صلى الله عليه وسلم then that is considered Taaghoot.” [Sharh Risaalah Ma’naa at-Taaghoot wa Ru’oosu Anwaa’ihee, by Shaykh Muhammad ibn ’Abdul Wahhaab.]
and does not rule by other than them whether in big matters or small.” [Tafseer ibn Katheer.]

In `Umdat-ut-Tafseer it appears:

“Is it then permissible in the Sharee`ah of Allaah Ta`alaa that the Muslims rule in their lands by laws which they had taken from the laws of Europe, the atheistic idol? Rather, by a code of law in which desires and Baatil opinions have entered, which they twist and change as they desire, and the inventor of those laws does not care whether it is in conformity to the Sharee`ah of Islaam or whether it opposes it?!

The Muslimeen were never trialled with the likes of this (i.e. what is happening in the present time) ever in their history, other than in the time of the Tartars, and it was a dark and oppressive time. Despite this, the Muslims did not surrender to it (the Al-Zaajiq constitution); rather, (they fought and) Islaam defeated the Tartars, thereafter Islaam took them in and they (the Tartars) obeyed the Sharee`ah of Islaam, and the effect of what they had done vanished on account of the Muslimeen standing firm upon their Deen and upon their Sharee`ah.

The evil, tyrannical legislation (of Al-Zaajiq) of the then ruling party, was not accepted by any of the Muslim ruling powers; they did not mix it with the Sharee`ah (and rule by a combination both), they did not learn it and they did not teach it to their children, so their (Al-Zaajiq) constitution vanished very quickly.

Do you see this powerful description by Al-Haafiz ibn Katheer رحمة الله عليه, who lived in the 8th century Hijri, with regards to those man-made laws? What his opinion was on what the enemy of Islaam, Genghis Khan had done? Is he not describing the Muslimeen of today, in the 14th century Hijri? 2 (The Muslims of before never mixed the Sharee`ah of Islaam with man-made laws), except in that one instance mentioned earlier, of a group of rulers (i.e. the Tartars) whose time ended swiftly, and thereafter they joined the Muslim Ummah and the effect of their previous actions vanished. However, the Muslims today are in a much worse state than they had been even in those days; they are in a time more oppressive and much darker than that those times, due to the majority of the Ummah today (i.e. the rulers) having mixed the Sharee`ah of Islaam with man-made laws conflicting with it, such laws which closely resembles the “Al-Zaajiq” constitution which had been invented by that Kaafir man whose Kufr was apparent (i.e. Genghis Khan).

Today, these man-made laws are invented and ascribed to Islaam, and thereafter the Muslim children learn them, and both young and old are proud of them (these laws). They make as the reference for their affairs this “Al-Zaajiq” of our time and look down on those who oppose them, and refer to those who call them towards holding fast to their Deen and their Sharee`ah “conservatives”, “old-fashioned”, etc. Not only this, but they take whatever remains with them of the original Sharee`ah of Islaam and try to twist it to fit their new “Al-Zaajiq” of their own make (and get the Muslims to follow it), sometimes with gentleness, sometimes with plots and deceptions, sometimes with the “authority” which they possess.

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2 All of this is in reference to Imaam ibn Katheer's statements quoted earlier and again as follows: “Allaah Ta`alaa rebukes here the who goes against His perfect legislation which includes every form of goodness and prohibits every kind of bad, and instead opts for the whims, fancies and opinions of individuals, and man-made terminologies which have no basis in the Sharee`ah of Allaah Ta`alaa, just as the people of Jaahiliyyah had ruled with it (i.e. their Jaahili constitution) which was filled with deviations and ignorance, all of which had no basis in any Sharee`ah of Allaah but were based upon their own opinions and fancies.” [Tafseer ibn Katheer.]
They make it quite clear, unashamedly, that they work towards separating legislation from Deen! Is it then permissible, with this, for any of the Muslimeen to embrace this “new religion” of theirs, i.e. this new legislation?! Is it permissible for a father to send his son to learn this, believe in it and follow it, whether the father is a learned man or a Jaahil? Is it permissible for a Muslim man who knows his Deen, believes in it entirely, believes in the Qur’aan revealed by Allaah Ta‘ala to His Rasool صلى الله عليه وسلم as a perfect Kitaab which Baatil is unable to approach, whether from in front or from behind, and that obedience to Allaah and obedience to Ar-Rasool صلى الله عليه وسلم who brought the Qur’aan is an absolute obligation in every time; I do not think that any Muslim man who knows his Deen, believes in it entirely, believes in the Qur’aan revealed by Allaah Ta‘ala to His Rasool صلى الله عليه وسلم as a perfect Kitaab which Baatil is unable to approach, whether from in front or behind, and that obedience to Allaah and obedience to Ar-Rasool صلى الله عليه وسلم who brought the Qur’aan is an absolute obligation in every time; I do not think he will be any way other than resolute, not hesitating or making excuses and false interpretations, that passing judgements in this condition is absolute Baatil which cannot (simply) be corrected nor can it be permitted.

