

# **The Ummah's Charter**

*Hizb ut-Tahrir*

15 Rabee' al-Aakhar 1410 AH  
(14 November 1989 CE)

*This book has been translated from  
the original Arabic version*

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## Translation of the Qur'an

It should be perfectly clear that the Qur'an is only authentic in its original language, Arabic. Since perfect translation of the Qur'an is impossible, we have used the translation of the meaning of the Qur'an' throughout the book, as the result is only a crude meaning of the Arabic text.

Qur'anic *Ayat* and transliterated words have been *italicised*.

Ahadith appear in **bold**.

ﷻ - subhanahu wa ta'ala  
ﷺ - sallallahu 'alaihi wa sallam  
ﷻ - radhi allaho anha/anho  
AH - After Hijrah  
CE - Christian Era

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# *The Ummah's Charter*

The word charter, linguistically and in the Sharee'ah terminology, means al-Ahd (the covenant). He ﷺ said:

﴿إِلَّا الَّذِينَ يَصِلُونَ إِلَى قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ﴾

“Except those who join a group, between you and whom there is a treaty (of peace) (meethaaq).” [An-Nisaa’: 90] And He ﷺ said:

﴿وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ﴾

“And if he belonged to a people with whom you have a treaty of mutual alliance (meethaaq), compensation (blood money - Diyab) must be paid to his family.” [An-Nisaa: 92] And He ﷺ said:

﴿أَلَمْ يَأْخُذْ عَلَيْهِمْ مِيثَاقَ الْكِتَابِ أَنْ لَا يَقُولُوا عَلَى اللَّهِ إِلَّا

الْحَقَّ﴾

“Was not the covenant (meethaaq) of the Book taken from them that they would not say about Allah anything but the truth?” [Al-A'raaf: 169] And He ﷺ said:

﴿وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ لَمَا آتَيْتُكُمْ مِنْ كِتَابٍ وَحِكْمَةٍ ثُمَّ

جَاءَكُمْ رَسُولٌ مُصَدِّقٌ لِمَا مَعَكُمْ لَتُؤْمِنُنَّ بِهِ وَلَتَنْصُرُنَّهُ﴾

“And (remember) when Allah took the Covenant (meethaaq) of the Prophets, saying: ‘Take whatever I gave you from the Book and Hikmah (understanding of the Laws of Allah, etc.), and afterwards there will come to you a Messenger (Muhammad ﷺ) confirming what is with you; you must, then, believe in him and help him.’” [Aali Imran: 81]

In our time, technically, it refers to a collection of principles, in which the people believe, make their viewpoint in life and take as a source for their constitution and rules.

The people, who adopt a charter, are the newly emergent people who have established a state and began a new life other than that which they used to live; as is the case with the African states and with every state which was born recently and began a new life other than their former life.

When the Arab countries were separated from the body of the ‘Uthmani Khilafah at the end of World War I, each region that had become a state tried to draw up a charter, which they called the national charter, as in Iraq and Syria for example. As for the previous peoples and nations, they did not think of writing a charter. This is because a specific political creed had crystallised in them, together with specific principles which they took as their viewpoint about life and as a source for the rules that they used, instead of a constitution and canons, in case if they did not have a constitution or canons. If they have a constitution and canons, they use these principles as a source for this constitution and canons. These principles are preserved, well known and agreed upon without any need for them to be written down, and without being called an Ummah’s charter or national charter. This is the case with all very old states.

The Islamic Ummah is one of the most ancient of nations and she has a political creed, which is the only true ‘Aqeedah. It has been entrenched within her thoughts and ahkaam, which she made her viewpoint about life and took as a source of rules that organise the state and the rest of the relationships, or what they call constitution and canons. All of this has been recorded in two great sources, which are the Kitaab and Sunnah. Therefore, she is in no need for a charter called the Ummah’s charter. It is not right that she should have a national charter, because the Kitaab and Sunnah oblige her to fight against the patriotic and nationalistic bond.

However, the Ummah was affected by the Western thoughts, due to the missionary and cultural invasion, followed by the political and military attack by the Kaafir Western states on the Muslim lands.

The application of Islam in the state and society became far removed from the Ummah after the destruction of the Khilafah state in 1924, the Kitaab and Sunnah lost, in the minds of the Muslims, their political and legislative aspect. The Islamic ‘Aqeedah ceased to be a political creed.

As a result of these two matters, the vision of Islam as an ‘Aqeedah and system for life, state and society weakened.

However, this ancient Islamic Ummah woke up from her slumber,

after the intense suffering caused by her remoteness from Islam and the domination of the West, its thoughts, systems and agents. She woke up after the West showed its true face and the Ummah perceived the corruption of the Western thoughts and systems, the corruption of the socialist and communist thoughts and systems and also the corruption of nationalism and regionalism. She has understood the extent of their danger to her and to her entity as an Ummah.

So, she has returned to Islam to discover in it the solution to her problems. Islam became her hope for salvation and for saving her from her sufferings and hardships. She has begun to view the Islamic Aqeedah as a political creed, and that the Kitaab and Sunnah contain a complete system for life, state and society and they both have a political and legislative aspect. They have come to realise that she cannot be saved or rescued unless she returns to the Kitaab and Sunnah and implements them.

Therefore, it is natural, when the Ummah feels the need to change the current society and believes in the Kitaab and Sunnah, that it would take this Kitaab and Sunnah as the charter for the Ummah and as the source for the constitution and canons. However, adopting the Kitaab and Sunnah as a charter for the Ummah, must be expressed in the form of broad guidelines, in which thoughts are manifested that contain the manner of implementation, so that the Kitaab and Sunnah can be taken as a charter. It should include a study on how to correctly define what the Kitaab and Sunnah mean, in order to guarantee the right course. It must show how to comprehend the Kitaab and Sunnah and how they will be a source of constitution and canons. It is necessary to explain the identity of the state that will be based on the two sources, in order to execute them. Thus, one must adopt the Kitaab and Sunnah as a charter, which is crystallised in the form of broad guidelines that reflect the practical image of the adoption of the charter. It is from this perspective that the idea of this charter has come.

These are the broad lines, which have been crystallised in taking the Kitaab and Sunnah as a charter for the Ummah.

## *General Rules*

1. The Ummah believes in Islam as a creed, a system, a distinct way of life and a viewpoint about life. She lives for it in this world and carries it to the world as an intellectual leadership and a universal Message.
2. Islam is the heavenly religion that Allah ﷻ has revealed to our master Muhammad ﷺ to organise the relationship of man with his Lord, with himself and with other human beings.
3. Islam is only manifested in the Kitaab and Sunnah.
4. The Kitaab and Sunnah were sent down as revelation from Allah ﷻ to our master Muhammad, the Messenger of Allah ﷻ. Thus, the Kitaab has been brought through revelation, as word and meaning from Allah; and the Sunnah has been brought through revelation, as meaning from Allah ﷻ, but it was expressed in the Messenger's own words.
5. It is obligatory on every legally responsible (*mukallaf*) Muslim to adhere to the Sharee'ah rules in all his actions. It is not allowed that, as a servant of Allah, his actions contradict what has been mentioned in the speech of the Legislator, i.e. contrary to the Sharee'ah rule. He ﷻ said:

﴿فلا وربك لا يؤمنون حتى يُحكّموك فيما شجر بينهم﴾

"But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them." [An-Nisaa: 65] And due to the saying of the Messenger ﷻ:

((من عمل عملاً ليس عليه أمرنا فهو رد))

"Whosoever does an action which is not according to our teaching then it is rejected." And due to the saying of Allah ﷻ:

﴿وما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوا﴾

"And whatsoever the Messenger (Muhammad ﷺ) gives you, take it, and whatsoever he forbids you, abstain (from it)." [Al-Hashr: 7] Thus, adherence to the Sharee'ah rule is one of the requisites of Imaan. That is why

Allah ﷻ says:

﴿فلا وربك لا يؤمنون حتى يُحكّموك فيما شجر بينهم﴾

"But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them." [An-Nisaa: 65]

6. The Islamic 'Aqeedah is the belief in Allah, His angels, Books, Messengers, Day of Judgement and Qadar, whose good and bad are from Allah (i.e. knowledge of Allah).
7. The beliefs are not taken except through certainty (*yaqeen*), thus the evidence for belief must be *Qat'i*, because Allah ﷻ censured those who believed on the basis of *Zann* (speculation) Allah ﷻ said:

﴿إن يتبعون إلا الظن وإن الظن لا يغني من الحق شيئاً﴾

"They follow but speculation, and verily, speculation is no substitute for the truth." [An-Najm: 28] He ﷻ censured those who follow *zann*, when speaking about 'aqeedah, and considered *zann* as misguidance; so He ﷻ said:

﴿وإن تطع أكثر من في الأرض يضلّوك عن سبيل الله إن يتبعون

إلا الظن﴾

"And if you obey most of those on earth, they will mislead you far away from Allah's Path. They follow nothing but speculations, and they do nothing but lie." [Al-An'aam: 116] And He ﷻ did not consider it to be knowledge ('ilm), so He said:

﴿وما لهم به من علم إن يتبعون إلا الظن وإن الظن لا يغني من

الحق شيئاً﴾

"While they have no knowledge thereof. They follow but speculation, and verily, speculation is no substitute for the truth." [An-Najm: 28]

8. The Sharee'ah rules can be taken on the basis of *Zann* (probability) or *Yaqeen* (certainty). The singular report (*khbar abad*) is considered a

proof in all Sharee'ah rules. They must be acted upon, whether they are from the rules of worships ('Ibadaat), societal transactions (Mu'aamalaat), punishments ('Uqubaat) etc, because the Messenger ﷺ said:

((نضر الله عبداً سمع مقالتي فوعاها ، ثم أداها إلى من لم  
يسمعا ، فربّ حامل فقه لا فقه له ، وربّ حامل فقه إلى من  
هو أفقه منه))

**“May Allah illuminate the servant who heard my statement, so he memorized, understood it and conveyed it. For it may occur that somebody carries knowledge (fiqh) without being knowledgeable (faqeeh), and perhaps he will carry the fiqh to somebody who is of greater fiqh than him.”**

The Messenger ﷺ said ‘servant’ and not ‘servants’. Such a word is generic and can apply to one or more people. So the meaning is that he is praising the single person or persons for transmitting his hadeeth. This is because the Prophet ﷺ, at one time, sent twelve messengers to twelve kings inviting them to Islam. A single messenger was sent to each king. Had the conveyance of the Da'wah by a single person not been obligatory to follow, the Messenger ﷺ would not be content to send one messenger. The consensus (Ijmaa') of the Sahaabah has taken place on the issue of acting upon the single report in regards of the Sharee'ah rules.

9. The words 'Aqeedah and I'tiqaad have one meaning, which is belief (Imaan), Imaan is the decisive belief that agrees with the reality and is based on evidence (*al-I'tiqaad al-jaazim al-muTaabiq lil waaqi' 'an daleel*); all three must be present together: decisiveness, agreement with the reality and being derived from evidence and they must come together in the belief if it is to be Imaan, i.e. 'Aqeedah. Hence, it is not prohibited to have non-decisive belief in the khabar ahad, because it is not belief (I'tiqaad).

10. The Sharee'ah rule is the speech of the Legislator regarding the actions of people by order (*Iqtidaa'*), option (*takhyeer*) and attachment

(*wadh'*) Thus, the speech of the Legislator is the Sharee'ah rule. So that which is not a speech of the Legislator is not a Sharee'ah rule. The 'rule' (*bukm*) is the view pertaining to the action of a man. If this view is from the speech of the Legislator, then it is a Sharee'ah rule. If it is not from the Legislator, then it is not a Sharee'ah rule. Sharee'ah definitions and comprehensive principles are considered Sharee'ah rules, if they have been derived by sound Ijtihad.

11. The 'Aqeedah and the Sharee'ah rule are both considered to be a thought. But they differ in terms of what the thought relates to. If it is related to the action of man, then it is a Sharee'ah rule, whether it does or does not include something one must believe in. If it is not related to the action of man, then it refers to the actions of the heart, i.e. it relates to believing or not believing in something. This is from the 'Aqeedah. With respect to that which has been mentioned in the speech of the Legislator, in terms of thoughts, one needs to look into it: if it requests belief but does not request action, such as the stories and reports of the unseen, then it is part of 'Aqeedah. If it requests an action, then it is from the Sharee'ah rules. He ﷺ said:

﴿الله خالق كل شيء﴾

“Believe in Allah, and His Messenger (Mubammad ﷺ).” [Al-Nisaa': 136] He ﷺ said: 'Allah is the Creator of all things.' [Ar-Ra'd: 16] He ﷺ said:

﴿وإذ يرفع إبراهيم القواعد من البيت﴾

“And (remember) when Ibrahim (Abraham) and (his son) Isma'il (Ishmael) were raising the foundations of the House.” [Baqarah: 127] He ﷺ said:

﴿ويطافُ عليهم بآنية من فضة﴾

“And amongst them will be passed round vessels of silver.” [Ad-Dahr: 15] Such Sharee'ah texts and any others which have not requested any actions are from the 'Aqeedah. He ﷺ said:

﴿فإن ارضعن لكم فآتوهن أجورهن﴾

“Then if they give suck to the children for you, give them their due payment.” [At-

Talaaq: 6] He ﷺ said:

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ﴾

“Allah has permitted trading.” [Al-Baqarah: 275] He ﷺ said:

﴿إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوَ الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ﴾

“Unless they (the women) agree to forego it, or he (the husband), in whose hands is the marriage tie.” [Al-Baqarah: 237] He ﷺ said:

(( لا صلاة إلا بفاتحة الكتاب ))

**“There is no Salaah without (reciting) the Opening chapter (Al-Faatihah) of the Book.”** He ﷺ said:

((البيعان بالخيار ما لم يتفرقا))

**“The two traders (the seller and the purchaser) have the choice (to conclude or cancel the deal) before they departed (from each other).”**

He ﷺ said:

((إذا فرغ أحدكم من التشهد الآخر فليتعوذ بالله من أربع ،

من عذاب جهنم ، ومن عذاب القبر ، ومن فتنة المحيا والممات

، ومن شر المسيح الدجال))

**“When any of you finishes the final tashahhud, he should seek refuge with Allah from four things: from the punishment of Jahannam, the punishment of the Grave, the trials of the living and the dead, and the trials of the Dajjal.”** This is beside other Sharee’ah texts that request the performance of some actions that are part of the Sharee’ah rules.

