

ميثاق الأمة

**The Ummah's
Charter**

(Translated from Arabic)

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The Ummah's Charter

The word charter, linguistically and in the Shariah terminology, means al-'Ahd (the covenant). Allah ﷻ said,

﴿إِلَّا الَّذِينَ يَصِلُونَ إِلَىٰ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ﴾

“Except those who join a group, between you and whom there is a treaty (of peace) (meethaaq).” [TMQ Surah An-Nisaa': 90]

And He ﷻ said,

﴿وَإِنْ كَانَ مِنَ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَرِيَّةٌ مُّسَلَّمَةٌ إِلَىٰ أَهْلِهِ﴾

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

And He ﷻ said,

﴿أَلَمْ يُؤْخَذْ عَلَيْهِمْ مِيثَاقُ الْكِتَابِ أَنْ لَا يَقُولُوا عَلَىٰ 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?” [TMQ Surah Al-A'raaf: 169]

And He ﷻ said,

﴿وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ لَمَا آتَيْنَاكُمْ مِنْ كِتَابٍ وَحِكْمَةٍ ثُمَّ جَاءَكُمْ رَسُولٌ مُصَدِّقٌ لِمَا مَعَكُمْ لَتُؤْمِنُنَّ بِهِءَ وَتَنْصُرُونَهُ﴾

“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’” [TMQ Surah Aali ‘Imran: 81].

In our time, terminologically, 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 founded recently and began a new life other than their former life.

When the Arab countries were separated from the body of the ‘Uthmani Khilafah (Ottoman Caliphate) 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 peoples and nations previously, they did not think of writing a charter. This is because a specific political doctrine had crystallized in them, together with specific principles which they took as their viewpoint about life and as a source for the rulings that they used, instead of a constitution and canons in the case that 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 ancient states.

The Islamic Ummah is one of the oldest of nations and has a political creed, which is the only true 'Aqeedah. It has been entrenched within the Ummah's thoughts and Shariah rulings, which it made its viewpoint about life and took as a source of rulings that organize 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 Noble Quran and the Prophetic Sunnah. Therefore, it is in no need for a charter called the charter of the Ummah. It is not right that the Ummah should have a nationalistic charter, because the Noble Quran and Prophetic

Sunnah oblige it to reject 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 disbelieving 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, and the Noble Quran and the Prophetic Sunnah became lost in the minds of the Muslims within 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 long-established Islamic Ummah woke up from its slumber after the intense suffering caused by its distancing from Islam and the domination of the West, its thoughts, systems, and agents. The Islamic Ummah 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. The Ummah has understood the extent of their danger to it and to its entity as an Ummah.

So, the Ummah has returned to Islam to discover within it the solution to its problems. Islam became its hope for salvation and for saving it from its sufferings and hardships. It has begun to view the Islamic Aqeedah as a political creed, and that the Noble Quran and Prophetic Sunnah contain a complete system for life, state, and society, and they both have a political and legislative aspect. The Muslims have come to realize that they cannot be saved or rescued unless the Islamic Ummah returns to the Noble Quran (الكتاب Al-Kitaab) and the Prophetic Sunnah (السنة) 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 must 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 crystallized 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 crystallized in taking the Kitaab and Sunnah as a charter for the Ummah.

General Rulings

1. The Ummah believes in Islam as a creed, a system, a distinct way of life, and a viewpoint about life. It lives for it in this world and carries it to the world as an intellectual leadership and a universal Message.

2. Islam is the divinely revealed Deen that Allah ﷻ has revealed to our master Muhammad ﷺ to organize 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 ﷺ. 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 (saw) own words.

5. It is obligatory on every legally responsible (مكلف mukallaf) Muslim to adhere to the Shariah rulings in all his actions. It is not allowed that, as a servant of Allah (swt), his actions contradict what

has been mentioned in the speech of the Legislator, that is, contrary to the Shariah ruling. Allah ﷻ said,

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾

“But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.” [TMQ Surah An-Nisaa: 65]. And due to the saying of the Messenger ﷺ, «من عملَ» «Whosoever does an action which is not according to our teaching then it is rejected.” And due to the saying of Allah ﷻ Who says,

﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾

“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 Shariah ruling is one of the requisites of Iman. That is why Allah ﷻ says,

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾

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

6. The Islamic ‘Aqeedah is the belief in Allah ﷻ, His angels, Books, Messengers (as), Day of Judgement and Qadar, good and evil, being from Allah ﷻ.

7. The beliefs are not taken except through certainty (يقين yaqeen), thus the evidence for belief must be definite (قطعي qat'i), because Allah ﷻ censured those who believed on the basis of zann (ظن uncertainty). Allah ﷻ said,

﴿إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا﴾

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

﴿وَإِنْ تُطِيعُوا أَكْثَرَهُمْ مَنْ فِي الْأَرْضِ يَضِلُّوكَ عَنْ سَبِيلِ اللَّهِ إِنَّ يَتَّبِعُونَ إِلَّا

الظَّنَّ﴾

“And if you obey most of those on earth, they will mislead you far away from Allah’s Path. They follow nothing but uncertainty” [Al-An’aam: 116]. Allah ﷻ did not consider conjecture to be knowledge (‘ilm), so He said,

﴿وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ

شَيْئًا﴾

“While they have no knowledge thereof. They follow but conjecture, and verily, uncertainty is no substitute for the truth” [TMQ Surah An-Najm: 28].

8. The Shariah rulings can be taken on the basis of either zann (uncertainty) or yaqeen (certainty). The singular report (khabar ahad) is considered an evidence in all Shariah rulings. They must be acted upon, whether they are from the rulings of worships ('ibadaat), societal transactions (mu'aamalaat), and punishments ('uqubaat), because the Messenger ﷺ said, «نَضَرَ اللَّهُ عَيْدًا سَمِعَ مَقَالَتِي فَوَعَاها ثُمَّ بَلَّغَهَا عَنِّي فَرُبَّ حَامِلٍ فِئْهِ» "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 (جنس jins) 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 Dawah by a single person not been obligatory to follow, the Messenger ﷺ would not be content to send one messenger alone. The Unanimous Consensus of the Companions (ra) (إجماع الصحابة) (Ijmaa' us-Sahaba) has taken place on the issue of

acting upon the single report in regards of the Shariah rulings.

9. The words, 'Aqeedah and I'tiqaad, have one meaning, which is belief (Iman), (الإيمان هو التصديق) (الجازم المطابق للواقع عن دليل "Iman is the decisive belief that agrees with the reality and is based on evidence (at-tasdeeq ul-jaazim ul-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 Iman, that is, 'Aqeedah. Hence, it is not prohibited to have non-decisive belief in the khabar ahad, because it is not belief (i'tiqaad).

10. The Shariah ruling is (خطاب الشارع المتعلق) “The address of the Legislator regarding the actions of people by compulsion (إقتضاء Iqtidaa'), option (تخيير takhyeer), and circumstance (وضع wadh').” Thus, the address of the Legislator is the Shariah ruling. So that which is not an address of the Legislator is not a Shariah ruling. The ruling (حكم hukm) is the opinion on an issue pertaining to the action of a man. If this opinion is from the speech of the Legislator, then it is a Shariah ruling. If it is not from the Legislator, then it is not a Shariah ruling. The Shariah

definitions (التعاريف الشرعية at-ta'aareef ash-shara'iyyah) and the comprehensive principles (القواعد الكلية al-qawaa'id al-kuliyyah) are considered Shariah rulings if they have been derived by sound istinbaat (استنباط Shariah deduction).

11. The 'Aqeedah and the Shariah ruling are both considered to be a thought. However, they differ in terms of what the thought relates to. If it is related to the action of man, then it is a Shariah ruling, whether it does or does not include a matter one must believe in. If it is not related to the action of man (فعل العبد f'il ul'abd), then it refers to the actions of the heart (أفعال القلب af'aal ul-qalb), that is, it relates to believing or not believing in a matter. This is as regards to the 'Aqeedah. With respect to that which has been mentioned in the addresses of the Legislator, in terms of thoughts, one must scrutinize: 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 Shariah rulings. Allah ﷻ said,

﴿ءَامِنُوا بِاللّٰهِ وَرَسُوْلِهِ﴾

“Believe in Allah, and His Messenger (Muhammad ﷺ)” [TMQ Surah Al-Nisaa’: 136].