The matter regarding these man-made laws is clear as the sunshine: it is “Kufr Bawaah” (Clear-cut Kufr which nullifies one’s Imaan). There is nothing obscure about it nor can there be any beating around the bush (on the part of those in favour of it). There is no excuse for anyone of those who ascribe themselves to the Deen of Islaam – whomsoever it may be – to act according to these man-made laws, or surrender to them, so let every person be careful, and everyone is a reckoner of his own self.” [End quote from ‘Umdat-ut-Tafseer.]

Imaam ash-Showkaani Rahmatullahi ‘Alayhi said, “Some of the people of Yemen rule and seek rulings from those who knows the rulings of Taaghoot amongst them in all of their matters, and there is no doubt that doing so is Kufr (disbelief) in Allaah Subhaanahu wa Ta‘ala and in His Sharee‘ah which He has commanded through the tongue of His Rasool صلى الله عليه وسلم, and which he has chosen for His slaves in His Kitaab; rather, it is Kufr (disbelief) in all of the Sharee‘ahs from the time of Aadam Alayhis Salaam until the present time.

As for these people, fighting Jihaad against them is Waajib and killing them is determined, until such time that they accept the rulings of Islaam, surrender to them, rule between them with the pure Sharee‘ah of Islaam throw out whatever they have of the Shaytaani Taaghoot (systems and the Tawaagheet) themselves. It has been established in the principles of Islaam that one who rejects any aspect of Islaam and opposes it out of rebelliousness or believing that it is permissible (to reject it), or thinking low of it, then such a person is a Kaafir who has disobeyed in Allaah and in the pure Sharee‘ah of Islaam which Allaah Ta‘ala has chosen for His slaves. There is no doubt that the perpetration of this crime constitutes Kufr and nullifies one’s Imaan. It is compulsory for each and every Muslim to reject and fight against it, and fight against them (i.e. those who rule by these man-made laws rather than the Sharee‘ah) until they return to Islaam.” [Ad-Dawaa’ al-‘Aajil fee Daf` al-`Aduww as-Saa’il.]

Shaykh Sulaymaan ibn Sahmaan رحمته الله عليه said, “Once you have realised that arbitration by Taaghoot is Kufr, know that Allaah Ta‘ala has mentioned in His Kitaab that Kufr is worse than killing. Allaah Ta‘ala aalaa said:

{"And Fitnah is greater than killing...“} [Soorah al-Baqarah, 2:217.]

And Allaah Ta‘ala aalaa said:

{"And Fitnah is more severe than killing...“} [Soorah al-Baqarah, 2:191.]
Fitnah, here, refers to Kufr; hence, for the deserts and cities to become battle-grounds is lighter than for there to be placed in the earth a Taaghoot who rules contrary to the Sharee’ah of Islaam which Allaah Ta’alaasen sent His Rasoolصلب الله عليه وسلم with.

If your whole Dunyaa goes, it would still not be permissible for you to seek arbitration with Taaghoot for it (if you know that in doing so you can get it back), and if you were placed in difficulty and given the choice between seeking judgement from Taaghoot or sacrificing your Dunyaa, then it would be compulsory upon you to sacrifice, and it would not be permissible for you to seek judgement with Taaghoot.” [Ad-Durar As-Sunniyyah.]