As regards the new thoughts that are not mentioned in the speech of the Legislator, their reality has to be understood, firstly, by those who

have the expertise. The Sharee’ah text that relates to that reality or a text which contains an *illab* related to that type of reality, will be studied and then applied on that reality. If it applies on that reality, then the reality would come under that text. Accordingly, the reality will be given what is in the text, in terms of whether it was a requested action or not. Thus, the reality will be understood, as to whether it is from the ‘aqaa’id (beliefs) or from the ahkaam. It is thus considered as if it was mentioned in the speech of the Legislator, since it had mentioned its ruling. All thoughts are studied in this manner. So, every thought related to the actions of man is from the Sharee’ah rules and every thought not linked to the action of man is from the beliefs (‘Aqaa’id).

12. The Ummah is a collection of people united by a single ‘Aqeedah, from which its system emanates. The Islamic Ummah is united by the Islamic ‘Aqeedah, from which the Sharee’ah rules emanate. Therefore, the Muslims are a single Ummah.
13. The bond which unites the Muslims together is the Islamic ‘Aqeedah. Through this ‘Aqeedah, the Islamic brotherhood comes into existence. He ﷺ said:

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾

“The believers are nothing else than brothers.” [Al-Hujuraat: 10] The Messenger ﷺ said:

((المسلم أخو المسلم))

**“The Muslim is a brother of another Muslim.”** So by believing in Islam, they become brothers.

14. The bond that unites the people in the state is citizenship and not the Islamic Ummah. The one who carries citizenship will possess all the rights that he deserves and duties he must undertake, even if he is a non Muslim. The one who does not carry citizenship does not have the rights, which the Muslims have, nor are the duties that are imposed on the Muslims imposed on him. This is because the Sharee’ah has guaranteed this to the Zimmis (non-Muslim subjects),

due to what has been narrated, that the Messenger ﷺ said:

((أطعموا الجائع وعودوا المريض وفكّوا العاني))

**“Feed the hungry, visit the sick and ransom the captive.”** Abu ‘Ubayd said: “Jihaad is done for their sake and their captives are ransomed. When they are rescued (from captivity), they return, as free, to their protection and covenant; and there are ahaadeeth regarding this issue.” This is because the Muslim who does not travel to live under the authority of the Muslims will not have the rights the Muslims have, nor will the duties imposed on Muslims be imposed on him. This is due to the Hadeeth of Sulayman bin Buraydah:

((أدعهم إلى الإسلام فإن أجابوك فاقبل منهم وكف عنهم ، ثم

ادعهم إلى التحول من دارهم إلى دار المهاجرين ، وأخبرهم أنهم

إن فعلوا ذلك فلهم ما للمهاجرين ، وعليهم ما على

المهاجرين))

**“Invite them to move from their land to Dar al-Muhajireen (the land of the emigrants); and inform them that if they emigrate they will enjoy the same rights as the Muhajireen, and they will have the same duties as the Muhajireen.”** This text stipulates that they must move to dar ul-Islam in order to have the same rights as the Muslims and are bound to the same duties that the Muslims are bound to, i.e. in order that the rules cover them.

15. Citizenship is to be loyal to the state and system and to take Dar al-Islam, which is under the authority of Islam, as a place of permanent residence.
16. Nationalism is evil pride and destructive racism. Islam has forbidden it. He ﷺ said:

((إذا الرجل تعزى بعزاء الجاهلية فأعضوه بمن أبيه ولا تُكنوا))

**“He who calls for ‘asabiyyah is as if he bit his father’s genitals and**

**do not be embarrassed to say it.”** And he ﷺ said regarding the chauvinism of Jahiliyyah:

((دعوها فإنها منتنة))

**“Leave it for it is rotten.”** It has been reported in Saheeh Muslim that the Messenger of Allah (may the peace and blessings of Allah be upon him) said:

((ومن قاتل تحت راية عُمِّيَّة يغضب لعصبة ، أو يدعو إلى عصبة

أو ينصر عصبة فقتل فقتلته جاهلية))

**“And whosoever fights under a blind (rayah) banner (it is not known whether this flag represents the truth or falsehood), gets angry along with his group of people, or calls to a group of people, or supports a group of people, and is subsequently killed because of that, then he is killed as if in the time of jahiliyyah.”** When the Kaafir states spread nationalism among the Muslims, they tore up the unity of the Muslims into disparate peoples and races. When Turkish, Arab, Kurdish and Persian nationalism was stirred up amongst the Muslims, the ranks of the Islamic Ummah became divided. This led to Muslim division, break-up of their states and one region being separated from another. Its danger was very destructive to the Islamic Ummah and to the Islamic state. After gaining control of the Muslims, they turned them into nations and dug a trench around each country, which cannot be filled nor a bridge built over it. Between them they built borders like a wall of lead, which made them a Dar al-Harb for each other. Thus, calling to nationalism is a great sin and a terrible munkar (evil). Taking this as a bond was a crime committed against Islam and the Muslims. Nationalism needs to be fought and its call needs to be opposed, just as one would undertake the obligation of Jihad. Similar to the sin and evil of nationalism is the idea of regionalism and sectarianism. All of this leads to the division of the Ummah and subsequently to her weakness. We should treat anyone who calls to nationalism, regionalism and sectarianism as a criminal who deserves the most severe punishment.

17. The whole world, whether it is the Islamic countries or the non-Islamic countries, are either Dar al-Islam or Dar al-Harb/Kufr and there is no third. Dar al-Islam is the land, which is ruled by the authority of Islam and on which the Islamic rules are applied. Its security is the security of the Muslims, i.e. in their authority. As for Dar al-Kufr or Dar al-Harb, they are lands which are not ruled by the authority of Islam and nor are the rules of Islam applied on them. Or, the security is in the hand of people other than the Muslims, i.e. it is not in their authority. This is because adding the word dar to the word 'harb', 'kufr' or Islam is an addition to ruling and authority and not to the inhabitants or the land. This is because the Messenger ﷺ was considering the authority and security when he described 'Dar al-Muhaajireen', and gave those who moved to it the same rights of the Muslims and he applied on them the same rules applied on the Muslims. Thus, in the Hadeeth of Sulayman bin Buraydah:

((ثم ادعهم إلى التحول من دارهم إلى دار المهاجرين))

**“Invite them to move from their land to Dar al-Muhaajireen (the land of the emigrants).”** Thus, he ordered that they move from a land, which does not have the authority of Islam over it, to a land that has the authority of Islam. Straight after that he said:

((وأخبرهم أنهم إن فعلوا ذلك فلهم ما للمهاجرين ، وعليهم ما

على المهاجرين))

**“And inform them that if they do emigrate they will enjoy the same rights as the Muhaajireen and they will have the same duties as the Muhaajireen.”** So he made certain rules result from moving. He made moving a condition for having the rights the Muslims have and for having the rules applied on them that are applied on the Muslims. This indicates that the things that are considered when defining a *Daar* are the authority, rules and security. If they are Islamic, then it will be a Dar al-Islam; if they are Kufr then it will be Dar al-Kufr.

18. It is not for someone who permanently resides in Dar al-Harb or Dar al-Kufr to enter Dar al-Islam without Amaan (pledge of

protection), i.e. without special permission to enter, because the Harbi is prevented from entering Dar al-Islam without Amaan (security). As for the one whose land is Dar al-Islam but does not come under the authority of Islam, for instance if he was dissenting from the Khilafah or his country had not been annexed to the authority of the Khilafah, then he will enter without (need of) security, i.e. without permission. The ruling regarding such a person is like the ruling for the one who lives under the authority of the Khaleefah, with no difference between the two.

19. The Islamic lands are the lands that were ruled by Muslims under the authority of Islam and the rules of Islam were applied on them. Whether it was still inhabited by the Muslims such as in the Caucasus, or if the Muslims had been driven out and the Kuffar had made that their homeland, such as in al-Andalus (otherwise known as Spain). These are all considered Islamic lands, as long as they have been ruled by Islam under the authority of Islam and had been ruled by the Islamic ahkaam. This means the rules regarding the lands of such countries remain as they were when they were under the authority of Islam. If the country had been conquered then it is kharaji land like al-Andalus, but if their people embrace Islam over it (without fighting), then it is Ushri land like Indonesia. Also, any land, in which there is a Muslim majority, even if it had not been ruled by Muslims, it will be considered as Islamic land because its people have embraced Islam over it.

20. The unity of the Islamic lands is Fard on the Muslims, because Islam has forbidden more than one Islamic state. So it is forbidden to have more than one Khilafah. He ﷺ said:

((ومن بايع إماماً فأعطاه صفقة يده ، وثمرة قلبه فليطعه إن

استطاع ، فإن جاء آخر ينازعه فاضربوا عنق الآخر))

**“Whosoever pledged allegiance to a Imam, should give him the clasp of his hand, and the fruit of his hand and shall obey him as long as he can, and if another comes to dispute with him, you must strike the neck of that man.”** He ﷺ forbade the division of the state into two states, since the dispute of another

Khaleefah means the dismemberment of a part of the state and the establishment of a second Khilafah. He ﷺ said:

((إذا بويع لخليفتين فاقتلوا الآخر منهما))

**“When an oath of allegiance (bay’ah) has been taken for two Khaleefahs, kill the latter of them.”** He forbade the establishment of two states in the Islamic lands since the bay’ah to two Khaleefah constitutes establishment of two states. These texts are clear in their prohibition of having more than one state. If this happens then it is considered a munkar (evil), which has to be removed; and removing it means unification of the lands.

21. Non-Muslims are addressed by the Islamic rules in terms of the foundations (Usool) and branches (furoo’), since Islam has come for the whole of mankind. He ﷺ said:

((وما أرسلناك إلا كافة للناس))

*“And We have not sent you (O Muhammad ﷺ) except as a giver of glad tidings and a warner to all mankind.”* [Saba` : 28] This is also because Allah ﷻ has explicitly commanded them with some of the branches. So the aayaat that command worship include Kuffar, such as when He ﷻ said:

((يا أيها الناس اعبدوا ربكم))

*“O mankind! Worship your Lord (Allāh).”* [Al-Baqarah: 21] He ﷻ said:

((ولله على الناس حج البيت))

*“And Hajj (pilgrimage to Makkah) to the House (Ka’bah) is a duty that mankind owes to Allāh.”* [Aali Imraan: 97] This is because if they were not responsible for fulfilling the branches, then they would not have been threatened for not undertaking them. He ﷻ said:

((وويل للمشركين الذين لا يؤتون الزكاة))

*“And woe to Al-Mushrikūn (polytheists) those who give not the Zakāt.”*

[Fussilat: 6-7] And He ﷻ said:

((فلا صدق ولا صلى ولكن كذب وتولى))

*“So he (the disbeliever) neither believed (in this Qur’ān, in the Message of Muhammad ﷺ) nor prayed!”* [Al-Qiyaamah: 31] And He ﷻ said:

((ما سلككم في سقر قالوا لم نك من المصلين ولم نك نطعم

المسكين وكنا نخوض مع الخائضين وكنا نكذب بيوم الدين))

*“(And they will say to them): ‘What has caused you to enter Hell?’ They will say: ‘We were not of those who used to offer their Salāt (prayers Nor we used to feed Al-Miskin (the poor); And we used to talk falsehood (all that which Allāh hated) with vain talkers And we used to belie the Day of Recompense.’”* [Al-Muddaththir: 42-46] This proves that they are commanded with certain orders and prohibitions, which is actually the case for the rest of the orders and prohibitions as well. They are addressed with rules of Islam and commanded with the branches just as they are commanded with the foundations (usool); though they are not compelled to change their beliefs or change the rules, which are part of their beliefs. They are allowed to remain on the rules, which the Messenger of Allah ﷺ approved. This is because He ﷻ said:

((لا إكراه في الدين))

*“there is no compulsion in religion.”* [Al-Baqarah: 256] And his ﷻ saying:

((إنه من كان على يهوديته ونصرانيته فلا يُفتن عنها))

**“The one who practices his Judaism or Christianity he will not be afflicted for it.”** So they are left to believe, worship and undertake any action, which the Messenger ﷺ allowed such as drinking alcohol or marriage. In these matters we do not oppose them. However, any other matters, such as the ‘Uqubaat (punishments) and Mu’amalaat (transactions) are applied on them just as they are applied on the Muslims, in exactly the same manner. However, an exception is made from this with regards to diplomatic missions. They have what is known as “diplomatic immunity”, because the Prophet ﷺ said to the

two messengers of Musaylamah:

((أَمَّا وَاللَّهِ لَوْلَا أَنْ الرِّسَالَةَ لَا تُقْتَلُ لَضُرِبَتْ أَعْنَاقُكُمْ))

**“By Allah! Had it not been that messengers are not killed I would have struck off your necks.”**

22. Those whose fathers had apostatised from Islam but were born after their fathers had become murtadd (apostates), i.e. they were born to fathers who are kafir murtadd. They are considered Kuffar and not murtadd. As for why they are not considered murtadd, this is because they themselves did not commit apostasy; rather the ones who committed apostasy are their fathers. They did not apostatise. As for why they are Kuffar, this is because they are born to Kuffar parents; anyone who is born to Kuffar parents is kaafir. This is due to what Ibn Mas'ud narrated that:

((أَنَّ النَّبِيَّ ﷺ لَمَّا أَرَادَ قَتْلَ عَقْبَةَ بْنِ أَبِي مُعَيْطٍ قَالَ : مَنْ لِلصَّبِيَّةِ

؟ قَالَ : النَّارُ)) وفي رواية ((النار لهم ولأبيهم))

**“When the Prophet ﷺ wished to kill ‘Uqbah Abi Mu’yat someone asked: what about the women and children? He said: the fire.” And in another narration: “The fire is for them and their father.”** It has also been established that when the Prophet ﷺ was asked about invading some of the Mushrikeen (at night) and thus some of their women and children are harmed (or captured), he said:

((هم منهم))

**“they (their women and children) are from them.”** Those people whose fathers had become apostates are dealt with on the basis of the religion into which they were born. So if they are Jewish or Christian then they are treated as Jews or Christians, i.e. they are treated as People of the Book. If they became mushrik they are treated as Mushrik, their slaughtered (meat) is not eaten and nor do we marry their women.