Allah ﷻ said,

﴿اللَّهُ خَلِقُ كُلَّ شَيْءٍ ط﴾

“Allah is the Creator of all things” [TMQ Surah Ar-Ra’d: 16].

Allah ﷻ said,

﴿وَأَذِ يَرْفَعُ إِبْرَاهِيمَ الْقَوَاعِدَ مِنَ الْبَيْتِ﴾

“And remember when Ibrahim and his son Isma’il were raising the foundations of the House” [TMQ Surah Al-Baqarah: 127].

Allah ﷻ said,

﴿وَيُطَافُ عَلَيْهِمْ بِذَاتِ مِنْ فَضَّةٍ﴾

“And amongst them will be passed round vessels of silver” [TMQ Surah Al-Insan: 15]. Such Shariah texts and any others which have not requested any actions are from the ‘Aqeedah.

Allah ﷻ said,

﴿فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ﴾

“Then if they give suck to the children for you, give them their due payment” [TMQ Surah At-Talaaq: 6].

Allah ﷻ said,

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ﴾

“Allah has permitted trading” [TMQ Surah Al-Baqarah: 275].

Allah ﷻ said,

﴿إِلَّا أَنْ يَعْتُفُوا أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ﴾

“Unless the women agree to forego it, or the husband in whose hands is the marriage tie” [TMQ Surah Al-Baqarah: 237]. The Prophet ﷺ said, «لَا صَلَاةَ إِلَّا بِفَاتِحَةِ الْكِتَابِ» “There is no Salaah without reciting the Opening chapter (Al-Faatiha) of the Book.” The Prophet ﷺ said, «الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا» “The two traders have the choice before they departed from each other.” The Prophet ﷺ said, «إِذَا فَرَغَ أَحَدُكُمْ مِنَ التَّشَاهُدِ، الْأَخِرِ فَلْيَتَعَوَّذْ بِاللَّهِ مِنْ أَرْبَعٍ مِنْ عَذَابِ جَهَنَّمَ وَمِنْ عَذَابِ الْقَبْرِ وَمِنْ فِتْنَةِ الْأَخِرِ فَلْيَتَعَوَّذْ بِاللَّهِ مِنْ أَرْبَعٍ مِنْ عَذَابِ جَهَنَّمَ وَمِنْ عَذَابِ الْقَبْرِ وَمِنْ فِتْنَةِ الْأَخِرِ فَلْيَتَعَوَّذْ بِاللَّهِ مِنْ أَرْبَعٍ مِنْ عَذَابِ جَهَنَّمَ وَمِنْ عَذَابِ الْقَبْرِ وَمِنْ فِتْنَةِ الْأَخِرِ» “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.” These are beside other Shariah texts that request the performance of some actions that are part of the Shariah rulings.

As regards to the new thoughts that are not explicitly mentioned in the address of the Legislator, their reality has to be understood, firstly, by those who have the expertise. The Shariah text that relates

to that reality or a Shariah text which contains a ‘illah (علة Shariah reason) 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 Shariah 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 Shariah rulings. It is thus considered as if it was mentioned in the address 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 Shariah rulings, and every thought not linked to the action of man is from the beliefs (‘aqaa’id).

12. The Ummah is a collection of people unified by a single ‘Aqeedah, from which its system emanates. The Islamic Ummah is unified by the Islamic ‘Aqeedah, from which the Shariah rulings emanate. Therefore, the Muslims are a single Ummah.

13. The bond which unifies the Muslims together is the Islamic ‘Aqeedah. Through this ‘Aqeedah, the Islamic brotherhood comes into existence. Allah ﷻ said,

﴿إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ﴾

“The believers are nothing else than brothers” [TMQ Surah Al-Hujuraat: 10]. The Messenger ﷺ said, «المُسْلِمُ أَخُو المُسْلِمِ» **“The Muslim is a brother of another Muslim.”** So, by believing in Islam, they become brothers.

14. The bond that unifies 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 obligations that are imposed on the Muslims imposed for him. This is because the Shariah has guaranteed this to the dhimmis (non-Muslim citizens), due to what has been narrated that the Messenger ﷺ said, «أَطْعِمُوا الجَائِعَ ، وَغُودُوا المَرِيضَ وَفُكُوا العَانِي» **“Feed the hungry, visit the sick, and ransom the captive.”** Abu ‘Ubayd said, (وكذلك أهل الذمة يُجاهد من دونهم ، ويفك غناتهم ، فإذا استنقذوا) **“Jihad is done for the sake of the ahl ul-dhimmah and their captives are ransomed. When they are rescued, 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 obligations imposed on Muslims be imposed on him. This is due to the Hadeeth of Sulayman bin Buraydah, «ادْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ أَجَابُوكَ فَأَقْبِلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ثُمَّ ادْعُهُمْ إِلَى التَّحْوِيلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ» **“Invite them to move from their land to Dar al-Muhajireen; and inform them that if they emigrate, they will enjoy the same rights as the Muhajireen, and they will have the same obligations as the Muhajireen.”** This text stipulates that they must move to Dar ul-Islam (دار الإسلام Abode of Islam) in order to have the same rights as the Muslims and are bound to the same obligations that the Muslims are bound to, that is, in order that the rulings cover them.

15. Citizenship is to be loyal to the state and system and to take Dar ul-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. The Prophet ﷺ said, «إِذَا الرَّجُلُ تَعَزَّى بِعِزِّ الْجَاهِلِيَّةِ فَأَعْضُوهُ بِهِنَّ أَبِيهِ وَلَا تَكُنُوا» **“He who calls the pride of ignorance, it is as if he bit his father’s genitals, and do not be embarrassed to say this.”** The Prophet ﷺ said regarding the chauvinism of ignorance (جاهلية jahilliyah), «دَعُوهَا فَإِنَّهَا مُنْتِنَةٌ» **“Leave it for it is rotten.”** It has been reported in

Saheeh Muslim that the Messenger of Allah ﷺ said, «وَمَنْ قَاتَلَ تَحْتَ رَايَةٍ عَمِيَّةٍ يَغْضَبُ لِعَصَبَةٍ أَوْ يَدْعُو إِلَى عَصَبَةٍ أَوْ يَنْصُرُ عَصَبَةً فَقَتِلَ فَقَتِلَ جَاهِلِيَّةً» “Whosoever fights under a blind banner, gets angry along with his tribe, or calls to tribe, or supports a tribe, and is subsequently killed because of that, then he dies a death of ignorance.”

When the disbelieving 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 single state, and their single 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 can neither be filled nor a bridge built over it. Between the Muslims, they built nationalistic borders like walls of steel, as if they were an abode of war 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 struggled against and its Dawah must to be opposed as an obligation, just as seriously 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 its weakness. We must regard 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 Muslim countries or the non-Muslim countries, are either Dar ul-Islam or Dar ul-Harb and there is no third. Dar ul-Islam is the land which is ruled by the authority of Islam and on which the Shariah rulings are applied. Its security is by security of the Muslims, that is, under their authority. As for Dar ul-Kufr or Dar ul-Harb, they are lands which are neither ruled by the authority of Islam, nor are the Shariah rulings applied on them, whilst the security is in the hand of people other than the Muslims, that is, 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-Muhajireen,' 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

«ثُمَّ ادْعُهُمْ إِلَى التَّحْوِيلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ»
“Invite them to move from their abode to Dar ul-Muhajireen (the abode 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, «وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ»
“And inform them that if they do emigrate, they will enjoy the same rights as the Muhajireen and they will have the same obligations as the Muhajireen.” So, he ﷺ made certain rulings result from moving. He ﷺ made moving a condition for having the rights the Muslims have, and for having the rulings applied on them that are applied on the Muslims. This indicates that the matters that are considered when defining a Dar are the authority, rulings, and security. If they are Islamic, then it will be a Dar ul-Islam; if they are Kufr then it will be Dar ul-Kufr.

