

**Commentary On**  
**TAJ AD-DIN**

**Taj Ad-Din Fi Ma Yajib Alal Muluk**  
**(The Crown Of Religion On What Is**  
**Compulsory Upon Kings)**

**Written During The Reign Of Sarkin Kano**  
**Muhammad Rumfa in 901 AH (1495 AD)**

**By**

**Sheikh Muhammad Ibn Abdul Karim**  
**Ibn Muhammad Al-Maghili**  
**(c.844-911 AH) (c.1440-1505 AD)**

**ARABIC & ENGLISH TEXTS**

**Editing And Commentary**  
**By**

**Prof. Sani Abubakar Lugga, MFR**  
**The 5th Waziri of Katsina**

**Commentary On**  
**TAJ AD-DIN FI MA YAJIB ALAL MULUK**  
**(The Crown Of Religion On**  
**What Is Compulsory Upon Kings)**

**ARABIC & ENGLISH TEXTS**

**Written in 901 AH (1495 AD) By**  
**Sheikh Muhammad Ibn Abdul Karim**  
**Ibn Muhammad Al-Maghili**  
**(c.844-911 AH) (c.1440-1505 AD)**

**Translated By**  
**Mr. Baldwin (Principal Katsina College, 1929)**  
**Professor Arnold (Rabat, Morocco, 1930)**

**Editing & Commentary By**  
**Professor Sani Abubakar Lugga, MFR**  
**The 5th Waziri of Katsina**

**Editing and Commentary By:**  
**Prof. Sani Abubakar Lugga, MFR, FNIM**  
**The 5th Waziri of Katsina**

**Professor of Management Studies**  
**Doctor of Philosophy in Conflict Management**  
**Fellow of the Nigerian Institute of Management**  
**Fellow of the Institute of Management Consultants (Nigeria)**  
**Fellow of the Institute of Professional Financial Managers (UK)**  
**Fellow of the London Graduate School, London, United Kingdom**  
**Key Founder and former Senior Lecturer, Al-Qalam University, Katsina**  
**Visiting Professor, Ecole Supérieure Universitaire, Cotonou, Benin Rep.**  
**Visiting Professor at St. Clements Private Swiss University, Switzerland**  
**Committee Member, Nigeria Supreme Council for Islamic Affairs**  
**Committee Chairman, Jama'atu Nasril Islam, Kaduna, Nigeria**  
**Member of Sultan Foundation for Peace and Development**  
**Executive Member, Interfaith Initiative for Peace, Nigeria**  
**Ambassador of Universal Peace Federation (New York)**  
**Member of Professors World Peace Academy (Korea)**

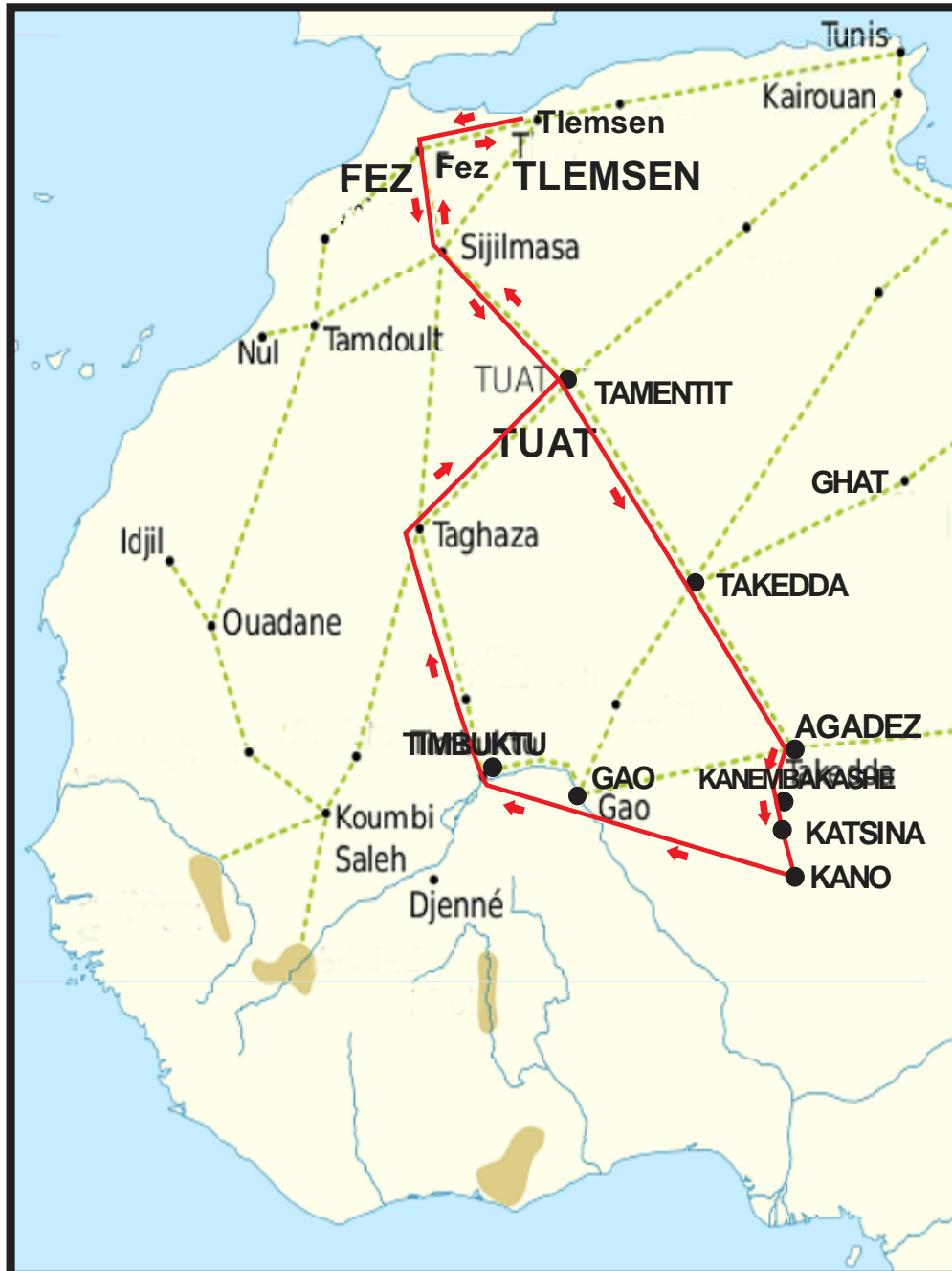
**© Copyright: Sani Abubakar Lugga**  
**ISBN 978-978-55716-5-3**

**Published and Printed by**  
**Lugga Printing Press, Gidan Lugga**  
**Complex, Kofar Marusa Road, Katsina,**  
**Katsina State, Nigeria**

**Muharram 1443 AH**  
**August 2021 AD**

**This famous Book, “Taj Ad-Din Fi Ma Yajib Alal Muluk” (translated as, “The Crown of Religion On What Is Compulsory Upon Kings”), was written around 901 AH (1495 AD) by Sheikh Muhammad Al-Maghili at the instance of the King of Kano, Malam Muhammad Rumfa, who invited the Sheikh to Kano from Katsina. This Book is perhaps the oldest book that was written and that remained in its original form in the West African Sub-Region. The lessons in Taj Ad-Din seem to be directed to today’s Nigerian Political, Traditional, Religious and Private Sector Leaders, even though it was written almost 540 years ago! According to the National Archival Records in Kaduna, because of its prominence and fame in Hausaland; and its being very scarce, a copy of the original Book was obtained by Northern Nigerian Colonial Officers in 1928 from the first Waziri of Katsina, Sheikh Alhaji Haruna, got it translated into English by Mr. Baldwin (Principal of Katsina College) in 1929; and further translated by Professor Arnold (of the School of Oriental Studies, Rabat, Morocco) and published in 1930. Professor Sani Abubakar Lugga, the Waziri of Katsina, obtained a copy of the original Arabic manuscript after several years of research; and produced the Arabic manuscript and an English translation in this Book. The Waziri also edited and added an English commentary so as to make readers have a clearer understanding of this very important Book, which should serve as a guide for today’s Leaders at all levels of leadership.**

**MAP OF THE ROUTES TAKEN BY SHEIKH AL-MAGHILI  
FOLLOWING THE TRANS-SAHARAN TRADE ROUTES**  
Adapted from World History Encyclopedia and Wikipedia





**THE FIRST PAGE OF THE FAMOUS  
TAJ AD-DIN BOOK -  
THE COMPLETE RETYPED ARABIC  
SCRIPT IS IN THIS BOOK**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَلُو اللَّهُ عَلَى سَيِّدِنَا عَمْرٍو وَآلِهِ وَصَحْبِهِ  
 وَاسْلَمْتُ تَسْلِيمًا قَالُوا الشَّيْخُ الْبَقِيَّةُ الْأَمَامُ الْعَالِمُ الْعَلَامَةُ تَأْخُذُ الْبَيْتَ  
 وَمَصْلَحَ الْمُسْلِمِينَ أَبُو عَبْدِ اللَّهِ مُحَمَّدُ بْنُ عَبْدِ الْكَرِيمِ الْمُغِيلِي  
 الظَّالِمُ سَأْتَرُطُو اللَّهُ بِهِ وَادَامَ حَيَاتُهُ لِلْمُسْلِمِينَ وَأَعْلَانَهُ عَلَى  
 مَا هُوَ عَلَيْهِ مِنَ الْأَمْرِ بِالْمَعْرُوفِ وَالنَّهْيِ عَنِ الْمُنْكَرِ الْحَمْدُ لِلَّهِ  
 رَبِّ الْعَالَمِينَ الرَّحْمَنُ الرَّحِيمُ : مَلِكُ يَوْمِ الدِّينِ وَالصَّلَاةُ  
 وَالسَّلَامُ عَلَى رَسُولِ اللَّهِ خَيْرٌ خَلَوُ اللَّهُ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ وَعَلَى  
 آلِهِ وَصَحْبِهِ أَجْمَعِينَ أَمَّا بَعْدُ وَفِيكَ اللَّهُ يَا تَقْوَى وَعَصَمَكَ اللَّهُ  
 تَزَعَّاتٌ أَهْوَى : قَالُوا الْأَمَارَةُ خَلِيفَةٌ مِنَ اللَّهِ وَنِيَابَةٌ مِنْ رَسُولِ اللَّهِ  
 وَمَا أَكْثَرُ فَضْلَهَا وَمَا أَكْثَرُ حِمْلَهَا رَعَى الْأَمِيرُ : بَعَثَهُ التَّقْوَى  
 يَقْطَعُ أَوْدَاجَ الْأَهْوَى وَارْجَاؤُهُ : بَعَثَهُ الْأَهْوَى يَقْطَعُ أَوْدَاجَ  
 التَّقْوَى وَفَعْلِكَ بِرَحْمَةِ اللَّهِ تَقْوَى : كُنْ نَجَسٌ ذَلِيلٌ أَهْوَى  
 وَأَنْتَا تَوْفِيرٌ : جَوْرُكُمْ يَوْمَ الْقِيَمَةِ جَمْرٌ خَرَجَ عَنِ الشَّارِ  
 وَأَدْخَلَ الْجَنَّةَ : فَدَوَّازُ وَمَا الْحَيَاةُ إِلَّا نَمْلٌ الْأَمْرُ : الْقُرُونُ  
 وَلِلَّاهِ كَرْلُكَ مِنْ ذَلِكَ جَمْلَةٌ مُنْتَصِرَةٌ فِي ثَقَاتِيَّةِ ابْنِ أَبِي اللَّهِ  
 الْأَمْوُجُوبِ الْأَمْوَابِ : سَلَامٌ الْأَوَّلُ : عِيَالُ عِيَالِ الْأَمِيرِ مِنْ حَسَنٍ  
 النِّيَّةِ الْأَمَارَةُ : حَرْبٌ بَيْنَ بَنِي الْأَهْوَى وَابْنِ تَقْوَى : فَعْلَى كَرْلُكَ  
 عَقْرٌ وَأَمَانَةٌ : أَنْ يَحْبُدَ عَنْهَا الْأَزْدُ الْمَيْكُلُ لَهُ يَدُهَا جَوْرُكَ عَلَى اللَّهِ  
 وَاسْتَعْرِفَ : أَمْرُكَ كَلِمَةً بِاللَّهِ وَلَيْكُرْ عَمَلُكَ كَلِمَةً بِوَجْهِهِ : أَسْهَ  
 وَذَكَرْتُ نَجَسَكَ أَنْتَ وَاحِدٌ مِنْ خَلْقِ اللَّهِ كَثِيرٌ أَقْوَى مِنْكَ  
 لَوْ أَنْتَ نَصْرُ اللَّهِ وَبِخَيْرِ طَرَفٍ : كَلِمَةً بِمِ اللَّهِ وَخَوْفُكَ  
 كَلِمَةً مِنْ اللَّهِ فِي مَصَالِحِ خَلْقِ اللَّهِ مَا وَلَاكَ اللَّهُ عَلَيْهِمْ  
 تَكُونُ سَيِّدُهُمْ وَمَوْلَاهُمْ وَأَنْ مَا وَلَاكَ عَلَيْهِمْ  
 لَنْتَصَحَ

## ACKNOWLEDGEMENTS

All gratitude is to Allah (SWT), who gave me the strength, the health, the endurance and the foresight to write this Book on the oldest known written Islamic Book in the West African Sub-Region, which maintained its original form up to today, the **Taj Ad-Din**. The Book was written by Sheikh Muhammad Al-Maghili, the great Muslim Scholar from Tlemcen, the Capital City of the Berber Kingdom of Tlemcen, which is currently in the Republic of Algeria.

As is expected of a work of this magnitude, many people, who are too numerous to be individually mentioned, contributed to its success. From idea generation and articulation, to research, analysis of data, documentation, translation and publication; several people gave in their helping hands. As it is impossible to list each one of them here, I would like to extend my gratitude to all of them.

I must however acknowledge the contributions of Prof. Salisu Bala, the Deputy Director of Arewa House, Centre for Historical Research and Documentation, Ahmadu Bello University Zaria, who assisted in obtaining a copy of the original hand written Taj Ad Din manuscript; Malam Yusuf Muazu Ibrahim of Arabic Department Federal University Dutsinma, who computer-typed the Arabic script from the hand written one; Prof. Muhammad Sagir Adam of the Department of Arabic and Islamic Studies, Al-Qalam University Katsina, who assisted in editing the typed Arabic script and Malam Dalibi Ikara, a Research Officer at the National Archives Kaduna who assisted in data collection from the National Archives. I am very grateful to all of them.

Lastly, and by all means not the least, I extend my love and profound gratitude to my wives, Hajiya Binta, Hajiya Hadiya and Hajiya Azhar; to my children, to my grandchildren, to other members of my family and to my personal staff for their continued obedience and respect; patience and encouragement in my works. May Allah bless all of them, *ameen*.

