

The System of Islam

(Nidham ul Islam)

Taqiuddin an-Nabahani
Hizb ut-Tahrir

(Translated from the Arabic edition)

For exact meanings of words and sentences,
please refer to the original Arabic book Nidham ul Islam.

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Translation of the Qur'an

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

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

Ahadith appear in **Bold**.

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The Way to Belief (Tareeq al-Iman)

Man revives (*yanhaDu*) according to what he carries of thought (*fikr*) about man, life and the universe, and about their relationship, as a whole, with what preceded this life and what comes after it. Hence, in order for man to revive (*yanhaD*), it is necessary to radically and comprehensively change his current thought (*fikr*) and generate another thought (*fikr*) for him. This is because it is the thought (*fikr*) that generates the concepts about things and consolidates them. Man shapes his behaviour (*sulook*) in this life according to his concepts (*mafaahem*) about it. So, man's concepts (*mafaahem*) about a person he likes shapes his behaviour (*sulook*) towards him. This is in contrast with his behaviour towards a person he dislikes and holds concepts of hatred. Also he will exhibit different behaviour (*sulook*) towards a person he does not know or holds any concepts (*mafaahem*) about. So, human behaviour (*sulook*) is linked to man's concepts (*mafaahem*) and when we wish to change the behaviour (*sulook*) of the declined man and make it refined, it is imperative to change his concepts (*mafaahem*) first. Allah ﷻ says:

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ الرعد 11

"Allah does not change the circumstances of any people until they have changed what is within

themselves." [Ar-Ra'd: 11]

The only way to change man's concepts (*mafaaheem*) is by generating thought (*fikr*) about this life in order to set up the correct concepts (*mafaaheem*) about it. Thought about this life will not be productively consolidated unless the thought about man, life and the universe and about what preceded this life as well as what comes after this life, and its relationship with what is before and after it, is generated. This can be achieved by giving the comprehensive idea (*al-fikrah al kulliyah*) about man, life and the universe, because it is the intellectual basis (*al-qa 'idah al-fikriyyah*) upon which all ideas about this life are built. Giving this comprehensive thought (*fikrah*) about these matters is the solution to man's greatest problem. Once this problem is solved all other problems are solved, because they are either partial compared to the main problem or branch from it. This solution wouldn't lead to the correct revival (*nahDah*), unless it is a true solution which is compatible with man's innate nature (*fitrah*) and convinces the mind and thus fills the heart with tranquillity.

The true solution cannot be reached except through the enlightened thought (*al-fikr ul-mustaneer*) about the universe, man and life. Consequently, those who yearn for revival (*nahDah*) and pursue the path of elevation (*ruqiy*), must first solve this problem in a correct manner by utilising enlightened thought (*fikr*). This solution is none other than the '*aqeedah* which serves as the intellectual basis (*al-qa 'idah al-fikriyyah*) upon which every detailed thought about man's behaviour and the systems of this life are built.

Islam addressed the greatest problem and solved it in a manner that agrees with man's nature (*fitrah*), convinces his mind, and fills his heart with tranquillity. Islam made the

rational acceptance of this solution a condition for embracing it. Therefore, Islam is built upon one basis, i.e. the '*aqeedah*', which states there is behind man, life and the universe a creator (*khaaliq*), who created all of them and created everything: He is Allah ﷻ. This Creator created everything out of nothing ('adam). His existence is indispensable (*wajib ul-wujood*) and He is not created - otherwise, He wouldn't be a Creator. The fact that He is a Creator makes it necessary that He is not created and that His existence is indispensable, because all things depend for their existence on Him and He does not depend on anything.

The reason that things must have a creator, is because the things which are comprehensible by the mind that is man, life, and the universe, are limited, weak, imperfect, and are in need for something other than themselves. Man is limited, because he grows in every aspect to a certain limit that he cannot surpass, so he is limited. Life is limited, because it manifests itself only in individuals, and what is noticed by the senses is that it is concluded with the individual, thus it is limited. The universe is limited, because it is the sum of celestial bodies, and each body is limited; and the sum of limited things is self-evidently limited. Thus, man, life, and the universe are definitely limited. When we ponder on the limited (thing), we see that it is not *azali* (eternal - limitless), otherwise it would not have been limited, and therefore, it must be created by something else, which is the Creator of man, life and the universe. This Creator, is either created by someone else, creator of himself, or *azali* (eternal - limitless) whose existence is indispensable (*wajib ul-wujood*). It is absolutely false that he is created by someone else, because he would then be limited. It is also false that he is the creator of himself and could not be rationally considered as the Creator. As for being self-created, the ramification of which would be he is created by himself and creating himself simultaneously. This is simply absurd. Hence,

the creator must be *azali* (eternal - limitless) whose existence is indispensable. He is Allah ﷻ.