18. It is not allowed for someone who permanently resides in Dar ul-Harb or Dar ul-Kufr to enter Dar ul-Islam without amaan (pledge of protection), without special permission to enter, because the Harbi (حربي person from Dar ul-Harb) is prevented from entering Dar ul-Islam without Amaan (security). As for the one whose land is Dar

ul-Islam but does not come under the authority of Islam, for instance if he was dissenting from the Khilafah or his land had not been annexed to the authority of the Khilafah, then he will enter without need of security, that is, 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 Muslim lands are the lands that were ruled by Muslims under the authority of Islam and the Shariah rulings 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 disbelievers had made that their homeland, such as in al-Andalus (modern-day Spain). These are all considered Muslim lands, as long as they have been ruled by Islam under the authority of Islam, and had been ruled by the Shariah rulings. This means the rulings 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 without fighting, then it is Ushri land like Indonesia. Also, any land, in which there is a Muslim majority, even if it had not previously been ruled by Muslims, it

will be considered as Muslim land because its people have embraced Islam over it.

20. The unity of the Muslim lands is a Shariah obligation on the Muslims, because Islam has forbidden more than one Islamic state. So, it is forbidden to have more than one Khilafah. The Prophet ﷺ said, «وَمَنْ بَايَعَ إِمَامًا فَأَعْطَاهُ صَفْقَةَ يَدِهِ وَثَمَرَةَ قَلْبِهِ، فَلْيُطِعْهُ إِنْ اسْتَطَاعَ فَإِنْ جَاءَ آخَرُ يُنَازِعُهُ فَاصْرِبُوا غُنُقَ الْآخَرِ»
“Whosoever pledged allegiance to an Imam, must give him the clasp of his hand, and the fruit of his heart, and must obey him as much as he can. If another comes to dispute with him, strike the neck of that man.” He ﷺ forbade the division of the state into two states, since the dispute of another Khaleefah (Caliph) means the dismemberment of a part of the state and the establishment of a second Khilafah. He ﷺ said, «إِذَا بُيِعَ لِخَلِيفَتَيْنِ فَأَقْتُلُوا الْآخَرَ مِنْهُمَا»
“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 Muslim lands since the bay’ah to two Khaleefahs constitutes establishment of two states. These ahadeeth are explicit (صريحة sareeh) in their prohibition of having more than one state. If this happens then it is considered a munkar (منكر 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. Allah ﷻ said,

﴿وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِّلنَّاسِ﴾

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

﴿يَتَّيِبُوا لِّلنَّاسِ أَعْبُدُوا رَبَّهُمْ﴾

“O mankind! Worship your Lord (Allah)” [TMQ Surah Al-Baqarah: 21]. Allah ﷻ said,

﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ﴾

“And Hajj to the House (Ka’bah) is an obligation upon the people” [TMQ Surah Aali Imraan: 97]. This is because if they were not responsible (مكلف mukalaf) in Shariah for fulfilling the branches, then they would not have been threatened for not undertaking them. Allah ﷻ said,

﴿وَوَيْلٌ لِّلْمُشْرِكِينَ ﴿٦٧﴾ الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ﴾

“And woe to Al-Mushrikun (polytheists) * those who give not the Zakat” [TMQ Surah Fussilat: 6-7].

And He ﷺ said,

﴿فَلَا صَدَقَ وَلَا صَلَّى ۖ وَلَكِنْ كَذَّبَ وَتَوَلَّى﴾

“So the disbeliever neither believed nor prayed, but denied and turned away” [TMQ Surah Al-Qiyaamah: 31].

And He ﷺ said,

﴿مَا سَأَلَكُمُ فِي سَفَرٍ ۖ قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ ۖ وَلَمْ نَكُ نَطْعِمُ
الْمَسْكِينِ ۖ وَكُنَّا نَخُوضُ مَعَ الْخَائِضِينَ ۖ وَكُنَّا نَكْذِبُ بِيَوْمِ الدِّينِ﴾

“They will say to them: ‘What has caused you to enter Hell?’ They will reply, ‘We were not of those who performed Salah prayers * nor did we feed the poor * And we used to talk falsehood with vain talkers * And we used to belie the Day of Recompense’” [TMQ Surah Al-Muddaththir: 42-46]. This evidences 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 Shariah rulings 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 laws of their religion,

which the Messenger of Allah ﷺ approved. This is because Allah ﷻ said,

﴿لَا إِكْرَاهَ فِي الدِّينِ^ط﴾

“there is no compulsion in religion” [TMQ Surah Al-Baqarah: 256]. And the Prophet’s ﷺ saying, «إِنَّهُ مَنْ كَانَ عَلَى يَهُودِيَّتِهِ وَنَصْرَانِيَّتِهِ فَإِنَّهُ لَا يُفْتَنُ عَنْهَا» “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 by their law. 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 for the Harbi with regards to diplomatic missions. They have what is known as diplomatic immunity, because the Prophet ﷺ said to the two envoys of Musaylamah, «أَمَا وَاللَّهِ لَوْلَا أَنَّ الرُّسُلَ لَا تُقْتَلُ لَضَرَبْتُ أَعْنَاقَهُمَا» “By Allah! Had it not been that envoys 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), that is, they were born to fathers who are kafir murtadd; they are considered

disbelievers and not murtadd. As for why they are not considered murtadd, this is because they themselves did not commit apostasy. Instead, the ones who committed apostasy are their fathers. The offspring did not apostatize. As for why they are Kuffar, this is because they are born to disbelieving parents and anyone who is born to disbelieving parents is a disbeliever. This is due to what Ibn Mas'ud narrated that, «أَنَّ النَّبِيَّ ﷺ لَمَّا أَرَادَ قَتْلَ عُقْبَةَ بْنِ أَبِي مُرَيَّةَ قَالَ ، مَنْ لِلصَّبِيِّ ؟ قَالَ ، النَّارُ» **“When the Prophet ﷺ wished to kill ‘Uqbah Abi Mu’yat, someone asked, ‘What about offspring?’ He said, ‘Hellfire.’”** In another narration, «النَّارُ لَهُمْ وَلِأَبَائِهِمْ» **“The fire is for them and their father.”** It has also been established that when the Prophet ﷺ was asked about raiding some of the mushrikeen at night and thus some of their women and children may be harmed, he said, «هُمْ مِنْهُمْ» **“they 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, that is, 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 Muslims marry their women.

23. Capitalism is like communism; both are disbelief (كفر kufir). Socialism in all its forms is disbelief. The creed of separating religion from life is disbelief. The creed of dialectic materialism and material evolution is kufir. State socialism and agricultural socialism and so forth are kufir. Just as Christianity is disbelief, capitalism is also a kufir ideology. Just as Judaism is kufir, communism is also a kufir ideology. These are kufir group (millahs) and kufir is one millah. Also, all forms of socialism are disbelief.

Miscellaneous Rulings

24. Civilizational culture (حضارة hadaarah) and the madaniyyah (مدنيّة urbanization) 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 hadaarah of the previous nations”, or “the 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 hadarah or madiniyya 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.

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

25. The Islamic civilizational culture contradicts the Western civilization. It also contradicts the Communist civilization. The basis of the Islamic hadaarah is the Islamic 'Aqeedah. This is contrary to

the basis of the Western civilization, which is the separation of religion from state, and contrary to the Communist civilization, whose basis is materialism, that is, that man, life, and universe evolve on their own. So, according to the communist 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, that is, 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 Halal and Haram. As for happiness, for the Western and Communist civilizations, it means only one matter and that is the hedonistic satisfaction of the sensual pleasures; whereas in Islam, happiness is the constant tranquility, whether the sensual pleasures have been satisfied or not. When man has constant tranquility, then he has attained happiness. If he does not achieve constant tranquility, then he will not attain happiness, even if he has satisfied all his sensual pleasures. Happiness cannot be attained without the constant tranquility through seeking the pleasure of Allah ﷻ. Thus, happiness, fundamentally, is to seek the Good Pleasure of Allah (swt), because it

is through this way that constant tranquility is achieved. Therefore, the Islamic civilization is in complete contradiction with the Western and Communist civilizations, due to the contradiction in the basis, depiction of life, and meaning of happiness.

26. It is not allowed for the Muslims to take from a non-Islamic civilization, since it is not allowed for Muslims to adopt thoughts about life that do not come from Islam. They are 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 civilization other than the Islamic civilization. As for the madaniyyah (urbanization), this needs to be looked into; if it is not influenced by another viewpoint about life, then it is allowed to take, such as industry, weapons, ornamental tools, types of clothing, adornment, and beautification. These are classed as objects; and the Shariah qa'idah is (الأصل في الأشياء الإباحة) "the origin in objects is permissibility." 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 objects that possess a soul; besides other such objects 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 hadhaarah, it cannot be taken in any way whatsoever.