I pray to Allah the Most Gracious, the Most Merciful, to have mercy and to bless the souls of our late parents, Alhaji Abubakar Lugga the Sarkin Dawa of Katsina and Hajiya A'isha; and the souls of my late wife Hajiya Umma Kulthum and my late daughter Fatimah. We pray that we shall all join them in the highest level of Paradise, the Al-Jannat Firdausi, *ameen summa ameen*.

**Prof. Sani Abubakar Lugga, MFR, FNIM**  
**The 5<sup>th</sup> Waziri of Katsina**  
**Muharram, 1443 AH (August, 2021)**



## CHAPTER ONE

### **SHEIKH SHARIF MUHAMMAD IBN ABDUL KARIM IBN MUHAMMAD AL-MAGHILI**

Sheikh Sharif Muhammad Ibn Abdul Karim Ibn Muhammad Al-Maghili, most commonly known as Sheikh Muhammad Al-Maghili, was born c.1440 AD in Tlemcen, the Capital City of the Berber Kingdom of Tlemcen, which is currently a Provincial Capital in today's Algeria, North Africa (Hunwick, 1985)

Sharif Muhammad Al-Maghili was said to have descended from the *Idrisid Sharif* family of Morocco. The *Al-Idrisid Family* was a *Sharifian* Dynasty of Morocco that settled firstly at Maghila, the birth place of Al-Maghili. They ruled part of the Berber area of Morocco from about the year 789 AD up to 926 AD. The Dynasty was founded by Al-Idris, a great grandson of Prophet Muhammad (SAW), whose full names are: Idris Ibn AbdulLah Ibn Al-Hassan II Ibn Al-Hassan Ibn Ali Ibn Abu Talib (RLA). Al-Idris was therefore a descendent of Ali Bin Abi Talib (RLA) and Fatima (RLA) the daughter of Prophet Muhammad (SAW). Al-Idris was said to have fled to Morocco after being involved in an abortive uprising at Medina. He founded a small State near the Town of Ceuta and began to build a Capital City at Fez. He owed his success largely to the support he got from the Zenate Berbers, who considered him a worthy leader because of his prophetic descent. (Wali, 2007)

In Tlemcen, Sheikh Sharif Muhammad Al-Maghili devoted himself to the Islamic Sciences, studying under Al-Imam Abd al-Rahman al-Tha'alibi (d. 1470/1 AD), a distinguished scholar in the Region and Abu Zakariya Yahya ibn Yadir ibn Atiq al-Tadalsi (d. 1472/3 AD), the Grand Qadi of Tuat. Along with the tutelage and

guidance of other great Muslim Scholars, Al-Maghili became a master of Tafsir, Hadith and Fiqh, while committing the Glorious Quran to memory at a very tender age.

As a young Scholar, Al-Maghili toured the Maghreb (North Africa) observing the state of the Shari'ah and challenging the status of the Jews and the Christians who were under Muslim Legal Protection within the Region. Such persons are called "Dhimmi" or "Mu'ahid" and they are allowed to live freely and practice their Religions by paying some protection taxes, the *Jizya*. Al-Maghili's challenges against the Dhimmi were caused by external and internal events. He believed that Muslims and non-Muslims should live their lives separately.

He tirelessly worked against the Jewish population of the Maghreb and advocated for the destruction of all synagogues built after the advent of Islam and to prohibit the construction of new ones. He believed that those who helped or befriended Jews and non-Muslims could also be rightfully persecuted. He argued strongly that the Jews in particular had violated their status as Dhimmi within the Islamic context. Al-Mahili's strong views on such subjects set him against many notable North African Scholars and the Authorities. That Al-Maghili's uncompromising stance on Islam led to his collision with the Rulers and the Scholars of the Maghreb thereby prompting him to write a book titled "*Ta'alif*" in which he urged the Rulers to stop collaborating in State Affairs with the Jews and the Christians whom he termed as infidels. The famous scholar, Abu Abdullah bin Ghazi (1437-1513) commented on the book thus, "*This is a monumental work, the composition of a noble, knowledgeable and judicious man who is ahead of his time...*" (Batan, 1973)

### **Al-Maghili's Campaigns Against The Jews**

Sheikh Al-Maghili was among the North African Muslim Scholars who never forgot the devastating effects of the several Crusades of 1095 to 1270 AD on Islamic States and Islamic Civilisations in the Middle-East and in Southern Europe. Those Crusades led to the 1268 AD conquest of the Muslim State of Andalusia (present day Spain) and the attempt by the joint efforts of Christians and Jews to take-over Muslim States along the North African Mediterranean Sea Coasts in 1270 AD. Having totally failed to conquer the Maghreb, the Jews and the Christians sought a Dhimmi Agreement where they paid taxes in return for safe residence that allowed them to amass great wealth. After travelling all over the Maghreb (North Africa), observing the state of Shari'ah and the status of Dhimmi Jews in the Region, Al-Maghili arrived at the Palace of Fez in Morocco, to propagate his view to the Wattasid Sultan of Fez, Abu Zakariya al-Wattasi. But Al-Maghili's views were not tolerated at Fez where the Jurists turned the Sultan against him, prompting him to leave Fez (Brenna & Hunwick, 1986)

Sheikh Al-Maghili moved and settled in the Town of Tamentit, in the Region of Tuat (1477-78). Tamentit was a major stop on the Trans-Saharan Trade Route that led to the Sudan and to West Africa from the Maghreb. The Jewish Community in the Tuat Region had amassed a great deal of wealth credited to this positioning and the ability to pursue professions that were prohibited for the Muslims. Due to their wealth and status, the Jews of Tuat were blamed for having too much proximity to the Religious and Political Authorities of the Region, therefore lacking total humiliation or abasement, as required of the Dhimmi under Muslim Rule. Their lack of submission to the *Jizya* (Dhimmi Tax) was also seen as an affront to Muslim Rule. Al-Maghili also cited less common rules, such as dress and etiquette of the Dhimmi as a

reason to persecute them. That elevated wealth and status; and the level of Jewish influence in the Region made it easy for Al-Maghili to stir the anger of the impoverished population against the Jewish Community. With the support of his son, Abdul Jabbar, Al-Maghili incited a mob to destroy the Synagogue at Tamentit and turn on the Jewish population, resulting in their elimination and expulsion; and their properties confiscated or destroyed. The tense situation made the Authorities to expel Sheikh Al-Maghili from the Region of Tuat after what they termed as causing civil and religious strife. (Blum, and Fisher, 1993)

**Most Widely Held Works by Sheikh Sharif Muhammad Al-Maghili (<http://worldcat.org>)**

1. Shari'ah in Songhai: The replies of al-Maghili to the questions of Askia al-Ḥajj Muhammad
2. As'ilat al-asqiya wa-ajwibat al-Maghili by Muḥammad ibn 'Abd al-Karim Maghili
3. Risalah fi al-Yahud by Muḥammad ibn 'Abd al-Karim Maghili
4. Sharḥ al-tibyan fi 'ilm al-bayan by Muḥammad ibn 'Abd al-Karim Maghili
5. Miṣbaḥ al-arwaḥ fi uṣul al-falaḥ by Muḥammad ibn 'Abd al-Karim Maghili
6. Risālah fi al-ghala'if by Muḥammad ibn 'Abd al-Karim Maghili
7. Amal al-yawm wa-al-laylah by Muḥammad ibn 'Abd al-Karim Maghili
8. Taj Ad Din Fima Yajib Alaal Muluk by Muhammad ibn 'Abd al-Karim Maghili

## CHAPTER TWO

### AL-MAGHILI IN WEST AFRICA

The Tuat events forced Sheikh Al-Maghili to move southwards into West Africa. It was strongly believed that he embarked on an Islamic Educational tour of the *Bilad al-Sudan* visiting Agadez (in today's Niger Republic); and Katsina and Kano (in today's Nigeria). He later proceeded to Gao, the Capital City of the famous Songhai Empire (in today's Mali). The Sheikh's sojourn in West Africa was defined by scholastic activities and his time spent in the Region extended from around 1492 AD to 1503 AD. Details on the Sheikh's sojourn in West Africa are contained in the Book, "THE TWIN LEGACIES OF AL-MAGHILI IN HAUSALAND", written by Professor Sani Abubakar Lugga, the 5<sup>th</sup> Waziri of Katsina.

#### 1. In Agadez

Al-Maghili first visited Adadez, the Capital City of the Sultanate of Agadez c.1492 AD. The Sheikh spent about one year there under the warm reception of the Sultan of Agadez who hosted him. His scholarly works in Agadez garnered for him a substantial group of followers, mainly made up of the Scholars of the City who accepted his superior knowledge. Things were rosy for him as a result, not only of the respect by the Scholars, but also by the hospitality of the Sultan of Agadez and his people. (Brenna & Hunwick, 1986)

#### 2. In Katsina

Sheikh Muhammad Al-Maghili's successful sojourn in Agadez was broadcast all over Hausaland. In turn, the Sheikh heard of the prominence of a nearby Katsina Kingdom that is famous in commerce, Islamic Scholarship, etc. He therefore decided to visit

that Kingdom and to contribute his quota in its educational development, which resulted in the establishment of the Gobarau Islamic Centre in Katsina in 1493 AD.

The Gobarau Islamic Centre was specifically believed to have been originally built during the reign of the first Muslim King of Katsina, Muhammadu Korau around the year 1393 AD. It was said to be located somewhere between the *Gidan Korau* (present Emir's Palace) and the main City Centre (*Cikin Birni*) but later moved to the present site of the Gobarau Minaret. Sheikh Muhammad Al-Maghili was said to have influenced the reigning King of Katsina, King Usman Tsaga Rana I (1475-1525 AD), to, in 1493 AD, reconstruct and promote the Gobarau Islamic Centre into a full pledged University. The existing structure was believed to be the main Minaret of the Gobarau Central Masjid which was part of the Gobarau Islamic University built in 1493 AD (exactly 100 years after the first Centre was built in 1393 AD).

### **3. In Kano**

The sojourn of Sheikh Muhammad Al-Maghili in Kano (c.1494-1497); and his authorship of this Book, "*Taj Ad-Din Fi Ma Yajib Alal Muluk*" ("The Crown Of Religion On What Is Compulsory Upon Kings"), are the Subjects of this Book, therefore are discussed in separate Chapters.

### **4. In Gao**

Al-Maghili left Kano and arrived at the Palace of Gao around 1498 AD, which was a zenith period in the history of the Songhai Empire. The Emperor, Askia Muhammad Turi, had just established the Askia Dynasty in 1493 AD, and was trying to legitimise his political and religious authority after toppling the previous Sonni Dynasty, which was seen as neglecting Islamic Laws and practices.



Sheikh Al-Maghili therefore assisted the Emperor in stabilising the Empire; especially through the “Replies” to seven questions, some of which had several parts, asked by Emperor Askia Muhammad just after his return from Hajj. Al-Maghili’s answers condemned the previous Emperor of the Sonni Dynasty, and therefore legitimised the Askia Dynasty. Other topics ranged from slavery, government, taxation, inheritance, relationship of Scholars to the running of the State; instances in which Jihad could be declared by Muslims to depose a non-performing Rulers.

## **5. Return to Tuat**

Al-Maghili asked for military support to go and confront the Tuati Jews, but his request was denied by Askia Muhammad Turi. Facing rejection, Al-Maghili returned to Katsina and petitioned the King of Katsina for support against Tuat. Whether Al-Maghili received the support or not was not known but, it was recorded that he returned to Tuat at the Head of a considerable force, laying siege to a base in the vicinity of Tamentit, and then proceeding to sack both locations and persecuting their Jewish populations in 1503 AD. Sheikh Sharif Muhammad Ibn Abdul Karim Al-Maghili retired to his *Zawiya* at Bu Ali in Tuat City where he was reported to have died in 1505 AD. His fairly simple Tomb is located there and attracting visitors from all over the World.

## CHAPTER THREE

### SHEIKH AL-MAGHILI IN KANO

The story of the establishment of the Gobarau Islamic Centre quickly spread all over Hausaland and that led to the spread of the great scholarship enhancement roles of Sheikh Muhammad Al-Maghili at the Gobarau Centre. His “Sharif” ancestry added to make the Sheikh even greater. The King of Kano, Muhammadu Rumfa therefore sent emissaries to Katsina in 1494 AD to invite the Sheik.

According to the Kano Chronicle, King Muhammad Rumfa was the 20<sup>th</sup> Ruler of Kano and the son of King Yakubu, the 19<sup>th</sup> Ruler of Kano. Muhammadu Rumfa succeeded his father in 1463 AD and his reign was characterised by unprecedented economic growth, administrative reforms and infrastructural development. Those developments led to a wave of influx of scholars and traders, mostly of Arab, Kanuri and Fulani descent. The most notable of those migrants was the great Scholar, Sheikh Sharif Muhammad Al-Maghili, who arrived in Kano from Katsina. He came with many Islamic books and sought the permission of King Rumfa to teach the people, particularly the Rulers and the resident Muslim Scholars about the greater rudiments of the Islamic Faith. (Wali, 2007)

Under the tutelage of Sheikh Al-Maghili, King Muhammadu Rumfa made numerous Islamic reforms and encouraged the pure practice of Islam in the Kingdom, humbling the pagans in the process and banning their practices. He built a Masjid on the site of the pagan sacred tree after cutting it down. Rumfa also built numerous Masjids and during his reign *Eid el-Fitr* and *Eid el-Kabir* were first celebrated in Kano.

King Muhammadu Rumfa was said to have formed the “Taran Kano” (Kano’s Council of Nine). They were given Traditional Titles and they served as Principal Advisers to the King and also as Kingmakers. King Muhammadu Rumfa established the famous Kurmi Market, which still flourishes, so as to improve trade; and he installed an Ombudsman for the Market in order to enhance its smooth governance.

The visit of Sheikh Al-Maghili to Kano had a lot of socio-economic, political, as well as religious impacts on the Kano Society. The influence of Al-Maghili on King Muhammadu Rumfa and the advises he gave to him made the King to be regarded as a Muslim Revivalist (*Mujaddadi*) who tried with great success to transform Kano into a theocratic State ruled under Islamic Law. Muhammadu Rumfa was undoubtedly the most famous and the most successful ancient Ruler of Kano with the ability of ruling a multi-religious society in accordance with Islamic Law. Most of the political and economic changes and innovations attributed to King Muhammadu Rumfa were achieved through the advice and assistance of Sheikh Sharif Muhammad Al-Maghili. Many of those achievements are still in force in Kano.

