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Siraaj 'l-Ikhwaan



The Guiding Light of the Brethren

By

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In the name of Allah the Beneficent the Merciful, May Allah bless our master Muhammad, his family and Companions and give them peace.

Says the poor slave in need of the mercy of his Lord, **Uthman ibn Muhammad ibn Uthman** (known as **Dan Fuduye'**). May Allah engulf him in His mercy, Amen.

All praises are due to Allah the Lord of the Worlds. The best blessings and most perfect peace be upon our master Muhammad, his family and Companions, all of them. May Allah ta`ala be pleased with the masters among the Second Generation (*at-tabi`een*), the right-acting scholars, the four Imams who exercised independent judgment (*mujtahideen*) and with those who follow them (*muqallideehim*) until the Day of Judgment. To continue: This is the book called

Siraaj 'l-Ikhwaan **The Guiding Light of the Brethren Concerning the Most Important Things That Are Needed in This Age**

I have arranged it into ten sections:

Section One: An Explanation of the Distinction Between the Muslims and the Disbelievers.

Section Two: An Explanation of the Distinction Between the Scholars of the Religion, the People of the Reminder, the Helpers of the Merciful and the Evil Scholars, the People of Heedlessness, the Helpers of Satan.

Section Three: On the Legal Judgment of Making the Jihaad Against the People Who Only Make the Verbal Pronouncement of the Words of the Shahaada Out of Custom But Who Do Not Do Any of the Act of the Behavior of Islam.

Section Four: On the Legal Judgment of Making the Jihaad Against the People Who Only Make the Verbal Pronouncement of the Words of the Shahaada and Do Acts of Islam However They Intermix This With Acts of Disbelief.

Section Five: On the Legal Judgment of Making the Jihaad Against the Scholars, Students and Common People Who Help the Disbelievers.

Section Six: On the Legal Judgment of Fighting Muslims Who Remain By Themselves Who Have Not Entered Under the Oath of Allegiance of Any of the Amirs of the Muslims.

Section Seven: On the Legal Judgment of Fighting the Warmongers Among the Muslims.

Section Eight: On the Legal Judgment of Fighting the Oppressors Among the Rulers of the Muslims.

Section Nine: What is Obligatory Upon the Amirs of the Islam in Establishing the Legal And Religious Rites of Islam, Taking Care of the Welfare of the Countries and Transforming Those Things Which Are Reprehensible in the Countries

Section Ten: An Explanation of the Reality of the Permissible, the Forbidden and the Dubious: and the Sources of the Permissible.

Section One

An Explanation of the Distinction Between the Muslims and the Disbelievers

I say, and success is with Allah, realize O brothers that the true Muslims legally speaking are those who pronounce the words of the *shahaada*, behave in accordance with the behavior of Islam and there is never heard from them anything which: [1] denounces what is known to be customarily apart of the religion; [2] is normally heard from the words of the disbelievers by making fun of the religion of Allah; [3] is seen from them to be an intermixing of the behavior of Islam with the behavior of the disbelievers.

That which conditions the soundness of one's Islam is the lack of rejection of anything that is known to be customarily apart of the religion. This is because rejection of any of that is pure disbelief. It has been mentioned in the 'Idaa'at 'd-Dujanna of `Abd 'r-Rahmaan 'l-Muqri;

"The denouncer of what is customarily known is pure disbelief and turning aside to deception."

In the al-Kawkab 's-Saati`u of *Imam `Abd 'r-Rahmaan 's-Suyuuti* it is said;

"The denouncer of what is agreed upon and known customarily to be apart of the religion is not a Muslim."

That which conditions the soundness of one's Islam is the lack of making fun of the religion of Allah by saying what is customarily from the words of the disbelievers. This is because whoever makes fun of the religion of Allah is a pure disbeliever even if he does not believe in it. It has been mentioned in the Bida' 'l-Amaal;

"The expression of disbelief without belief with obedience is apostasy from the religion and stupidity."

That which conditions the soundness of one's Islam is the lack of intermixing the behavior of Islam with the behavior of the disbelievers. This is because the one who intermixes the behavior of Islam with the behavior of disbelief is a pure disbeliever. It has been mentioned in the al-Qaseeda 'l-Jazaa'iriyya;

"Every idolater resembles them even if they connect themselves to the religion - they are disbelievers - do not dispute."

Thus, based upon what we have cited, everyone who: [1] denounces anything, which is customarily known to be part of the religion; [2] makes fun of the religion of Allah; or [3] intermixes the behavior of Islam with the behavior of disbelief - is a pure disbeliever even if he is one who practices the religion of Islam.

As for the one who intermixes the behavior of Islam with the behavior of disobedience (*ma'aasi*) and heretical innovation (*bid'a*), he is not a disbeliever by the consensus (*bi 'ijma`*) of the people of the *Sunna*. He is simply one who is disobedient to Allah and His Messenger and corrupt (*faasiq*) if he does acts which are considered major sins (*kabaa'ir*) or persists in the minor sins (*'asara `ala 'l-sagaa'ir*). It has been mentioned in the Durari 'l-Qalaa'id;

"Whoever is disobedient with a major sin or persists in a minor sin is corrupt and intertwined in wickedness."

It has been mentioned in the ar-Risaala; "It is not permissible to declare any of the people of the *qibla* a disbeliever because of some sin." It has been mentioned in the Tarjumat Saheeh 'l-Bukhari in the chapter of disobedience in matters out of ignorance; "The one who does that is not to be declared disbeliever."

Section Two

An Explanation of the Distinction Between the Scholars of the Religion, the People of the Reminder, the Helpers of the Merciful and the Evil Scholars, the People of Heedlessness, the Helpers of Satan

I say, and success is with Allah, realize O brothers that the distinction between the scholars of the religion (*`ulama 'd-deen*), the people of the reminder (*ahl 'd-dhikr*), the helpers of the Merciful (*ansaar 'r-rahmaan*) and between the evil scholars (*`ulama 's-sufi*), the people of heedlessness (*ahl 'l-gala*), the helpers of Satan (*ansaar 's-shaytana*) are two. They are anyone who gathers together in himself two descriptions: [1] knowledge (*`ilm*); and [2] fearful awareness (*taqwa*)

In that case he is among the scholars of the religion, the people of the reminder and the helpers of the Merciful. However whoever has not gathered in himself these two descriptions is among the evil scholars, the people of heedlessness and the helpers of Satan.