27. One must make a distinction between the empirical disciplines and subjects that are included within them, such as math 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 Quran 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 a rooH (soul) 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 (طريقة method), waseelah (وصيلة means), and usloob (أسلوب 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. Colonization 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. Instead, 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 (الكتاب) the Noble Quran)

29. The Kitaab is, القرآن الكريم المنزل على رسولنا محمد ﷺ على لسان جبريل ، وهو ما نُقِلَ إلينا بين ذفتي المصحف “the Noble Quran revealed to our Messenger Muhammad ﷺ on the tongue of Jibreel (as). 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 (multiple-parallel chain of transmission).”

30. What has been transmitted to us from the Noble Quran is a mutawaatir transmission. We know that this is Quran and only this is an evidence. As for what has been narrated to us as ahaad (singled narrations), regarding the Mus’Haf of Ibn Mas’ud and others, they are not evidence. This is because the Prophet ﷺ was entrusted to convey what had been revealed to him from the Noble Quran to an entire group, whose collective speech would be decisive evidence. It cannot be conceived that those whose speech is a decisive evidence, would agree to not transmit a matter they had heard. If we find something not transmitted by those whose speech is a decisive evidence, then it is a single narration,

which is not recognized as decisive evidence. 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 Quran, where he conveyed it to many gathered Muslims who would memorize it and whose speech would be a decisive evidence; this is beside his order for it to be written.

31. The Noble Quran is not of the zaahir (apparent) and baatin (hidden) form. It is a clear Arabic speech, which has come in the tongue of the Arabs. Allah ﷻ said,

﴿قُرْءَانًا عَرَبِيًّا﴾

“An Arabic Quran” [TMQ Surah Yusuf: 2].

And He ﷻ said,

﴿بِلِسَانٍ عَرَبِيٍّ مُبِينٍ﴾

“In the clear Arabic language” [TMQ Surah Ash-Shu’araa’: 195]. It is understood the same way as any Arabic speech is understood. What Allah ﷻ intends by the Quran is what has been expressed by the Noble Quran 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 Shariah indication mentioned in the Kitaab or Sunnah. This has no zaahir (apparent) and baatin (hidden). It instead has a meaning indicated by the Arabic speech, through the Arabic understanding of the Arabic words and Arabic styles.

32. The Quran is composed of aayaat which are muhkamaat (clear) and aayaat which are mutashaabihaat (ambiguous), due to the saying of Allah ﷻ Who said,

﴿ مِنْهُ آيَاتٌ مُّحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخْرُ مُتَشَابِهَاتٌ ۚ ﴾

“In it are Verses that are entirely clear, they are the foundations of the Book; and others that are ambiguous” [TMQ Surah Aali ‘Imraan: 7]. As for the muhkam, it is the text whose meaning is apparent and clear such that it precludes the possibility of having any other meaning, that is, its evidencing is explicit and not open to interpretation, such as the saying of Allah ﷻ Who said,

﴿ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ ﴾

“Allah has permitted trading and forbidden Riba (interest)” [TMQ Surah Al-Baqarah: 275].

And His ﷺ saying,

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾

“Cut the hand of the thief, male or female”
[TMQ Surah Al-Maa'idah: 38].

And His ﷺ saying,

﴿وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِيَ الْأَلْبَابِ﴾

“And there is life for you in retribution, O men of understanding” [TMQ Surah Al-Baqarah: 179]. As for the mutashaabih, it is the opposite of muHkam. It is the Shariah text which is open to more than one meaning, that is, where the possible meanings conflict. It is open to a number of conflicting meanings. For example,

﴿وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾

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

﴿أَوْ يَعْفُوا الَّذِي بِيَدِهِ عَقْدَةُ الزَّكَاحِ﴾

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

He ﷺ said,

﴿أَوْ لَمَسْتُمُ النِّسَاءَ﴾

“or you have touched women” [TMQ Surah Al-Maa'idah: 6].

He ﷺ said,

﴿وَيَبِّقُ وَجْهَ رَبِّكَ﴾

“And the Face of your Lord” [TMQ Surah Ar-Rahman: 27].

He ﷺ said,

﴿فَإِنَّكَ بِأَعْيُنِنَا^ط﴾

“For verily, you are under Our Eyes” [TMQ Surah Al-Tur: 48].

He ﷺ also said,

﴿مِمَّا عَمِلَتْ أَيْدِينَا﴾

“from Our Handiwork” [TMQ Surah Yaseen: 71], and other such examples whose wording have a number of conflicting meanings and cannot be reconciled. Instead, they need a linguistic qareenah (قرينة contextualization), which would specify one of the meanings. It might also have an apparent meaning that implies anthropomorphization (or anthropomorphism) of the divine, a matter that is not possible, either rationally or by Shariah, for the word to indicate. So, it needs a linguistic or Shariah qareenah to determine the intended meaning.

The Sunnah (السنة Prophetic Traditions)

33. The Sunnah is قول الرسول ﷺ ، وفعله ، وتقريره (The speech of the Messenger ﷺ, his actions, and consent, that has come from him, other than the Noble Quran.) 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” [TMQ Surah An-Najm: 3-4].

He ﷻ said,

﴿إِن أَتَّبِعُ إِلَّا مَا يُوحَىٰ إِلَيَّ﴾

“I only follow that which is revealed to me” [TMQ Surah Yunus: 15].

He ﷻ said,

﴿قُلْ إِنَّمَا أَتَّبِعُ مَا يُوحَىٰ إِلَيَّ﴾

“Say: verily, I only follow that which is revealed to me” [TMQ Surah Al-A'raf: 203].

He ﷻ said,

﴿إِنَّمَا أُنذِرُكُمْ بِالْوَحْيِ﴾

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

34. The Sunnah is like the Noble Quran, because it is Revelation from Allah ﷻ and the Shariah of Allah ﷻ. There is no difference between the Noble Quran and the Sunnah in the Shariah. Both of them are the Address of the Legislator (خطاب (khitaab ash-shaari’), due to the saying of Allah ﷻ Who said,

﴿وَمَا آتَاكُمْ 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).” [TMQ Surah Al-Hashr: 7]. The ‘maa’ is one of the forms of generality.

Also, He ﷻ said,

﴿مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ ط﴾

“He who obeys the Messenger (Muhammad ﷺ) has indeed obeyed Allah” [TMQ Surah An-Nisaa’: 80]. And He ﷻ said,

﴿فَإِنْ تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ﴾

“If you differ in anything amongst yourselves, refer it to Allah and His Messenger ﷺ” [TMQ Surah

An-Nisaa': 59]. Thus, the Sunnah is a Shariah evidence, like the Noble Quran, without any difference.

35. The Sunnah has reached us via narration (رواية riwaayah), a manner unlike that of the Quran, which had been transmitted to us as direct transmission (نقلًا naqlan). The selfsame Noble Quran that was revealed to the Messenger of Allah ﷺ - which he ﷺ conveyed to people whose speech establishes a decisive evidence, and which he ordered to be memorized and written - has been transmitted to us exactly the same as it was revealed to him ﷺ. As for the Sunnah, it is what the narrators narrated to us concerning what the Messenger ﷺ said, what he did and what he consented to. Thus, to consider a matter to be part of the Sunnah depends on the narrator.

36. Those who narrated from the Prophet ﷺ were either from the Sahaabah (الصحابه the Companions) (ra) 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 Sahaabi (الصحابي as-Sahaabi) is an Arabic word, which is understood according to the linguistic indication. The word Sahaabi linguistically means anyone who

fulfils the meaning of companionship (صُحبة) (Sohbah). There is no Shariah 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 (لا بد من أن يصحبه سنة أو سنتين ، أو يَغزو معه غَزوة أو غزوتين) "he must have spent a year or two in companionship with him ﷺ or have gone to one or two battles led by the Messenger ﷺ." As for the one who saw the Messenger ﷺ or narrated from him but did not have companionship with him, he is not a companion (Sahaabi). That is why when Anas b. Malik (ra) was asked, "Other than you, are there any Companions of the Prophet left?" He said, (بقي ناس) "There are some people from the Bedouins who saw him, but as for those who had companionship with him, no."

37. Every Muslim must accept the narration of a Sahaabi (ra) and to take it as evidence. It is not allowed for him to reject it, because the trustworthiness (عدالة) (adaalah) of a Sahaabi is evidenced by that of the definite (qat'i) text of the noble Quran. Anyone who is established 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 Quran.