Sheikh Sharif Muhammad Al-Maghili stayed in Kano for about four or five years before he left for Gao, the Capital City of the Songhai Empire around 1498 AD. Before his departure, the Sheikh raised a family in Kano that still reside and flourish in the ancient City. He also left some relics to his descendants, which included a copy of Glorious Qur’an, a Sword, a Walking Stick and a pair of Scales. The Masjid he built and the House he lived in are still in existence in Kano under the care of his descendents. Indeed, a modern College had been built by his Kano family so as to immortalise his name. The Leader of his family, the *Shariffai*

(plural of Sharif), was always appointed by the Emir of Kano and he goes by the Traditional Title of “Sidi Fari” (Sarkin Sharifai - Chief Sharif). The official residence of Sidi Fari is located at *Zauren Tudu* (High Hall) in Kano City, which was first built by Sharif Al-Maghili.

During his stay in Kano, Sheikh Sharif Al-Maghili was made a Council Member in the newly constituted Islamic compliant Government. Since then, there had been a seat in the Emir’s Council for the Head of Sheik Al-Maghili’s descendents, the Sidi Fari.

The most famous legacy of Sheikh Al-Maghili in Kano and in Hausaland is the wonderful Book he wrote around 1495/96 AD, titled, “*Taj Ad-Din Fi Ma Yajib Alal Muluk*” (translated as, “The Crown of Religion on what is Compulsory upon Kings”),

## CHAPTER FOUR

### **TAJ AD-DIN FI MA YAJIB ALAL MULUK**

The famous Book, “Taj Ad-Din Fi Ma Yajib Alal Muluk” (translated as, “The Crown of Religion On What Is Compulsory Upon Kings”), written around 1495/96 AD by Sheikh Sharif Muhammad Ibn Abdul Karim Al-Maghili in Kano is perhaps the oldest known written and published Islamic Book in the West African Sub-Region, which maintained its original form up to today. According to National Archival Records in Kaduna, because of its prominence and fame in Hausaland; and its being very scarce, a copy of the Book was obtained by Northern Nigerian British Colonial Officers from the first Waziri of Katsina, Sheikh Alhaji Haruna, got it translated into English by Mr. Baldwin (Principal of Katsina College) in 1929 and edited by Professor Arnold (of the School of Oriental Studies, Rabat, Morocco) in 1930. The National Archival Records Kaduna, File No KATPROF 599; titled, “TAJ AD DIN BY SHEIK SHEHU MAGILI, has the following covering memo on page 1:

No. 19/1929/1. Katsina, 19<sup>th</sup> February, 1929.

From The District Office, Katsina Division,

To The Resident, Zaria Province

#### **Taj Ad Din – Shehu Magili of Tlemsen**

#### **Translated by Mr. Baldwin.**

I have the honour to forward a copy of a letter received from Mr. T. H. Baldwin of the Education Department together with his translation from the Arabic of the Taj Ad Din of Shehu Bagili of Tlemsen.

2. Shehu Bagili is described by BARTH as the friend and contemporary of the great Es Soyuti (1445-1503 A.D.) and

according to local tradition was the first apostle of Islam to Katsina and Kano.

3. Though well known by name the Taj Ad Din has been read by few of the present generation of Katsina Mallamai. The copy from which Mr. T. H. Baldwin made his translation was obtained from Waziri of Katsina.

4. The Taj Ad Din is a treatise on the art of ruling, comparable in some respects to the famous “Prince” of Nicholas Machiavelli but of a lofty morality worthy of the highest ideals of Kingship.

5. It is suggested that the Taj Ad Din might serve a useful purpose as a Text Book for the instruction of the rising generation of Mohammedan Rulers.

*Signed by the District Officer, i/c Katsina Division*

Subsequent to the memo above, the File contained the following correspondences and actions:

1. The Resident of Zaria Province forwarded the English Translation of the Book to the Secretary, Northern Provinces, Kaduna; memo dated 25<sup>th</sup> February, 1929.
2. The Secretary, Northern Provinces, forwarded the documents to the Lieutenant Governor who requested to see the original Arabic Book obtained from the Waziri of Katsina Sheikh Haruna from which the translation was made; memo dated 4<sup>th</sup> March 1929.
3. The Lieutenant Governor later directed that both the English and Arabic copies should be sent to Professor Arnold of the School of Oriental Studies, Morocco for editing. And that reasonable number of copies of the edited English Book and the Arabic text should be printed in England at the expense of



Katsina Native Authority; under a memo dated 18<sup>th</sup> March, 1929.

4. But later, the Lieutenant Governor approved that the publication of the Book should be taken over by the Translation Bureau and the printing shall be at Government expense; under a memo dated 1<sup>st</sup> July 1930.
5. However, a decision was later taken after several consultations that the Arabic and English Books should be printed in London and that the Katsina Native Authority was willing to finance the publication of several copies up £50. A letter was written to this effect to the Superintendent of Education, Nigeria, through the Crown Agents for the Colonies, London, on 22<sup>nd</sup> June 1931.
6. Finally, a memo written by the District Officer i/c of Katsina Division to the Resident, Zaria Province, on 21<sup>st</sup> March 1934 explains as follows:
  - (a) Based on the memo of 21<sup>st</sup> June, Mr Baldwin was asked to undertake negotiations as to printing with Imprimerie Catholique, Beyrouth, for 1,000 copies of both Arabic and English versions, strongly bound.
  - (b) On 1<sup>st</sup> September 1933, a shipment advice note from Beyrouth was forwarded to the Controller of Customs at Lagos to verify if the Books have arrived. It was however until 3<sup>rd</sup> November 1933 that the Books were cleared by the Director of Education.
  - (c) Copies were thereafter distributed to the Emir of Katsina, Councillors, District Heads, Native Authority Officials, School Teachers (*Malamai*) and some Colonial Officers. The Emir of Katsina also sent some copies to the Sultan of Sokoto and some other Emirs.

## CHAPTER FIVE

### A REPRODUCED ARABIC COPY OF “TAJ AD-DIN FI MA YAJIB ALAL MULUK”

BELOW IS A REPRODUCED COPY OF “TAJ AD-DIN FI MA YAJIB ALAL MULUK” FROM THE ORIGINAL TRANSCRIPT OBTAINED FROM THE FIRST WAZIRI OF KATSINA, SHEIKH ALHAJI HARUNA IN 1929. THE ORIGINAL TRANSCRIPT IS PRODUCED AS APPENDIX I OF THIS BOOK (FILE NO. SOKPROF; ITEM NO.28; REFERENCE NO. A/AR)

بسم الله الرحمن الرحيم صلى الله على سيدنا محمد وعاله وصحبه وسلم تسليماً. قال الشيخ الفقيه الإمام العالم العلامة تاج الدين ومصباح المسلمين أبو عبد الله محمد ابن عبد الكريم المغيلي التلمساني لطف الله به وأدام حياته للمسلمين وأعانه على ما هو عليه من الأمر بالمعروف والنهي عن المنكر. الحمد لله رب العالمين، الرحمن الرحيم، ملك يوم الدين. والصلاة والسلام على رسول الله، خير خلق الله، محمد بن عبد الله، وعلى آله وأصحابه أجمعين.

أما بعد؛ وفقك الله للتقوى وعصمك من نزغات الهوى. فإن الإمارة خلافة من الله، ونيابة من رسول الله، فما أعظم فضلها، وما أثقل حملها إن عدل الأمير ذبحته التقوى بقطع أوداج الهوى، وإن جار ذبحته الهوى بقطع أوداج التقوى. فعليك يرحمك الله بتقوى الله (كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ وَ إِنَّمَا تُوَفَّقُونَ أُجُورَكُمْ يَوْمَ الْقِيَامَةِ فَمَنْ زُحْزِحَ عَنِ النَّارِ وَأُدْخِلَ الْجَنَّةَ فَقَدْ فَازَ وَمَا الْحَيَاةُ الدُّنْيَا إِلَّا لَهْوٌ بَاطِلٌ) وسأذكرك من ذلك جملة مختصرة في ثمانية أبواب. والله الموفق للصواب.

الباب الأول: فيما يجب على الأمير من حسن النية، الإمارة حرب بين بلوى الهوى والتقوى. فعلى كل ذي عقل وأمانة أن يبعد عنها، إلا إذا لم يكن له بد منها. فتوكل على الله، واتسعن في أمرك كله بالله. وليكن عملك كله بوجه الله. وذكر نفسك أنك واحد من خلق الله. كثير أقوى منك لولا نصر الله. فليكن طمعك كله في الله، وخوفك كله من الله. في مصالح خلق الله، ما ولأك الله عليهم لتكون سيدهم ومولاهم، وإنما ولأك الله عليهم لتصلح لهم دينهم ودنياهم. فاشكر نعمة الله عليك. وأحسن كما أحسن الله إليك. ولا تقنط من رحمة الله، فكم كرب فرجه الله. رأس كل بلية احتجاب السلطان عن الرعية.

الباب الثاني؛ فيما يجب على الأمير من حسن الهيئة، الإمارة مقمعة النفس، فعلى كل أمير أن يتردي برداء الهيبة في الحضرة والغيبة. فإظهر حب الخير وأهله، وأبغض الشر وأهله. وزين جسمك، وطيب ريحك وحسن ثوبك بمباح من زينة الرجال، غير مشبه بالنساء ولا مفسد لبيت المال، فلا تتزين بذهب ولا فضة ولاحرير بحال. فإن ذلك كله قبح ودناءة وضلال. وترجع إن جلست، أو اسكن ما استطعت، فلا تعبث ولو ببيدك، واغضض من بصرك، وليكن نظرك تفرساً وإطراقك تفكراً، وإقبالك على الخلق بوجه أداء الحق. ولا تفتح فمك ولو لتثاوب، فإن كاد أن يغلبك فاذكر ربك يذهب عنك، وإن غفلت حتى غلب عليك فسد فاك بظاهر إحدى يديك. ولا تُقهقه أبداً فإنما يقهقه الأعمى ويزداد عمى، وكن على الصمت حريصاً دائماً، فقلماً يسلم من تكلم، وإن يكن لا بد فاختر محكماً، واخفص من الصوت لنلا تندم، المرء بأصغريه قلبه ولسانه. فقدم عقلك بين يدي لسانك. فإن لسانك مرآة قلبك، وقلبك مجمع شأنك. أقبح القبائح اثنان: كبر الفقير وكذب السلطان! فإذا تحدثت فاصدق. وإذا وعدت فأوف. وإذا أمرت بشيء أو نهيت عن شيء، فلا تغفل عنه حتى تبلغ المقصد منه. وإياك أن تقصر خطوتك عن مقالك، فتذهب هيبتك من قلوب رعيته وعمالك. إذا أهمل السلطان شأن مقاله. فقد بان منه الضعف في كل حاله، وأمسى كليل الأمر والنهي في الورى. وارم بثوبى عزه وجماله. ولا تقرب لخدمتك ومجلسك ناقصاً في أعين الناس؛ فإن دائرة المرء لباسه، فاختر خير لباس، إذا قرب السلطان أخيار قومه، وأعرض عن أشرارهم فهو صالح، وإن قرب السلطان أشرار قومه، وأعرض عن أخيارهم فهو طامح، وكل امرئ ينبيك عنه قرينه، وذلك أمر في البرية واضح، ولا تجعل نفسك عبد ثوب ولا حصان ولا عبد بساط ولا مكان وبالجملة حال الرعية وحال السلطان كفتان، فتصرف في حالك بالزيادة والنقصان، حتى يعتدل الميزان. رأس كل بلية احتجاج السلطان عن الرعية.

الباب الثالث؛ فيما يجب على الأمير من ترتيب مملكته، الإمارة سياسة في ثوب رئاسة، فعلى كل أمير أن يرتب نظام مملكته لسكونه وحركته، على ما يتمكن به من صلاح رعيته، فمن ذلك؛ خدام بالحضرة يتصرفون، وعقلاء يشيرون، وأمناء يقبضون ويصرفون، وكُتَّاب وحُساب يحفظون، ورُسل وجُساس، وخفظة وعُساس.

ومن ذلك أيضاً؛ علماء ثقات يرشدون، وأئمة فضل يجتمعون، وعدول يشهدون، ومحتسبون يكشفون ويصلحون، وأرباب شرطة يزجرون، وشفعاء يشفعون، وقضاة ثقات يفصلون، ورجال معظمون لوجه الله، وعمال يحبون حق الله. ووزراء لا يخشون إلا الله، فمن ذلك أيضاً؛ حصن حصين مكفى بالحرير. وخيل خديدة، وظهور شديدة ورجال شجعان حاضرة في كل أوان وعدد كثيرة متينة، وأطباء عارفة أمانة، ومن ذلك

أيضا في الحروب؛ وزراء يجمعون الرجال ويخففون الأثقال، ويحملون على الحذر والسلاح، ويرتبون الجيش للكفاح، بصدر ثابت من الأبطال، وجناحين من سائر الخيل والرجال، وبلغاء ينشطون القلوب ويفتحون الهروب، وعرفاء بالحروب، برأيهم تنكشف الكروب، فإن "الحرب خدعة"، ليس بالكثرة ولا بالسرعة. رأس كل بلية احتجاب السلطان عن الرعية.

الباب الرابع؛ فيما يجب على الأمير من الحذر بالحضر والسفر الإمارة غرر جنتها الحذر. فأظهر القوة والجلد، والزهد في الصاحبة والولد، والرغبة في الأبطال والعدل. وأنهض عن مجاورة الهرّ والفار لمشاورة ليوث القفار، ألا قبّح الله الجبان من الوري، وأكساه ثوب الخزي في طبّق الثرى، أبالجبن كان الملك يملك قلبنا، وما الملك إلا بالشجاعة يشتري. أخو الحرب إن غصّت به الحرب غضها. وإن شمّرت عن ساقها الحرب شمرا. مقام السلطان في الحضر، رأس كل فتنة وضرر. مجال عقاب الطير في الجو والفلا. وأنشط ديك في البيوت يجول. وما الملك إلا للعقاب بعزمه. وللدّيك صوت في الدجاج يصول. فازكّب جياذ العزم على سروج الحزم. وأحي البلاد من قحط الفساد بريح المضمار وسحاب الغبار، ورعد الصهيل وبرق الصقيل، وصواعق السيوف وأمطار الصفوف. فالملك بالسيف لا بالتسويق. وهل يندفع الخوف إلا التخويق؟. ولا يقرب من طعامك وشرابك وفراشك وثيابك إلا أقرب أحبابك. ولا تفارق الدرع والسلاح. ولا يقربك إلا أهل الأمانة والصلاح. ولا تنم بغير مكان أمين. وغير مرقدك في كل حين. واترك زيك المعروف في كل مكان مخوف. وادنّ بحماك في كل أوان عصابة من أمناء شجعان وعسّاس ورماة ورجال وفرسان. وليس وقت الخوف كوقت الأمان. واكثّم سرّك عن غيرك حتى تتمكن من أمرك. وخذ حذرّك من النمامين ولو كانوا أكثر من سبعين. ولا تغتر بظواهر الرجال، وكن كيسا فطنا في كل حال. رسل الهدية عيون صرّفهم كيس وإمساكهم جنون (وإني مرسلة إليهم بهدية فناظرة بم يرجع المرسلون) وأزل كل حصن لا تقدر عليه، لنلا تستند أعداؤك إليه، فتتقسم الرعية وتعظم البلية. وخف من الحبل لنلا تلسعك الحية. رأس كل بلية احتجاب السلطان عن الرعية.