In the Ajwiba of Muhammad ibn `Abd 'l-Kareem ibn Muhammad al-Maghili 't-Tilimsaani who died in the town of Tuat in the year 909 of the hijra (in answer to the questions of the Amir al-Hajj Abu Abdallah Muhammad ibn Abu Bakr, known as Askiya). When he asked him about the distinction between the above-mentioned people of the reminder who are the blessings of the earth and the above mentioned evil scholars the people of heedlessness who are an affliction upon the people of the earth. He answered him with the following. "To continue: May Allah assist us and you concerning His charge, inviting others to Him and preserving what He had entrusted to us from His divine law (*shari`a*). Verily you questioned me saying, 'From the time that Allah favored us with Islam, we were afflicted with an affliction in these lands by the lack of trust from those who claim to knowledge among the intellectuals of our country. Their true description is that they are non-Arabic speaking (*`ajami*) who do not understand the language of Arabic except a little of the Arabic of the people of our country. This little understanding is with distortions (*tas'heef*), misconception (*tahreef*) and appalling incorrectness of pronunciation (*`ujma `adheema*) to the point where they cannot truly understand the objectives of the scholars nor the places where their own distortions and misconceptions occur. Along with that they possess many books which they study and tails and narrations which speak about the religion. They claim that they themselves are the inheritors of the Prophets (*waritha t'l-anbiyya*) and that it is obligatory upon us (*yajibu `alaynaa*) to follow them. Therefore, I am seeking from Allah ta`ala that He will assist me to carry this heavy burden which the heavens and the earth refused to carry. I also seek from you that you may give me a legal decision based upon what Allah has taught you concerning these intellectuals. Is it allowable for us (*yajuuzu linaa*) to act in accordance with their teachings concerning the religion of Allah and am I free to follow them regarding Allah or is that not permissible for me (*laa yahillu lii*)? Is it obligatory to search into the affair of those whom we appoint and follow in the affairs of the religion? Explain to us the description of those who can take care of the welfare of this according to the divine law (*shari`an*)?' Realize, may Allah help you, and us that the kingdom belongs to Allah and there is no victory except from Allah. Therefore, be a slave to Allah by obeying him and He will be your Lord by preserving you and helping you. The reality is that you are an owned slave who does not control anything. Your Owner and Master has raised you above many from among His slaves in order that you may take care of the welfare of their religious and worldly affairs. So therefore, do not attempt to be their master nor owner. For in all those you control

you are a shepherd and every shepherd will be questioned about those under his control. If you realize that O Amir, then it is obligatory upon you two issues: [1] that you push far from you evil people and draw near to you good people; [2] that you question the People of the Reminder about everything under your charge which you do not know its legal decision and is burdened to carry so that you may execute it in accordance with what Allah has revealed. Allah ta`ala says: "*Then ask the people of the reminder if you do not know.*" The people of the reminder are those who have gathered in themselves two essential descriptions: [1] knowledge (*`ilm*); and [2] fearful awareness (*taqwa*).

By means of knowledge he would know the difference between guidance (*rushd*) and misguidance (*gayy*). By means of fearful awareness he would command with guidance (*ya 'amara bi 'r-rushd*) and forbid misguidance (*nahyi `an 'l-gayy*). Therefore, do not follow in your religion he whom it has not been established whether he is a fearfully aware scholar. For the one whom it has not been established whether he is knowledgeable, it is feared that he is astray and will lead others astray by his own blindness and ignorance. For the one whom it has not been established whether he is fearfully aware, it is feared that he is astray and will lead others astray by his corrupt passions. Have you not seen Allah ta`ala's words: "*O you who believe truly many among the priests and rabbis devour the wealth of people unjustly and bar people from the way of Allah.*"

It has been related in the Saheeh of Imam Muslim on the authority of Abu Saïd 'l-Kauri that the Messenger of Allah, may Allah bless him and grant him peace said, "You will follow the pattern (*sunna*) of those who went before you, inch by inch and cubit by cubit, until if they enter into the hole of a lizard, you will follow them into it." We said, "O Messenger of Allah! Are they the Jews and the Christians?" He said, "Who else?!"

This establishes that many of the so-called scholars and worshippers in this *Umma* devour the wealth of the people unjustly and bar them from the path of Allah. And by means of these scholars and worshippers corruption has spread throughout the lands. The Messenger of Allah, may Allah bless him and grant him peace said, "My *Umma* will be destroyed by the corrupt scholars and the ignorant worshippers." He, may Allah bless him and grant him peace also said, "I am not the *Dajjal* (Anti-Christ) and I am more fearful for you from something other than the *Dajjal*." They said, "From whom O Messenger of Allah?" He said, "From the evil scholars."

It has been related on the authority of Hudhayfa ibn 'l-Yamaani, may Allah be pleased with him, that the Messenger of Allah, may Allah bless him and grant him peace took a white stone and placed in the palm of his hand and said, "Truly the religion has become illuminated like the brightness of this stone." He then took a hand full of earth and poured it upon the stone until it was completely covered. He then said, "I swear by the One in whose hands is my soul, there is coming a people who will bury the religion just as I have buried this stone."

Muhammad ibn `Abd 'l-Kareem 'l-Maghili 't-Tilimsaani continued, "Thus the Book and the sunna and the consensus of the scholars (*'ijmaa` 'l-'ulama*) have clarified that many of the intellectuals of this *Umma* are actually from among the evil scholars and that they are more dangerous to the Muslims than all the corrupt people." He then said after a little, "If you were to say, 'You have explained and clarified that many of the scholars of this umma are not among the people of the reminder and that they are actually among the evil scholars who are astray and who lead astray. However many of them study the Qur'an, the prophetic traditions and spend much time on the expressions of the Book and the prophetic traditions. Due to this they

claim that they are among the people of the reminder and deny that they are among the evil scholars. Thus by what means can we distinguish between the people of the reminder and the evil scholars?'

The answer to that, and may Allah give us success in arriving at the correct answer, is that the spiritual states of the people of the reminder is in no way mixed up with the states of the evil scholars - neither by word or deed. On the contrary, it is necessary for Allah to make for every guide from among the people of the reminder lights upon lights during all the ages of the ages of mankind as guides to the share of Paradise and as proofs against the allotment of the Fire. What makes that clear is that apart of the wisdom of Allah is that He does not punish a people until He explains to them what they should be fearfully aware of. This is the pattern (*sunna*) of Allah amongst the first and the last of mankind - "in order that they may not say on the Day of Judgment, 'We were ignorant of that'."

Apart of Allah's wisdom is that He has placed this clear warning upon the tongue of human beings from among the Prophets during the first times and the people of the reminder during the latter times. He has made for every guide from among them enemies from among the guilty (*mujrimeen*). They are the devils among men and jinn who deceptively advise one another with embellished teachings. Thus, it becomes necessary for there to exist a clear light by which the truthfulness of the guides can be distinguished from the lies of the devils. Therefore, Allah made that light for the Prophets in the form of miracles which break creational norms and for the people of the reminder in the form of righteous deeds. For there was no Prophet which Allah sent to His servants except that He made for him a clear light which clarified to them that he was upon the plain truth and showed that those who opposed and renounced him that they were astray and were leading others astray. Likewise, with the people of the reminder of this Umma until the Day of Judgment because Allah has made them as guides who establish clear proofs for this Umma just like the Prophets in past communities.

For this reason it has been narrated that at the head of every century Allah will send a scholar to the people who will revive the religion for them. Therefore it is necessary in every century that there be a scholar whose spiritual states regarding commanding good (*al-'amr bi 'l-ma'aruf*), forbidding evil (*an-nahyi 'an 'l-munkaar*), rectifying the affairs of the people (*'islaah 'umuur 'n-naas*), spreading justice amongst them (*al-'adl baynahim*), assisting the truth against falsehood (*al-haqq 'ala 'l-baatil*) and assisting the oppressed against the oppressors (*al-madhluum 'ala 'd-dhaalim*) - be completely contrary to the remainder of the scholars of his time. In this way, he becomes like a stranger (*ghareeb*) amongst them because of the uniqueness of the attributes of his spiritual state and the few who resemble him. It is then that it is made clear to all eyes that he is among the righteous and that whoever opposes and renounces him turning people away from him that they are among the corrupt. This is true in accordance with the words of the Prophet, may Allah bless him and grant him peace, "Islam began as a strange thing and it will return a strange thing. Therefore, joyous bliss to the strangers among my Umma." It was said to him, "Who are the strangers O Messenger of Allah?" He said, "Those who remedy things during the corruption of the times." Therefore, this trait is the clearest sign of the people of the reminder whom Allah revives His religion on behalf of people by means of them.