38. It is stipulated for any narrator, other than the Sahaabah (ra), that before one cites his narration as evidence, he is established to be of ‘adl (عدل trustworthy) and dhaabit (ضابط 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 dhabt (precision) are fulfilled. Thus, one must scrutinize from whom the Hadeeth is taken. The narration is not taken from one whose madhab contains an opinion that makes the one who adopts it a disbeliever, or someone who allows lies to be said about the Messenger ﷺ in order to support his madhab, or to call to his sect and encourage people to be part of it, or if he permits lying for the benefit of Islam and so forth. This is because the Messenger ﷺ said, « مَنْ كَذَبَ عَلَيَّ مُتَعَمِّدًا فَلْيَتَّبِعُوا » «مَقْعَدُهُ 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 ﷺ has definitely lost his trustworthiness.

Understanding the Kitaab and Sunnah

39. The Kitaab and Sunnah are an Arabic speech and a Shariah speech. Seeking evidencing (استدلال istidlaal) from both of them 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 convention (اصطلاح istilaah) is incontestable. The issue is one of terminological 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 an evidence for it.

42. One must restrict oneself to the indication (مدلول madlool) 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 (مشتقة mushtaqah) from a certain root (مصدر masdar) 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 (اشتقاق ishtiqaaq) does not mean their agreement in meaning. Instead, 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 (اشتقاق isthiqaaq) or Arabization (تعريب ta'reeb) of words, or using them in metaphor (مجاز majaaz). We have the right to enrich the language through using these three styles. Since these are not only for the pure Arabs; but instead, what is specific to them, the Arabs, is laying down the foundations of derivation, Arabization, and metaphoric usage, as well as laying down details and forms (أوزان awzaan) of the Arabic language. As for the use of derivation, Arabization, 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 Arabization, is able to express any new meaning. Consequently, it has the capacity to express new realities and incidents for Shariah deduction (استنباط istinbaat) of their ruling from the Shariah texts.

44. The capacity of the Kitaab and Sunnah to give Shariah 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 unified with Islam, that is, the Kitaab and Sunnah, such that they

become one indivisible whole. In other words, the Arabic language is an intrinsic part of Islam, that is, part of the Kitaab and Sunnah and cannot be separated from them. This is how it was in the past, and how it must remain until the end of time. Thus, knowledge of the Arabic language is a fundamental condition of Ijtihad (اجتهاد effort in Shariah deduction); recitation of the Faatiha in Arabic is a condition for the validity of Salah. Translation of the Noble Quran was absolutely 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. Instead, 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 recognized 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 terminologically 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 (قانون qanoon) 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 subjects’ 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 ﷻ, that is the Kitaab and Sunnah. Accordingly, Muslims do not need a constitution and canons, since the Shariah rulings 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 Shariah rulings, that is, they are from the address 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 disbelievers' 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. Allah ﷻ said,

﴿يَأَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ﴾

“O you who believe! Obey Allah and obey the Messenger (Muhammad ﷺ), and those of you Muslims who are in authority.” [TMQ Surah An-Nisa: 59]. The Prophet ﷺ 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 ijtihaad and not just any action. He cannot permit a Haram (حرام prohibited) nor prohibit a Halal (حلال permitted) through the evidence that Allah ﷻ has commanded that he be obeyed. Instead, his responsibility is to implement the rules of the Shariah on the people. Thus, obedience is only for the Shariah. Allah ﷻ has given him the responsibility to implement the rules according to his opinion and Ijtihaad, so it is obligatory to obey him in these matters. Anything beyond that, the obedience is only to Allah ﷻ and His Messenger ﷺ, not to the ruler. The ruler only implements the Shariah Law of Allah ﷻ. However, the Sahaabah (ra) differed in opinion regarding the Shariah rulings and so did the mujtahidoon. Some understood something from the Shariah text, which was different from what the other understood, hence there were different understandings of the Shariah rulings. 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' (إجماع unanimous consensus) that the Khaleefah has the right to adopt rules; once he has adopted a hukm (حكم ruling), the people are obliged to obey him and that rule becomes the hukm of Allah ﷻ for all Muslims. It is correct that obedience to the Khaleefah in the rulings he adopts is obligatory and that he has the right to make the

people adhere to specific rulings, but this is not undertaken because it is the order of the Khaleefah, rather because it is an order from Allah ﷻ. All that the Khaleefah has done is that he selected a specific understanding from the different understandings of the Shariah text, so action is carried out according to the Shariah rulings, and not the order of the Khaleefah. This is evidenced by the fact that if the Khaleefah orders with other than the Shariah ruling, then it is not obligatory to obey him. Instead, it is forbidden to obey him. Thus, adherence to the adoption of the Khaleefah is not obedience to his own orders, but instead it is obedience to Allahin 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 Ijtihaad.

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 Shariah has already brought everything. He ﷻ said,

﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ بَيِّنَاتٍ لِّكُلِّ شَيْءٍ﴾

“And We have sent down to you the Book (the Quran) as an exposition of everything” [TMQ An-

Nahl: 89]. So, there is no need for human beings to lay down a constitution and canons. However, the Shariah 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 revenues and expenses of the Bait ul-Maal (بيت المال state treasury), 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 Shariah rulings 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 these two situations will be obligatory on the Khaleefah in accordance with the Shariah principle, (ما لا يتم الواجب إلا به فهو واجب) “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 studies 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 Haram 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 rulings 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 Shariah rulings (أحكام شرعية ahkaam shar’iyyah) and from what the Khaleefah was given the right to undertake according to his opinion and ijtihaad.

49. The adoption of Shariah rulings stifles study and creativity and does not promote Ijtihad. This is because the people would then be obliged to follow the adopted ruling, 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 ijtihaad in the way that the motivation for action does. Hence, adoption stifles research and creativity and does not encourage ijtihaad. That is why the rules adopted by the Khulafaa' Rashidun 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 rulings 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 rulings 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 shared 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 interests. 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, that is, 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 unified 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 (creed) and the Shariah rulings. 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. Instead, 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. Instead, 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 Shariah

rulings 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 Shariah rulings, 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, that is, 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 must be to completely destroy the existing ruling structure, replacing it with the Islamic ruling structure. The Islamic ruling structure will oblige the people to follow the thoughts and rules of Islam and oblige the Muslims to organize their actions according to the orders and prohibitions of Allah ﷻ. The criteria for judging matters will be the Halal and the Haram. 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 Shariah by Hudood, Jinayaat, and Ta'zeer (discretionary punishment). However, to make the Muslims comply with the thoughts and rulings of Islam, it relies on their belief, that is, on the internal incentive. If this internal incentive does not exist, the state resorts to force and implementing punishment, so as to ensure 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 a whole. 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 a matter that cannot be avoided. It is an inevitable problem that requires a solution. Also, this individual 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 must 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, whether 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 ensure that all the basic needs (الحاجات الأساسية al-haajaat al-asaasiyyah), of all the citizens, are satisfied individually and in a complete manner. Every individual should also be enabled to satisfy his luxurious needs (الحاجات الكمالية al-haajaat al-kamaaliyyah), and ensure 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 Shariah ruling 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 in the use of the asset. State ownership is the property whose expenditure depends on the opinion and ijtihaad 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 and Fay',

it is state property and must be owned by the state. If the Muslims as a whole 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 nationalization is completely Haram, 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 Shariah has forbidden us to confiscate property. The Prophet ﷺ said, «لَا يَجُلُّ لَأَمْرِي 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 ﷺ 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 ﷺ defined state property and restricted it to the property in which the Muslim masses have a right.