الباب الخامس؛ فيما يجب على الأمير من الكشف عن الأمور الإمارة حلية في حيوان الحيلة، فعلى كل أمير أن يكشف عن بعض الأمور بحسب المقدور. وذلك كل أمر لوأعرض عنه لخشي ضرورة منه. فمن ذلك؛ أن يسأل عن كل ما جهل من العُدول والأمناء والمثقفين قبله والأوصياء. ويحجر على كل مهمل من يتيم وسفيه، ويأمر برفعه إليه ليؤلّي عليه. ويكشف عن عدد ورثة كل من مات، وعن شأن كل من ترك من ضعفاء البنين والبنات. وعن بيت المال وأرزاق العمال. وعن كل ما هو موكل

لنظره، من مال وغير المال. لكن على جهة الاستبصار والورع، لا على جهة الإضرار والطمع. إذا أهمل الراعي المواشي في الخلا، وألوى إليها البياض في المراح وأهملا، فما هو إلا واحد من أسودها، عما قليل تنجلي عنه أو لا فمن ذلك أيضا؛ أن يتحفظ على عماله في جميع أعماله، ويتدبر أقوالهم، ويختبر أحوالهم، ويحصي قبل الولاية أموالهم، ويتفقد في كل حين أعمالهم، فكل من ظهر عنه تقصير زجره، وكل من خشي منه ظلما عزله، وكل من تكررت فيه الشكوى من غير بيان أبدله إن وجد بدله، وإلا كان لهم كسئم الدار لربها، وكما سكت قرون البقرة لخلابها. وكلما زاد على أموالهم أخذه. وإن شك فيه قسمه. وليكن عليهم كراعي الماشية بين الأسود الضارية، فمن عمال السوء جميع الفساد، إذا كنت في أمر فقم فيه ناصحا. وإن تستتب فاختر خيارا لأهله، ومن يأت بالكلب العقور لبابه، فعقر جميع الناس من سوء فعله عمله وعملك، وفعله فعلك. إن أحسن فالثواب لكما، وإن أساء فالعقاب عليكما. ومن ذلك أيضا؛ أن يكشف عمن قويت فيه تهمة الفساد. إن شهد بوجود علامتها الاشهاد، فمن شهد عليه عدول بوجود خمر في بيته أو علامته كشف الأمير عن بيته، فإن وجده فيه نكته وكسره، وإلا توعدّه وزجره. ومن ظهر عليه شرب خمر من رائحة أو كلام، أو مشي، استنكه، فإن ثبت عليه رائحة خمر حد لشربه ولو لم يكن متهما بذنبه، وإن شك في رائحة زجر بحسب قربه وبعده. من وجد مع امرأة أجنبية كامراة على حالة منكرة زجر بموجع الجلد إن لم يثبت عليه موجب الحد. ومن ذلك أن يكشف عن أخبار الأعداء بالجسس الأمناء في كل أوان، من فتنة وأمان، حتى لا يخفى عليه شيء من حركاتهم وسكناتهم في كل زمان، فإن الجهل عمى. وبصير يغلب ألف أعمى. وأعظم كل بلية صيحة الغفلة على الرعية. وتدبر قول بلقيس: (وَإِنِّي مُرْسِلَةٌ إِلَيْهِمْ بِهَدِيَّةٍ فَنَاظِرَةٌ بِمَ يَرْجِعُ الْمُرْسَلُونَ).

ومن ذلك أيضا؛ أن يكشف عن ذم النمامين ومدح المدّاحين. فكم قربوا من بعيد، وكم بعدوا من قريب! وكم حبيبوا من عدو، وكم كرهوا من حبيب كم خرب النمام من حصن مشيد بشفتيه لا بفأس من جديد فابعد النمام عنك من بعيد. كم سقاه النمام من عاقل رشيد. ومنهم من يمدح كثيرا ويذم كثيرا، ثم يمدح أو يذم لتنفي التهمة عنه إن ذم أو مدح. فاكشف عن كل قضية. واحذر من أعوانك بالكلية. فكم حوّلت الهدية من ناسك لليهودية والنصرانية. رأس كل بلية احتجاج السلطان عن الرعية.

الباب السادس: فيما يجب على الحكام من العدل في الأحكام للسلطانية رجلاً: العدل والإحسان. فالعدل أن يوفي كل ذي حق حقه من نفسه وغيره. والإحسان أن يتفضل من نفسه لا من غيره. فمن العدل أن يستوي بين الخصمين في دخولهما، وجلسهما

والنظر إليهما، والكلام معهما، و غير ذلك من شأنهما. وليكن في جميع شأنه بمعزل عن ظهور الميل لأحدهما أو غيرهما. من قُبْضٍ يَنْفَر، أو بُسْطٍ يَجْسِر. فلا يردُّ على من سلَّم عليه غير سلام، ولا ينبسط إليه ببشاشة ولا كلام، حتى يتبين له أنه ليس من أهل خصام، وأن لا ذريعة فيه لحرام. فإن سأل أحد الخصمين أو كلاهما عن مسألة، أو حال من أحواله، فليعرض عن سؤاله، وَلْيَقُلْ لَهُمَا: اقْبَلَا عَلَى شَأْنِكُمَا، واستويا فيما بينكما، لا أرجحية اليوم لأحدهما، فإن ظهرت أرجحية لأحدهما، بدخول أو مكالمته، أو نحوهما، فليبين للآخر تسويتهم، وليعدل بعد ذلك بينهما. ومن العدل أيضا أن يُعْطَى كَلا من الأخصام نوبته من الكلام. ثم لا يقبل من الشهود إلا عدلا، رضا فيما سيق إليه، لا تهمة فيه على المشهود عليه. فإن تعذرت العدالة في كرفقة جَهْلٍ أو قُرْبَةٍ ضلالة، فأمثلهم في الصدق حالة، بعد كشف واستكثار وسياسة واستبصار. فإن على الشهادة مدار الأمور. وأكثر الشهداء بالضلالة مغرور، بالجهالة مغمور. ثم لا بد أن يُطْلَعَ المطلوب على أسباب الطالب، وَيَعْذَرَ إليه حيث لا يخاف من ظلمه عليه. فإذا انتهى الأمر إلى حدِّه، حكم بعد المشاورة في قصده. ولا يجوز له شيء من أحكامه إلا بمشهور مذهب إمامه. فإن الحكم بغير المعتمد جور وضلال، ويحب نقضه على كل حال. وتختص دعاوى الجنايات بأنواع من السياسات. فالمدعي عليه بسرقة من غير بينة ثلاثة أقسام؛ قسم بعيد عما نسب إليه، فهذا لا يلتفت لدعوى المدعي، بل يؤدب له إن كان من أهل الصلاح، لأجل ما نسب إليه. وقسم قريب من الدعوى، فهذا لا بد له من البلوى يحبس ويهدد ويؤجَّع ويُجلد بحسب الجريمة، وبُعْدِهِ من التقوى. وربما يُعْرَمَ في سرقة بالدعوى واليمين من غير تبين، وذلك حيث عَلِمَ بمثل الدعوى واشتهر، وتكرر منه الضرر، لأن شهرته بما نسب إليه يصير المدَّعي كالمدَّعي عليه. ومن تكررت منه الإذاية واشتهر حبس حتى تظهر توبته أو يُقْبَرَ قَسَمٌ بين القسمين، لا يُعْلَمَ من أي الحزبين، فهذا لا بد أيضا من اعتقاله، وكشف الحاكم عن حاله، فإن تبين قِسْمُهُ من القسمين، حُكِمَ له بحُكْمِهِ من الحكمين، وإلا أرسله بعد سياسة وتهديد، وكشف ووعد، بحسب ما يقتضيه النظر من التشديد. كل ذلك بالتقوى لا بالهوى، وليس كل الناس سواء. فهذا حكم من ادَّعى عليه بسرقة من غير بينة. وأما من ادَّعى عليه بنفس، فلا بد فيه أولا من حبس، ومن ربط بالحديد، ومن كشف وتهديد. فإن ظهر أمر عَمَلٍ عليه، وإلا نُظِرَ في قربه أو بعده مما نسب إليه، فإن قَرَبَ طَوَّلَ في اعتقاله. وإن بَعَدَ عَجَلَ بإرساله. وكل أحد له حكم بحسب حاله. ولا بد للأمير الأعظم أن يجلس كل يوم للناس، بحيث يصلح النساء والأطفال. لأن شكوى الداعي ولايكفيه ما نصبه من القضاة وغيرهم من العمال. لأن شكوى الرعية قد تكون منهم. وواجب عليه أن يزرهم عنهم



وإلاّ فهو كسئلم الدار لأربابها، أو ماسك قرون البقرة لحلابها. وقد عزل الخلفاء رضي الله عنهم الصالحين بسبب الشكوى، لما فيه من تأليف قلوب الرعية وقرب التقوى. ورأس كل بلية احتجاب السلطان عن الرعية.

الباب السابع: في مجبي الأموال من وجوه الحلاليجب على كل أمير أن لا يجبي الأموال إلاّ من حيث أباح الله له (وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَذَرِي لَعَلَّ اللَّهَ يُحْدِثَ بَعْدَ ذَلِكَ أَمْرًا). الكرم روح السلطنة وعدمه نفس الشيطنة. وأول الكرم وأساسه الإمساك عمّا في أيدي الناس والكفّ عن أموال الناس بقاء المملكة وجمالها. والطمع في أموالهم خراب المملكة وزلزالها. فمن الأموال التي أحل الله للأمرء قبضها وصرفها زكوة العين والماشية والحرث وزكاة المعدن، وزكاة الفطر، وخمس الرّكاز وخمس الغنيمة، وأموال الجزية والصلح وما يؤخذ من تجار أهلها، وتركّة لا وارث لها، ومالّ أفاء الله به من أموال أهل الحرب بلا حرب. فإذا كان الأمير عادلا في صرف مال الله وجب على كل من بيده شيء منه من زكاة عين أو غيرها أن يدفعه ليصرفه. وزكاة العين موكولة لأمانة أربابها. فليس للأمير أن يهتك في طلبها أستارهم، ولا أن يفتش ديارهم، ولا أن يحلف إلاّ أشرارهم. فمن ادّعى عدم كمال نصابه أو حوّله صدق في قوله، كمسافر زعم أن قبلّ قدومه أخذت منه، أو أن عليه ديناً يسقط الزكاة عنه. ومن الأموال التي حرّم الله عز وجل على الأمرء وغيرهم كلّ ظلم، ومن الظلم ما يأخذه الأمير على ولاية القضاة أو غيره، وهو حرام بإجماع المسلمين، وذريعة لإفساد الدين، وفتح لأبواب الرشوة وقهر المساكين. ومن الظلم أيضاً الرشوة وهي حرام بإجماع فلا يجوز لسلطان ولا غيره من القضاة والعمال أن يأخذ من أحد الخصمين ولا من كليهما شيئا، لا قبل الحكم ولا بعده. ولا أن يقبل الهدية من الرعية، فإنها باب كل بلية. إذا دخلت الهدية على ذي سلطان خرج عنه العدل والإحسان. وكل ما يشتريه سلطان أو غيره ممن يتقى شرّه فهو قطعة نار، وصاحبه بالخيار. ومن الظلم أيضا العقوبة بالمال، كأخذ مال السارق أو الزاني، وهي حرام على كل حال إلاّ إذا كانت جناية الجاني متعلقة بذلك المال، كلّين خلط بماء، فالصدقة به حلال. ومن الظلم أيضا المكس وهو حرام بالإجماع. ومن زعم حليّته كفر فقد جاء في الخبر "لا يدخل الجنة مكّاس". المكّاسون إخوان الكلاب، يلعنهم الله حتى الغراب. ولا يملأ عين ابن آدم إلاّ التراب، ويتوب الله على من تاب. ومن الظلم أيضا، أخذ العُشر أو غيره من أرباب الحقوق أو التركات وهو حرام بإجماع المسلمين ونصوص الآيات، فطوبى لمن تاب إلى الله قبل الممات. وويل لمن غرّته شهواته حتى مات. فإن وقع بالناس مصيبة تفتقر لمال ولا شيء في بيت المال، ولا يمكن دفع ضررها إلاّ من أموالهم، وجبت الإعانة

عليهم بحسب أحوالهم، من غير أن يستمر ذلك عليهم، وذلك كسقوط حصن بمكان خوفٍ لا كمصيبة نزلت بسلطان من قائم عليه لينزع عنه ما بيده. فقد روى عن مالك رضي الله عنه أنه سئل عن الوالي إذا قام عليه قائم يطلب إزالة ما بيده: هل يجب علينا أن ندفع عنه قال؛ أما مثل عمر بن عبد العزيز فنعم، وأما غيره فلا، ودعوه وما يريد منه، ينتقم الله من ظالمٍ بظالم، ثم ينتقم من كليهما. ورأس كل بلية احتجاج السلطان عن الرعية.