23. Capitalism is like communism; both are Kufr. Socialism in all its forms is Kufr. The creed of separating religion from life is Kufr. The creed of dialectical materialism is Kufr. State socialism and agricultural socialism etc are Kufr. Just as Christianity is Kufr, capitalism is also a kufr ideology. Just as Judaism is Kufr, communism is also a kufr ideology. These are kufr millahs and Kufr is one millah. Also all forms of socialism are Kufr.

## *Miscellaneous Rules*

24. Hadhaarah and madaniyyah are two words that are used widely. They have come to be applied to one thing and that is the result of the mind. It is used for philosophy, thought and anything related to the viewpoint about life. Both words became used for the tangible sensed objects, which are a result of industry and technology and for all other tangible forms in life. It is said: “the Hadhaarah of the previous nations”, or “the civilisation (madaniyyah) of the former nations”, meaning what has been left by these nations, in terms of thoughts relating to the viewpoint about life, such as religion and philosophy and so on; and what they have left, in terms of artefacts and material forms such as buildings, manufactured tools and the like. It is also said: “the culture or civilisation of this age”, meaning everything the mind has produced, in terms of thoughts and material forms. The use of these terms in this manner is mistaken. What the mind produces, in terms of what is related to the viewpoint about life, is completely different from tangible and material forms that it produces, such as industry and inventions. The correct opinion is that the first term (Hadhaarah) should be used for the first of these two meanings, while the second term (madaniyyah) should be used for the second meaning. Thus, Hadhaarah is defined as a host of concepts about life, while madaniyyah is defined as the tangible and material objects.

Civilisations (Hadhaarah) differ according to the difference in peoples and ways of life. The Communist civilisation is different to the Western civilisation. The Islamic civilisation is different to that of the Western civilisation or the Communist civilisation. To this day there is nothing called human civilisation, because the concepts nations and peoples hold concerning life are different and disparate. The civilisations that human kind has are all different and disparate. Also in the history of the world, we only see civilisations that are different and disparate. So the civilisation of Islam is different to the civilisation of Rome; the Greek civilisation is different to that of the Persians and so on and so forth. Thus, the expression ‘human civilisation’ has no reality.

25. The Islamic civilisation contradicts the Western civilisation. It also contradicts the Communist civilisation. The basis of the Islamic civilisation is the Islamic ‘Aqeedah. This is contrary to the basis of the

Western civilisation, which is the separation of religion from state, and contrary to the Communist civilisation, whose basis is materialism, i.e. that man, life and universe evolve on their own. So, according to its view, the nature of the world is matter and changes in the world are different manifestations of evolving matter. This is with regards to the basis.

As for the depiction of life, for Capitalism it is one of benefit, while for Communism it is evolution of matter, i.e. the inevitable change from one state to another in an ascending motion. This is different to Islam, where its depiction of life is the criteria of Halaal and Haraam. As for happiness, for the Western and Communist civilisations it means only one thing and that is the satisfaction of the sensual pleasures; whereas in Islam happiness is the constant tranquillity, whether the sensual pleasures have been satisfied or not. When man has constant tranquillity, then he has attained happiness; if he does not achieve constant tranquillity, then he will not attain happiness, even if he has satisfied all his sensual pleasures. Happiness cannot be attained without the constant tranquillity through seeking the pleasure of Allah I. Thus happiness, fundamentally, is to seek the Good Pleasure (ridwaan) of Allah; because it is through this way that constant tranquillity is achieved. Therefore, the Islamic civilisation is in complete contradiction with the Western and Communist civilisations, due to the contradiction in the basis, depiction of life and meaning of happiness.

26. It is not allowed to take from the non-Islamic civilisation, since it is not allowed for a Muslim to adopt thoughts about life that do not come from Islam. He is restricted to taking from Islam and forbidden to take from any other source, whether the matter is linked to the viewpoint about life, or to solutions to life’s problems. It is not allowed to take from any civilisation other than the Islamic civilisation. As for the madaniyyah, this needs to be look into; if it is not influenced by another viewpoint about life, then it is allowed to take, such as industry, weapons and ornamental tools, types of clothing, adornment and beautification. These are classed as ‘objects’; and the original opinion about objects (in Islam) is permissibility (ibaaHah). However, if they are influenced by a foreign viewpoint about life, then it is not allowed to adopt them, such as the drawings

and statues for things that possess the secret of life (rooH); besides other such things for which there is an explicit prohibition. So it is allowed to take madaniyyah, but as long as there is no prohibition. As for the civilisation (Hadhaarah), it cannot be taken in any way whatsoever.

27. One should make a distinction between the empirical disciplines and subjects that are included within them such as maths on one hand, and the cultural disciplines on the other. The empirical disciplines and their related topics are universal and not specific to a nation, nor are they linked to a viewpoint about life. The facts related to science are the same in Russia as they are in America and they are the same sciences without any difference. They are the same for all peoples and nations, whether ancient or modern. They do not differ according to the difference in the nations and peoples, nor do they differ according to the viewpoint about life. This is different to culture, which is the information that influences the mind and its judgment on things. This culture differs according to the different viewpoints. So the cultural outlook in Russia differs from the cultural outlook in America. Thus, legislation, economy, history etc. are different in Russia and America. Likewise, the Islamic culture is different to the communist culture or the capitalist culture. The cultural outlook in Islam is different to that of the West and the Communists. That is why a distinction must be made between education, in its modern sense, and culture. Thus, the empirical sciences and their related subjects are studied according to need and they are taken from any human being. However, if these sciences lead to deviation from the beliefs or weakness in the convictions, then it will be forbidden to teach these particular sciences. When their effect has gone, then they can be studied. This is different to the case of culture, because teaching is restricted to the Islamic culture and does not go beyond the cultural outlook of Islam. In higher-level education and in other levels of research and analytical study though, it is allowed to teach them in order to refute and invalidate them, not to adopt them. Nothing is taught from this culture without giving the refutation at the same time. This is because the Noble Qur'an has mentioned the beliefs of others, but it mentioned them to clarify, invalidate and refute them.

As for technologies and industries such as trade, shipping and agriculture, they may be included within the sciences and consequently taken. There might be matters included under culture, such as drawing portraits of things that have rooH or manufacturing crosses (that are used by Christians), these are not taken, because they are affected by other viewpoints about life.

28. There is a difference between *Tareeqah* (method), *waseelah* (means) and *usloob* (style) The method is decided based on the viewpoint about life and differs according to the difference in the viewpoint about life. The method remains consistent with the viewpoint about life and does not change. As for the means and styles, they are determined by the action one wishes to undertake and do not differ according to the viewpoint about life. They are not constant and they are subject to change. Thus, instigating contradictions is part of the Communist method. Jihad according to the Islamic viewpoint is part of its method. Colonisation of people from the capitalist perspective is from their method. As for the tools used, such as tanks, swords and nuclear bombs, and the manner in which such things are used, in terms of war plans, military technology etc., they are all part of the means and styles. Therefore, it is not allowed to take the method from any source other than Islam. Rather, the method brought by Islam has to be adhered to. As for the means and styles, they can be taken as and when they are found, unless there is an explicit prohibition.

*The Kitaab*

29. The Kitaab is the noble Qur'an revealed to our Messenger Muhammad ﷺ on the tongue of Jibreel. The Kitaab is that which has been transmitted to us between the two binds of the *Mus-haf* in the seven *Harfs* ("recitations") through a mutawaatir transmission.
30. What has been transmitted to us from the Noble Qur'an is a mutawaatir transmission. We know that this is Qur'an and only this is a proof. As for what has been narrated to us as *abaad* (single narrations), such as the *Mus-haf* of Ibn Mas'ud and others, they are not a proof. This is because the Prophet ﷺ was entrusted to convey what had been revealed to him from the Noble Qur'an to a group whose speech would be decisive proof. It cannot be imagined that those whose speech is a decisive proof would agree to not transmit something they had heard. If we find something not transmitted by those whose speech is a decisive proof, then it is a single narration, which is not recognised (as decisive proof) This is because it has come in a manner other than that which the Messenger ﷺ has been entrusted to convey, in terms of it being of singular transmission. This is unlike the way the Messenger ﷺ conveyed the Qur'an, where he conveyed it to many Muslims who would memorise it and whose speech would be a decisive proof; this is beside his order for it to be written.
31. The Noble Qur'an does not have a *zaahir* (outer) or *baatin* (secret) meaning. It is an Arabic speech, which has come in the tongue of the Arabs. He ﷺ said:

﴿قَرَأْنَا عَرَبِيًّا﴾

"We have sent it down as an Arabic Qur'an" [Yusuf: 2] And He ﷺ said:

﴿بَلْسَانَ عَرَبِيٍّ مُبِينٍ﴾

"In the plain Arabic language" [Ash-Shu'araa': 195] It is understood the same way as any Arabic speech is understood. What Allah intends by the Qur'an is what has been expressed by the Noble Qur'an itself; Allah ﷻ did not intend anything other than what was expressed. His intention is only understood from understanding of the syntax. Thus, the intention of Allah ﷻ is only what was expressed. The Arabic

meaning is what Allah ﷻ intended in His speech, which He expressed in the Arabic words and Arabic style. Accordingly, the import of the speech is what the speech indicated, through the linguistic proofs and the Shar'ee indication mentioned in the Kitaab or Sunnah. This has no 'outer' or 'inner'; it rather has a meaning indicated by the Arabic speech, through the Arabic understanding of the Arabic words and Arabic styles.

32. The Qur'an is composed of *aayaat* which are *MuHkamaat* (clearcut) and *aayaat* which are *mutashaabibaat* (ambiguous), due to the saying of Allah ﷻ:

﴿مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ﴾

"In it are Verses that are entirely clear, they are the foundations of the Book; and others not entirely clear." [Aali 'Imraan: 7] As for the *MuHkam* part, it is the text whose meaning is apparent and clear such that it precludes the possibility of having any other meaning, i.e. its indication is explicit and not open to interpretation, Such as the saying of Allah ﷻ:

﴿وَاحِلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾

"Allah has permitted trading and forbidden Riba (usury)." [Al-Baqarah: 275] And His ﷻ saying:

﴿وَالسَّارِقَ وَالسَّارِقَةَ فَاقْطَعُوا أَيْدِيَهُمَا﴾

"Cut off (from the wrist joint) the (right) hand of the thief, male or female." [Al-Maa'idah: 38] And His ﷻ saying:

﴿وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ﴾

"And there is (a saving of) life for you in Al-Qisas (the Law of Equality in punishment), O men of understanding" [Al-Baqarah: 179] As for the *mutashaabibah* part, it is the opposite of *muhkam*. It is the text which is open to more than one meaning, i.e. where the possible meanings conflict. It is open to a number of conflicting meanings. For example,

﴿والمطلقات يتربصن بأنفسهن ثلاثة قروء﴾

“And divorced women shall wait (as regards their marriage) for three menstrual periods.” [Al-Baqarah: 228] He ﷺ said:

﴿أو يعفو الذي بيده عقدة النكاح﴾

“unless they (the women) agree to forego it, or he (the husband), in whose hands is the marriage tie.” [Al-Baqarah: 237] He ﷺ said:

﴿أو لامستم النساء﴾

“or you have been in contact with women.” [Al-Maa'idah: 5] He ﷺ said:

﴿ويبقى وجه ربك﴾

“And the Face of your Lord full of Majesty and Honour will abide forever.” [Ar-Rahman: 27] He ﷺ said:

﴿فإنك بأعيننا﴾

“For verily, you are under Our Eyes.” [Al-Tur: 48] He ﷺ also said:

﴿مما عملت أيدينا﴾

“from Our Handiwork” [Yaaseen: 71], and other such examples whose wording have a number of conflicting meanings and cannot be reconciled. Rather they need a linguistic *qareenah* (linkage), which would specify one of the meanings. It might also have an apparent meaning that implies anthropomorphisation (of Allah), a matter that is not possible, either rationally or by shar', for the word to indicate. So, it needs a linguistic or shar'ee *qareenah* (linkage) to determine the intended meaning.