Among the clearest signs of the evil scholars is that they do not bring about remedy nor do they leave alone those who seek to remedy. Their likeness is like a big rock which sits at the mouth of a river. It does not drink from the river nor does it

allow others to drink. Each of these evil scholars are more dangerous to the people than one thousand devils. There is no news like eye witnessing.

Therefore, if you have not understood what we have related and if what we have mentioned is problematic for you, then know that all intellectuals are classified into three types: [1] the one whom it is clear to you that he is knowledgeable (*`aalim*) and is fearfully aware (*taqiyy*); [2] the one whom it is clear to you that he is not neither knowledgeable nor fearfully aware; [3] the one about whom you have doubt (*shakkakta*). You do not know whether he knowledgeable and fearfully aware or not.

The one about whom it is clear that he is knowledgeable and fearfully aware, then he is from among the people of the reminder. So question him about your religion and follow him, for he will help redeem you and he will suffice you. Like some one who tells you that he is aware of something and it becomes clear to you that he is indeed knowing (*`aarif*) and trustworthy (*'ameen*).

The one about whom it is clear that he is not knowledgeable nor fearfully aware, then he is not among the people of the reminder. You should not follow him in anything concerning your religion and do not question him. Like someone who claims that he is aware of something and it becomes clear to you that he is not as knowledgeable and trustworthy as he claims.

As for the one about whose spiritual state is not clear, and you are unawares whether he is knowledgeable or fearfully aware or not - you should also keep yourself from him (*fa qif `anhu*). Do not follow him in anything concerning your religion and do not question him even if he were eloquent in Arabic language (*faseehan `arabiyah*) and had memorized all that was gathered in the books (*yahfudh jamee`a maa fi 'l-kutub*) - until it becomes clear to you without doubt that he is indeed knowledgeable and fearfully aware. Like someone who claimed that he was knowing and trustworthy and it was not clear to you whether he was truthful to his claim or lying (*saadiq aw kaadhib*).

Therefore, if you have understood this you will never again be mistaken about the intellectuals in these times. Further, it is obligatory (*yajibu*) upon you to seek out a scholar from among the people of the reminder who are to this Umma like the Prophets were to the communities which have passed. It is obligatory upon you to rely upon them (*al-`itimaad `alayhim*) and to rush to their sides even if they are far away."

Allah is the Sole Owner of Success and Guidance

Section Three

On the Legal Judgment of Making the *Jihaad* Against the People Who Only Make the Verbal Pronouncement of the Words of the *Shahaada* Out of Custom But Who Do Not Do Any of the Acts of the Behavior of Islam.

I say and success is with Allah realize O brothers that the legal judgment concerning the above mentioned ones is that they are disbelievers without doubt. Thus, struggle (*jihaad*) against them by fighting their men, capturing their family and women, seizing their wealth and subjugating them all together is obligatory without any of the scholars disagreeing upon that.

It has been mentioned in the *Ajwiba* of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the Amir al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked him saying, "Truly we entered into the control of this country after Sonni Ali who had horded, by any means possible, much wealth and servants. I then took control of all of that. After that I released anyone who claimed that he was a free Muslim (*hurr muslim*). As a result many of these servants were freed. After that I began to search into the condition of some of them. I found that some of them had testified to *Laa ilaha illa Allah Muhammadun rasuulu Allahi* (There is no deity except Allah, Muhammad is the Messenger of Allah), but who nevertheless believed (*mu`ataqiduun*) that there existed something other than Allah `izza wa jalla which could benefit them and bring them harm. They also possessed idols (*asnaam*) which they would say, "If the fox says this it will be like this and if it does this then it will be like this. They also exalted certain trees and made sacrifices to them. They also possessed places which are sacred to them. They would not appoint rulers or take a decision about anything, whether big or small, except by order of the custodians of the places which are sacred to them. I then prevented them from doing all of that, but they rebelled against me except when I drew the sword against them. My question is: Does that make them disbelievers and is it permissible to fight them and seize their wealth, knowing that they have said - *Laa ilaha illa Allah, Muhammadun Rasuulu Allahi* (There is no deity except Allah, Muhammad is the Messenger of Allah)? Sonni Ali did not desire any Islam from them at all, nor did anyone before him. He used to capture them just as he used to capture the Muslims. These times I have ordered them to relinquish the false religion which they were upon. However, if they do not relinquish it, what do I do with them?

The answer to that, and may Allah give us success in arriving at the correct answer, the entire kingdom belongs to Allah. The government and judgment from before and after is entirely in the hands of Allah. Therefore, give thanks to Allah for His blessings upon you. Furthermore, be fearfully aware of Him because of what He has appointed for you and for what obeys you in the affair. Realize that Sonni Ali carried his own burdens upon his neck and earned what he earned from his own burdens until his term came to an end. Thus this affair was eventually surrendered over to you and now you are burdened with it and will earn for your soul what this burden has for you. Based upon that its blessings will remain for you and in the end it will praise you in this life and the Hereafter. Therefore, do not say about the corruption which you have the power to abolish, 'I am not responsible for that because I did not create it. Someone else created these problems.' Realize that everything which someone else has produced, but then falls in your hands you are responsible for. If it is good then establish it and if it is evil then abolish it even if it has remained a long time. This is because the entire kingdom belongs to Allah and the government

and judgment is entirely His. You, however, are His slave. It is therefore, obligatory upon you to rectify every thing which reaches you. For this reason your actions in releasing everyone who claimed that he was a free Muslim was correct. Likewise, any specific wealth which belonged to a specific Muslim, it is obligatory to return all of it. As for the wealth which is mixed and its owner is unknown, it belongs to the public treasury (*bayt 'l-maal*). You should expend it in accordance with what Allah shows you regarding the general welfare of the people. Whoever claims that Sonni Ali seized from him one hundred mithqaals of gold, for example, and that was confirmed clearly by a just witness - it is not incumbent upon you to give it to him from the wealth of Sonni Ali. This is because the wealth which this person is claiming is not known specifically and it has become submersed among the creditors which are enumerable. Thus it becomes nearly impossible to know the correct share which goes to all the creditors. For this reason the whole of it goes to the public treasury.

As for the people whose description you have described, they are undoubtedly idolaters (*mushrikuun*), because in practice the necessary conditions for declaring a person a disbeliever are fulfilled by something less weighty than this. There is no doubt that struggle (*jihad*) against them is better and more worthy than struggle against the disbelievers who have not uttered: ***Laa ilaha illa Allah, Muhammadun rasulu Allahi*** (There is no deity except Allah, Muhammad is the Messenger of Allah). This is because those whom you have described mix up the truth with falsehood (*labisuu 'l-haqq bi 'l-baatil*) to such an extent that many of the ignorant among the Muslims become disbelievers unknowingly. Thus, they are more befitting as the objective of the *jihad* than those disbelievers about whom the Muslims have no doubt.

The *jihad* should be made against them by fighting their men, capturing their family and women and seizing their wealth and property. However, if they persists in their idolatry, then burn down their places of worship, its custodians and their idols with fire. This is in accordance with what Khaalid ibn 'l-Waleed, may Allah be pleased with him did with some of those who refused to give the legal alms (*zakaat*). He had them burned after taking that order from the Amir 'l-Mu'mineen Abu Bakr 's-Sideeq, may Allah be pleased with him.