الباب الثامن؛ في مصارف أموال الله يجب على كل من بيده شيء من مال الله ألا يصرفه إلا في المصارف التي شرع الله؛ (وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ) (وَسَيَعْلَمُ الَّذِينَ ظَلَمُوا أَيَّ مُنْقَلَبٍ يَنْقَلِبُونَ). الكرم دوام الملك. والبخل والتبذير خرابه. فالكرم بذل ما يحتاج له عند الحاجة لمستحقه بقدر الطاقة. فمن خرج عن هذا الحد فقد تعدى وظلم، ولا حظ له من الكرم. وهو إما بخيل أو مبذر في أرزاق بيت المال. وكل منهما خراب للمملكة على كل حال. فإن كان البخل أو التبذير جبلة سلطان، فعليه أن يستنيب في عطايا مملكته من ثقات خاصته أهلا لأن كلا من البخل والتبذير لا يليق بالملوك ولا يقترن بالمملكة أصلا. فمال الله الذي جعله الله رزقا لعباده قسمان؛ قسم لأصناف معينة، وقسم فيء يصرفه الإمام في المصالح. فالأول: زكاة العين والحرث والماشية، وزكاة المعدن، وزكاة الفطر. فمصرف غير زكاة الفطر الأصناف الثمانية، التي في قوله تعالى؛ (إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ) يجب صرفها في محل الوجوب ناجزا إن وجد به مستحق، وإلا نُقلت لأقرب مكان فيه مستحق. وإن كان في محل وجوبها مستحق وفي غيره أحوج منه. فرق في محل وجوبها بعضها، ونُقل للأحوج بعضها، بحسب الاجتهاد. وأجرة نقلها من الفيء لا منها. ولا يجب تعميم الأصناف كلها، فإن أُخرجت لبعضها أجزاء، إلا أن تُعطى للعامل فقط، فلا تجزئ. ويقدم الأهم فالأهم، والأحوج فالأحوج. ويفضل بعضهم على بعض بقدر الحاجة. ومصرف زكاة الفطر الصنفان الأولان فقط. فتصرف في محل وجوبها ولا يُعطى حارسها منها. فإن تعدر صرفها فيه، ففي أقرب مكان ممكن، كالزكاة. والثاني؛ وهو الفيء خمس الركاز والمعادن وخمس الغنيمة، وما يؤخذ من أهل الذمة وأهل الصلح، وما يؤخذ من تجارهما، وخراج الأرضين، وتركة لا وارث لها، وما أفاء الله به من أموال أهل الحرب بلا حرب. وحكم ذلك كله للإمام، يصرفه بالتقوى لا بالهوى، على الأهم فالأهم من مصالح المسلمين وهو واحد منهم. فقد اجتمعت حكماء العرب والروم والهند والفرس على أن سخاء الملك على نفسه مع

البخل على رعيته عيبٌ وفسادٌ لمملكته. وأحق الناس بالتوسعة عليه من مال الفيء حماة الدين، من قضاة المسلمين، والعلماء الأتقياء المرشدين. وأهل بلد كل مال أحق به من غيرهم، إلا أن تنزل بهم حاجة، فينتقل إليهم منها بعد إعطاء أهلها ما يغنيهم على وجه النظر. فإن كان غير أهل بلد المال أحوج من أهل بلده نُقِلَ لهم الأكثر بحسب النظر. وسيرة أئمة العدل في قسمة الفيء، وأن يبدأ الإمام بسد ما لا غنى عن سده، من حصن وسلاح وغيره. ثم بأرزاق العلماء والقضاة والمؤذنين، وكل من بيده شيء من مصالح المسلمين، كالمقاتلين. ثم الفقراء الأحوج فالأحوج، حتى يعيهم بأجمعهم من ذكر وأنثى، وصغير وكبير، بحسب احتياجهم وأنواع حوائجهم، ثم يعيهم بما بقي جميع الناس بالسوية غنيهم وأغناهم، عربيتهم ومولاهم. إلا أن يرى الإمام حبسه للنوائب بنية صادقة ونظر صائب. فإن اتسع المال أبقى منه في بيت المال فضلة لما يحدث من النوائب، وبناء المساجد، وفك الأسرى، وقضاء الديون، ومؤونة تزويج العزّاب، وإعانة الحجاج، وغير ذلك من وجوه الاحتياج. ويفضل آل النبي صلى الله عليه وسلم في قسمة الأموال وجميع الأحوال. فقد كان عمر بن عبد العزيز رضي الله عنه يخص أولاد فاطمة رضي الله عنها كل عام باثني عشر ألف دينار، سوى ما يعطي غيرهم من ذوي القربى. فهذه سنة صرف أموال الله عز وجل للمسلمين لكن الظالمون اليوم في ضلال مبين، قطعوا العدل والإحسان، ووصلوا الظلم والبهتان، فقلّت أرزاقهم، وساءت أخلاقهم، وجاءهم الموج من كل مكان. (رَبَّنَا مَا خَلَقْتَ هَذَا بَاطِلًا سُبْحَانَكَ فَقِنَا عَذَابَ النَّارِ. رَبَّنَا إِنَّكَ مَنْ تَدْخُلُ النَّارَ فَقَدْ أَخْزَيْتَهُ وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ. رَبَّنَا إِنَّنَا سَمِعْنَا مُنَادِيًا يُنَادِي لِلْإِيمَانِ أَنْ آمِنُوا بِرَبِّكُمْ فَآمَنَّا رَبَّنَا فَاغْفِرْ لَنَا ذُنُوبَنَا وَكَفِّرْ عَنَّا سَيِّئَاتِنَا وَتَوَقَّنَا مِنَ الْأَبْرَارِ. رَبَّنَا وَآتِنَا مَا وَعَدْتَنَا عَلَى رُسُلِكَ وَلَا تُخْزِنَا يَوْمَ الْقِيَامَةِ إِنَّكَ لَا تُخْلِفُ الْمِيعَادَ).

والصلاة والسلام على سيدنا محمد الأمين. وسلام على المرسلين والحمد لله رب العالمين. كمل مصباح الأرواح من نسخة التي نسخت من خط من نسخه من خط من خط مصباح عصره محمد بن عبد الكريم المفيلي التلمساني لطف الله به وكان الفراغ يوم الثلاثاء عند الضحى في يده صاحبه سلمان بن أبي بكر البرنوي الحمد لله رب العالمين والصلاة والسلام على سيد المرسلين وعلى آله وصحبه أجمعين ورضي الله تعالى عن السادة التابعين والعلماء العاملين والأئمة الأربعة المجتهدين ومقلديهم إلى يوم الدين.

**CHAPTER SIX**  
**ENGLISH TRANSLATION AND COMMENTARY**  
**ON “TAJ AD-DIN FI MA YAJIB ALAL MULUK”**

Written c.901 AH (c.1495 AD) By:  
Sheikh Abu Abdullah Muhammad Ibn  
Abdul Karim Ibn Muhammad Al-Maghili  
(c.844-911 AH) (c.1440-1505 AD)  
Translated By:  
Mr. Tom Baldwin (Principal, Katsina College)  
(February 1929)

Edited By:  
Professor Arnold (School of Oriental Studies,  
Rabat, Morocco) (March 1930)

Further Editing & Commentary By:  
Professor Sani Abubakar Lugga  
The Waziri of Katsina  
(Muharram 1443 AH - August 2021 AD)

**NOTE:**

THE COMMENTARIES BY  
PROFESSOR SANI ABUBAKAR LUGGA, MFR  
THE 5<sup>TH</sup> WAZIRI OF KATSINA  
ARE WRITTEN IN ITALICS FOR EASE OF  
PERUSING AND COMPREHENSION

## **TAJ AD-DIN FI MA YAJIB ALAL MULUK**

### **(THE CROWN OF RELIGION ON WHAT IS COMPULSORY UPON KINGS)**

In the name of Allah, the Most Gracious, the Most Merciful. May Allah bless our Sayyid Muhammad, his Family and his Companions; a firm blessing. Thus says the learned teacher, the well instructed and erudite Imam, the crown of the Faith and lamp of the Muslims, Abu Abdullah Muhammad son of the revered Sheikh Abdul Karim son of Muhammad al-Maghili; may Allah be gracious and merciful to him, ameen. And may Allah also help him in his undertakings and turn him away from all what is unlawful. Praise be to Allah, the Lord of the Universe, the Merciful, the Compassionate, the Ruler of the Day of Judgment. And may His Blessings and Peace be upon the Messenger of Allah, the best of all Allah's creatures, Muhammad son of Abdullah, on his Family and on his Companions; all of them.

After this; may Allah confirm you (King of Kano, Muhammad Rumfa) in piety and guard you from the pitfalls of worldly desires!

Verily kingly power is a viceroy from Allah (SWT) and a stewardship from Allah's Messenger (SAW). How great, then, is its dignity and glory; and how heavy is its burden.

*The greatness and the weight of the burden of leadership are clearly spelt out when Allah (SWT) appointed Prophet Dawud (AS) as a King and Allah says to him, "O Dawud (King David)! Verily, We have placed you as a Viceroy on the Earth; so judge you between men in truth (and justice) and follow not your desire, for it will mislead you from the path of Allah. Verily, those who wander astray from the path of Allah (shall) have a severe torment (in*

*Hell-fire) because they have forgotten the Day of Reckoning. (Qur'an 38:26).*

If the King follows the path of righteousness, then, piety will cut the throat of his worldly desires. If he goes astray, then his piety will fall victim to worldly lust. On you, oh King, is enjoined the fear of Allah. Every soul shall taste of death and you shall receive nothing but the reward of your worldly works on the Day of Judgment. Whosoever is set far from the Hell Fire and placed in the Paradise has triumphed. Earthly life is only vanity.

*This is direct reference to where Allah says, "Everyone is bound to taste death. And you shall receive your full reward on the Day of Resurrection. Then, whoever is spared the Hell-Fire and is admitted into Paradise Garden has indeed attained success. For the life of this World is merely an illusory enjoyment". (Qur'an 3:185)*

*It is also important for all people to always remember that Allah (SWT) has bestowed on each and everyone some form of leadership, which he/she shall account for in the Hereafter. Abdullah Ibn Umar (RLA) narrated that the Prophet (SAW) said, "Every one of you is a guardian (shepherd) and is accountable (to Allah) for what is committed to his charge. The Leader of people is a guardian in respect of his subjects and he is responsible for them. A man is a guardian in respect of his family and others in the household and he is responsible for them. A woman is a guardian in respect of her husband's property and children and she is responsible for them. The servant of a man is a guardian of the property of his master and he is responsible for it. In short, everyone is a steward and is accountable (to Allah) for those people and things placed under his care" (Bukhari and Muslim).*

*The above Hadith places a much greater burden on the Leader who, in addition to his family and properties, is also responsible for all his subjects and their properties! What a burden on a Leader who shall account for millions of his subjects in front of Allah (SWT).*

We will now put before you, oh! King, in regards to this a brief exposition in **Eight Chapters**. May Allah help us to the truth!

## **CHAPTER ONE**

### **This First Chapter Sets Forth The Ideals Which Should Animate The King.**

Authority is a war that swings between worldliness and piety and every wise and faithful man must put away worldly motives from him as far as in him lies. Except if it becomes absolutely necessary for him to take it up; here place all your trust in Allah and seek His help in all your affairs. Let all your works be unto Allah, and remember that you are only one of His creatures. Many would be more powerful than you if it were not for His help. So let all your hopes and fears be in Allah and all your cares centred on the welfare of His creatures.

*The Glorious Qur'an and the Hadith are replete with the responsibilities of Leaders and those of Followers. A leader must be just and fair to his people and the Followers must obey a just and fair Leader. For example, Allah says to Leaders that, "...Verily! We (Allah) have placed you as a viceroy on earth, so judge between people in truth and justice and follow not your desire for it will mislead you from the Path of Allah. Verily; those who wander astray from the Path of Allah shall have a severe torment. (Qur'an 38:26). The Followers were admonished by Allah as follows: "O you who believe! Obey Allah and obey the*

*Messenger (Muhammad), and those among you who are in Positions of Authority (Qur'an 4:59)*

Allah has not invested you with power that you may lord it over your subjects and dominate them. But Allah has put you in authority only to foster your subjects' spiritual and material well-being. So give thanks for Allah's bounty to you and do good as Allah has been good to you.

*Allah says, "But seek, with that, which Allah has bestowed on you, the home of the Hereafter, and forget not your portion of legal enjoyment in this World, and do good as Allah has been good to you, and seek not mischief in the land. Verily, Allah does not like those who commit great crimes and sins: the oppressors, the tyrants, the mischief-makers, the corrupt". (Qur'an 28:77)*

Do not despair of Allah's mercy, for He has dispelled uncountable number of woes!

*Allah says in the Qur'an 39:53, that, "Say: O My servants who have transgressed against themselves (by committing evil deeds and sins)! Despair not of the Mercy of Allah, verily Allah forgives All sins. Truly, He is Oft-Forgiving, Most Merciful.*

**Truly, the veiling of the King from his subjects is the source of all mischief.**

*The term "veiling" here is suggested to refer to the oriental seclusion adopted by the later Abbasid Caliphs and several other Leaders, which was in strong contrast with the intimate relations that existed between Prophet Muhammad (SAW) and the early Caliphs and their subjects. Therefore, a Leader must always be active, watchful of events in his Domain and available to his people. As the going goes, "truly, the veiling of the King from his subjects is the source of all mischief".*



## CHAPTER TWO

### **This Second Chapter Is On What Is Incumbent On The King In Maintaining A Fine Style And Dignity.**

Authority is a curb to the wilful souls of men. Every King, then, should put on the mantle of dignity, whether in town or at countryside. Manifest your love of what is excellent and worthy to the people; show your hatred of corruption and corrupt people. Adorn your body, perfume your breath and make comely your apparel with the adornments that are permissible to men, without imitating the fashions of women or reducing the treasury to bankruptcy. Do not deck yourself with gold, or silver, or voluminous silk for that is shameful, ignoble and improper.

*A Leader should appear in decent, humble and noble but attractive attires; and must maintain clean body and dresses. Dirty and tattered dresses are not for Muslims; talk less of being a Muslim Leader! According to Aisha (RLA), Prophet Muhammad (SAW) was very fond of perfumes, especially “men’s scents” i.e. musk and ambergris. The Prophet (SAW) himself said, “The best scent is the perfume of musk (At-Tirmidhi). Prophet Muhammad (SAW) and his Companions (RLA) led simple and humble lives. Tradition dwells fondly on the Prophet’s simple life.*

Sit cross-legged when you seat yourself, be still as far as you are able to be; and do not fidget your eyes or your hands. Let your eyes be downcast though your looks should be searching and your glances observant. Approach people with due courtesy and let that which you receive from people in speech to be according to what is true. Do not open your mouth even in order to yawn. If the urge to yawn comes to you utter the name of your Lord and it will pass from you. But if you have allowed the desire to overpower you

then cover your mouth with the back of one of your hands. Laugh not loudly ever; for only the blind in heart do this to the increase of their blindness.

*Laughing at the misery of someone is prohibited in Islam. Equally, excessive laughter even in a joking mood is prohibited as the Prophet (SAW) said, “Do not laugh too much, for excessive laughter kills the heart spiritually (Ibn Majah). On the other hand, smiling is encouraged as it is a source of reward from Allah. It is reported severally that Prophet Muhammad (SAW) would always smile. Abdullah ibn Harith (RLA) reported that he did not see anyone who smiled more than the Prophet (SAW). The Prophet (SAW) also said that “your smile for your brother is charity (that attracts reward from Allah)” (Tirmidhi)*

Be covetous of silence always, for seldom is the talker safe. If you must speak, be brief and clear. Be mindful of the fact of death, for a man may regret his sayings and his thoughts. The substance of man is in his two smallest members: i.e., his heart and his tongue; so put prudence before you in all your affairs; as the tongue is the mirror of the heart; and the heart is the store of your actions.