## The Sunnah

33. The Sunnah consists of the sayings of the Messenger ﷺ, his actions and consent that has come from him, other than the Qur'an. It is revelation from Allah ﷻ, because Allah ﷻ said:

﴿وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۖ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ﴾

"Nor does he speak of (his own) desire. It is only an Inspiration that is inspired." [An-Najm: 3-4] He ﷻ said:

﴿إِن أَتَّبِعْ إِلَّا مَا يُوحَىٰ إِلَيَّ﴾

"I only follow that which is revealed to me." [Yunus: 15] He ﷻ said:

﴿قُلْ إِنَّمَا أَتَّبِعُ مَا يُوحَىٰ إِلَيَّ﴾

"Say: verily, I only follow that which is revealed to me." [Al-An'aam: 203] He ﷻ said:

﴿إِنَّمَا أَنْذَرُكُمْ بِالْوَحْيِ﴾

"I warn you only by the revelation (from Allah)." [Al-Anbiyaa: 45]

34. The Sunnah is like the Qur'an, because it is revelation from Allah and the Sharee'ah of Allah. There is no difference between the Noble Qur'an and the Sunnah in the Sharee'ah. Both of them are *khiTaab ash-shaari'* (the speech of the Legislator), due to the saying of Allah ﷻ:

﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾

"And whatsoever (maa) the Messenger (Muhammad ﷺ) gives you, take it, and whatsoever (maa) he forbids you, abstain (from it)." [Al-Hashr: 7] The 'maa' is one of the forms of generality. Also He ﷻ said:

﴿مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ﴾

"He who obeys the Messenger (Muhammad ﷺ) has indeed obeyed Allah." [An-Nisaa': 80] And He ﷻ said:

﴿فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ﴾

"(And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger ﷺ." [An-Nisaa': 59] Thus, the Sunnah is a Sharee'ah evidence, like the Noble Qur'an, without any difference.

35. The Sunnah has reached us via narration, a manner unlike that of the Qur'an, which had been transmitted to us as transmission. The selfsame Noble Qur'an that was revealed to the Messenger of Allah ﷺ - which he conveyed to people whose speech establishes a decisive proof, and which he ordered to be memorised and written - has been transmitted to us exactly the same as it was revealed to him. Whilst the Sunnah is what the narrators narrated to us concerning what the Messenger ﷺ said, what he did and what he consented to. Thus, to consider something to be part of the Sunnah depends on the narrator.
36. Those who narrated from the Prophet ﷺ were either from the Sahaabah or other people who are not from the Sahaabah. This is because not everyone who saw the Messenger ﷺ is a Sahaabi. Nor is everyone who narrated from him a Sahaabi. The word Sahaabah is an Arabic word, which is understood according to the linguistic indication. The word Sahaabi linguistically means anyone who fulfils the meaning of companionship. There is no Sharee'ah text defining the meaning of Sahaabi. So the meaning is that which the language has indicated. It has been narrated from Sa'eed b. al-Musayyab that the definition of Sahaabi is that "he must have spent a year or two (with the Messenger ﷺ) or have gone to one or two battles (with the Messenger ﷺ)." As for the one who saw the Messenger ﷺ or narrated from him but did not accompany him, he is not a companion (Sahaabi) That is why when Anas b. Malik was asked: "Other than you, are there any companions of the Prophet left?" He said: "There are some people from the Bedouins who saw him, but as for those who accompanied him, no."
37. Every Muslim must accept the narration of a Sahaabi and to take it as proof. It is not allowed for him to reject it, because the trustworthiness of a Sahaabi is proven by of the definite (qat'i) text of the noble Qur'an. Anyone who is proven to be from the

Muhajireen or from the Ansar, his narration must be definitely accepted. It is not allowed for a Muslim to reject it, because that would mean rejection of someone Allah ﷻ has praised and whose trustworthiness is established in the Noble Qur'an.

38. It is stipulated for any narrator, other than the Sahaabah, that before one cites his narration as proof, he is proved to be *'adl* (trustworthy) and *dhabit* (precise) in regards to what he narrates. So the trustworthiness of a narrator, such that we consider his report a part of the Sunnah, cannot be established unless the conditions of trustworthiness and *dhabit* (precision) are fulfilled. Thus, one must scrutinise from whom the Hadeeth is taken. The narration is not taken from someone whose madh-hab contains an opinion that makes the one who adopts it a kaafir, or someone who allows lies to be said about the Messenger ﷺ in order to support his madh-hab, or to call to his sect and encourage people to be part of it, or if he permits lying for the benefit of Islam etc. This is because the Messenger ﷺ said:

((مَنْ كَذَبَ عَلَيَّ مُتَعَمِّدًا فَلْيَتَبَوَّأْ مَقْعَدَهُ مِنَ النَّارِ))

**“The one who deliberately lies about me let him reserve a place for himself in the Hellfire.”** The one who lies about the Messenger of Allah has definitely lost his trustworthiness.

## *Understanding the Kitaab and Sunnah*

39. The Kitaab and Sunnah are an Arabic speech and a legislative speech. Deducing them as evidence depends on knowledge of the Arabic language.
40. The Arabic language is like the rest of the languages; it has been coined by the Arabs and they agreed upon it by convention. Thus the language is from the conventional usage of the Arabs and not fixed by Allah ﷻ. So long as it is the case that the Arabs were the ones who conventionally agreed on its usage, then the only way to understand it is to take it from the Arabs themselves. If they say such and such word has been coined for such and such meaning, or if they say such and such meaning has been coined for such and such word, then their saying is accepted and sanctioned, without being open to discussion. This is because the conventional usage (*istilaah*) is incontestable. The issue is one of technical usage and not a rational matter or related to comprehension.
41. The Arabs intended in this context are the Arabs who speak the pure and unadulterated Arabic. They are the ones who used to speak Arabic before it became corrupted. Some of them still remained until the fourth century Hijri. They used to live as Bedouins and so their language was not corrupted. As for those who came after them the Arabic language is not taken from them, nor is their speech a proof.
42. One must restrict oneself to the indication of the word coined by the Arabs. And the meaning of the word must be confined to what the Arabs have coined. This is because the issue is to do with the transmission from the one who coined the term and nothing else. Therefore, the fact that a word is derived from a certain root does not mean all its derivatives have the same meaning, or that any one of these derivatives gives the meaning of the other. The language may give more than one word for one meaning. Or the language may give the word only one meaning, which cannot be given to any other word. This is because all of this is according to the coinage of the Arabs. Thus, the agreement of words by derivation does not mean their agreement in meaning; rather the meaning of each word is taken according to the coinage of the Arabs, regardless of the root of derivation.

43. Confining oneself to the indication of the word coined by the Arabs does not mean one is prevented from derivation or arabisation of words, or using them metaphorically. We have the right to enrich the language through using these three styles. Since these are not only for the pure Arabs; but rather what is specific to them (the Arabs) is laying down the foundations of derivation, arabisation and metaphoric usage, as well as laying down details and forms (*awzaan*) of the Arabic language. As for the use of derivation, arabisation and metaphor, any Arab who understands the language, as long as he proceeds according to what the Arabs have coined, can do this. Thus the Arabic language, due to its metaphors, derivation and arabisation, is able to express any new meaning. Consequently, it has the capacity to express new events so as to extract their ruling from the Sharee'ah texts.
44. The capacity of the Kitaab and Sunnah to give rulings for every incident depends on the capacity of the Arabic language to express every new meaning. This necessitates, or rather makes it inevitable, that the Arabic language is united with Islam, i.e. the Kitaab and Sunnah, such that they become one indivisible whole. In other words, the Arabic language is an intrinsic part of Islam, i.e. part of the Kitaab and Sunnah and cannot be separated from them. This is how it was in the past, and how it should remain until the end of time. Thus, knowledge of the Arabic language is a fundamental condition of Ijtihaad; recitation of the Faatiha in Arabic is a condition for the validity of Salah. Translation of the Noble Qur'an was not allowed. Hence the Muslims went out of the Arabian Peninsula to the world, carrying the Kitaab and Sunnah in one hand and the Arabic language in the other. They taught the people the Arabic language, just as they taught them the Kitaab and Sunnah in exactly the same way. That is why the Arabic language needs to be treated like the Kitaab and Sunnah in terms of the necessity to learn it and protect it. This is because the Kitaab and Sunnah will cease to exist in the reality of life, or the reality of newly emergent relations, without the Arabic language.
45. Limiting oneself to the meaning for which the Arabs have coined words and adhering to what they have coined, does not prevent the Arabic language from accommodating the sciences and new

inventions. This is because it is allowed for every expert in every discipline or invention, to lay down terminology for his or her discipline or invention, so that they agree on new technical terms, from the Arabic language, which have a specific meaning for their disciplines or inventions. This matter is allowed. The Arabs themselves had begun this, and they permitted the usage of terminology as long as it was specific to the subject matter it was coined for. Thus, as regards the science of grammar, principles of dictation and so on, the Arabs did not give technical terms for them. Rather it was the masters of those sciences who laid down the terminology. The Arabs did not know these terminologies. Thus, the experts of these sciences and disciplines set down the technical terms used in such disciplines. This was accepted and recognised by the pure Arabs. Therefore, the masters of these disciplines and inventions coin technical terms for every new discipline or invention. They use the Arabic language for this purpose, on condition that they adhere to the Arabic expressions and forms, so that the word continues to be Arabic as coined by the Arabs. Nothing changes regarding the Arabic word except the meaning, which it was technically (isTilaaHan) transmitted to. In this manner, the Arabic language encompasses new disciplines and inventions, whilst adhering to what the Arabs have coined and restricting oneself to the limits they placed.

## *Enacting Constitution and Canons*

46. Canon is a technical term that means the decree issued by the ruler for people to act upon. It has been defined as “*a host of principles which the ruler obliges the people to act upon in their relationships*”. The basic law for every government is called a constitution, whereas laws other than the basic law are called canons. The term constitution has been defined as “*the canon which outlines the shape of the state and its ruling system, and explains the limits and functions of every authority vested in it, or the canon which organizes public authority, i.e. the government, defines its relationship with its subjects, and assigns both the State's rights and duties towards the subjects and the subject's rights and duties towards the State.*” This is the meaning of the words of constitution and canon. The constitution and canon are the order of the ruler, and the Muslims are restricted by the orders and prohibitions of Allah ﷻ. Thus, they are restricted by the Kitaab and Sunnah; the ruler himself is restricted by the orders and prohibition of Allah, i.e. the Kitaab and Sunnah. Accordingly, Muslims do not need a constitution and canons, since the Sharee'ah rules have clarified the principles that they are obliged to adopt in their relationships, the structure of the state, the ruling system and the responsibility of each authority. Their constitution and canons are Sharee'ah rules, i.e. they are from the speech of the Legislator. So they adhere only to this; according to this their relationships and the rest of their actions and behaviour proceed, whether in the state or society. That is why the Islamic state, since the time of the righteous Khulafaa', until the destruction of the Islamic Khilafah, did not have a constitution or canons. This was the case until the Kaafir states came to control the last period of the Islamic state towards the end of the Ottomans, whereby they forced them to pass laws and then enact a constitution.

47. Allah ﷻ has commanded the obedience to the ruler and execution of his orders. He ﷻ said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ

مِنْكُمْ﴾

“O you who believe! Obey Allah and obey the Messenger (Muhammad ﷺ), and those of you (Muslims) who are in authority.” [An-Nisa: 59] He ﷻ said:

((وَمَنْ يُطِيعِ الْأَمِيرَ فَقَدْ أَطَاعَنِي وَمَنْ يَعْصِ الْأَمِيرَ فَقَدْ عَصَانِي))

“Whosoever obeys the Ameer has obeyed me and whosoever disobeyed the Ameer has disobeyed me.” However, obedience to the ruler is restricted to what action he is allowed to undertake according to his own opinion and Ijtihad and not just any action. He cannot permit a Haraam and nor prohibit a Halaal under the pretext that Allah has commanded that he be obeyed. Rather his responsibility is to implement the rules of the Sharee'ah on the people. Thus, obedience is only for the Sharee'ah. Allah ﷻ has given him the responsibility to implement the rules according to his opinion and Ijtihad, so it is obligatory to obey him in these things. Anything beyond that, the obedience is only to Allah and His Messenger, not to the ruler. The ruler only implements the law of Allah. However, the Sahaabah differed regarding the Sharee'ah rules and so did the mujtahidoon. Some understood something from the Sharee'ah text, which was different from what the other understood, hence there were different understandings of the Sharee'ah rules. For this reason the Legislator has given the Khaleefah the right to adopt any one of these opinions and oblige the people to act upon it; and they are obliged to obey him in this regard. The Sahaabah have made *Ijmaa'* (consensus) that the Khaleefah has the right to adopt rules; once he has adopted a hukm the people are obliged to obey him and that rule becomes the hukm of Allah for all Muslims. It is correct that obedience to the Khaleefah in the rules he adopts is obligatory and that he has the right to make the people adhere to specific rules, but this is not undertaken because it is the order of the Khaleefah, rather because it is an order from Allah. All that the Khaleefah has done is that he selected a specific understanding from the different understandings of the Sharee'ah text, so action is carried out according to the Sharee'ah rules and not the order of the Khaleefah. This is evidenced by the fact that if the Khaleefah orders with other than the Sharee'ah rule, then it is not obligatory to obey him. Rather it is forbidden to obey him. Thus, adherence to the adoption of the Khaleefah is not obedience to his own orders, but rather it is obedience to Allah in what He ﷻ has ordered. Thus, it is an execution of the order of Allah and not the order of the Khaleefah. Hence the ruler cannot force people to follow certain principles he has laid down for them except in one situation, where Allah ﷻ has given him

the right to do this according to his own opinion and Ijtihad.