Anyone who has the mental faculty can comprehend from things that can be sensed that they have a creator. This is because what is noticed in all of them is that they are imperfect, weak and dependent, so they are definitely created. Therefore, it is sufficient to draw one's attention to anything in the universe, life and man to conclude from that the existence of the Creator and Organiser. Hence, looking at any celestial body of the universe, contemplating upon any facet of life, or comprehending any aspect of man, indicates definitely of the existence of Allah ﷻ. Therefore, we see that the Qur'an draws attention to these things and instructs man to ponder upon them, their surroundings, and what is related to them, and to conclude from his pondering the existence of Allah ﷻ. Thus man looks at things how they are in need of other things, so he definitely concludes from this the existence of Allah ﷻ, the Creator. There are hundreds of Qur'anic *ayat* expressing this meaning. In surat Aali-Imran, Allah ﷻ says:

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ
آل عمران 190

"Behold! In the creation of the heavens and the earth and the alteration of night and day, these are indeed signs for men of understanding." [Aali-Imran: 190]

and in surat ar-Rum,

وَمِنْ آيَاتِهِ خَلْقُ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ إِنَّ فِي ذَلِكَ
لَآيَاتٍ لِّلْعَالَمِينَ الروم 22



"And of His signs is the creation of the heavens and the earth, and the difference of your languages and colours. Behold! herein indeed are signs for men of knowledge." [Ar-Rum: 22]

and in surat al-Ghashiya,

أَفَلَا يَنْظُرُونَ إِلَى الْإِبِلِ كَيْفَ خُلِقَتْ, وَإِلَى السَّمَاءِ كَيْفَ رُفِعَتْ, وَإِلَى الْجِبَالِ كَيْفَ
نُصِبَتْ, وَإِلَى الْأَرْضِ كَيْفَ سُطِحَتْ العاشية 17-20

"Will they not look at the camels, how they are created! And the heaven, how it is raised! And the mountains, how they are set up! And the earth, how it is spread!" [Al-Ghashiya: 17-20]

and in surat at-Tariq,

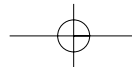
فَلْيَنْظُرِ الْإِنْسَانُ مِمَّ خُلِقَ, خُلِقَ مِنْ مَّاءٍ دَافِقٍ, يَخْرُجُ مِنْ بَيْنِ الصُّلْبِ وَالتَّرَائِبِ الطارق 5-7

"So let man reflect, from what he is created. He is created from a gushing fluid, that is issued from between the loins and ribs." [At-Tariq: 5-7]

and in surat al-Baqarah,

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ وَالْفُلْكِ الَّتِي تَجْرِي فِي الْبَحْرِ بِمَا
يَنْفَعُ النَّاسَ وَمَا أَنْزَلَ اللَّهُ مِنَ السَّمَاءِ مِنْ مَّاءٍ فَأَحْيَا بِهِ الْأَرْضَ بَعْدَ مَوْتِهَا وَبَثَّ فِيهَا مِنْ كُلِّ
دَابَّةٍ وَتَصْرِيفِ الرِّيَّاحِ وَالسَّحَابِ الْمُسَخَّرِ بَيْنَ السَّمَاءِ وَالْأَرْضِ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ البقرة 164

"Behold! in the creation of the heavens and the earth and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sends



down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and in the ordinance of the winds, and the clouds obedient between heaven and earth are signs (of Allah's sovereignty) for people who have sense." [Al-Baqarah: 164]

In addition, there are so many *ayat* that call upon man to ponder deeply upon things and their surroundings and that which is related to them, thereby concluding from that the existence of the Creator, the Organiser. Thus belief in Allah is firmly established through reason and clear evidence.

Indeed, belief in the Creator, is natural in every human being. However such innate belief comes through his emotions, a path that neither leads to trustworthy results nor to stability if left alone. The emotions (*wijdaan*) often add mythical and unfounded ideas to the original belief. These unwarranted elements of belief cause one to further stray from the correct belief and catapults one into *Kufr* and infidelity. Idolatry, superstitions, and mythology are but a result of mistakes of using emotions. Therefore, Islam does not leave the emotions as the only way to belief, so as not to ascribe certain attributes contradictory to deity, or to consider Allah incarnated in material substances, or to perceive the possibility of drawing closer to Him through worshipping material objects thus, leading to *Kufr* or *shirk*, or to delusions and superstitions all of which are renounced by true *iman*. That is why Islam compels the use of the mind with the emotions and obliges the Muslim to use his mind to believe in Allah and forbids imitation in '*aqeedah*. Therefore, Islam assigned the mind as the arbitrator in *iman* in Allah and forbids imitation in '*aqeedah*.

Allah, says:

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاجْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ

آل عمران 190

"Behold! In the creation of the heavens and the earth, and the alteration of night and day, these are indeed signs for men of understanding." [Aali-Imran: 190]

Therefore it is obligatory (*waajib*) upon every Muslim to make his belief (*Iman*) result from, thinking, study and contemplation and to make his mind the absolute arbitrator in the belief (*Iman*) in Allah ﷻ. The call to look deeply in the universe so as to understand its laws and to be guided to the *iman* in its Creator is repeated in the *Qur'an* hundreds of times in its different *surah*, all of which are directed to man's intellectual faculty, inviting him to think deeply and to ponder so as his *iman* be based upon reason and clear evidence, and warning him not to adopt what he found his forefathers doing without investigating it, scrutinizing it, and being personally confident of its correctness. This is the *iman* which Islam called for, and not the so called faith of the old (people). It is the faith of the enlightened and absolutely assured person who searched and contemplated until he came through contemplation and thinking to the assured conviction in the existence of Allah ﷻ.