*Being able to speak is a blessing, and Allah (SWT) has granted such ability to people for specific purposes. On the Day of Judgment everyone will be held responsible for every word they have uttered in this World; therefore caution must be exercised in speaking. Two Angels are assigned to each person to record his/her good and bad deeds and utterances; Allah says, “He (person) does not utter a statement except that there is an Observer by him ready to record it”. (Quran 50:18). Allah also says, “O you who believe; fear Allah and speak a word that is right. He will set right for you your deeds and forgive you your*

*sins. And whoever obeys Allah and His Messenger (Muhammad) has certainly attained a great achievement” (Quran 33:70-71).*

*Abu Huraira (RLA) said that the Messenger of Allah (SAW) said, “Let him who believes in Allah and the Last Day speak good, or keep silent (Bukhari and Muslim). The Prophet (SAW) also said, “A man might speak a word without thinking about its implications, but because of it, he will plunge into the Hell Fire further than the distance between the east and west” (Bukhari and Muslim).*

The two most shameful things are: arrogance in a citizen and falsehood in a King. If you converse, be truthful. When you make a pledge/promise, fulfil it.

*Allah (SWT) has clearly admonished people to fulfil their pledges/promises. He says, “...And fulfil your pledges. Verily! The pledge will be questioned about (on the Day of Judgement)”. (Qur’an 17:34)*

If you command or forbid, be urgent till you have attained your purpose. Beware lest your deeds march short or your words or the awe of you will depart from the hearts of your Ministers and your citizens. If the King is slack in enforcing his orders, weakness appears in all his affairs; the whole of his authority among men is enfeebled and he casts off his garments of majesty and excellence. Do not bring into your Council and your work meanly persons in the eyes of the people, for a man’s retinue is his garment. Choose, therefore, good garments (in people). A King who draws near to him the best of his people and turns aside the bad ones is virtuous; a King who draws the worst of his people and avoids the good ones is evil. You may know a man by his friend, as it is the whole World over.

*A leader's success or failure is determined by the type of Viziers, Councillors, Servants, Friends, etc; he brings close to him and works with. Good people assist the Leader in good works and bad people lead the Leader astray. Allah clearly admonished people to select or elect leaders who are strong physically and in character; and are trustworthy. Allah says, "Verily the best of men for you to hire (appoint or elect) is the strong, the trustworthy (Qur'an 28:26). Good Leaders have good advisers who they always consult with and then depend on Allah in the execution of whatever resolutions they reach. Allah says, "...And consult them in the affairs. Then when you have taken a decision, put your trust in Allah, certainly, Allah loves those who put their trust in Him (Qur'an 3:159).*

Do not enslave yourself to garments or to stallions, or a Palace or an estate. In sum, the condition of the King and the condition of his subjects are like the two pans of a balance. Spend on your own account more or less, to keep the balance even.

**Truly, the veiling of the King from his subjects is the source of all mischief.**

### **CHAPTER THREE**

**This Third Chapter Concerns The Duties Of The King In The Organisation Of His Realm.**

Authority rests on wise management in government. Every King must manage his Kingdom well both at home and abroad, and must do all that in him lies for the welfare of his subjects. For this he has servants in his presence to do him service; men of wisdom who give wise counsel, trustworthy men who collect and spend public funds, scribes and accountants who keep records, messengers, informants, watchers and patrolmen. There are also learned and

trustworthy religious men who guide aright, meritorious leaders who assemble to prayer, upright men who bear witness, advocates who intercede, trusted Judges who give just decisions, men who honour Allah, Governors who love to pay their due, Viziers who fear none but Allah. Again, there are strongholds well fortified and well provisioned, spirited horsemen and bold footmen ready for all emergencies, munitions plentiful and strong; and accomplished and trusty physicians.

Then in the wars there are viziers who assemble the men, who ease the burdens, encourage warlike ardour and bearing of arms, and marshal the army for the combat. There are also the eloquent poets to kindle the hearts of the brave and to pour scorn on those who flee. There are those with knowledge of the art of war by whose counsel anxieties are cleared. War, indeed is treacherous; guile counts for more therein than strength or speed.

*These are the requisites for good leadership, which tally with the speech of the most referenced Caliph, Umar bin al-Khattab (RLA), who stated on assumption of office that, “Now that I am in charge of your affairs, be sure that roughness has been increased. My severity will show on the unjust and the enemies of the Muslims. But for those who are peaceful, religious, and with good intentions, I am softer on them than they would be with each other. I will not allow anyone to be unfair or to encroach upon somebody else. But those who do, I would put their face on the ground, and put my foot on their chest until they accept what is right. With all this severity I am ready to lower my head to the poor people and to the contented. You can find in me the following characteristics which I promise to maintain: Firstly, I will never touch any money from the tax we collect, or from alms money. Secondly, nothing of state money will be spent except in the right way. Moreover, I am*

*going to increase what is assigned to you and to defend the country. I also promise not to lead you to destructive wars, and not to leave soldiers for long periods on the front lines. When you go on an expedition, I promise to take responsibility for your families until you come back. Slaves of Allah, watch Allah in every action. Help me in governing you by being righteous; and help me against myself by giving me the right advice and by stopping me from committing any thing that is wrong. Having accepted what I wanted to say, I ask Allah for forgiveness for me and for you.”*

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## **CHAPTER FOUR**

**This Fourth Chapter Concern The Duties Of The King In Taking Precautions, Whether At Home Or Abroad.**

Kingly power is seductive and caution is its shield. The glamour of royalty gives a false confidence, hence the constant need for caution. Therefore, show firmness and restraint in dealing with your wives and children.

*The home front is very important in leadership. Anyone who cannot effectively and efficiently handle his home is likely not to be able to handle outside leadership efficiently.*

And show eagerness for effective warriors and arms. Rise from the company of cat and mouse to share the habitations of the wilderness. Has not Allah shamed the coward among men and clothed him with a gown of disgrace on Earth? Can Kingdoms been ruled by poltroons in our day? Nay; leadership is by valour alone that it can be won. A brother to War, when War shows her fangs and girds up her loins, is ready for fight; and when she subsides, he subsides.

The sojourn of a King only in the city breeds and brings all manner of trouble and harm to his people. The bird of prey abides in the open and the wild places. The cock only struts around his domains. The eagle wins his realm by firm resolve in the skies and on the land; and the cock's voice is strong as he masters the hens. Ride the horses of resolution upon the saddles of prudence. Cherish the land from the spoiling drought, from the raging wind, the dust-laden storm, the raucous thunder, the gleaming lightning, the shattering fireball and the beating rain. Kingdoms are held by the sword, not by delays. Can fear be thrust back except by causing fear?

Allow only the nearest of your friends and aids to bring you food and drink and bed and clothes. Do not part with your coat of arms and weapons and let no one approach you save men of trust and virtue. Never sleep in a place of peril and keep on rotating your places of sleep. Do not use your regular dresses in places where you sense danger. Have near to guard you at all times a band of faithful and gallant men, sentries, bowmen, horsemen and footmen. Times of alarm are not like times of safety. Conceal your secrets from people until you master your undertaking.

*Caution in Islam is a great virtue. For example, in the event of war Allah says, "When you (O Muhammad) are among them, and lead them in prayers, let one party of them stand up (in prayer) with you taking their arms with them; when they finish their prostrations, let them take their positions in the rear and let the other party come up which has not yet prayed, and let them pray with you taking all the precautions and bearing arms. Those who disbelieve wish, if you were negligent of your arms and your baggage, to attack you in a single rush..." (Qur'an 4:102) Caution is also exemplified in a Hadith that outlines the story of a Bedouin man who was leaving*

*his camel without tying it; where Prophet Muhammad (SAW) ) asked him “Why don’t you tie down your camel?” The Bedouin answered, “I put my trust in Allah.” The Prophet then replied, “Tie your camel first, and then put your trust in Allah.” (At-Tirmidhi)*

Beware of slanderers though they be more than seventy in number and be not beguiled by men’s outward seeming. Be shrewd and understanding in every matter. Question those who bring gifts; to dismiss them is wise and to retain them is folly. “I will send to them a gift and wait what my envoys bring back.”

*These words were spoken by the famous Queen of Sheba, who is called Bilqis in Islam. She was a sun-worshipper, who received a letter from Prophet Suleiman (AS) (King Solomon) demanding her submission to Allah’s worship. Fearing an invasion from King Suleiman (AS), she sought to temporise by sending gifts to him. Allah says, “Biqis says, “But Verily! I am going to send him (Suleiman) a present, and see with what (answer) the envoys return. So, when (the envoys) came to Suleiman (Solomon), he said: “Will you help me in wealth? What Allah has given me is better than that which he has given you! Nay, you rejoice in your gift!” (Qur’an 27:35-36)*

Remove every stronghold which you cannot control lest your enemies resort to it; and your people would be divided and trouble would be increased. Beware of ropes, lest the serpent bites you.

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## **CHAPTER FIVE**

**This Fifth Chapter Concerns The Duties Of The King In The Investigation Of Affairs.**



Authority is perspicacity among creatures of cunning. Every King must investigate certain matters according to divine decree, namely those which if neglected may bring an evil consequence. He must enquire about everything he does not know from the upright, the trustworthy, the Allah-fearing and the responsible people who are at hand. He will take in charge all the abandoned people, the orphans and the feeble-minded, and will cause them to be brought before him for care. He will discover the number of the heirs of those deceased and will look into the affairs of all boys and girls who are minors.

*The care of the minors and the feeble-minded, especially as it concerns inheritance, is part of the regular duty of a Muslim Judge, so it is a priority duty of the King, who is the supreme judge in his Kingdom. Absolute care must be taken in ensuring that items of inheritance are given to the due beneficiaries as stipulated by the Shari'ah.*

He will scrutinise the treasury, the stipends of Governors, and all other matters, whether of property or otherwise, which are under his care. He will do all these attentively and with restraint, not with apathy and covetousness. If the shepherd let stray his flock in the desert, of what use is his care in the stables?

The King must watch his Governors vigilantly in all their works, weigh carefully their statements and examine their conditions. He will estimate their wealth before appointing them and will watch their conduct on all occasions. Take away whatever is in excess of their proper earnings and, if in doubt, divide it into two and take half.

*This is a form of “assets declaration” for public servants, which should be aimed at curbing bribery, corruption, injustice and embezzlement.*

Whoever has failed in his duties should be reprimanded. Whoever is feared that he would be unjust, should be removed from office. If any of them is the object of repeated complaints, albeit the evidence is not clear, the King should change him if he can find a suitable substitute. Otherwise people will use the officer as the householder uses the steps of his house or the milkman uses the one who holds his cow for him.

To his subjects, the King will be as the shepherd of a flock among ravening lions, for from evil Governors all manner of corruption in every land emerges. If engaged on any matter, be sincere. When appointing any agent, choose the best! If he performs well, you share the goodness; and if he performs poorly, you share the blame. Whoever keeps at his gate a ravening hound, and the hound bites people, it is as if he had bitten the people!

*These are similar to the instructions Caliph Umar ibn Al-Khattab used to issue to all his appointees, i.e., “Remember, I have not appointed you as commanders and tyrants over the people. I have sent you as Leaders instead, so that the people may follow your example. Give the people their rights and do not beat them unduly lest they become abused. Do not praise them unduly, lest they fall into the error of conceit. Do not keep your doors shut in their faces, lest the more powerful of them eat up the weaker ones. And do not behave as if you were superior to them, for that is tyranny over them”.*

Moreover the King should investigate the case of anyone who is strongly suspected of corrupt practices, should these be duly

attested. If upright men give evidence that anyone has wine in his house, or shows signs of it in his dwelling, should be searched. If wine is found there the King will make him an example and punish him; if not, he will threaten and rebuke him. Should anyone betray signs of wine-bibbing from his odour, speech or gait; then his breath will be tested. If the smell of wine is certain, he has drunk it even though he has not been suspected of this offence. If the breath is uncertain he will be admonished to the extent that his reputation warrants.

A man who is found in company of a woman who is not his wife in suspicious circumstances should be whipped if there is not sufficient evidence to warrant for the legal penalty. The man will receive some punishment for his evil intention although the evidence is not sufficient to inflict on him the legal penalty for adultery or fornication.

The King should search out the news of foes from trusty agents in times of strife and safety alike, until there is nothing hidden from him of their down-sitting and up-rising. Truly ignorance is blindness and a discerning man will overcome a thousand blind ones. The greatest of calamities is an unforeseen invasion of the people. Consider well the sayings of Bilqis “I will send to them with a gift”; etc.

*Islam prohibits people from deliberately spying on another, but encourages intelligence gathering for security purposes. In the case of deliberately spying on one another, Allah says, “O you who believe! Avoid much suspicion, for some suspicion is a grave sin; and do not spy (on one another), nor backbite (against one another). Would any of you love to eat the flesh of his dead brother? You would abhor it!” (Qur’an 49:12.*

*But for security purposes, the Glorious Qur'an gives a lot of instances. The sister of Prophet Musa (AS) (Moses) was sent by their mother to spy on the household of the Pharaoh to see what happens to the young Musa who was just picked up from the Nile River in a basket by the Pharaoh's wife. In the story of Prophet Suleiman (AS) (King Solomon), the Hoopoe (bird) performed the intelligence gathering. The Quran also attaches great importance to the analysis and dissemination of security information by experts. This is evident in a Verse in which Muslims are directly instructed to report any security information to those in charge of the security of the State, who, the Quran asserts, are better equipped to understand and deal with its implications (Qur'an 4:83)*

*The Sunnah of Prophet Muhammad (SAW) is replete with instances of intelligence gathering before the Hijrah to Medina, during the times of war with the infidels of Mecca and during the raids and the blockade of caravan routes linking Mecca to the outside World, especially the desert overland routes from Mecca to Syria in the north and to Yemen in the South. Indeed, spying or intelligence gathering for security reasons is valid and of most importance in Islam.*

The King will scrutinise the blaming of backbiters (slanderers) and the praises of flatterers. How many distant ones have they brought near and how many that were near have they driven far! How many foes have they caused to be loved, and how many friends have they made to be hated! How many strongholds has the slanderer wrecked with his lips, and not with an iron axe! So banish the slanderer far from you. How many a rightly guided sage has he made to look foolish! And some there are who praise much, then blame much; and they blame much, then praise much, so that

you may be hard put to it to know whether they praise or blame. So look into every matter and be cautious of your allies in all things. How many of our people have given the plan of campaign into the hands of the Jews and the Christians!