48. The fact that Muslims do not need a constitution and canons means they do not need rules enacted by human beings, which the ruler ordered people to adhere to, since the Sharee'ah has already brought everything. He ﷺ said:

﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ﴾

*“And We have sent down to you the Book (the Qur'an) as an exposition of everything.”* [An-Nahl: 89] So there is no need for human beings to lay down a constitution and canons. However, the Shar' entrusted the Khaleefah with adopting certain rules from amongst the opinions, which the Mujtahideen differed in, and gave him the right to oblige the people with some of his specific opinions, but just in aspects where he was given the right to conduct according to his opinion and Ijtihad, such as the issue of army leadership and the Bait ul-maal's revenues and expenses and the like. Due to all of this, the Khaleefah is given the power to enact a constitution and laws and to oblige the people to follow them. Therefore, it is allowed for the Muslims to have a constitution and canons, which are adopted from the Sharee'ah rules and the matters in which the Khaleefah has been given a right to undertake according to his own Ijtihad and opinion. As regards the adoption of the rules, this needs to be looked into: if the Khaleefah is unable to undertake his responsibility without adopting a certain rule; or the unity of the state, unity of the authority, or the unity of the Ummah and land cannot be achieved or protected, except through adoption of a certain opinion, then adoption in this two situations will be obligatory on the Khaleefah in accordance with the Sharee'ah principle: That which is necessary to fulfill a waajib is itself a waajib (*maa laa yatimmul waajib illa bihi fahuwa waajib*) As for other than these two situations, then adoption is allowed, but not obligatory. As for the matters in which he has been given the right to undertake according to his own opinion and ijtihaad, if he could give his opinion regarding the action when it is needed for execution, and there is no necessity to assign ahead a specific style for it, then in this case he is allowed to either clarify a specific opinion for executing the action or not. In other words, he is allowed to either enact a canon or not. However, if the execution

of the action is only possible through enacting studied and thought of styles, such that the execution of the action would not be possible and disorder would occur without it, then it is obligatory to enact canons and it is Haraam to ignore that. Therefore, regarding enacting specific laws, people are obliged to follow some of them and they are allowed to follow some other. As regards the compiling of all these obligatory and allowed rules in one constitution and one canon, it is allowed and not obligatory. Thus, enacting a constitution and canons for Muslims is allowed. However, they must be from the ahkaam shar'iyyah and from what the khaleefah was given the right to undertake according to his opinion and ijtihaad.

49. The adoption of Sharee'ah rules stifles study and creativity and does not promote Ijtihad. This is because the people would then be obliged to follow the adopted rule, since they cannot act upon any other opinion. The ruling is deduced so as to be acted upon and not just for the sake of knowledge. Since one cannot act upon such an opinion then the mujtahid will not see any need to derive it, because the mere knowledge of something does not motivate for Ijtihad in the way that the motivation for action does. Hence, adoption stifles research and creativity and does not encourage Ijtihad. That is why the rules adopted by the Righteous Khulafaa' were few in number and very rare. This is also why Imam Malik advised the Khaleefah Abu Ja'far al-Mansoor not to adopt his book Al-Muwatta' and to leave the matter to the people to follow what they deemed was right. He said this when Abu Ja'far al-Mansoor proposed to adopt his book after Ibn Muqaffa' pressed him to adopt specific rules for the judges, which the people would be obliged to adhere to. Imam Malik refused to do that because leaving the people to act upon their own opinions promotes creativity, encourages ijtihaad and consequently the intellectual and legislative wealth grows. It sharpens the intellect and produces creative people and mujtahideen in the Ummah. Therefore, one must attempt to limit the adopted rules when the canons and constitution are enacted.

*Society*

50. Society is a group of people amongst whom permanent relationships arise. One person together with another person constitutes only a group. However, if permanent relationships occur between these individuals they then form a society. If no permanent relationships arise then they remain as a group and will not become a society. What makes a group of people into a society are the permanent relationships. These relationships arise due to their interests. Thus, it is the interest that produces a relationship; without it there would be no relationship. What determines whether such interests are seen as interests or harms is the people's view towards such an interest. If a person views a matter as an interest, then the relationship arises, if not then the relationship will not arise. So it is the concept that determines what constitutes an interest. Accordingly, it is the concept that produces the relationship. Since concepts are the meanings of thoughts, thoughts are what determine the interest, and accordingly thoughts produce the relationship. The common thoughts of a group of people produce a common viewpoint towards the interest, which in turn produces a relationship. However, common thoughts on their own cannot produce relationships without common emotions. In other words, in order for this relationship to take place between two people, they must view the interest with pleasure, i.e. their emotions must be united in their viewpoint towards the interest, in terms of approval, anger, sadness and pain, in addition to the common thoughts, so that the interest exists and consequently the relationship arises. However, common thoughts and emotions on their own are still not enough; there must also be a common system that treats these interests so that a relationship exists. In other words, they must agree on the manner of treating this interest so that a relationship exists. Thus, for a relationship to take place between people there must be united thoughts, emotions and a system. When these three things do not exist there is no relationship. Therefore, society is composed of people who have common thoughts, common emotions and a single system. Thus, a society comprises of people, thoughts, emotions and systems. It is a group of people who have permanent relations; however these permanent relationships have been produced by common thoughts, emotions and systems. It is according to these three elements that societies are formed; hence societies differ from each other according to the difference in thoughts, emotions and systems.

51. The Islamic society is the society in which the relationships are according to the Islamic thoughts, emotions and systems. In other words, the relationships that arise between the Muslims, and between the Muslims and others are according to the Islamic 'aqeedah and the Sharee'ah rules. The mere presence of Muslims, without the presence of the Islamic thoughts, emotions and systems in their relationships, does not make the society an Islamic society. Rather the thoughts, emotions and systems that control their relationships must be Islamic thoughts, emotions and systems. The fact that the thoughts, emotions and systems that control the relationships must be Islamic is a fundamental condition for a society to be Islamic. It is not enough for the people to be Muslims; rather the thoughts, emotions and systems must also be Islamic, since society is comprised of thoughts, emotions and systems. Consequently, the society in which Muslims live today, in all regions of the world, is not an Islamic society, though the people are Muslims. This is because not all of the relationships proceed according to Islamic thoughts, emotions and systems. Even the countries that still settle disputes in judiciary according to the ahkaam shar'iyyah are not an Islamic society, because they do not conduct other relationships according to the thoughts and rules of Islam. It is necessary that all the relationships proceed according to the Islamic 'Aqeedah and the Sharee'ah rules, in order that a society be an Islamic society.

52. The method to change a non-Islamic society in which Muslims live today and create an Islamic society is to change all the relationships at one time, i.e. according to a radical method and not by gradualism. This takes place by abolishing all present relationships and replacing them with Islamic relations all in one go. This will begin with the ruling system and then at the same time move to the rest of the systems. The first action should be to completely destroy the existing ruling structure, replacing it with the Islamic ruling structure. The ruling structure will oblige the people to follow the thoughts and rules of Islam and oblige the Muslims to organise their actions according to the orders and prohibitions of Allah ? The criteria for judging matters will be the Halaal and the Haraam. It proceeds in generating this change through direction and implementing punishments. So it reminds the Muslims of Islam and explains to all the people the thoughts and rules of Islam. At the same time, it

punishes those who contravene the Sharee'ah by Hudood, Jinayaat and Ta'zeer (discretionary punishment). But to make the Muslims comply with the thoughts and rules of Islam, it relies on their belief, i.e. on the internal motivation. If this internal incentive does not exist, the state will resort to force and implementing punishment, so as to insure compliance.

## *Economy*

53. The economic problem is not the poverty of the country, but the poverty of individuals. Or in other words, the economic problem is the distribution of wealth and not the production of wealth. If a country is poor, its problem is solved by working to increase production, by expansion or by integration with other countries. The presence of the problem of poverty in a country is not inevitable. It may occur as in poor countries and it may not occur as in rich countries. It is not linked to the viewpoint about life, nor does it differ according to the peoples and nations, moreover, it does not create problems amongst the population. As for the problem of individual poverty, this will definitely happen. This is because the presence of the disabled and lazy people, beside others who became disabled through accidents; all of these and the like will inevitably exist in society. Furthermore, ownership is an instinct and competition among people for more ownership will inevitably occur in society. Thus, poverty of individuals in society is something that cannot be avoided. It is an inevitable problem that requires a solution. Also this problem relates to the viewpoint about life, which differs from people to people and nation to nation. So there are people who think the reward should be according to the effort, thus it is fair that the one who does not produce is poor. There are also people who think that it is injustice that the disabled be deprived from the right to live, even his inability was a natural handicap or if something happened to him beyond his control, thus causing him to be unable to earn. So justice demands that his livelihood is secured. Competition in life for livelihood and money is natural. Such competition creates problems amongst the population, which require solutions. This shows that the problem that needs a solution is the problem of the poverty of individuals, not the poverty of the country. Solving individual poverty solves the country's poverty. Thus, the problem is distribution and not production.

54. One must insure that all the basic needs (Hajaat asaasiyyah), of all the citizens, are satisfied individually and in a complete manner. Every individual should also be enabled to satisfy his luxurious needs (Hajaat kamaaliyyah), and insure that the citizens have security, education, healthcare and the rest of the basic needs of the community.

55. Ownership is of three types: private ownership, public ownership and state ownership. As for private ownership it is a divine rule estimated in terms of asset or benefit, which accordingly enables the owner to utilize the asset and to receive compensation for it. As for public ownership, it is the permission of the Lawgiver to the community to share the use of the asset. State ownership is the property whose expenditure depends on the opinion and Ijtihad of the head of state.

56. Public ownership is established by the nature and description of the property, regardless of the state's view. It is the reality of the property that needs to be looked into: if the property is from the public amenities, like city squares or natural resources such as oil or anything which by its very nature is not owned by individuals, then it is naturally public property. The state cannot keep it as private property. If the property is not from one of these three then it remains as private property and it is not allowed for the state to forcibly take it from its owner and turn it into public or state property. As for the state property, this is restricted to the property that is the right of all the Muslims, but it is not property that belongs to the public. Even though the people have a right over it, such as Kharaj, taxes and Fay', however it is state property and must be owned by the state. If the Muslims don't have a right over it then it is the property of individuals and the state is not allowed to own it. Hence, what is known as nationalisation is completely haraam, because it is the state that transforms the private property into state property when it sees a general interest that requires the state's ownership of a property owned individually. This is not allowed because the Sharee'ah has forbidden us to confiscate property. He ﷺ said:

((لا يَحِلُّ لِمَرِيٍّ أَنْ يَأْخُذَ عَصَا أَخِيهِ بِغَيْرِ طَيْبِ نَفْسِهِ))

**“It is not allowed for a person to take the stick of his brother without his permission.”** He defined what is public property and he made the matter dependent on the nature and description of the property, not according to the opinion of the state. He defined state property and restricted it to the property in which the Muslim masses have a right.