Every person whom you released because he claimed that he was a free Muslim and it later becomes clear that he is a disbeliever - return him to servitude and seize his wealth and property. However, if he repents and perfects his Islam then release him in the same manner that you released him the first time. For whoever releases a thing for the sake of Allah, Allah will recompense him with that which is better than it. "To Allah belongs the treasures of the heavens and the earth, however the hypocrites do not understand."

Allah is the Sole Owner of Success and Guidance

Section Four

On the Legal Judgment of Making the *Jihaad* Against the People Who Only Make the Verbal Pronouncement of the Words of the Shahaada and Do Acts of Islam However They Intermix This With Acts of Disbelief.

I say, and success is with Allah, realize O brothers that the *jihaad* against the above mentioned people is obligatory (*waajib*) according to consensus (*'ijmaa'an*) because they are disbelievers by consensus; since Islam along with idolatry is not even considered. It has been mentioned in the al-Qaseeda 'l-Jazaa'iriyya:

"Every idolater resembles them even if they are connected to the religion - they are disbelievers - do not dispute."

It is by this means that the rulers of the Hausa people are known as disbelievers. This is based upon what we know in these times of their mixing acts of Islam with acts of disbelief. This is like their making sacred some of their places, trees and stones with sacrifices to them and giving charity on their behalf. Likewise, they're seeking the assistance with sorcerers and magic. All of this is pure disbelief as will be explained in this section and section nine, if Allah wills.

It has been mentioned in the Ajwiba of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the Amir al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked about the condition of Sonni Ali, the king of Songhai saying, "His mother was from the land of Faar. They are disbelievers who worship idols made from trees and stone. They give charity to them and go there to ask for their needs. They never make military raids without first making consultation there. When they return from journeys, they first go and dismount there. These idols have custodians appointed to them to attend to them. They also have sorcerers and magicians who the people seek counsel from.

Sonni Ali, from the time he was small until he was mature, used to always keep company with these idolaters until he grew up amongst them molded upon their temperament in idolatry and their habits. Then after his father died, he was made their ruler just as his father was and those before him among the rulers of the Songhai. Thus, Sonni Ali was brought up from his youth to maturity among his maternal uncles and was stamped with their disposition.

Among his traits is that he verbally attested to the two testimonies (*shahaadatayn*) and the like from the expressions of the Muslims - like fasting during *Ramadan*, giving much charity by making sacrifices at the mosques and the like. However, along with that, he exalted some trees and stones by making sacrifice to them, giving charity, entreating and making offerings to them. He used to seek the fulfillment of his needs from them, seek their assistance and the assistance of sorcerers and magicians in all of his affairs or most of them.

Among his traits is that he did not refrain from women either by marriage or by any other prerequisite of Islam. On the contrary, anytime a woman attracted him from his entire kingdom, he would take her and enter her into his house. Among his traits also is that he made the blood and the property of the Muslims permissible. He killed many scholars, jurists, worshippers, women, children, suckling babies and others. He continued in this way the whole of his life until he died. Then the authority was given after him to the Amir Askiya. He then controlled the country and prevented the servants from idolatry and corruption. Therefore, what is the legal judgment concerning Sonni Ali and his entire attendants in oppression who behaved with his behavior? Are they disbelievers or not? Is it permissible to subjugate their children after them and to sell the mothers of their children or not?

The answer to that, and may Allah give us success in arriving at the correct answer, is that Sonni Ali and all of his government attendants, dependents and civil servants, without doubt are among the most oppressive of the corrupt oppressors -who have cut off what Allah has ordered to be connected and have spread corruption in the earth. Thus the jihaad of Amir Askiya against them and his snatching the authority from their hands is the best type of *jihaad* and the most important.

As for the question whether or not they are disbelievers; no one from the people of the *qibla* can be declared disbeliever because of sin. However, what you have mentioned about the conditions of Sonni Ali is without doubt a sign of disbelief (*`alam `ala 'l-kufr*). For if the matter is as you have described it, then he is a disbeliever. Likewise, anyone who acted as he did should be designated a disbeliever. Rather, it is obligatory to designate as disbelief (*takfeer*) for less than that. As for subjugating their children, I do not advise that, even if it has been established the necessity of judging them as disbelievers. This is because the disbelievers (*al-kuffaar*) are three types: [1] those who are outright disbelievers from their inception like the Christians, the Magians and the like who have inherited outright disbelief from their parents; [2] those who were Muslims then apostated (*irtada*) from the religion of Islam in open apostasy (*irtidaaan dhaahiran*) by flatly leaving the religion of Islam and entering in another religion in open disbelief; [3] those who claim to be Muslim, however judge them as disbelievers because there appeared from them that which could only seemingly appear from a disbeliever - as you mentioned about Sonni Ali.

As for the disbeliever from inception, you can capture his family and women and divide his wealth and property. There is no disagreement among the scholars concerning that. However, concerning the disbelievers who have apostated there is a difference of opinion (*khilaaf*).

Ibn 'l-Qaasim said about the people of a fortress of the Muslims who had apostated from the religion of Islam to disbelief, "Do not capture their families and women. As for their wealth and property, it belongs to the public treasury (*bayt 'l-maal*) of the Muslims." Ibn Rushd said: "This is sound from one perspective of analysis because the apostates (*murtaduun*) are free from their inception (*ahraar min aslihim*). And according to the *madh'hab* of Ibn 'l-Qaasim regarding the apostates, has been the opinion of the majority of the scholars and Imams of the early generation (*salaf*)."

If you have understood that then realize that anyone who does any of these actions which necessitates designating them as disbelievers, should be asked to repent (*yastataab*). If they repent, they are to be left alone. If they do not repent, they are to be killed with the sword and their children or not to be taken and subjugated. However, they are to be compelled to Islam. As for selling of the mothers of the children, who themselves were bred out of the public treasury, I do not see any objective to that. Their children, however, are not to be subjugated.

It has been mentioned in the Mukhtasar: "If a group apostates (*irtada*) and makes war (*haarabuu*), then they are to be treated like apostates." as-Shibrakhiti said concerning this issue in explanation of the meaning of that: "The mature ones are asked to repent, the children are compelled, their property should be frozen and their families should not be subjugated." This is what Umar, may Allah be pleased with him, did and in accordance with this were the majority of the scholars and Imams of the early community, except a few. Asbagh said: "They are to be treated like warmongers. Their children and families should be subjugated. By my life! What Abu Bakr ordered for the people of defection (*ahl 'r-ridda*) among the desert Arabs was completely contrary to what Umar did. Abu Bakr made them as those who

violated the oath. He killed the mature males and captured the women and children. He ordered their wealth to be divided. This indeed was the action of Abu Bakr 's-Sideeq, may Allah be pleased with him.

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Section Five

On the Legal Judgment of Making the *Jihaad* Against the Scholars, Students and Common People Who Help the Disbelievers.

I say, and success is with Allah, realize O brothers that the *jihaad* against the above mentioned people is obligatory by consensus (*waajibun 'ijmaa'an*) because they are pure disbelievers since they embellish the truth with falsehood, or because they make permissible what Allah `azza wa jalla has forbidden. They place their confidence in the disbelievers by helping them in their armies against the believers.