57. Ownership of the land has specific Shariah rulings. 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, barren land, or if the state granted its ownership to individuals. In

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 in generality (عُموم ‘umoom),

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ﴾

“And Allah has permitted trade” [TMQ Surah Al-Baqarah: 275], and the generality (عُموم ‘umoom) of the saying of the Messenger ﷺ who said, «بِيعُوا الذَّهَبَ بِالْفِضَّةِ كَيْفَ شِئْتُمْ يَدًا بِيَدٍ» “Trade with gold for silver as you wish, but hand to hand.” 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 who said, «لَا يَدْخُلُ الْجَنَّةَ صَاحِبُ مَكْسٍ» “He who imposes Meks tax 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, without an import license, and pay order. The state has the right to give permission or withhold it. This is because the one who enters without citizenship cannot enter without aaman (أمان 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, (قالوا لعمر كيف نأخذ من أهل الحرب إذا

قدموا علينا؟ قال : كيف يأخذون منكم إذا دخلتم إليهم؟ قالوا : العشر
قال : فكذلك خذوا منهم) ، قال : **“They said to ‘Umar: ‘How much should we take from the belligerent people of war (ahl ul-harb) if they came to our land?’ He asked: ‘How much do they take from you?’ They said: ‘A tenth’ 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 (حربي حكما) belligerent legally) 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 the Khilafah, such as “Israel,” is excluded from such trading rulings. The rulings 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 funds 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 its 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 its projects, improve its economy, or protect the value of its currency.

Foreign debt is not allowed due to its danger to the state, economy, currency, and independence. This is because foreign debt is a tool to impoverish a country and destroy its economy and currency, whereby the debt multiplies. Besides that, it is a means to extend the influence of the money lending disbelieving nations. This limits the state's independence and takes its will as a hostage. Therefore, the Shariah does not allow this, because it is a means that leads to Haram and (الوسيلة إلى الحرام) (محرمة) "the means that leads to Haram is prohibited (muharammah)." These deals are also prohibited because they cannot take place without riba; and riba is Haram.

A quick look at the countries that allowed themselves 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 minbar. 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 objects 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 Shariah 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 the state 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' (spoils of war), the jizyah, the kharaaj, ushriyyah, the fifth of the hidden treasure, and the Zakaat. These revenues are collected continuously, whether there was a need or not. If these revenues are sufficient, then that is fine, and the state is not permitted to collect any taxes whatsoever. However, if these revenues are insufficient for expenditures, then the matter is considered. If the needs that the revenues cannot cover are non-essential, and the country and its people will not be harmed by not fulfilling them—such as opening a road that can be replaced by another, or digging wells that can be adequately supplied by existing ones—then it is not permissible for the state to collect taxes to carry them out. Instead, they must be postponed until funds are available from the

permanent revenues. However, if they are essential, meaning that the country or the Ummah will be harmed by not fulfilling them, then in this case, the state may collect taxes to fulfill them to the extent necessary, because this is an Shariah obligation upon the treasury (بيت المال bayt ul-maal) and the Muslims. If there are no funds in the treasury, then the obligation falls upon the Muslims, and it is collected from everyone who has surplus wealth beyond their needs, according to their circumstances, and those of similar circumstances, in accordance to what is reasonable (بِالْمَعْرُوفِ bil-ma'roof). It is not permissible to levy indirect taxes, so there are no guard taxes, no health taxes, no municipal taxes, no court fees, no brokerage fees, and nothing else whatsoever.

The State

64. Authority is embedded in the Ummah, or in the influential group within the Ummah. However, it manifests in one person in the Ummah, 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 obligation, 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 Shariah has proved the obligation of appointing the Ameer and the Sahaabah have unanimously consented that the Ummah must not be without an Ameer. It is narrated from 'Abdullah b. 'Umar that the Prophet ﷺ said, « لَا يَحِلُّ لِثَلَاثَةٍ نَفَرٍ يَكُونُونَ بِأَرْضٍ فَلَاةٍ إِلَّا أَمَرُوا عَلَيْهِمْ » **«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 ثَلَاثَةً فِي سَفَرٍ فَأَمِّرُوا أَحَدَكُمْ» **“If you were three people on a journey, then appoint one of you as an Ameer.”** These ahaadeeth evidence that the Ummah’s appointment of an Ameer over it is a Shariah obligation. As regards the fact that the Ummah must not be without an Ameer, this is due to the Sahaabah (ra) making Unanimous Consensus (إجماع Ijmaa’a) that the Ummah must not be without an Ameer for more than three days. They met together in the saqeefah (hall) of Bani Saa’idah to discuss the appointment of a Khaleefah (خليفة) successor in authority) to the Messenger of Allah ﷺ the moment they got the news of his death. They remained discussing the matter in the Saqeefah. Then the next day the people met in the Masjid. Thus, this took two nights with three days. Moreover, ‘Umar b. al-Khattab (ra) 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, that is, to kill the opposing

though the candidates were from the people of Shura and from the senior Sahaabah (ra). All of this took place in front of the Sahaabah (ra), 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 could have been contested because 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, (تشااوروا ثلاثة أيام ، وليصلَ بكم) "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 (أهل الحَلِّ والعقد people of dissolving and contracting authority) must 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 must

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 its Khaleefah or Ameer. This is because when the Ummah requested ‘Umar (ra) to nominate someone, he nominated six candidates for the Khilafah. ‘Abd ur-Rahman b. ‘Awf (ra) began to take the opinion of the people regarding whom they would choose from the six candidates. He (ra) said, (لم أترك رجلاً ولا امرأة إلا واستشرته) **“I will not leave a man or a woman without consulting him or her,”** that is, he took his or her opinion. For the period in which one of the six candidates he nominated was to be selected, Umar (ra) appointed Suhayb (ra) to be interim 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, that is, the Shariah rulings. The state leads the Ummah in the arena 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 center 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 tranquility, 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 must remain practically with the Ummah and its usurpation from the Ummah is considered a crime for which there will be the severest punishment. The Shariah has made the appointment of the Khaleefah the right of the Ummah, by making the Ummah the one to give the bay'ah (بيعة pledge for authority). 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 Shariah made the bay'ah for all the Ummah indicates that the authority lies with the Muslims. 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, with pleasure and tranquil repose, in everything he orders and forbids, in those matters the Shariah 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 (ra), that the Prophet ﷺ said, «السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ، وَكَرِهَ، مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ» “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 ﷻ. If he is ordered to commit such disobedience (مَعْصِيَةٌ مَعْصِيَةٌ), then there is no hearing or obedience.” Abu Hurayrah narrated that the Messenger ﷺ said, «سَيَلِيكُمُ الْبَرُّ بِيَرِّهِ، وَالْفَاجِرُ بِفُجُورِهِ، فَاسْمَعُوا وَأَطِيعُوا فِي كُلِّ مَا بَعْدِي وُلَاةٌ، فَيَلِيكُمُ الْبَرُّ بِيَرِّهِ، وَالْفَاجِرُ بِفُجُورِهِ، فَاسْمَعُوا وَأَطِيعُوا فِي كُلِّ مَا بَعْدِي وُلَاةٌ» “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 كَرِهَ مِنْ أَمِيرِهِ شَيْئاً ، فَلْيَصْبِرْ عَلَيْهِ ، فَإِنَّهُ لَيْسَ أَحَدٌ مِنَ النَّاسِ خَرَجَ مِنَ السُّلْطَانِ شِبْرًا فَمَاتَ إِلَّا مَاتَ مِيتَةً جَاهِلِيَّةً » “If anyone sees in his Amir something that displeases him, let him remain patient. Indeed, there is none who separates himself from the sultan (سلطان Islamic authority) by even so much as a hand span and dies thereupon, except that he has died the death of Jahiliyyah (ignorance pre-Islam).” Also, Bukhari reported on the authority of ‘Abd Ullah b. ‘Umar that the Messenger of Allah ﷺ said, «إِنَّكُمْ سَتَرُونَ» بَعْدِي أَثَرَةٌ وَأُمُورٌ تُنْكَرُونَهَا ، قَالُوا ، فَمَا تَأْمُرُنَا يَا رَسُولَ اللَّهِ؟ قَالَ : «أَدُوا إِلَيْهِمْ حَقَّهُمْ ، وَسَلُّوا اللَّهَ حَقَّكُمْ» “You will 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 ahadeeth evidence the extent to which the Shariah has urged obedience to those in authority from the Muslims, no matter how much they oppress or seize wealth of the people.