57. Ownership of the land has specific rules. The possession of land is meant for agricultural production, and for the continuity and increase of this production. The land becomes owned as any other land would: by purchase, gift, inheritance and other types of ownership. It is also owned by reviving it, if it was dead land, or if the state granted its ownership to individuals. In the Sharee'ah terminology, this is known as *'iqTaa'* (state property grants). When the individual gains ownership of the land he is obliged to personally undertake the responsibility of exploiting the land. He does this either by directly doing the work himself, or hiring workers, animals, farming equipment etc. It is not allowed for him to lease it out for cultivation. If he neglects it for more than three years, then the land is confiscated and given to someone else. He ﷺ said:

((مَنْ أَحْيَا أَرْضاً مَيْتَةً فَهِيَ لَهُ))

**“The one who revives a barren land it belongs to him.”** It has been narrated that the Prophet ﷺ granted land to Abu Bakr and ‘Umar. It has been authentically narrated that the Messenger ﷺ said:

((مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيُزْرِعْهَا ، أَوْ فَلْيُزْرِعْهَا أَخَاهُ ، وَلَا

يُكَارِيهَا بِثَلْثٍ وَلَا بِرَبِيعٍ وَلَا بِطَعَامٍ مَسْمُومٍ))

**“Whosoever had a piece of land, let him cultivate it or let his brother cultivate it. He must not rent for it's third or fourth of its harvest, and or a specified amount of food.”** It has been reported that ‘Umar allowed fencing for three years. If the land has been left for three years and someone else revived it, then he is more entitled to it. It is also ‘Umar who said: **“Anyone who fences a land (Muhtajir) has no right to it after three years.”**

58. Foreign trade is allowed for all citizens, whether it is in goods or money. There is no need for licenses for import or export and no need for (foreign) money orders, due to the saying of Allah ﷻ, which is general in import:

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ﴾

“And Allah has permitted trade” [Al-Baqarah: 275], and the general import of the saying of the Messenger ﷺ:

((يَبْعُوا الذَّهَبَ بِالْفِضَّةِ كَيْفَ شِئْتُمْ يَدًّا بِيَدٍ))

**“Trade with gold for silver as you wish, but hand to hand (without credit).”** This is general and includes the domestic and foreign trade. Customs tax is not taken from those who carry citizenship, due to the saying of the Messenger ﷺ:

((لَا يَدْخُلُ الْجَنَّةَ صَاحِبُ مَكْسٍ))

**“He who imposes *Maks* (custom duty) would not enter paradise.”** As for non-citizens, they will not be allowed to enter the country or import their goods or money without permission, i.e. without an import licence and money order. The state has the right to give permission or withhold it. This is because the one who enters without citizenship cannot enter without *amaan* (pledge of protection) Customs taxes are taken from those who do not have citizenship according to what their country takes from our traders. It has been narrated that Abu Majlaz, Laahiq Ibn Hameed said: **“They said to ‘Umar: ‘How much should we take from the belligerent people if they came to our land?’ He asked: ‘How much do they take from you?’ They said: ‘The *Usbr* (tithe)’ He said: ‘So take the same from them.’”**

59. Foreign trade is considered according to the citizenship of the trader, not the source of the goods. Traders who are kaafir Harbi hukman (potentially belligerent kafir) are banned from trading in our lands, except with the special permission given to the trader or the goods. Traders from any state with whom there is a treaty will be treated according to the agreements signed between them and us. The traders who hold citizenship are prevented from exporting the raw or strategic materials that the country needs, but they are not prevented from importing property they own.

The country that is actually at war with us, such as Israel, is excluded from such trading rules. The rules of the land of actual war apply to it, in all the relationships with it whether they are trade relations or

not.

60. Utilization and investment of foreign money is banned in the country, as is the awarding of franchises to any foreigner.
61. It is not allowed for the Islamic State to participate in the IMF or the World Bank, or seek their help in order to strengthen the currency or to improve the financial or economic situation, due to the harm this causes to the state and the destruction of her currency and economy. This is because they are institutions used by America to control currency and trade in the world.

Similarly, it is not allowed for the Islamic state to take foreign debts from financial institutions or from foreign states to finance her projects, improve her economy or protect the value of her currency.

Foreign debt is not allowed due to its danger to the state, economy, currency and sovereignty. This is because foreign debt is a tool to impoverish a country and destroy its economy and currency, whereby the debt multiplies. Beside that, it is a means to extend the influence of the money lending kaafir nations. This limits the state's sovereignty and takes its will as a hostage. Therefore, the Sharee'ah does not allow this, because it is a means that leads to Haraam and the means that leads to Haraam is itself Haraam. These deals are also because they cannot take place without riba and riba is Haraam.

A quick look at the countries that allowed them-selves to take foreign loans such as Jordan, Egypt, Turkey, Sudan and other countries indicates that these countries did not improve their economies. Their projects were not successful; they did not protect the value of the currency, or solve poverty. On the contrary, the currencies have collapsed, poverty has increased, the economy has declined, projects have failed and debts have multiplied manifold. The IMF and the World Bank now control their will and the donor countries have influence over them, which has led to a weakening of their sovereignty.

62. The ownership of a factory is, in origin, a private property, not a public property, nor a state property. This is because the Messenger

of Allah ﷺ ordered the manufacture of a seal ring and the pulpit. He ordered the manufacture of both of these by people who owned the factory as an individual property. People used to order the manufacture of things at the time of the Messenger ﷺ and he consented to that. This indicates that the Messenger ﷺ consented to the individual ownership of the factories without restriction. As well as this, there is no text that indicates that the ownership of factories is a public or state property, so it is a private property.

However, it is allowed to give the factories that produce material from the public property the rule of the material they produce; thus they become public property. It is allowed as well to make them a state property, for she is the representative of the Ummah regarding the extraction of the public property material. It is allowed also to make them individual property, where the state hires these factories from the individuals in order to extract this material.

63. The permanent revenues of the state are the fay', the jizyah, the kharaaj, the fifth of the hidden treasure and the zakaah. These revenues are collected continuously, whether there was a need or not. If these revenues meet the needs, there is no problem; it is not then allowed for the state to collect taxes at all. If however these revenues were not enough to meet the expenses, then the matter needs to be examined. If the needs that were not met were not necessary and no harm falls upon the land or the people due to them being left, such as building a road where there is another alternative road, and digging wells where the present wells are sufficient, then in this case the state collects taxes that are enough to undertake them. This is because this is obligatory on bait ul-maal and the Muslims. If there are no revenues in bait ul-maal, then the obligation is transferred to the Muslims. In that case the taxes are collected from everybody who has more than his needs, according to his situation and in a seemly manner. It is not allowed to lay down indirect taxes at all. Thus, there are absolutely no taxes for guarding, for health, for council and nor for courts or for auction and other things.

## *The State*

64. Authority is embedded in the Ummah, or in the influential group in it. However, it manifests in one person in her, the Ameer. If there is no Ameer, then there is no actual presence of authority. Since authority is looking after the affairs of the people and the management of their interests, where the people can't dispense with looking after their affairs, it is not valid that the Ummah be without an ameer. Thus, the presence of the Ameer in the Ummah is an inevitable duty, necessitated by the nature of the life of the Ummah. Therefore, the presence of the Ameer is obligatory and inevitable; the absence of an Ameer in the Ummah is invalid in any circumstance. The shar' has proved the obligation of appointing the Ameer and the Sahaabah have unanimously consented that the Ummah should not be without an Ameer. It is narrated from 'Abdullah b. 'Umar that the Prophet ﷺ said:

((لا يَحِلُّ لثَلَاثَةِ نَفَرٍ يَكُونُونَ بِأَرْضِ فَلَاةٍ إِلَّا أَمَرُوا عَلَيْهِمْ  
أَحَدَهُمْ))

**“It is not allowed for three people in an open land, save they appointed one of them as an Ameer over them.”** It is also narrated from Abu Sa'eed that the Messenger of Allah ﷺ said:

((إِذَا خَرَجَ ثَلَاثَةٌ فِي سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ))

**“If three (people) went out on a journey, let them appoint one of them as an Ameer.”** Al-Bazzar reported, through a sound narration from a Hadeeth of 'Umar b. al-Khattab that the Prophet ﷺ said:

((إِذَا كُنْتُمْ ثَلَاثَةٌ فِي سَفَرٍ فَأَمِّرُوا أَحَدَكُمْ))

**“If you were three (people) on a journey, then appoint one of you as an Ameer.”** These ahaadeeth indicate that the Ummah's appointment of an Ameer over her is an obligation. As regards the fact that the Ummah should not be without an Ameer, this is due to the Sahaabah (may Allah be pleased with them) making Ijmaa' that the Ummah should not be without an Ameer for more than three days. They met together in the *saqeefab* (hall) of Bani Saa'idah to

discuss the appointment of a successor to the Messenger of Allah ﷺ the moment they got the news of his death; they remained discussing the matter in the saqeefab. Then the next day the people met in the Masjid. Thus, this took two nights and three days. Moreover, 'Umar b. al-Khattab entrusted the people of the Shura, once his death by the stabbing appeared certain, and he fixed for them three days. He then ordered that if there was no agreement over the Khaleefah after three days that the one opposing be killed. He delegated fifty men from the Muslims to execute that, i.e. to kill the opponent, though (the candidates) were from the people of Shura and from the senior Sahaabah. All of this took place in front of the Sahaabah, and there was no report from any of them that anybody disagreed with it or contested it. This is despite it being a matter that can be contested, for it includes an order to kill senior Sahaabah if they disagreed. Thus, it was an Ijmaa' of the Sahaabah that it is not allowed for Muslims to be without a Khaleefah for more than two nights and three days. When 'Umar entrusted the people of the Shura, he said to them: “make consultation for three days, and let Suhaib lead you in the prayer during these three days of consultation.”

65. Authority belongs to the Ummah and anyone of its sons can put himself forward to take that authority, as long as he fulfills the conditions of the Khilafah. If the post of Ameer becomes vacant, then the *Ahl ul Halli wal 'Aqd* (the influential people) should list the candidates for the post of Khilafah, as long as each one of these candidates fulfills the conditions of the Khilafah. After the candidates are listed, the Ummah will choose from them the one who is qualified to be Ameer. However, the *Ahl ul Halli wal 'Aqd* should select an interim Ameer while the Khaleefah or permanent Ameer is being elected. This is the case if the first Khaleefah or Ameer did not appoint an Ameer after him, until the Ummah chooses her khaleefah or her ameer. This is because when the Ummah requested 'Umar to nominate some one, he nominated six candidates for the Khilafah. 'Abd ur-Rahman b. 'Awf began to take the opinion of the people regarding whom they would choose from the six candidates. He said: “I will not leave a man or a woman without consulting him or her,” i.e. I took his/her opinion. For the period in which one of the six candidates he nominated was to be selected, Umar appointed Suhayb to be Ameer over the people, until the election was concluded.

66. The state is an executive entity comprising of a set of concepts, criteria and convictions which the Ummah has accepted, i.e. the Sharee'ah rules. The state leads the Ummah in the battlefield of life, on a particular area of land. The entity of the Ummah and the entity of the state in this part of the land, both represent a single entity, in which the state occupies the centre of leadership. So that this entity composed of the two entities can exist; and so that the state entity is suitable for looking after the affairs of the people according to the set of concepts, criteria and convictions; and so that the Ummah enjoys stability and tranquillity, there must be disciplinary concepts in the entity of the state. These concepts must be entrenched in the minds, dominant over the relationships and have command over the atmospheres, such that they become a public opinion emanating from public awareness. These are the most important five concepts:

First: The authority should remain practically with the Ummah and its usurpation from her would be considered a crime for which there will be the severest punishment. The Sharee'ah has made the appointment of the Khaleefah the right of the Ummah, by making her the one to give the bay'ah. Islam obliged that the Khaleefah only takes the authority through this bay'ah. Thus it made the bay'ah the method of assuming authority. The fact that Shar' made the bay'ah for all the Ummah indicates that the authority lies with them. Since the bay'ah is a contract of choice and consent like any other contract, hence the authority must be taken from the Ummah by choice and consent and without compulsion or coercion. If it is taken by force and compulsion, the contract is void and is not concluded. So the bay'ah of the one who took the authority by force will not be concluded and the one who took the authority without a bay'ah is a usurper, because he cannot possess it unless he had a bay'ah contract with choice and consent.

Second: There must be complete obedience to the ruler, willingly and happily, in everything he orders and forbids, in those matters the Sharee'ah has given him a right to dispense with according to his own view and Ijtihad. Even if he committed injustice or violated rights, obedience to him would remain obligatory; he is not disobeyed unless he ordered that a sin be performed. It has been narrated on the authority of Nafi', from Ibn 'Umar, that the prophet ﷺ said:

((السمع والطاعة على المرء المسلم فيما أحب وكره ، ما لم يؤمر بمعصية ، فإذا أمر بمعصية فلا سمع ولا طاعة))

**“To hear and obey is obligatory on every Muslim in what he hates and what he likes, as long he has not been ordered to commit a disobedience (to Allah) If he is ordered to commit such disobedience then there is no hearing or obedience.”** Abu Hurayrah narrated that the Messenger ﷺ said:

((سيلكم بعدي ولاة ، فيليكم البر ببه ، والفاجر بفجوره ، فاسمعوا وأطيعوا في كل ما وافق الحق))

**“Walis (rulers) will take charge of you after me; the pious will lead you with his piety, and the impious with his impiety, so listen to them and obey them in everything which conforms to the truth.”** Bukhari reported, on the authority of Ibn 'Abbas, that the Messenger of Allah ﷺ said:

((مَنْ كره من أميره شيئاً فليصبر عليه ، فإنه ليس أحد من الناس خرج من السلطان شراً فمات إلا مات ميتة جاهلية))

**“If anyone sees in his Amir something that displeases him, let him remain patient, for behold! He who separates himself from the Sultan (authority of Islam) by even so much as a hand span and dies thereupon, he has died the death of Jahiliyyah.”** Also Bukhari reported on the authority of 'Abd Ullah b. 'Umar that the Messenger of Allah ﷺ said:

((إنكم سترون بعدي أثره وأموراً تنكرونها ، قالوا : فما تأمرنا يا رسول الله ؟ قال : أدوا إليهم حقهم ، وسلوا الله حقكم))

**“You shall witness after me selfishness and matters that you will disown. They said: ‘What do you order us O Messenger of Allah?’ Give them their due and ask Allah for your due.”**

These evidences indicate the extent to which the Sharee'ah has urged obedience to those who assume authority over the Muslims, whatever injustice they committed and however much they violated the people's rights.