*Major sins are indeed the cause for all misery, evil and torment in this World and in the Hereafter. And the worst of all major sins are those that are greatest in harm and danger to humanity like backbiting and slandering. These two sins are forbidden by Allah because they sow enmity, they cause hostilities between people of the same household and between neighbours; and even between communities or Nations. Lives have been lost and properties have been destroyed as a result of the evils of backbiters and slanderers. On slanderers and backbiters Allah says, "Oh you who believe! If a wicked person (slanderer) comes to you with any news, ascertain the truth, lest you harm people unwittingly, and afterwards become full of regret for what you have done (Qur'an 49:6). The punishment for slanderers and backbiters in the Hereafter are clearly stated by Allah as, "Waelun (Hell Fire) is for every Slanderer, Backbiter" (Qur'an 104:1).*

*The Prophet (SAW) once gave counsel to Abu Dharr (RLA), saying: "O Abu Dharr! Beware of backbiting, for backbiting is graver than adultery." Abu Dharr (RLA) said: "Why is that so, O Messenger of Allah?" He (SAW) replied: "That is because when a man commits adultery and then repents, Allah accepts his repentance. However, backbiting is not forgiven until forgiven by its victim". This Hadith is backed by another where Abu Hurairah (RLA) reported that, the Prophet (SAW) said, "Do you know who is a bankrupt?" The Companions (RLA) said: "The bankrupt among us is the one who has neither money with him nor any property". The Prophet (SAW) said, "The real bankrupt of my*

*Ummah would be he who would come on the Day of Resurrection with Salat, Saum and Sadaqah (charity), but he will find himself bankrupt on that day as he will have exhausted the good deeds because he reviled others, brought calumny against others, unlawfully devoured the wealth of others, shed the blood of others and beat others, etc; so his good deeds would be credited to the account of those who suffered at his hand. If his good deeds fall short to clear the account, their sins would be entered in his account and he would be thrown into Hell Fire” (Muslim).*

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## **CHAPTER SIX**

**This Sixth Chapter Concerns The Duties Of The King In Respect To Righteous Judgment.**

Royal authority has two pillars of support: justice and charity. Justice means that the King shall pay every claimant his full due, both from himself and from others; charity means that he is bounteous with his own substance not with the property of others. Justice, again, requires him to give no precedence to either of two parties in a case in respect of their mode of entry or seats in his Court. In other words, the Judge will see that the more powerful of the litigants does not score any advantage over his humbler rival.

He will not pay undue attention to them, or converse with them, or have other dealings of the kind with them. In all his proceedings he will avoid showing any partiality to one or the other, being neither so grim as to scare them nor so pleasant enough to make them bold. If anyone greets him he will only return the salutation. He will not chat affably with him until it is plain that he is not one of the litigants or a mediator. If either of the parties asks him how he

does, he will ignore the question and say to them both “come to the matter in hand and be just in the dispute; neither of you is given any preference here today”. If one assumes precedence over the other in his entry, or his place in Court, the Judge will make them equal and will treat them as such.

*Justice is a key pillar of leadership. The Glorious Quran is replete with the mention of justice at all levels of leadership and in all human dealings with one another; e.g., in Qur'an 4:35 where Allah says, “O You who believe! stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or our kith and kin, be he rich or poor, Allah is a better protector to both (than you). So follow not the lusts (of your hearts), lest you may avoid justice, and if you distort your evidence or refuse to give it, verily, Allah is ever well acquainted with what you do”. And in Qur'an 16:90 Allah says, “Allah commands justice, the doing of good, and liberality with the kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He admonishes you, that you may heed the admonition”.*

*The Prophet (SAW) stated that a just leader has a special place on the Day of Judgment, as narrated by Abu Huraira (RLA) that the Prophet said, “Seven sets of people shall be sheltered by Allah in His Special Shade on the (Judgment) Day where there shall be no shade except that of Allah. Those sets of people are, first, a just Leader...” (Bukhari). Injustice has horrific consequences. The unjust will not be judged only on the Day of Resurrection, as Allah will test them with calamities right from this World. The Messenger of Allah (SAW) said: “There is no sin more worthy of Allah hastening the punishment upon its practitioner in the World along with what is in store for him in the Hereafter than injustice and severing the ties of kinship.” (At Tirmidhi). Leaders at all*

*levels should beware of the prayers of the oppressed, which never fail. Abu Huraira (RLA) narrated that the Messenger of Allah (SAW) said: "There are three persons whose supplication is not rejected by Allah: the fasting person when he breaks his fast, the just Leader, and the supplication of the oppressed person; Allah raises it above the clouds and opens the gates of Heaven to it. And the Lord says: 'By My might, I shall surely aid you, even if it should be after a while.'" (At-Tirmidhi)*

Justice also requires the Judge to give each of the parties his turn in speaking. He will accept no witness who is not upright and dependable or who is suspected of bias against the defendant. If right judgment is difficult, the judge will, after persevering investigation, diplomacy and close scrutiny, select from the witnesses the most truthful in character.

*Muslim Scholars have opined that it is one of the functions of the Muslim Judge to draw up a list of competent witnesses. These will include only persons of approved character who, once accepted, are presumed to speak the truth. Suspicion of bias disqualifies a witness. In criminal matters that require serious punishment (like in adultery or fornication) four male witnesses are required. But in civil matters, two competent male witnesses or one male and two females are sufficient. Allah says, "O you who believe, ...get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as you choose, for witnesses; so that if one of them (the women) errs, the other can remind her ...So fear Allah; for it is Allah that teaches you. And Allah is well acquainted with all things. (Qur'an 2:282)*

For it is on the evidence that matters turn, and most witnesses are deluded by error and steeped in ignorance. The Judge will have to certainly inform the defendant of the reasons of the plaintiff and



will hold him innocent until he is sure that the accuser is not unjust and the case is proven beyond reasonable doubts. When the matter is concluded he will give judgment after suitable consultation. No judgment is lawful unless it accords with the recognised principles of Islamic legal authority. An unsupported verdict is unjust and erroneous.

The judge must unravel all evidence and must treat cases which lack proof according to their kind.

*Having dealt with the selection of witnesses the Author (Sheikh Al-Maghili) proceeds to discuss cases where conclusive evidence is not available.*

A charge of theft in default of clear evidence may fall under one of three heads. The first is when the charge is at odds with the reputation of the man accused. Then the Judge will pay no heed to the plaintiff's cause but rather punish him for defamation if the defendant is an upright man. The second case is when the charge accords with the defendant's reputation. Here a punishment must be given. The accused will be put in ward, threatened, cautioned and whipped, according to the crime and his degree of infamy. It is sometimes resolved when there is not clear evidence in the case such as stealing, to put the defendant on oath. This happens when he is known to have committed a similar offence, and when his evil doing is renowned and confirmed.

*It should be generally noted that, the onus of proof is always on the plaintiff, so in default of satisfactory evidence there would be no need to put on oath the defendant, if he is of proven good reputation.*

Moreover, by reason of ill-repute, the plaintiff may become the defendant. A confirmed and notorious evil-doer will be imprisoned until he amends, or until he dies.

*For example, when a man of ill-repute accuses a man of good-repute and no substantial evidence is produced, the accuser shall be punished for character assassination. Here, it is the duty of the Muslim Judge to decide which of the two litigants is to be the plaintiff and who shall be the defendant. This is a somewhat technical matter that must be treated with utmost caution and proper Islamic legal knowledge.*

A third case, falling between the other two, is when nothing is known of the accused. When this is so, the Judge must detain the accused and enquire into his character. If as a result, either of the previously mentioned conditions emerges, the Judge will act accordingly. If not, he will dismiss the accused after investigation with admonition, warning and threats which will vary in severity as prudence requires. In all this, the Judge will act piously and not with self-interest. Men are not all alike in character. This, then, is the procedure when a man is charged with an offence like theft without sure evidence.

But a man who is accused of crime like homicide must first be put in ward, fettered, examined and threatened. If evidence appears, action will be taken; if not, his reputation must be scrutinised. When this agrees with the charge he will be kept in prison for a considerable time, otherwise hasten to discharge him. Every man will be judged according to circumstances and evidences.

It is the bounden duty of a great King to sit every day where the people, particularly the women and the children may have access to him. Because many of them may not have been satisfied by his

appointed Judges and Governors and Councillors; for it is often against these that the people have complaints. He must not hesitate to rebuke the Judges and the Governors on this account or they will use him as the householder uses the steps of his house or the milkman uses the man who holds the horns of his cow. The pious Caliphs (RLA) deposed their good officers by reason of the peoples' complaints, so as to draw people close to the Authority; and this may make people to be more poised and thereby gaining their fellowship.

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## **CHAPTER SEVEN**

**This Seventh Chapter Is Concerned With The Lawful Collection Of Revenue by The King.**

No King shall raise money except in the manner which Allah (SWT) has sanctioned. He, who over steps the limits which Allah has set, has harmed himself.

*Allah has warned that, "These are the limits (ordainments set by Allah), and whosoever obeys Allah and His Messenger (Muhammad) will be admitted into Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success. And whosoever disobeys Allah and His Messenger (Muhammad), and transgresses His limits, He will cast him into the Hell Fire, to abide therein; and he shall have a disgraceful torment". (Qur'an 4:13-14)*

Bounty is the soul of kingly power but meanness brings it into abomination. The essence of bounty is for the King to keep his hands from the people's goods. Restraint therein causes the realm to endure in beauty; covetousness makes it quake and fall in ruins.

The kinds of wealth which Allah has sanctioned a King to get and spend include:- the Islamic taxes of money, produce, animals, minerals, underground hidden wealth, a fifth of the booty, the tax on non-Muslim subjects and imports levied on the merchants, estates which have no heirs, the wealth which Allah bountifully provides from the enemy without war.

When the King is just in spending Allah's wealth, all owners of wealth, from which Islamic taxes or other charges are due, are bound to bring it to him for disposal. The money tax is confided. Those wealthy people who are of good faith and are just are allowed to disburse the tax of their money wealth. The King is not allowed to encroach on such people's privacy to search their houses in quest of it, or to exact an oath from anyone of them. But the King could exact an oath to the unjust and the evil-doers who have such wealth. A man must be trusted when he pleads a lack of the full sum due from his rank and station. A wayfarer, for example, will be released from tax if he claims that was taken from him before his coming or that he has a debt to discharge.

Now Allah (may His Name be exalted and magnified) has forbidden to Kings and other persons all wealth that is unjustly raised, as is any sum taken from Judges and other officers on their appointment. This is forbidden by the Body of the Faithful (*Ijma*), for it leads to the spoiling of religion, and to the opening of the gates of bribery, a thing which is unlawful for all Muslims and unjust to the needy.

*The Arabic word "Ijma" mentioned here means the consensus opinion of respected Muslim Scholars, which is one of the recognised bases of Islamic Law. The principle of "Ijma" allows for decisions on some matters in Islam which are not defined or found in the letters of the Qur'an or the Hadith.*

It is not permissible for the King, his Judges or Governors, to take any sum from either of the two parties in a dispute and at Law, whether before or after judgment. Gifts may not be accepted from subjects for they open the doors to all corruption. If gifts come to the King, justice and fairness are gone away from him. When the King permits a gift from a man of doubtful character he has chosen Hell Fire for his portion and the burden is his. It is oppression to punish by taking fines from a thief or an adulterer.

*The practice of fining has a long and scandalous history in Islam. It became shockingly common in the middle of the Abbasid period. In these two cases of theft and adultery, for example, the imposition of a fine was made to benefit the King's pocket by contravening the legal penalty of mutilation of the hand for a thief and stoning to death for an adulterer.*

Fining is forbidden by the Faithful in all cases except when the sin of the sinner is mixed with money as milk is mixed with water. If this is so it is lawful to take the fine and give it in alms.

Under serious forms of oppression, is extortion. This is forbidden for and by the Faithful and whosoever claims the contrary is an unbeliever. We learn by tradition that no extortionist shall enter Paradise. Extortionists are the brothers of dogs and even the Raven (the bird of ill-omen) shall curse them. The souls of men will swell the dust but Allah will be merciful to those who repent.

*Abu Dharr (RLA) reported the Prophet (SAW) as saying that Allah said: "My servants, I have made oppression unlawful for Me and unlawful for you, so do not commit oppression against one another" (Sahih Muslim)*

It is oppression to take the tenth from those who claim dues of inheritance, for this is forbidden. As the Verse runs "Joy to him

who turns toward Allah before death but woe to the man whose lusts misleads him to the end”.

*Allah (SWT) has warned people not to delay repentance on their sins as He states that, “And of no effect is the repentance of those who continue to do evil deeds until death faces one of them and he says: “Now I repent”; nor of those who die while they are disbelievers. For them We (Allah) have prepared a painful torment” (Qur’an 4:18)*

If a calamity befalls a people and needs money for its mending and the treasury is bare, and the mischief cannot be repulsed except by draining the subjects’ wealth; it is lawful for the King to take wealth from the people based on their strengths. But such shall be just enough for the eradication of the calamity. It is like the falling of a stronghold in place of peril. No pain will be spared to succour them in their plight lest their tribulation settles and endures. But it is different when calamity assails a King from a rebellion against him to despoil him; here peoples’ wealth shall not be taken. It is related that Imam Malik (may Allah be pleased with him) was once asked concerning the Governor that, “If a rebellion rises against him to deprive him of his substance, are we bound to defend him?” Imam Malik answered, “If he is like Umar Ibn Abdu’lAziz, yes; if not, no. Leave him and your claims on him, for Allah will take vengeance on a tyrant by means of a tyrant to the ruin of them both”.

*This ruling of the founder of the Maliki School of Thought (Law), Imam Malik (RLA), raises the question of the ethics of political obligation in Islam. The common non-Muslim idea that the Muslim Ruler is an arbitrary despot is very wide off the mark, as a Muslim Ruler is bound by the Divine Law no less than the humblest of his subjects. Naturally there have been conflicting views in Islam on*

*the precise limits of political obedience. Imam Malik takes up a decidedly stiff attitude. He himself came to grief with the Caliph of his day, being beaten by Caliph Al-Mansur in 767 AD for abetting a rebellion against the Caliph's arbitrary style of leadership that negates some Islamic Laws. Umar bin Abdul Aziz (d. 720 AD), was the one Caliph of the Umayyad Dynasty who had a reputation for piety. He is mentioned here particularly as a Monarch who insisted on financial integrity in a time of corruption. According to Al-Makrizi, Caliph Umar bin Abdul Aziz wrote to his Governors, on his accession to the Caliphate that, "Relieve all Muslims of the poll-tax; for Allah sent Muhammad (SAW) as a guide, and not as a tax-collector".*

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## **CHAPTER EIGHT**

### **This Eighth Chapter Concerns The Spending Of The Revenues Of Allah By The King.**

All those who handle the public revenue shall spend it as Allah has ordained. Whosoever transgresses Allah's ordinance is an unbeliever. Truly the transgressors shall know with what reversal Allah reverses!

*Allah (SWT) Has warned that, "These are the limits (ordainments set by) Allah, and whosoever obeys Allah and His Messenger (Muhammad) will be admitted into Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success. And whosoever disobeys Allah and His Messenger (Muhammad), and transgresses His limits, He will cast him into the Hell Fire, to abide therein; and he shall have a disgraceful torment. (Qur'an 4:13-14)*

Liberality (*Karam*) causes a Realm to endure but meanness and prodigality ruin it. To be liberal is to give the deserving their deserts, as far as you are able. Whoever disjoins or disregards the balance of liberality and meanness is not a just ruler; for he is either mean or profligate with the public funds and both these are evils and they always bring ruin on the Realm. A King who is either mean or prodigal must set over the State Revenues a Deputy from his trusted nobles, to handle these deficiencies.