It has been mentioned in the *Ajwiba* of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the Amir al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked him about the rulers who implement that which is forbidden, like taxes (*al-maks*) and the like. "When it is said to him 'This action is forbidden.' He says, 'Keep your accusations of forbidden away from us. Everything we are implementing is permissible.. I am more knowledgeable than you!' And he persists in embellishing the truth with falsehood. He has so-called jurists (*fuyaha*) who confirm him in that. Whenever he desires to implement something based on personal interest, he assembles them and says, 'Is this not permissible?' And they respond, 'Indeed! You have the rights to that!' Thus, they acquiesce to him in his personal interests and they condone his acts because of their corrupt and unjust avarice for what he possesses. Is the like of this ruler oppressive or is he a disbeliever due to his making permissible what Allah has made forbidden? And likewise, what is the judgment of these so-called jurists?"

He answered him by his words, "He whom it has been established that he makes permissible from taxes (*al-maks*) and the like from devouring the peoples wealth unjustly - it is obligatory to designate him as a disbeliever. Likewise with someone who denies (*inkaru*) clear truth and embellishes it with falsehood."

He also said in his *Misbaah 'l-Arwaah Fi 'Usuul 'l-Falaah*, in explanation of designating as disbelievers those who help the disbelievers against the believers: "The text of the *Qur'an* which proves the lack of *imaan* (faith) of the one who takes the disbelievers for protecting friends (*muwalaat 'l-kufaar*) is the words of Allah ta`ala: "*You see many among them taking those who disbelieve for protecting friends. Evil is what their souls have put forward. Allah will send His wrath upon them and they will be in the punishment forever. If they had only believed in Allah and His Messenger and in what was revealed to him, they would not have taken them for protecting friends. However most of them are corrupt.*"

This cited proof explains that he who wants to persists in faith (*imaan*) then he cannot take the disbelievers for protecting friends. This proof calls to witness the Lord of Might in designating as disbeliever everyone who takes anyone among them for protecting friends, whoever he is, in whatever place or time. Taking them for protecting friends means assisting them because the protective friend (*waali*) is a helper (*naasir*). He cannot be excused because of what appears from him by intending some worldly advantage. He is like someone who made prostration to an idol for one hundred thousand golden coins. He should be asked to repent underneath the sword. If he dies or is killed before he is able to repent, then he dies as a disbeliever. He is not to be washed, nor prayed over, nor buried in the graveyard of the Muslims - even if during his entire life he pronounced the *shahaadatayn*, prayed, fasted, made pilgrimage and performed every type of righteous deed. This is because there is no action without faith (*imaan*) and a single trait of disbelief wipes out a thousand traits of faith."

I say, this establishes the fact that everyone who takes anyone among the disbelievers for protecting friends, whoever he is in whatever time or place - has apostated from the religion of Islam, even if his Islam was considered sound before that. Thus, the *jihad* against them is better than any other *jihad*. Their wealth and property is considered as spoils (*fayy*). As for the legal judgment of subjugating them, their children and women, it was explained before the difference of opinion concerning subjugating the apostates. The majority of the scholars do not permit that, contrary to the opinion of Asbagh and those who agree with him among the scholars who permit that.

He who has analyzed this section well have realized that those among the scholars, students and common people who assist the disbelievers are disbelievers because: [1] because of some of them the truth is embellish with falsehood. This is disbelief as we have explained; [2] some of them make permissible for them what Allah has made forbidden. This is disbelief as we have explained; and [3] some of them have taken them for protecting friends by assisting them and helping them in their military against the armies of the Muslims. This is disbelief as we have explained.

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Section Six

On the Legal Judgment of Fighting Muslims Who Remain By Themselves Who Have Not Entered Under the Oath of Allegiance of an Amir Over the Muslims

I say, and success is with Allah, realize O brothers that fighting (*qitaal*) against the above mentioned people is obligatory by consensus (*waajibun 'ijmaa'an*), when they are invited to take the oath of allegiance (*al-bay'at*) and they refuse - until they enter under the oath of allegiance (*bi'aat*) of the Amir 'l-Mu'mineen in obedience to Allah and His Messenger.

It has been mentioned in the *Ajwiba* of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the Amir al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked him about the legal judgment (*hukam*) above-mentioned people saying, "Truly some of the Muslims who reside to our east and west heard about our government. They then sought from me to enter under my jurisdiction in obedience. Do I answer them in that or do I stop with governing these lands of ours which Allah gave us from Sonni Ali?"

The answer to that, and may Allah give us success in arriving at the correct answer, is realize that it is not permissible (*laa yahillu*) for a group among the Muslim to remain isolated (*muhamileen*). Allah ta`ala says, "Hold firm to the rope of Allah and do not become disunited." It has been related in the *Saheeh* of Imam Muslim on the authority of Ibn Umar, that he heard the Messenger of Allah, may Allah bless him and grant him peace say, "Whoever removes his hand from obedience, will meet Allah on the Day of Judgment and he will have no proof. Whoever dies and he does not have upon his neck the oath of allegiance (*bay'at*), dies the death of the time of ignorance."

Therefore comply with their desire to take the oath of allegiance with you and to enter under the obedience of your jurisdiction. If they refuse, then compel them to it if you are able and struggle against them (*jaahiduhum*) with the sword until all of them are brought underneath the obedience of your jurisdiction in obedience to Allah and His Messenger. This is the best of the jihaads and the most important.

He continued, "However, if in a country the people have an amir who supervises them (*yar'aahum*) in the welfare of their religion and worldly affairs based upon the conditions of the place in these times - then for these people it is not permissible (*laa yahillu*) for anyone of them to remove his hand from obedience to their amir. Nor is it permissible for anyone to depose him from over his territories. This is because he is more appropriate as a leader over them as long as he is in compliance with the obedience of Allah in his authority. Allah ta`ala says, "And obey Allah and His Messenger, and do not depose one another unless you stumble and your strength withdraw from you, but be patient! Verily Allah is with those who are patient."

It has been mentioned in the *Saheeh* of Imam Muslim on the authority of Abu Sa`id 'l-Khudri who said that the Messenger of Allah, may Allah bless him and grant him peace said, "When the oath of allegiance is given to two *khalifs* then kill the latter of the two."

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Section Seven

On the Legal Judgment of Fighting the Warmongers Among the Muslims

I say, and success is with Allah, realize O brothers that fighting the warmongers is obligatory by consensus (*waajibun 'ijmaa`an*). It has been mentioned in the *Ajwiba* of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the Amir al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked him about the warmongers (*muhaaribuun*). He asked, "What is your answer concerning those warmongers whom we have engaged who had with them people who claimed to be Muslims living amongst them dependent upon them when they set out and disembark. They mixed with them in all their conditions and affairs. Even when these warmongers went out to raid against our armies they came out with them against us. They said, "We are Muslims!" And when we asked them: "Why then are you socializing with these warmongers?!" They said: "We are unable to withdraw from amongst them. We are fearful that if we withdraw from them they will seize us or maybe others will seize us. This is because we are weak and are unable to defend ourselves." As a result we returned their property and said to them to separate themselves from among the warmongers. In this case do we disregard fighting against these warmongers in order not to endanger these Muslims who are with them and refuse for some reason to separate themselves from them, or is it a must that we fight them even though those Muslims united with them will undoubtedly be endangered? The jurists of our country have made this issue very confusing and complicated to me to the point where I have ceased to take their advice concerning it.