Third: It is obligatory to account the rulers, criticizing them by speech and confronting them with harsh words, despite the obligation to obey them. This is because the Ummah is a guardian over the tasks and responsibilities of the ruler and she is obliged to challenge him (if he deviated). It has been narrated by Umm Salamah that the Prophet ﷺ said:

((إنه يستعمل عليكم أمراء فتعرفون وتنكرون ، فمن كره فقد برئ ، ومن أنكروا فقد سلم ، ولكن من رضي وتابع))

**“Ameers will be appointed over you, and you will find them doing good as well as bad deeds. Whoever hates their bad deeds is absolved from blame. And whoever disapproves of their bad deeds is also safe. But whoever approves of their bad deeds and imitates them is doomed.”** Meaning he hates the munkar, so he has to change it; the one who is not able to change it but hates it in his heart, then he is safe. However, the one who approved and followed, i.e. he accepted their action by his heart and followed them in this action, will not be absolved and nor will he be safe. He ﷺ said:

((سيد الشهداء حمزة ، ورجل قام إلى إمام جائر فنصحه فقتله))

**“The master of martyrs is Hamza, and a man who stood up to a tyrant ruler to advise him and was killed.”**

Fourth: Fighting the ruler when he shows kufr buwaah, i.e. when the ruler rules with kufr laws or if he is silent over the domination of kufr in the country. In this situation he must be fought. Thus, in the Hadeeth of Umm Salamah:

((قالوا أفلا نقاتلهم؟ قال : لا ، ما صلّوا )) ، وفي رواية (( ألا نقاتلهم؟ قال : لا ، ما صلّوا))

**“They said: ‘shall we not fight them?’ He said: ‘no, as long as they pray.’”** In another narration:

((قالوا أفلا نقاتلهم؟ قال: لا، ما صلوا))

**“Shall we not fight them? He said: No as long as they pray.”** In the Hadeeth of 'Awf b. Maalik:

((قيل يا رسول الله أفلا نناذبهم بالسيف؟ فقال : لا ، ما أقاموا فيكم الصلاة))

**“it was said: O Messenger of Allah! Shall we not fight them with the sword? He said: no, as long as they establish the salah amongst you.”** In the Hadeeth of 'Ubaada b. Saamit:

((وأن لا ننازع الأمر أهله ، قال : إلا أن تروا كفراً بواحاً عندكم من الله فيه برهان))

**“would we not fight those in authority? He said: except if you see a kufr buwaah for which you have proof from Allah.”** In a narration by at-Tabaraani:

((كفراً صُراحاً))

**“explicit kufr (kufran suraahan).”** In the narration of Ahmad:

((ما لم يأمرك بإثم بواحاً))

**“As long as he does not order you with an explicit sin (ithman buwaahan).”** All of this indicates the obligation of fighting the ruler when he displays kufr buwaah (explicit kufr)

Fifth: The Muslims must rise to fight the enemy under the banner of

the ruler, whatever his situation might be, whether he is pious or a transgressor, due to the saying of the Messenger ﷺ:

((الجهاد ماضٍ مع البرِّ والفاجر))

**“Jihaad must continue with the pious or faajir ruler.”** Reported by Abu Dawud on the authority of Abu Hurayrah.

These five concepts are disciplinary concepts that must exist in the entity of the state and the entity of the Ummah. They must be dominant and if they did not exist the Ummah and the state will face many dangers.

67. Islam must be implemented completely, all at one time. It is forbidden to apply the rules gradually. After the narration of His ﷺ saying:

((اليوم أكملت لكم دينكم))

*“This day, I have perfected your religion for you.”* [Al-Maa'idah: 3] The Muslims have been ordered to act upon all Sharee'ah rules, whether they relate to beliefs (Aqaa'id), worships (Ibadaat), morals (Akhlaaq) and societal transactions (Mu'amalaat); or if they relate to ruling, economy, society and foreign policy in relation to other peoples, nations and states, in the case of war or peace.

There is no difference between two different rules, two different duties and or two different prohibitions. So, as it is obligatory to undertake the Salaah, the Siyaam and the Zakaah, it is obligatory to appoint a Khaleefah, remove the Kufr laws and to govern by what Allah has revealed. As it is also prohibited upon us to drink alcohol and eat riba, it is prohibited for us to remain silent about the tyrant and transgressor rulers, or to remain silent about the application of Kufr laws and the allegiance (muwaalaah) to Kufr states.

Thus, all of Islam has to be established and all of it has to be implemented. It is not allowed to implement it gradually. This is because we are ordered to implement it completely. Allah ﷻ said:

((وما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوا))

*“And whatever (maa) the Messenger brought you, take it; and whatever (maa) he forbade you, abstain from it.”* [Al-Hashr: 7] This means you are obliged to take all the duties that the Messenger brought to you and you must avoid all the prohibited things that he forbade you. This is because the word 'maa' (whatever) that came in the aayah is one of the forms of generality ('umoom) Thus it includes the obligation of taking all the duties he brought and the obligation to abstain from all of the forbidden things.

There is also the saying of Allah ﷻ:

((وأن احكم بينهم بما أنزل الله))

*“And govern between them with what (maa) Allah revealed.”* [Al-Maa'idah: 49] This is an order to the Messenger and those rulers who follow him, that they must govern with all the rules that Allah revealed. This is because the word 'what' (maa) in the aayah is of the forms of generality ('umoom) Allah forbade, in the aayah, the Messenger and the rulers coming after him from following the desires of the people. He also forbade the Messenger and the rulers after him lest the people deviate them from some of the rules that Allah revealed. Allah considered the one who does not govern with all the rules that Allah revealed as a kaafir, a zaalim or a faasiq. This is because the word 'what' (maa), which came in the three aayaat, is inclusive ('aammah) of all the revealed rules, because it is one of the forms of generality ('umoom) The Messenger also obliged fighting against the ruler and raising the sword in his face if he showed the explicit Kufr (Kufr buwaah), upon which we have proof from Allah. This means if he governed with rules of Kufr, even if it were one ruling (Hukm) This is according to what came in the Hadeeth of 'Ubadah b. as-Saamit:

((وأن لا ننازع الأمر أهله ، إلا أن تروا كفراً بواحاً عندكم من

الله فيه برهان))

**“And that we must not contest the people of authority over their authority, unless you see Kufran Buwaahan (open Kufr), upon which you have proof from Allah.”** Therefore, there is no

excuse for not implementing all the rules of Islam, in one go and without graduation, under the pretext of incapability to implement it, the unsuitability of conditions for its implementation, the rejection of the international public opinion or the great powers of its application, or any other weak excuse. All of these are weak excuses and arguments that have no importance. Allah will not accept, from anyone, that he uses these matters and takes them as an excuse for the failure to implement Islam completely.

## *The Structure of the State*

68. The ruling structure in Islam fundamentally differs from all other structures of ruling. It is not a monarchical system, nor does it approve of the monarchical system. It does not allow the head of the state any rights other than those that any individual in the Ummah is entitled to. Nor does it make the head of the state an owner; he is rather an executor of the Shar' of Allah. Also, he is not a symbol for the Ummah, where he owns but does not govern. He is rather appointed by the Ummah in the post of ruling, where he governs on her behalf, without owning any thing of this ruling. This structure does not have crown prince hood at all either.

Nor is it a republic system. The leadership of the state in it is not fixed for a specific period. It is rather fixed with a specific manner. Thus, the khaleefah has to meet certain conditions in order to be suitable for the post of Khilafah. If any of these conditions was broken, then he will become alien from the Khilafah, and he is removed immediately or becomes subject to removal. However, as long as he meets these conditions, he will remain as khaleefah until he dies. Moreover, the people limit the functions of the president of the republic in the republican system. This is different to Islam, where the functions of the head of the state are not limited; for he has all the functions, and he is the state with all of its functions.

It is also not an autocratic system, because the head of the state is restricted by the ahkaam of Shar'. So he cannot allow something that is haraam, nor prohibit something that is halaal. He is rather bound by the Shar'. This is different to the autocratic system, where the head of the state has unrestricted authority and he proceeds according to his own view. He is the legislator and the executor. While the Khaleefah is not the legislator, he is rather executor of the shar'.

It is not also an imperialistic system. This is because the governed provinces, no matter how much they are different in terms of ethnic origins, they are all related to one central authority. Islam put the different ethnic origins all over the State on the same level. It does not give the centre of the state any advantage over the other provinces. Besides, all the provinces have one budget and revenues are collected for the interest of all of them. Expenses in each province are not

decided based on its own revenues, rather based on its own needs, regardless of the amount of its revenues. Moreover, all the provinces have the same law and ruling authority.

It is also not a federal system, where its provinces are separate through their self-autonomy, and at the same time united through the common ruling. It is rather a system of unity, where all its provinces are considered one country. None of its provinces has any of the ruling authority, neither in the internal policy, foreign policy, economy or education, or any other authority at all. Rather, the whole authority is in one hand, and in one center. The Shar' ordered killing and fighting in order to preserve the unity. The Messenger ﷺ said:

((ومن بايع إماماً فأعطاه صفقة يده ، وثمرة قلبه فليطعه إن

استطاع فإن جاء آخر ينازعه فاضربوا عنه الآخر))

**“And whoever gave a bay'ah to an Imam, thus giving him the clasp of his hand the fruit of his heart, let him obey him as much as he can. If any other person came wanting to dispute with him, then strike the neck of the other person.”** Thus, the structure of the State differs from the structure of all the other States. He is a Khaleefah who implements the Shar'; he cannot become a Khaleefah, i.e. he does not have the authority, unless the Muslims appointed him by the bay'ah, willingly and happily. Once he becomes Khaleefah, all the functions of ruling fall into his hands alone.

69. Authority differs from force, though it cannot continue without it. Similarly, force differs from authority, though it cannot be sound without it.

Authority is ruling, and it is the Wilaayat ul-Amr (responsibility in charge). It is an executing entity for the host of thoughts, concepts and criteria accepted by the Ummah. Thus, the function of the authority (sultaan) is to execute the rules (ahkaam), look after the affairs of the people, and manage their matters.

Thus, it is different to force, though authority cannot exist without

force. This is because force is the tool for protecting the authority and the host of thoughts, concepts, criteria and rules upon which the authority is established. Force is, at the same time, a tool that the authority uses to execute the rules, repress the criminals, tyrants and offenders, and subdue them until they abide by the rules.

As for force in the State, it is not for looking after the affairs of the people or managing their matters. In other words, it is not authority (sultaan), though the existence, formation, management, planning and preparation of force are not possible without authority.

Force is a physical entity represented in the army, including the police, by which the authority executes rules, subdues the criminals and sinners, suppresses the rebels and resists the aggressors. It is also taken as a tool to protect the authority and the host of thoughts, concepts and criterion, on which the authority is established.

It thus becomes obvious that authority is different to force, and that force is something different to authority.

Therefore, it is not allowed for the authority to become force; because if the authority became force, then it's caring for the people's affairs would be perverted. This is because the authority's concepts and criterion would become concepts of suppression, oppression and dominion, and not concepts of caring. The authority would also change to become a military rule that has no task other than intimidation, domination, suppression, oppression and shedding blood.

As it is not allowed for the authority to change to become force, it is likewise not allowed for the force to become authority, because it would start to rule using the logic of power. It would also look after the affairs of the people with the concepts and criterion of martial laws and the concepts of suppression and oppression. These two approaches would create destruction and ruin, cause terror, fear and panic, and lead the Ummah to the brink of ruin. This would cause greatest harm to the Ummah, while the Shar'ee principle states: "it is not allowed to inflict harm, and nor to answer harm with harm."

70. The ruling system is based on four principles:

- a) Sovereignty is for the Sharee'ah and not for the people.
- b) Authority belongs to the Ummah.
- c) Appointment of a single Khaleefah is Fard on the Muslims.
- d) Only the Khaleefah has the right to adopt Sharee'ah rules.

So the Khaleefah is the one who enacts the constitution and canons. As for the sovereignty belonging for Allah and not for the people, as is stipulated by democratic constitutions, this is because the Islamic Ummah is not directed by her will, to do whatever she wishes. Rather, she is directed by the orders and prohibitions of Allah. She is subject to the Sharee'ah and hence sovereignty belongs to the Sharee'ah. As for the authority belonging to the Ummah, this is because the Sharee'ah has enjoined that the Khaleefah be appointed via the Ummah and that the Khaleefah takes the authority through the Bay'ah. As for the third principle, the obligation of appointing the Khaleefah, it is established in the noble Hadeeth: He ﷺ said:

((ومن بايع إماماً فأعطاه صفقة يده ، وثمرة قلبه فليطعه إن استطاع فإن جاء آخر ينازعه فاضربوا عنه الآخر))

**“The one who withdraws his hand from an obedience he will meet Allah on the Day of Judgment with no proof for him; and the one who dies without a bay'ah on his neck will die the death of Jaahiliyyah.”** So the waajib is the presence of the bay'ah on the neck of every Muslim, i.e. the presence of a Khaleefah who, through his presence, deserves a bay'ah in the neck of every Muslim. As for the fourth principle, this has been established by the Ijmaa' of the Sahabah. From this Ijmaa' the famous Sharee'ah principles have been taken: “The order of the Imaam removes the dispute,” “the order of the Imaam is executed,” “The Sultan (Imam) reserves the right to adopt new laws for as many new matters that arise.”