*The Arabic word “Karam” is not easy to translate. Here it signifies, not the opposite of meanness, but the middle term between parsimony and extravagance.*

Now the Revenues of Allah, which He has provided for the sustenance of his servants, are two-fold. The first kind is regulated and the second is the tribute which the King shall spend on the common wealth.

*The distinction here is between the revenue raised from Muslims in the form of taxation and the revenue from non-Muslims and other indirect sources respectively.*

The first consists of *Zakat*: tax paid by Muslims on money, produce, livestock, precious metals and minerals that they own; and the fasting-breaking tax (*Zatatul Fitr*).

*The importance of Zakkat to Muslims cannot be overemphasised. It is one of the Five Pillars upon which Islam is built. It is compulsory and a necessary tax obligation that must be satisfied as long the conditions are met. The consequences of not paying out Zakat in this World are clear to Muslims. They include poverty, hardships, disasters, crises, social and economic problems, etc. The consequences in the Hereafter are well spelt out in the Glorious Qur'an and the Sunnah of the Prophet (SAW). Allah*



*mentioned Zakat over 80 times jointly with Salat (Obligatory Prayers) in the Glorious Qur'an as an emphasis on the cleansing nature of Salat on the human body and soul; and the cleansing nature of Zakat on the human wealth! For example, Allah says, "And perform As-Salat, and give out Zakat, and bow down (yourselves); along with those who bow down (Qur'an 2:43)*

All the earlier listed items of Zakat, except the fasting-breaking tax, are expended under eight heads, according to the sayings of Allah the Most High, "Verily alms are for the poor and the needy, and for those who collect them, and for those whose hearts are gained over, and for captives, and for debtors, and for the service of Allah and for the wayfarer."

*On Zakat, Allah (SWT) states in the Qur'an that, "The alms (Zakat) are meant only for the poor; and the needy; and those who are in charge thereof; those whose hearts are to be reconciled; and to free those in bondage; and to help those burdened with debt; and for expenditure in the Way of Allah; and for the wayfarer. This is an obligation from Allah. Allah is All-Knowing, All-Wise (Qur'an 9:60)*

*The above Verse from the Glorious Qur'an could be explained as follows:*

**"The poor"** (Fuqara) are all those people who depend on others for the necessities of life. The Arabic word "fuqara" (poor) is a general word for all those who are needy because of some physical defects, or old age, or temporarily out of living means, and can become self-supporting if they are helped; like orphans, widows, the unemployed, etc.

**"The needy"** (Masakin) are those indigent people who are in greater distress than the needy people usually are. According to a

*Hadith, “miskin” is one who cannot make ends meet, though his appearance does not show that he needs help, nor does he beg for help. In short, he is a self-respecting person who has become needy.*

***“Those employed to administer thereof”*** are those who collect Zakat dues, supervise the collections and keep accounts, and help in their distribution, irrespective of the fact whether or not they are needy or indigent; their remunerations shall be paid out of the Zakat funds.

***“Those whose hearts are to be reconciled”***: A portion of Zakat funds may also be given to win over to Islam those who might convert to Islam or be engaged in anti-Islamic activities or to those in the camp of the unbelievers who might be brought to help the Muslims or to those newly converted Muslims, who might be inclined to revert to unbelief if no monetary help was extended to them. It is permissible to award pensions to them or give them lump sums of money to make them helpers of Islam or submissive to it or at least to render them into harmless opponents.

***“To free those in bondage”***: A portion of Zakat funds may be spent for the ransoming of slaves in two ways. First, help may be given to a slave for the payment of the ransom money, if he enters into an agreement with his master that he will set him free, if the slave pays him a certain amount of money. The second way is that the Islamic Authority may itself pay the price of his freedom and then set him free.

***“To help those burdened with debt”***: Help may be given out of Zakat funds to such debtors as would be reduced to a state of poverty, if they paid off all their debts out of their own possessions, irrespective of the fact whether they are earning any money or not,

*whether they are indigent in the general sense or well off. According to some Jurists, the only exceptions to this are those debtors who are spendthrifts or involve themselves in debts by spending money on wicked deeds. Help may be given to them only if and when they repent.*

***“In the Way of Allah”:*** *is a general term which implies all those good works which please Allah. That is why some Jurists are of the opinion that Zakat funds may be spent on every kind of good work. But the majority of the earliest Muslim Scholars have opined, that here the “Allah’s cause” stands for Jihad in the path of Allah, that is, the struggle to eradicate the systems based on unbelief and to establish the Islamic system in their stead.*

***“For the Wayfarer”:*** *Help from Zakat funds may be given to a wayfarer on a journey even though he might be quite well off at home. Some of the Jurists are of the opinion that according to this verse only that wayfarer who does not undertake a journey for a sinful purpose may be helped out of Zakat funds.*

These revenues must be spent at once in the place of their raising if deserving people are found there; if not, they will be carried to the nearest place of need. When the rightful place is needy but another district is more needy, part will be assigned to one and part to the other with proper care. The cost of the carriage is borne from the tribute and not from the *Zakat* itself. It is not permitted to merge the several kinds of *Zakat* beneficiaries and insist on giving each one a share. If only one group is given the entire *Zakat*, it is permissible; but it is not permissible to give it all to a collector only. Do not give out *Zakat* on the basis of the first man who comes forward; but give to the urgent and needy in due degree, for some have greater need than others. The *Zakat* of fasting-breaking shall be spent only for the first two purposes mentioned in the

Qur'an 9:60; that is, the poor and the needy. This, too, will be spent in its own district and its guardian shall be given nothing from it. If this is difficult then transfer it to the nearest possible place, as with the other *Zakat*.

The second kind of revenue is a fifth of metals and minerals found in the ground, a fifth of the spoils of war and *Jizya* on protected peoples of peace (non-Muslims habiting in Muslim Nations/Communities), dues from their merchants, the tax on lands, unclaimed inheritances and the wealth that Allah provides readily from the foe without war. These are classified as "Tribute". The management of all these belongs to the King and he will spend it dutifully, not with covetousness, for the welfare of the Faithful, with due regard to their necessities. The Sages of the Arabs and the Indians and the Greeks are agreed that a King's bounty to himself, joined with meanness to his people, shames and despoils the Realm.

Those who have first claim on the tribute are the guardians of the Faith, namely the Muslim Judges, and the pious and orthodox Doctors of Religion (the well versed Muslim Clerics). The people of the District have the next right to the tribute, except when there are other Districts that are more needy. When this is so the property shall be assigned to them after the rightful claimants have received a sufficiency. This shall be done with proper care. If the others are in greater need than the inhabitants they shall be given the greater share.

The course for the upright King to follow in the division of the Tribute is this: He will first strengthen fortresses, acquire weapons and the like where these are weak. Next he will provide for the Learned Doctors of Religion, the Judges, the Callers to Prayer and all those who uphold the welfare of the Faithful, such as the

Warriors. Then he will provide for the poor, each according to his need, until he has embraced them all, men and women, young and old, all according to the manner and the extent of their requirements. Lastly he will include the rest of the people, without distinction of wealth or race, keeping only what he chooses to set aside against disasters. All this he will do with honest intentions and great care. If wealth abounds he will preserve a surplus in the treasury for possible emergencies, for building Masaajid (Mosques), ransoming captives, discharging debts, assisting young men to marry women, aiding Pilgrims and other necessities. He will always be bountiful to the kindred of Prophet Muhammad (SAW) when dividing the tribute revenue. Caliph Umar ibn Abdu'l Aziz (RLA) used to assign to the children of Fatima (RLA) twelve thousand dinars every year besides what he gave to the Prophet's other relatives.

*This raises the question of a State Reserve Fund. The Qur'an lays so much stress on alms-giving that it has been difficult for Muslim Rulers to accumulate a balance in the treasury without incurring the charge of meanness. However, this Author (Al-Maghili) considers a reserve fund desirable for emergencies.*

These are the rules for the Muslims in the spending of the Revenue of Allah (may His name be exalted and magnified). Verily the oppressors shall find themselves in manifest error on the Judgment Day. They have severed justice and well-doing and joined together tyranny and lies. Wretched is their substance, evil their posterity and the waves have come upon them from every side.

**Truly, the veiling of the King from his subjects is the source of all mischief.**

## CONCLUSION

Our Lord, the God of Glory, You have not created this entire universe without purpose; Glory be to You! Exalted be You above all that they associate with You as partners. Give us salvation from the torment of the Hell Fire. Our Lord! Verily, whom You admit into the Hell Fire, indeed, You have disgraced him, and never will the polytheists and wrong-doers find any helpers. Our Lord! Verily, we have heard the call of one (Muhammad) calling to Faith: saying “Believe in Your Lord”, and we have believed. Our Lord! Forgive us our sins and remit from us our evil deeds, and make us die in the state of righteousness along with those who are obedient to You and follow strictly Your orders. Our Lord! Grant us what You promised unto us through Your Messengers and disgrace us not on the Day of Resurrection, for You never break Your Promise. Peace and blessings of Allah be upon Muhammad Al-Ameen, and peace be upon the Messengers of Allah. All gratitude is to Allah the Lord of the Universe.

Finished this Work with gratitude to Allah! Thus it is written by the lamp that lights the souls of believers; the hands of Muhammad bin Abdul Karim al-Maghili al-Tilmisani, may Allah be pleased with him; who finished this Work on Tuesday morning; while together with his friend Salman bin Abubakar al-Barnawi. All gratitude is to Allah the Lord of the Universe. May the Blessings of Allah be on the Leader of the Messengers of Allah and to his Family and to his Companions. May Allah have mercy on the Companions of the Companions of the Prophet Muhammad (SAW), to the Imams of the Four Schools of Thought; and to all those who follow their steps in good Faith up to the Day of Judgement.

*The Author (Sheikh Al-Maghili), opened this very important treatise with the following: “**Verily kingly power is a viceroy from Allah (SWT) and a stewardship from Allah’s Messenger (SAW). How great, then, is its dignity and glory; and how heavy is its burden**”. After that, the Author presented his very scholarly treatise that though written over 540 years ago seems to address today’s Leadership: its qualities and its shortfalls. It is important for those who are aspiring for leadership today to understand the weight and the gravity of leadership. Then, they should decide to accept or to decline to become Leaders. If they are already holding position of leadership, they should place their utterances, their acts and their actions on a just scale and judge themselves before Allah’s judgment. If they judge themselves and resolve that they are performing in accordance with Allah’s Dictates, they should continue in Office. But if they sincerely judge themselves as failures, they should honourably resign from Office and save themselves the wrath of Allah in this World and in the Hereafter. All Leaders and all Citizens should keep in mind that:*

***Allah does not place a burden on a person beyond his scope. He (the person) gets reward for that good which he has earned, and he is punished for that evil which he has earned. (Believers pray thus): “Our Lord; punish us not if we forget or fall into error. Our Lord; lay not on us a burden like that which You laid on those before us. Our Lord, put not on us a burden greater than we have strength to bear. (Our Lord), Pardon us and grant us Forgiveness. Have mercy on us. You are our Protector, and give us victory over the disbelieving people” (Qur’an 2:286)***

*Oh today’s Leaders! If the burden of Leadership is too great, please QUIT! As Allah has not placed a burden on any person, which the person cannot bear!*

## REFERENCES

1. Al-Jabarti, (c. 1820) *Tarih Islam* (Islamic History) 1997 published by Dar al Kotob al Ilmiyah, Beirut, Lebanon,
2. Bahago A. A (1998), *Kano ta Dabo Timbin Giwa*; Munawwara Books Foundation
3. Barth, Dr. H. (1965). *Travels and Discoveries in North and Central Africa, 1849-1855*, Vols., 1,2 and 3, London.
4. Batran, Abdul Aziz 'Abdul Allah (1973). *A Contribution to the Biography of Shaikh Muḥammad Ibn Abd-Al-Karim Ibn Muḥammad Al-Maghili, Al-Tilimsani; The Journal of African History. 14 (3)*. ISSN 0021-8537
5. Blum, Charlotte; Fisher, Humphrey (1993), *Love for Three Oranges, or, the Askiya's Dilemma: The Askiya, al-Maghili and Timbuktu, c. 1500 A.D. The Journal of African History. 34 (1)*: ISSN 0021-8537
6. Centre of Arabic Documentation, Research Bulletin VOL.3 No.2. University of Ibadan 1967.
7. Colonial Provincial File Jacket, 1929, Kaduna Archives.
8. Dokaji, I. A. (1976), *Kano ta Dabo Ci Gari*, Northern Nigeria Publishing Comapany, Zaria
9. Dubois F. and Diana W. (1897). *Timbuctoo The Mysterious*, London
10. G. T. Stride and C. Ifeka. (1971). *People and Empires of West Africa (1000 – 1800 Ad)*. Thomas Nelson Hong Kong.
11. Gwarzo, H. (1967) in Research Bulletin of Centre of Arabic Documentation, University of Ibadan, Vol.3No. 2.



12. Hiskett, M. (1957): *The Kano Chronicle*; Journal of the Royal Asiatic Society of Great Britain and Ireland (1/2): 79–81. ISSN 0035-869X
13. Hogben S. J. and Kirk Green (1967). *The Emirates of Northern Nigeria*, London.
14. Hunwick, John O. (1985). *Al-Mahîlî and the Jews of Tuwat: The Demise of a Community*. Studia Islamica (61): ISSN 0585-5292
15. Hunwick, John O. (1974). *Literacy and Scholarship in Muslim West Africa in the Pre-Colonial Period*. Nsukka
16. Journal of African History, XIV, 3 (1973), Great Britain.
17. Kabara Q. N (2004), *A Crystal Clear Mirror on Sufism*, Al-Nashar Printing Press, Kano
18. Last, Murray (1987). *Review of Shari'a in Songhay: The Replies of Al-Maghili to the Questions of Askia Al-Hajj Muhammad; Islam, Christianity and African Identity*. Canadian Journal of African Studies. 21 (1): ISSN 0008-3968
19. M. A. Alhajj (1968) *As al-Wangarawiyi*, Kano Studies VOL.I No. 4.
20. National Archival Records Kaduna, File No KAT PROF 599; titled, “TAJ AD DIN BY SHEIK SHEHU MAGILI”
21. Wali, Zaharaddeen Ibrahim (2007); *History and Contributions of Shariffai Dynasty in Kano*. A Dissertation submitted for the Award of NCE, FCE Kano State, Nigeria.
22. [www.britannica.com](http://www.britannica.com)
23. [www.en.wikipedia.org](http://www.en.wikipedia.org)