The answer to that, and may Allah give us success in arriving at the correct answer, is that warmongers must of a necessity be fought. And there is no harm to you concerning what may befall those Muslims who are with them because they have become unjust to themselves by moving with them. That which you are unawares concerning them and their property prior to their corruption, then there is nothing against you concerning that. However, what you are aware of before they entered into their corruption, then avoid it and return it to its rightful owners. But this is only if they did not reside with the warmongers by choice (*ikhtiyaaran*). As for those Muslims who resided with the warmongers by choice, or were with them in changing the situation and assisted them in their corruption, then they are to be considered among them. You should fight them and seize their wealth and refuse to accept their repentance when Allah establishes you over them.

Abu 'l-Qaasim al-Burzili mentioned the following narration: "There was a ruler who had conquered a contingent among the Bedouins of Africa and he considered the Muslims who were immersed amongst them as problematic. Then our *Shaykh* Ibn `Arafa gave a legal decision (*aftaa*) saying, "Their property is permissible in most cases until the people of permissibility amongst them have been properly verified. This is because they are disobedient by increasing the number of the warmongers and the large amount of their multitude. The ruler is not to consider the sanctity of these because their actions by itself explained their position since they intermixed with the warmongers, this is if he finds that they did this of their own free will. If not, then it is disliked for them to reside in the land of war (*bilaad 'l-harb*) when they are unable to withdraw from that land and they fear for their lives, their property and children."

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Section Eight

On the Legal Judgment of Fighting the Oppressors Among the Rulers of the Muslims

I say and success is with Allah, realize O brothers that fighting the oppressive rulers among the Muslims, who with enmity, unjustly seize the wealth of the Muslims is an absolute obligation (*waajibun qat`aan*). This is when fighting them is done to give victory of the truth over falsehood (*nasr 'l-haqq `ala 'l-baatil*) and to assist the oppressed against the oppressors (*nasr 'l-madhluum `ala 'd-dhaalim*) and when it is possible to abolish their oppression from the Muslims without creating more harm than their oppressions.

It is mentioned in the in the Ajwiba of Muhammad ibn `Adb 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani concerning the questions of the *Amir* al-Hajj Abu `Abdallah Muhammad ibn Abu Bakr (known as Askiya). He asked him about that and he said, "If in a land of the Muslims whose ruler is oppressive and seizes the property of the Muslims with enmity and unjustly - is it then obligatory upon me to repel that oppressor from them even when it may lead to me fighting him or not? Likewise when a ruler takes taxes from the people but does not prevent the spreading of corruption - is it then obligatory upon me to deter him by means of fighting and killing or not? Also concerning the oppressive ruler who oppresses the people by seizing poor Muslims whenever he encounters them, or by seizing the wealth of foreigners and others when they die and by concealing from those present or absent or by meddling with the caravans which pass through his lands by inspecting their cargo and seizing from them what he wills claiming that this is alms (*zakaat*).

The answer to that, and may Allah give us success in arriving at the correct answer, is if there is a governor from among the rulers which you have described who expropriates taxes, oppresses and causes corruption and fails to rectify the situation - then if you are able to wipe out his injustice from the Muslims without endangering them, even to the point of establishing amongst them a just and equitable governor (*amir `aadilaan*) - then do it. Even if it leads to fighting where many of the oppressors and their aides are killed and where many of your helpers are killed. This is because those who are killed among them are the worst of those who are killed while those who are killed among you are the best of the martyrs (*khayr shaheed*). Allah ta`ala says, "Verily Allah has purchased from the believers their selves and their wealth, since for them is the Paradise. They fight in the way of Allah. They slay and are slain." This is in order to defend the Muslims from oppressors and in order to alter transgression. For the making of jihad against the warmongers and the oppressors from among the governors and others in order to alter transgressions and to defend the Muslims from oppression is among the best of jihads. However, if you are unable to remove the oppression from the Muslims except by endangering them, then you would have exposed them to two dangers. Therefore, beware of altering transgressions with transgressions like them or even worse than them. What this also establishes is that it is permissible to commit the lesser of two evils (*irtikaab akhafa 'd-darrarayn*), since committing the lesser of the two evils has benefits which are well known and is an established sunna. For there is no transgression which is worse than that of the oppressors and people of corruption and their helpers, even if they were people who prayed, fasted, gave alms and made pilgrimage. Therefore fight them even if they kill many among you or you kill many among them. This is due to the fact that your fighting them is in order to give victory to the truth over falsehood and to give victory to the oppressed over the oppressors.

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Section Nine

What is Obligatory Upon the *Amirs* of Islam in Establishing the Legal And Religious Rites of Islam, Taking Care of the Welfare of the Countries and Transforming Those Things Which Are Reprehensible in the Lands

I say, and success is with Allah, realize brothers that among the duties which are obligatory upon the *Amir 'l-Mu'mineen* and his deputies (*nawaabihi*) in his country to implement is every religious and worldly rite of Islam, like: [1] constructing central mosques (*jawaam`u*) for *juma`a* prayers and other mosques; [2] having the five prayers established in them; [3] giving the alms (*zakaat*) to those who deserve it; [4] expending the various types of wealth of Allah in its proper expenditure according to the shari`a; and [5] commanding all that is good and forbidding all evil.

Allah ta`ala says: "*Allah will definitely help those who help Him. Truly Allah is Powerful and Mighty. Those who when We establish them firmly in the earth, they establish the prayer, give the alms, command what is good and forbid what is evil.*"

Among the duties which are obligatory upon the *Amir 'l-Mu'mineen* and his deputies (*nawaabihi*) in his country is the preservation of the religion (*hifdh 'd-deen*). That is he does not allow anyone to speak about the religion of Allah by means of instructions (*ta`leem*), nor judgment (*hukam*), nor legal decision (*fatwaa*) except if that person is among the people of knowledge and fearful awareness (*ahl 'l'ilm wa 't-taqwa*). The *Amir* al-Hajj Abu Abdallah Muhammad ibn Abu Bakr (known as *Askiyya*) asked Muhammad ibn `Abd 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani about the judgment of preserving the religion upon the rulers of Islam. He answered: "Among the greatest of obligations is that every amir must repel from the public streets every corrupting element. How can it not be more of an obligation for them to repel these same corrupting elements from the streets of this religion."

Among the duties which are obligatory upon the *Amir 'l-Mu'mineen* and his deputies (*nawaabihi*) in his country is to alter the reprehensive deeds (*munkiraat*) of those who falsely claim that they know something from the knowledge of the unseen (*`ilm 'l-ghayb*) by means of: [1] inscription in the sand (*al-khatt fi 'r-raml*) and the like; [2] the conditions of the stars (*ahwaal 'n-nujuum*); [3] the tidings of the *jinn*; [4] manias taken from the sound of the birds and their movements; or the like.

The *Amir* al-Hajj Abu Abdallah Muhammad ibn Abu Bakr (known as *Askiyya*) asked Muhammad ibn `Abd 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani about all that we have mentioned above. He answered saying: "It is obligatory upon the *Amir 'l-Mu'mineen* and everyone else who is able from among the believers to alter these reprehensible deeds (*munaakeer*). As for he who falsely claims that he knows something of the knowledge of the unseen, from the above-mentioned matters or others, he is a lying disbeliever. Whoever believes him is also a disbeliever. It is obligatory to compel him to make repentance underneath the sword. Whoever makes repentance leave him alone. However, whoever refuses to repent, then kill him with the sword. He is then not to be ritually washed, wrapped nor buried in the graveyard of the Muslims. The Messenger of Allah said: "Whoever believes in a sorcerer or soothsayer has disbelieved in what was revealed to Muhammad." May Allah bless him and grant him peace.