Third:

It is a Shariah obligation 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 it is obliged to challenge him if he deviated. It has been narrated by Umm Salamah (ra) that the Prophet ﷺ said, «إِنَّهُ يُسْتَعْمَلُ عَلَيْكُمْ أَمْرَاءُ فَتَعْرِفُونَ وَتُنْكِرُونَ ، فَمَنْ كَرِهَ فَقَدْ بَرِيَ ، وَلَكِنْ مَنْ رَضِيَ وَتَابَعَ» **“Ameers will be appointed over you, and you will acknowledge their good and reject their bad. Whoever hates their bad is absolved from blame. Whoever disapproves of their bad is safe. However, whoever approves of their bad deeds and imitates them is doomed,”** meaning he must hate the munkar, so he has to change it. The one who is not able to change it but hates it in his heart, is also safe. However, the one who approved and followed, that is, he accepted their action by his heart and followed them in this action, will neither be absolved nor be safe. The Prophet ﷺ said, «سَيِّدُ الشُّهَدَاءِ حَمْزَةُ، وَرَجُلٌ قَامَ إِلَى إِمَامٍ جَائِرٍ فَنَصَحَهُ فَقَتَلَهُ» **“The master of martyrs is Hamza (ra), and a man who stood up to a tyrant ruler, advising him but was killed.”**

Fourth:

Fighting the ruler when he shows open kufr (الكفر البواح al-kufr al-bawaah), that is 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, «قَالُوا أَفَلَا نُقَاتِلُهُمْ؟ قَالَ، لَا ، مَا صَلُّوا» “They said, ‘Do we not fight them?’ He said, ‘No, as long as they perform Salah.’” In another narration, «أَلَا نُقَاتِلُهُمْ؟ قَالَ، لَا، مَا صَلَّوْا» “Do we not fight them?’ He ﷺ said, ‘No as long as they perform Salah.’” In the Hadeeth of ‘Awf b. Maalik, «قَالَ، أَفَلَا نُنَابِذُهُمْ بِالسَّيْفِ؟ فَقَالَ، «قِيلَ يَا رَسُولَ اللَّهِ أَفَلَا نُنَابِذُهُمْ بِالسَّيْفِ؟ فَقَالَ، «قَالَ، لَا ، مَا أَقَامُوا فِيكُمْ الصَّلَاةَ» “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, «وَأَنْ لَا تُنَارِعَ الْأَمْرَ أَهْلَهُ، قَالَ، إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ» “Do we not fight those in authority?’ He said, ‘except if you see a kufir bawaah for which you have clear evidence from Allah.’” In a narration by at-Tabaraani, «كُفْرًا صُرَّاحًا» “explicit kufir (kufir suraah).” In the narration of Ahmad, «مَا لَمْ يَأْمُرْكَ بِإِثْمٍ بَوَاحًا» “As long as he does not order you with an explicit sin (ithm bawaah).” All of this evidences the obligation of fighting the ruler when he displays kufir buwaah (open kufir).

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 who said, «الْجِهَادُ ماضٍ مَعَ الْبِرِّ»

«وَالْفَاجِرِ» **“Jihad must continue with the pious or a transgressor.”** (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. 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,

﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ﴾

“This day, I have perfected your Deen for you” [TMQ Surah Al-Maa'idah: 3], the Muslims have been ordered to act upon all Shariah rulings, 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 peace or war.

There is no difference between two different rulings, two different obligations, 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 Kufir laws, and to rule by all that Allah ﷻ has revealed. As it is also prohibited upon us to drink alcohol and take riba (interest), it is prohibited for us to remain silent about the tyrannical and transgressing rulers, or to remain silent about the application of Kufir laws and the allegiance (موالاة muwaalaah) to disbelieving states.

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

﴿وَمَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾

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

There is also the saying of Allah ﷻ Who said,

﴿وَأَنْ أَحْكَمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ﴾

“And rule between them with whatever (ما maa) Allah revealed” [TMQ Surah Al-Maa'idah: 49]. This is an order to the Messenger ﷺ and those rulers who follow him, that they must rule by all the rulings that Allah ﷻ revealed. This is because the word 'what' (ما maa) in the aayah is of the forms of generality (عموم 'umoom) Allah ﷻ forbade, in the aayah, the Messenger ﷺ and the rulers coming after him from following the desires of the people. Allah ﷻ also forbade the Messenger ﷺ and the rulers after him lest the people deviate them from some of the rulings that Allah ﷻ revealed. Allah ﷻ considered the one who does not rule with all the rulings that Allah ﷻ revealed as a kaafir (كافر disbeliever), a zaalim (ظالم oppressor), or a faasiq (فاسق evil-doer). This is because the word 'what' (maa), which came in the three aayaat, is general ('aammah) for all the revealed rulings, because it is one of the forms of generality ('umoom). The Messenger ﷺ also obliged fighting against the ruler and raising the sword in his face if he showed the open disbelief (kufr) (Kufr bawaah), upon which we have certain evidence from Allah ﷻ. This means if he governed with rules of

Kufr, even if it were one ruling. This is according to what came in the Hadeeth of ‘Ubadah b. as-Saamit, «وَأَنْ لَا تُنَازِعَ الْأَمْرَ أَهْلَهُ ، إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحاً عِنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ» **“And that we must not contest the people of authority over their authority, unless you see Kufr Bawaah (open Kufr), upon which you have clear evidence from Allah.”** Therefore, there is no excuse for not implementing all the Shariah rulings of Islam, in one go and without gradualism, under the pretext of incapability to implement it, the unsuitability of conditions for its implementation, the rejection of the international public opinion or the major powers of its application, or any other weak excuse. All of these are weak excuses and arguments that have no importance. Allah ﷻ 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. Islam 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 of authority; he is rather an executor of the Shariah of Allah. Also, he is not a symbolic figurehead for the Ummah, where he owns but does not rule. Instead, he is rather appointed by the Ummah in the post of ruling, where he governs on its behalf, without owning anything of this ruling. This structure does not have the concept of a crown prince at all either.

Nor is Islam's ruling structure a democratic, republican system. The leadership of the state in it is not fixed for a specific period. It is instead fixed with a specific manner. Thus, the Khaleefah (خليفة) Caliph) has to meet certain conditions in order to be suitable for the post of Khilafah. If any of these conditions was broken, then he departs from the Khilafah, and he is either 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 democratic, 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 in all of its functions.

The Khilafah is also not a dictatorial, totalitarian, autocratic system, because the head of the state is restricted by the Shariah rulings. So, he cannot make permissible a matter that is Haram, nor prohibit a matter that is Halal. Instead, the Khaleefah is rather bound by the Shariah. This is different to the autocratic system, where the head of the state has unrestricted authority and he proceeds according to his own opinion. The dictator is the legislator and the executor, while the Khaleefah is not the legislator, he is instead the implementor of the Shariah.

The Khilafah is also not 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 center 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 (ولاية wilayah) are not decided based on its own revenues, instead based on its own needs, regardless of the amount of its revenues. Moreover, all the provinces have the same law and ruling authority.

The Khilafah 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. Instead, the Khilafah is 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 domestic policy, foreign policy, economy, or education, or any other authority at all. Instead, the whole authority is in one hand, and in one center. The Shariah ordered killing and fighting in order to preserve the unity. The Messenger ﷺ said, «وَمَنْ بَايَعَ إِمَامًا فَأَعْطَاهُ صَفْقَةَ يَدِهِ ، وَثَمَرَةَ قَلْبِهِ ،» **“And whoever gave a bay’ah to an Imam, thus giving him the clasp of his hand and the fruit of his heart, let him obey him as much as he can. If any other person came wanting to dispute with the Imam, then strike the neck of the other person.”** Thus, the structure of the Islamic state differs from the structure of all the other states. The head is a Khaleefah who

implements the Shariah. He cannot become a Khaleefah, that is, he does not have the authority, unless the Muslims appointed him by the bay'ah, with consent and choice. Once he becomes Khaleefah, all the functions of ruling fall into his hands alone.