71. The state is based on eight pillars:

1. The Khaleefah
2. Delegated Assistants - with powers of attorney
3. The Executing Assistants
4. The Ameer of Jihad
5. The Governors (Waalīs)
6. The Judiciary
7. The Administrative Departments
8. The Majlis of the Ummah

The Messenger of Allah ﷺ established the state structure in this framework and he ordered the Muslims to appoint a head of state when he ordered them to appoint a Khaleefah. The Messenger ﷺ chose Abu Bakr and Umar as his wazeers i.e. assistants. He ﷺ said:

((وزيراى من أهل الأرض أبو بكر وعمر))

**“My two ministers among the people of the earth are Abu Bakr and Umar.”** As for the provinces, he appointed waalis and he appointed judges (qaadis) to judge between the people. As for the administration, the Messenger ﷺ appointed administrators to manage the various governmental departments. As for the ameership of Jihaad, which will administrate the following aspects: foreign affairs, war, internal affairs and industrial affairs, the Messenger ﷺ and the Khulafaa’ after him used to undertake this post themselves. However, ‘Umar b. al-Khattab established a department for the soldiers and appointed a specific person to be responsible for it, which is one of the mandatory powers of the Ameer of Jihaad. As for the Majlis al-Ummah, the Messenger ﷺ used to consult the Muslims whenever he wanted. He used to call upon certain individuals consistently to consult them and they were the representatives of the people. This makes clear that the Messenger ﷺ established a structure for the state in a specific form.

72. The Khaleefah appoints a delegated assistant to undertake the responsibility of ruling. The Khaleefah delegates to him the general responsibility of managing the affairs according to his view and to execute them based on his Ijtihad.

That is why it is stipulated that in order for the appointment to be a contract of delegation, it should include wording that indicates it is a general supervision, i.e. it indicates that he has all the mandatory powers of ruling. In other words, it should include wording that indicates that he is the delegate of the Khaleefah. Therefore, when appointing the assistant, one must use words that indicate the reality of the assistant, that he is the delegate of the Khaleefah, and he takes all the mandatory powers of the Khaleefah. He has what the Khaleefah has in terms of ruling powers. In terms of authority he is exactly like the Khaleefah. That is why the people used to complain to Abu Bakr about ‘Umar, when Umar assumed the responsibility of assistant. They used to ask him: “are you the Khaleefah or is it ‘Umar?” He used to reply: “me and him”; and this happened in front of the Sahabah. However, the assistant cannot undertake something until he has informed the Khaleefah before doing the action. If the Khaleefah prevents him then he desists from undertaking the action, otherwise he would execute it. Informing the Khaleefah about something does not mean permission has been taken; it is rather informing the Khaleefah about something. He does not wait for permission but does the action after informing the Khaleefah, unless the Khaleefah prevents him from doing so. The Khaleefah is entitled to cancel actions undertaken by the assistant, if they were actions that the Khaleefah could cancel if he had undertaken them himself. As for the actions that the Khaleefah himself could not change if he undertook them, the Khaleefah can’t cancel them if the assistant executed them. This could be a ruling that the assistant executed in its proper way, or money that he spent for its due. The Khaleefah must review all the actions of the assistant, so as to endorse the correct ones and rectify the wrong ones. Thus the assistant represents the Khaleefah in all the functions of Khilafah. However, his function is to inform the Khaleefah of every matter he accomplished and every appointment he performed; all of that must be done before execution. This is beside him abstaining from any action he is obstructed from doing. This assistant used to be called delegate

assistant 'wazeer tafweedh'.

73. The Khaleefah will appoint an executive assistant. His work is part of the administrative actions and not part of ruling. His department executes the directives issued by the Khaleefah to the home and foreign departments, and submits all business to him that needs to be looked into from those departments, so that he becomes the connection between the Khaleefah and others, where he channels what the orders the khaleefah issues of and he reports back to the khaleefah what has been submitted to him. This structure stands as an assistant to the Khaleefah, though it is an assistant in execution, not in ruling. So the Khaleefah has the right to appoint someone who will carry out the actions with him; and he can appoint more than one person in that post. If he appointed more than one person, he would assign each one to head a specific division. The executing assistant 'wazeer tanfeedh' is directly linked to the head of State. His relationship is only with the head of State, because he executes what he wants from him, and reports to him what comes (to him). So he is like the assistant, which is from the structures directly linked to the Khaleefah, though it is not from the ruling structures. Accordingly, the house of Khilafah consists of three sections: firstly, the Khaleefah, who is the head of State; secondly, the assistants or what is called 'wazeers of tafweedh'; and thirdly the structure of execution, or what is called 'wazeer tanfeedh.'
74. The Majlis al-Ummah is composed of people who represent the Muslims in accounting the rulers and representing them in opinion so that the Khaleefah can refer to them. It is allowed for non-Muslims to be part of the majlis al-Ummah in order to voice their complaints about any oppression of the rulers, or about the misapplication of the rules of Islam upon them. They do not have a right to be consulted (in Shura), to select the candidates for the Khilafah, to elect the Khaleefah, to give him bay'ah, or to discuss the laws and their legislation. These members are elected directly by the people. Anyone who carries the citizenship is mature and sane, has the right to be a member of the Majlis, whether man or women, Muslim or kaafir. The Muslim members are entitled to select the candidates for the Khilafah and their opinion in this matter is binding.

75. The Muslims have the right to establish political parties to account the rulers and to arrive at power via the Ummah, on condition that these parties are established on the basis of the Islamic 'Aqeedah and the rules that they adopt are from the Sharee'ah rules. The party does not need any license; any party based on other than Islam is banned, such as communist, nationalistic or patriotic parties.
76. All citizens have the right to issue any newspaper or journal, whether political or otherwise, and issue any book without the need for a license. Anyone who prints, propagates or publishes anything that contradicts the basis on which the state is established, i.e. the Islamic 'Aqeedah, will be punished.

# *Foreign Policy*

77. The whole world according to the ruling of the Sharee'ah is divided into only two types, and they are: Dar ul-Harb (or Dar ul-kufr); and Dar ul-Islam. So every country that rules by Islam and whose security is that of Islam is considered Dar ul-Islam, even if its inhabitants are non-Muslims. While every country ruled by other than Islam and whose security is not that of Islam is considered Dar ul-Harb or Dar ul-Kufr, even if its inhabitants are Muslims. The Hadeeth of Sulayman b. Buraydah says:

((ادعهم إلى الإسلام فإن أجابوك فاقبل منهم وكف عنهم ، ثم ادعهم إلى التحوّل من دارهم إلى دار المهاجرين ، وأخبرهم أنهم إن فعلوا ذلك فلهم ما للمهاجرين وعليهم ما عليهم))

**“Invite them to Islam, if they respond then accept it from them and refrain from them. Then ask them to move from their land to the land of the Muhajireen, and inform them that if they did so they would enjoy the same rights as the Muhajireen and would be subject to the same duties.”** This is a text that stipulates moving to Dar ul-Muhajireen, in order to have the rights that the Muslims have, and the ahkaam applied on them will be those applied on the Muslims in Dar ul-Muhaajireen. Dar ul-Muhajireen was Dar ul-Islam and everything else was Dar ul-Kufr. Those who embrace Islam are asked to move to Dar ul-Islam so that the rules of Dar ul-Islam are applied on them. If they do not move then the rules of Dar ul-Islam are not applied on them, i.e. the rules of Dar ul-Harb will be applied on them. Moreover, the words of Dar ul-Kufr and Dar ul-Islam are Sharee'ah terminology. The Dar (land) is related to Islam, Harb (war), or Kufr and not to the Muslims. Linking it to Islam means ruling and security in relation to the state. Thus, Dar ul-Islam is that land in which Islam controls its State. Islam's control of the State means the ruling and security of the state. All of this is a proof that the world is either Dar ul-Islam or Dar ul-Kufr. Based on this, the foreign policy means the relationship of the state with countries that are considered Dar ul-Kufr, whether their population are Muslims or non-Muslims. Any country that rules by Islam and its security is that of Islam is not considered part of the foreign policy. Rather it is considered part of the internal policy, even if it is separate

from the state as an independent entity.

78. The foreign relations of the state are established on the basis of carrying the Islamic Da'wah whether the relationship is political, economic, cultural or something else. The state takes the carrying of the call as the basis in all its dealings. The Messenger ﷺ established his relations with every Kufr land (Dar ul-Kufr), whether Quraysh or the rest of the tribes, on the basis of carrying the Da'wah; whether this was a state of war, peace, treaty, good neighbourhood, trade or the like. This was the case with the Sahabah after him. Thus, the basis of the foreign policy is the carrying of the Islamic Da'wah.

79. The foreign policy is based on two matters:

Firstly, undertaking deliberate actions to convey the Da'wah. This has two aspects: the undertaking of what is called 'cold war', and the Da'wah carriers and Da'wah programmes proceeding in the path of Da'wah and publicity.

Secondly, undertaking political actions, or what are known as diplomatic actions. Thus, the Messenger's ﷺ journey for 'Umrah, in relation to the incident of Hdaybiyah, was part of that cold war. The ayah:

﴿يسألونك عن الشهر الحرام قتال فيه ، قل قتال فيه كبير﴾

*“They ask you concerning fighting in the Sacred Months. Say, Fighting therein is a great (transgression),”* [Baqarah: 217] is part of the publicity. He ﷺ sent six of his Sahabah on the day of Rajee' to teach the people Islam and he sent 40 of his best men in the time of Bi'r Ma'oonah to Najd to teach them Islam as part of the Da'wah plan. He sent messengers to the kings as part of the diplomatic actions. His treaties with the chief of Aylah on the border of ash-Shaam were part of the political actions. In this manner the Messenger (peace and blessings be upon him) used to undertake deliberate actions to convey the Da'wah and he used to undertake political and diplomatic actions to carry the Da'wah. These actions are considered to be part of the conveyance of the Da'wah ahead of war and they are something the Sharee'ah has demanded. It has been narrated that Ibn 'Abbas said:

((ما قاتل رسول الله ﷺ قوماً قط إلا دعاهم))

**“The Messenger of Allah did not fight a people giving them da’wah.”** It has also been narrated that he ﷺ said to Furwah b. Musayk:

((لا تقاتلهم حتى تدعوهم إلى الإسلام))

**“Do not fight them until you have invited them to Islam.”**

80. The origin of international law is that the world from ancient times always had international norms, terms agreed upon by everyone according to certain thoughts and principles. Examples of these are not killing envoys, women, and the wounded, or not to torture prisoners etc. But the origin in the new international law is that states that had similar aims, which are the Christian nations in the world, held conferences and agreed on certain principles and thoughts, which they made international law. They held themselves to it. This was done to organise the relations of war and peace between themselves; and adherence to these laws was confined only to them. The Islamic state, which existed at the time, had nothing to do with it. These laws were not considered applicable on the Islamic state. Thus, the international laws did not include the Islamic state. When the Uthmani state weakened and began to please the western states, she wished to enter the international law and she wanted the international law to include her. Initially the western states prevented this, but then the Uthmani state conceded that the Sharee’ah would not be the arbitrator in international relations and that international law would be the arbitrator in its relations with other nations. After this the western nations agreed to include the Uthmani state and it began to adhere to the international laws related to it. Ever since that date, dealings between states have been dominated by international law and this is what takes place today. However this contradicts the rules of the Sharee’ah. The relationship of the Islamic state with other states is determined by the Sharee’ah and not by international law. That is why every single international law must be examined individually. Its reality needs to be taken and completely understood. Then we need to take the shar’i text and understand it completely. Then we apply the text on the reality and give the ruling

indicated by the Sharee’ah text. Therefore, we refer to the Sharee’ah in regards to the international relations between us and other states, not international law.

81. The juristic presence of the individual is only related to his relationship with other individuals, not to his actions for himself only. Likewise, the juristic presence of the State is only related to its relationships with other States, not to its domestic actions only. This is because the State is a conventional identity, which is considered according to the standing of this character, and the image of this character in the view of other states. The State that carries a call (da’wah) has more influence in terms of its relationships with other states. Thus, its juristic presence and its protection, depend, like any state, on the extent of these relationships. Moreover, its conveyance of the message that it carries depends on the extent of these relationships, the extent of the influence its character has and the image other states have about it. Therefore, safeguarding (the State’s) character among the States is considered one of the most important objectives of the foreign policy. States will distort the reputation of other States that they oppose, to depreciate their standing in the world by generating public opinion against them. The Western States acted like this towards the Islamic State. The international public opinion has a great effect on the standing of the State, both in times of war and peace. Therefore, the State has to take care of the international public opinion, so as to oppose the creation of public opinion against her and in order to create a public opinion for her, her thought and her da’wah. The Messenger ﷺ used to take care of that. He ﷺ said:

((نُصرت بالرعب من مسيرة شهر))

**“I have been helped by terror (of me), from a distance of one month’s journey.”**

82. Indeed, Allah ﷻ has ordered the Muslims to carry the Da’wah to all mankind and to bring them into the Khilafah state. He ﷻ has legislated Jihad as a method to carry the Da’wah. So the state must rise to declare Jihad against the Kuffar without any lenience or hesitation. From the first time Muslims had a State, until the end of

the Islamic Khilafah, the Muslims were the leading state in the world in politics, knowledge and power. It is not allowed for the Muslims to conclude military pacts or agreements of protection with the Kuffar. It is not allowed to refer their issues to the Security Council or the United Nations, to put them in the hands of any state in the world, or to accept to submit to Kufr international laws or foreign domination, whatever the circumstances. Allah ﷻ says:

﴿وَلَن يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾

*“And Allāh will never grant to the disbelievers a way (to triumph) over the believers.”* [An-Nisaa: 141] Such relations and assistance from the Kuffar and Kaafir international institutions contradict the policy of the Islamic state, which must dominate the international situation and once again become the leading state in the world.

15 Rabe' al-Aakhar 1410 AH

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