Among the duties which are obligatory upon the *Amir 'l-Mu'mineen* and his deputies in his country is to alter the reprehensible deeds of those who falsely claim that he has the ability to write that which can secure advantage - like: [1] multiplying one's daily sustenance; [2] winning someone's love; or that which can avert evil - like: [1] vanquishing one's enemy during war; [2] preventing iron from piercing; or [3]

preventing arrows from striking and the like from what magicians falsely claim by their actions.

The *Amir* al-Hajj Abu Abdallah Muhammad ibn Abu Bakr (known as Askiyya) asked Muhammad ibn `Abd 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani about all that we have mentioned above. He answered saying: "You should place underneath the sword every male and female sorcerer (*saahit wa saahira*) and everyone who claims that they have talismans, incantations or the like which can secure daily sustenance or vanquish an army or the like thereof. Whoever repents from that is to be left alone. If he refuses, then kill him. Whoever falsely claims that he has the ability to write the above things done from the Book of Allah or from any excellent speech, do not believe him because he is a liar. It is obligatory to rebuke him and he does not return from that he is to be punished severely as a means of deterring means to evils (*saddan li 'd-aree`a*) and preserving the divine law and sound beliefs (*hifdh 's-shari`a wa 'l-'itiqaad*)."

I say, what we have mentioned here does not in anyway necessitate the prohibition of utilizing (*tahreem 'l-isti`maal*) those things which are in conformity to the divine law (*shari`a*). On the contrary, it is allowed to utilize everything which is in conformity to the shari`a regardless if it is for securing advantage or protecting from dangers, or whether it be something which is to be drunk or worn. The only thing which is forbidden are those things which are clear magic (*as-sihriyaat*) like talismans, incantations and the like as was explained and the like which is not in conformity with the shari`a.

Among the duties which are obligatory upon the Amir 'l-Mu'mineen and his deputies in his country is to alter the reprehensible deeds of [1] the freeborn women and captive women uncovering their private parts; [2] the unchecked mixing of men and women in the market places, streets and roads; [3] and a person not veiling his wife from his blood brother, his close friend or her male cousins.

The Amir al-Hajj Abu Abdallah Muhammad ibn Abu Bakr (known as Askiyya) asked Muhammad ibn `Abd 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsaani about all that we have mentioned above. He answered saying, "Among the most frightful reprehensible deeds of which you have mentioned is the free mixing of men and women and the uncovering of their private parts. It is obligatory for the *Amir 'l-Mu'mineen* to make strenuous effort (*yajtahidu*) in preventing all of those things which he is able. He should appoint trustees (*umanaa'u*) over that during the night and day, secretly and openly. And this is not to be considered as spying upon the Muslims. On the contrary, this is showing excellent regard for their well being and it restricts the actions of offenders especially when corruption has spread in the country. Among those things which are correct and obligatory is to have every woman removed from places which are suspicious. The *amir* should appoint trusted officials (*umana'u*) to circulate through the streets during the day and night. Anyone he sees conversing with strange women or entering into their homes or gazing at them - he should seize him and bring him to the commission in charge of public duties (*mutawali khitta 'l-hisba*). His affair should be examined and he should be thrown into prison based on what is appropriate to him and in accordance with the evil he has done. In that there is neither specific punitive punishment nor determinate lashing.

This is the sole responsibility of the inspection of the magistrate (*al-haakim*). Therefore, he must be fearfully aware of Allah and investigate into that which prevents corruption and procures the general welfare of the people through fearful awareness and not through following passions. If you were to say, "Where is this trustworthy official who can rectify this, who can be entrusted over it where the Amir

can appoint him and delegate this important affair to him? That kind of person is completely non-existent in these times, especially in these regions." I say, committing the lesser of two evils (*akhaffu'd-darrarayn*) is an obligation according to the consensus. There can be no doubt that the evils associated with taking care of public duties (*al-hisba*), is a lesser evil than neglecting it all together. Further, the scandalous acts which may escape the inspector, it is possible to avert them by keeping people away from places of suspicion; like the inspector walking around during the night among the secluded places and the like. Generally there is no bigger evil for the people than the magistrate neglecting to do that. As for the scandalous acts which the magistrate neglects to charge sinful men and women with especially those committed in well known isolated places, there is no way to avert them, especially in these times of exceeding evil and in these lands of the Blacks and their like. Rather, the current practice and governmental policy among many of the Islamic countries is that some time after the evening prayer (*salaat 'l-'isha*), the magistrate walks through the streets with his lieutenants during the entire night. Whoever they encounter in the streets should be thrown in jail until his affairs could be scrutinized the following day. This is regardless if the person was seen in a suspicious place or not, except when it is a person known for his righteousness who came out to take of an urgent need. The governor should follow this policy in order to avert the spreading of corruption and deter people accustomed to evil, even if brings some harm to others. Thus, the government commits the lesser of the two evils.

Among those duties which are obligatory upon the Amir 'l-Mu'mineen and his deputies in his country is to alter the atrocities committed by the people of the market places. Some of them have a practice of cheating in the weights and measures by either exceeding or reducing the true amount. Some of them adulterate gold and silver with copper or they fail to sift dirt from gold dust. Some of them inflate meat or mix milk with water. Some of them have a practice when they buy commodities, they take hold of it before giving the owner his price. If he regrets the purchase or he finds he cannot get a profit from selling it and the owner of the commodities demands its price, he says to him; "Go on and take your commodity or be patient until I sell it." Some of them sell a girl captive (*amma*) and the purchaser takes control of her not caring whether she is free of pregnancy. When she as a result becomes pregnant, both the seller and buyer dispute over the child.

The Amir al-Hajj Abu Abdallah Muhammad ibn Abu Bakr, (known as Askiya) asked Muhammad ibn `Abd 'l-Kareem ibn Muhammad 'l-Maghili 't-Tilimsani about all the above and he answer in the following. "As for those who cheat in the weights and measures this is forbidden according to the Book, the sunna and the consensus of the scholars of the community. It is, therefore, obligatory upon the Amir 'l-Mu'mineen to place a dependable superintendent (*'ameen*) over the markets who will then guard the scales. He is responsible for adjusting the counterpoises (*as-sunnuj*) until even when he withdraws a hundred mithqaals of commodities from both counterpoises, the scales do not decrease. And when he gathers upon the scales a hundred mitqaals of commodities in each counterpoise, they do not increase in either, except to the amount which is excused in increase or reduction. Likewise, it is obligatory upon him to correct the measures (*mikaayil*) of all of the markets, whether those measures be big or small, until all the measures are a single rate in all the markets. It is not obligatory for all the scales and weights of the country to be in conformity. However, what is obligatory is that the measures of each country be adjusted so that commodities can be a single rate (*nisba waahida*). Thus, it is extremely necessary to appoint someone to apply himself to all the scales and weights

to see if they have been altered. Whenever it becomes manifest that treachery has occurred in any of the scales or weights, that person or persons should be punished severely and driven from markets of the Muslims. The description of scales and weights should be established by the *Sultan*.