69. Authority (سلطان sultan) 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 (ولاية الأمر responsibility over affairs). It is an executing entity for the host of thoughts, concepts, and criteria accepted by the Ummah. Thus, the function of the authority (sultan) is to execute the Shariah rulings, 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 rulings, 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, 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 rulings, 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 its 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 coercive dominance, and not concepts of caring. The authority would also change to become a military ruling governance 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 law, 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 Shariah principle states according to the hadith, «لَا ضَرَرَ وَلَا ضِرَارَ» **“There must be no harming and no reciprocating harm.”**

70. The ruling system is based on four principles: a. Sovereignty (سيادة siyadah) is for the Shariah and not for the people. b. Authority (سلطان sultan) belongs to the Ummah. c. Appointment of a single Khaleefah is a Fard (فرض obligation) on the Muslims. d. Only the Khaleefah has the right for adoption (تبني tabannee) of Shariah rulings. So, the Khaleefah is the one who enacts the constitution and canons. As for the sovereignty belonging for Allah ﷻ and not for the people, as is stipulated by democratic constitutions, this is because the Islamic Ummah is not directed by its will, to do whatever it wishes. Instead, the Ummah is directed by the orders and

prohibitions of Allah ﷻ. The Ummah is subject to the Shariah and hence sovereignty belongs to the Shariah. As for the authority belonging to the Ummah, this is because the Shariah 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, where the Prophet ﷺ said, «مَنْ خَلَعَ يَدًا مِنْ طَاعَةِ لِقَى اللَّهَ يَوْمَ الْقِيَامَةِ لَا حُجَّةَ لَهُ ، وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةُ مَاتَ مِيتَةَ جَاهِلِيَّةٍ» **“Whosoever withdrew his hand from an obedience, meets Allah on the Day of Judgment with no evidence for him. Whosoever died without a bay'ah on his neck, died the death of Jaahiliyyah.”** So, the Shariah obligation is the presence of the bay'ah on the neck of every Muslim, that is, the presence of a Khaleefah who, through his presence, deserves a bay'ah upon the neck of every Muslim. As for the fourth principle, this has been established by the Unanimous Consensus of the Companions (ra). From this Ijmaa', the famous Shariah principles have been taken, (أمر الإمام يرفع (الخلافة) “The order of the Imam removes the dispute,” (وأمر الإمام نافذ) “the order of the Imam is executed,” and (وللسلطان أن يحدث من الأفضية بقدر ما يحدث (من مشكلات) “The Sultan (Imam) reserves the right to adopt new laws for as many new matters that arise.”

71. The state is based on fourteen institutions:
1. The Khaleefah (ال خليفة the Caliph)
 2. The Delegated Assistants (معاون التفويض Mu'aawin ut-tafweeD)
 3. The Executive Assistants (معاون التنفيذ Mu'aawin ut-tanfeeDh)
 4. The Governors (ولاية Waalis)
 5. The Amir of Jihad (أمير الجهاد)
 6. The Department for Internal Security
 7. The Department of Foreign Affairs
 8. The Department for Industry
 9. The Judiciary
 10. Administration System (The Department for People's Affairs)
 11. The Bayt al-Mal (بيت المال State Treasury)
 12. The Department of Media (I'lam)
 13. The Ummah's Council (مجلس الأمة Shura and Accounting)
 14. Department of Information and Communication Technology

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 (ra) and Umar (ra) as his wazeers i.e. assistants. The Prophet ﷺ said, «وَزَيْرَايَ مِنْ أَهْلِ الْأَرْضِ أَبُو بَكْرٍ وَعُمَرُ» **“My two ministers among the people of the earth are Abu Bakr and Umar.”** As for the provinces, he ﷺ appointed governors and he appointed judges to judge between the people. As for the administration, the Messenger ﷺ appointed administrators to manage the various governmental departments. As for the leadership of Jihad, which will administrate the following aspects: foreign affairs, war, domestic affairs and industrial affairs, the Messenger ﷺ and the Khulafaa’ after him used to undertake this post themselves. However, ‘Umar b. al-Khattab (ra) 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 Jihad. As for the Majlis al Ummah, the Messenger ﷺ used to consult the Muslims whenever he wanted. He ﷺ 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 Ijtihaad.

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, that is, it indicates that he has all the mandatory powers of ruling. In other words, it must include wording that indicates that he is the delegate of the Khaleefah. Therefore, when appointing the delegated assistant, one must use words that indicate the reality of the delegated 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 (ra) about 'Umar (ra), when Umar assumed the responsibility of assistant. They used to ask him, هل أنت الخليفة أم عمر) (Are you the Khaleefah or is it 'Umar?") He used to reply, (أنا وهو) "Him and I"; 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 instead 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 delegated 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 delegated 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 delegated 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 delegated assistant (وزير تفويض) 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 (وزير التنفيذ) 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 delegated assistants or what are 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 and 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 ruling authority via the Ummah, on condition that

these parties are established on the basis of the Islamic ‘Aqeedah and the rulings that they adopt are from the Shariah rulings. The hizb (حزب 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 Shariah 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 include 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 all Muslims. The Hadeeth of Sulayman b. Buraydah says, «ادْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ أَجَابُوكَ فَأَقْبِلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ، ثُمَّ ادْعُهُمْ إِلَى النَّحْوْلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ ، وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَيْهِمْ» “Invite them to Islam, if they respond then accept it from them and refrain from them. Then ask them to move from their abode to the Abode 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 obligations.” This is a text that stipulates moving to Dar ul-Muhajireen, in order to have the rights that the Muslims have, and the Shariah rulings applied on them will be those applied on the Muslims in Dar ul-Muhajireen. 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 Shariah terminology. The Dar (دار abode) is related to Islam, Harb (حرب war), or Kufr (كفر disbelief) and not to the Muslims. Linking it to Islam means ruling and security in relation to the state. Thus, Dar ul-Islam is that territory in which Islam controls its state. Islam's control of the state means the ruling and security of the state. All of this is an evidence 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. Instead, it is considered part of the domestic 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 Dawah, 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 abode (Dar ul-Kufr), whether Quraysh or the rest of the tribes, on the basis of carrying the Dawah; whether this was a state of war, peace, treaty, good neighborhood, trade, or the like. This was the case with the Sahabah (ra) after him. Thus, the basis of the foreign policy is the carrying of the Islamic Dawah.

79. The foreign policy is based on two matters: Firstly, undertaking deliberate actions to convey the Dawah. This has two aspects: the undertaking of what is called ‘cold war’, and the Dawah carriers and Dawah programmes proceeding in the path of Dawah 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,

﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ﴾

“They ask you concerning fighting in the Sacred Months. Say, Fighting therein is a great transgression” [TMQ Surah Al-Baqarah: 217], is part of the publicity. He ﷺ sent six of his Sahabah (ra) 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 Dawah plan. He ﷺ 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 ﷺ used to undertake deliberate actions to convey the Dawah and he used to undertake political and diplomatic actions to carry the Dawah. These actions are considered to be part of the conveyance of the Dawah ahead of war and they are something the Shariah has demanded. It has been narrated that Ibn 'Abbas said, «مَا قَاتَلَ رَسُولُ اللَّهِ ﷺ قَوْمًا قَطُّ إِلَّا دَعَاهُمْ» **“The Messenger of Allah did not fight a people except that he had given them Dawah.”** It has also been narrated that he ﷺ said to Furwah b. Musayk, «لَا تُقَاتِلُهُمْ حَتَّى تَدْعُوهُمْ إِلَى الْإِسْلَامِ» **“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 and so on. However, 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 organize 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 Ottoman state weakened and began to appease the Western states, it wished to enter the international law and it wanted the international law to include the Ottoman State. Initially the Western states prevented this, but then the Ottoman State conceded that the Shariah 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 Ottoman 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 rulings of the Shariah. The relationship of the Islamic state with other states is determined by the Shariah 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 Shariah text and understand it completely. Then we apply the text on the reality and give the ruling indicated by the Shariah text. Therefore, we refer to the Shariah in regards to the international relations between us and other states, not international law.

81. The rightful presence of the individual is only related to his relationship with other individuals, not to his actions for himself only. Likewise, the rightful 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 principled identity, which is considered according to the reputation of this character, and the image of this character in the view of other states. The state that carries a Dawah has more influence in terms of its relationships with other states. Thus, its rightful presence and its protection depend, like any state, on the extent of these relationships. Moreover, its conveyance of the Risaalah 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 reputation 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 it and in order to create a public opinion for it, its thought, and its Dawah. The Messenger ﷺ used to take care regarding that. He ﷺ said, «نُصِرْتُ بِالرَّعْبِ مِنْ مَسِيرَةِ شَهْرٍ» «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 Dawah to all humanity and to bring them into the Khilafah state. He ﷻ has legislated Jihad as a method to carry the Dawah. 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 military 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 United Nations or its Security Council, or to put them in the hands of

any state in the world, or to accept to submit to Kufir international laws or foreign domination, whatever the circumstances. Allah ﷻ says,

﴿وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾

“And Allah will never allow for the disbelievers a way of authority over the believers” [TMQ Surah 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 Rabi' al-Aakhar 1410 AH

14 November 1989 CE