Among the duties which are obligatory upon the *Amir 'l-Mu'mineen* and his deputies is to alter the evil those people who refuse to execute inheritance (*laa yatawaarithuun*) in accordance with the Book and the *Sunna*. Among their practices is that the maternal uncles or nephews usually inherit. Some of them appoint the eldest of the males over the rest. He then says, "This is the inherited property of my brothers and sisters, and I am like their father responsible for their protection and upbringing, then their property belongs to me." Among their practices is that they do not allow their wives or any of their women to inherit.

The Amir al-Hajj Abu Abdallah Muhammad ibn Abu Bakr (known as Askiya) asked Muhammad ibn `Abd 'l-Kareem 'l-Maghili 't-Tilimsani about all of the above-mentioned issues, and he answered with the following. "The people who have made it their business not to inherit according to the Book and the sunna and allow their uncles and elder nephews to inherit all the property - if they consider that this is permissible (*halaal*) and renounce the legal practice of inheritance of the Muslims (*sharaa'i'u 'l-miraath 'l-muslimeen*) - then they are disbelievers. However, if they do not renounce the legal practice of inheritance of the Muslims and admit that they are in disobedience (*`usaat*), they should be ordered to make repentance and to return to the obligations of Allah concerning inheritance in the future. If they refuse, then the ruler should seize all of their wealth. If they repent, he should consider to leave for them what has been certified to be earned legally. If other than that is divided amongst them, then the ruler should seize half of their property and leave them half. As for those who appoint from among them the eldest over the rest of them, who then says; "This is the inherited property of my brothers and sisters, and I am like their father responsible for their protection and upbringing." He should be ordered to make repentance and the ruler should seize the rights of the younger brothers and sisters from the stronger ones. He should establish the rights of everyone who has been treated unjustly and remove them from the hands of their adversary. As for those who do not allow their wives or any of the women to inherit, then they are like the first group and the ruler should judge them in detail they were he judged the first group."

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Section Ten

An Explanation of the Reality of the Permissible, the Forbidden and the Dubious: and the Sources of the Permissible.

I say and success is with Allah, realize O brothers that the wealth which is permissible (*halaal*) is that about whose origin is not known (*maa jahala asluhu*). The forbidden (*haraam*) is that which has been verified (*maa haqqaqu*) to belongs to someone else (*malaka li 'l-ghayr*). The doubtful (*shubahat*) is that which has not been designated as permissible or forbidden. *Shaykh* Ahmad Zaruuq said in his Miftaah 's-Sadaad which is his commentary upon the Irshaad 's-Saalik: "The permissible (*halaal*) is that which arises from the rights of Allah and the rights of His servants and that which is the consequence of that. It is that wealth whose origin is not known. As for the doubtful (*shubahat*) it is that wealth which has not been specifically designated (*yata`ayyanu*) as permissible or forbidden.

Imam 'l-Ghazaali said in his Minhaaj 'l-'Aabideen: "The forbidden (*haraam*) is that which belongs to someone else." As for the legal sources of the permissible (*'usuul'l-halaal*), there are many. *Shaykh 't-Taahir*, the author of the Shurb 'z-Zalaal delineated them in poetic verse when he said:

"The source of the permissible is earning by agriculture
And by means trade and by means of industry.
With piety and honesty in transactions,
and knowledge in pursuit of it and civility.
And everything which arises out of duties becomes legal
and the consequences of that are permissible.
Such as the rights of the Lord and other rights
Pay them without withholding, and know it.
The varieties of the public treasury are [1] the fifth, [2] the tithe
[3] the poll tax, [4] the land tax, [5] and abundant spoils
Then [6] the wealth of which the owners are unknown
and [7] the inheritance of wealth lacking heirs
These seven constitute the public treasury
for him who wishes to make use of the permissible.
Is the source of that which is known and the origin of its source
or that which the source is unknown considered sound?
Some say that the source of the permissible is [1] trade
done honestly then [2] straightforwardness in hiring.
And hunting on [3] the land and [4] the sea, when divided
equitably are our spoils, [5] inheritance scrutinized
With a sound source, then [6] the water of the rain pool,
[7] the vegetation of wasteland. Take without hungering!
[8] The dowries of women are permissible, likewise [9] what
is given to her relatives for her sake. So understand!
[10] The request of the needy are gifts to the righteous
these ten are the evidences of the sincere advisors
And everything the source of which is not clear
is permissible. So consume it, that is lawful.
Take based on the outward of the *shari`a* what presents itself
without searching into what source it inclines
This is the most humane view, not the one who says
'Is the source of it known?' So beware of arguments.

And the one who takes for himself and his family
as much as he has need from property
Without squandering nor taking excess
of what is needed for his assistance and support
For this food is not considered forbidden
Indeed! nor is it doubtful. O one who desires!
al-Faakihaani, the commentator on the Risaala
has said this. So preserve what he has said.
Some of the scholars are strict, some are lenient.
But the religion is easy. He who is impartial has said so.
If the entire world was forbidden,
because a person must survive, it all would be permissible!

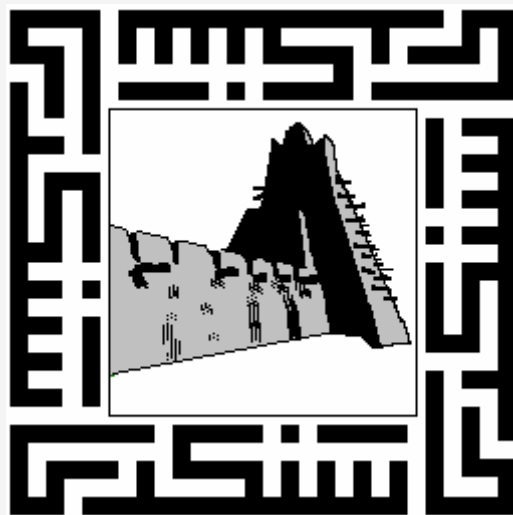
Here ends what we desired to cite from the poetic verses of Shurb 'z-Zalaal.
With its completion we end our book called **Siraaj 'l-Ikhwaan Fi Ahamma Maa
Yahtaaj Ilayhi Fi Hadha 'z-Zamaan** (the Guiding Light of the Brethren Concerning
the Most Important Things Which Are Needed in This Age) with the help of Allah the
Giver the Bestower. It was completed at the time of asr prayer on Wednesday, the
15th of *Sha`baan* in the year *shakuura* [shin + kaaf + waw + ra = 1000 + 20 + 6 +
200] = 1226 from the emigration (*hijra*) of the Prophet, may Allah bless him and
grant him peace.¹ All praises are due to Allah who has guided us to this and we would
not have been guided had not Allah guided us. And the best blessings and most
perfect peace be upon our master Muhammad, his family and Companions - all of
them. May Allah be pleased with the masters among the Second Generation (*at-
Taabi`een*), the right-acting scholars (*al-`ulama' 'l-`aamileen*), the four *Imams* who
exercised independent judgment (*mujtahideen*) and with those who follow them until
the Day of Judgment.

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¹ This date corresponded with September 4, 1811, during the six years that he *Shehu* and his *jama`at* resided in Gwandu. It was during this period that he appointed the regional *Amirs* throughout the Sokoto Caliphate, and systematized the checks of balances of the government through the Islamic judiciary. [see Abd'l-Qadir ibn Mustafa's Mausufaat's-Sudan, Arabic and English translation at www.siiasi.org].

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The Palace of the Sultan of Maiurno

Maiurno, Sennar, Sudan

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