Despite the obligation to use the mind to arrive at the correct belief in Allah ﷻ, man is unable to comprehend things beyond the boundaries of his senses and mental faculty. This is because man's mind is limited within boundaries it cannot surpass regardless of how much it develops and grows, hence, its ability to comprehend is limited. Therefore, the mind will fall short of comprehending the essence of Allah ﷻ,

because He is beyond man, life and the universe and the human mind cannot comprehend what is beyond man. Thus the human mind is unable to comprehend the essence of Allah ﷻ. It should not be said how does man believe in Allah with his mind while his mind cannot comprehend the essence of Allah ﷻ. This is because belief (*iman*) entails *iman* in the existence of Allah ﷻ, whose existence is comprehended through the existence of His creation, i.e. the universe, man and life. These creations are within the limits of what the mind can comprehend and thus, man comprehended them; and from comprehending them, man comprehended the existence of a creator (for these things) who is Allah ﷻ. Therefore, *iman* in the existence of Allah is rational and within the limits of man's mental capacity. This is in contrast to the essence of Allah ﷻ, which is impossible since He is beyond man, life and the universe and hence He is beyond the capability of any mind. The mind is unable to comprehend what is beyond its bounds because of its inherent limitation to do so. This limitation should be one of the factors which strengthen the *iman* and not a source of suspicion and doubt. Moreover, since our *iman* in Allah ﷻ is reached through our mind, our comprehension of His existence is complete. Since our sensation of His existence is linked with the mind, then our sensation of His existence is absolutely sure. Thus, this initiates in us a complete comprehension and assured feeling of all the divine attributes associated with the Creator. All of this convinces us that we will be unable to comprehend the essence of Allah ﷻ, despite our firm *iman* in Him. Therefore, we have to submit to all that He has informed us about, of which the mind is incapable to comprehend or to arrive at its comprehension. This is due to the natural inability of the human mind, by its relative and limited standards, to comprehend what is beyond it; for this comprehension would need absolute and unlimited standards, matters which man neither possess nor can acquire.

As for the proof of the need for messengers, it has been proven that man is created by Allah ﷻ and that religiousness is innate (*fiTri*) in man, since it is one of his instincts. Thus, man, by his nature, sanctifies his Creator, and this sanctification means worship, which is the relationship between man and his Creator. Leaving this relationship without organisation will lead to turmoil and to worshipping other than the Creator. Therefore, it is necessary to organise this relationship with a correct system which cannot emanate from man, because he cannot comprehend the nature of the Creator in order to set up this relationship between himself and the Creator. Hence, this system must come from the Creator. Since the Creator has to convey this system to man, therefore there should be messengers to convey to the people the *deen* of Allah ﷻ.

Further evidence of the peoples need for messengers is that the satisfaction of man's instincts and organic needs is a necessity. If this satisfaction were left without a system it would lead to an erroneous and abnormal fulfilment and thus result in man's misery. Therefore, it is necessary to have a system to organise man's instincts and organic needs. This system does not come from man, because his understanding of the organisation of man's instincts and organic needs is liable to disparity, differences, contradiction and is influenced by the environment in which he lives. Thus if this organisation was left to man, the system would be liable to disparity, differences and contradiction and would lead to man's misery. Therefore, this system must come from Allah ﷻ.

As for the proof that the Qur'an is revealed by Allah ﷻ, it is well known that the Qur'an is an Arabic book conveyed by Muhammad ﷺ. Thus, it is either from the

Arabs, from Muhammad ﷺ, or from Allah ﷻ, and it is not possible that it be from any other except these three since it is Arabic in language and style.

It is false to say that the Qur'an comes from the Arabs because it challenged them to bring forth anything similar to it.

قُلْ فَأْتُوا بِعَشْرِ سُورٍ مِّثْلِهِ ۖ ۝۱۳

"Say, bring ten surahs like unto it." [Hud: 13]

قُلْ فَأْتُوا بِسُورَةٍ مِّثْلِهِ ۖ ۝۳۸

"Say, bring one surah like unto it." [Yunus: 38]

They tried to bring the like of it but they failed to do so. Hence, this book is not of their speech because they were unable to bring the like, of it, though it challenged them, and they tried to bring the like of it. It is also false to say that it is from Muhammad ﷺ, since Muhammad ﷺ is one of the Arabs, and whatever the height of his genius, he is a human being and a member of his community and nation. Since the Arabs themselves had failed to bring the like of it, this also applies to Muhammad ﷺ, the Arab, that he could not bring the like of it. Thus, it is not from him. Moreover, Muhammad ﷺ has left *saheeh ahaadeeth* and *mutawaatir ahaadeeth*, whose authenticity is beyond doubt. If any of these ahaadeeth were to be compared with any verse of the Qur'an, there would be no similarity between them in style. He ﷺ used to utter the

revealed verse and say the *hadeeth* at the same time and yet there is a difference between them in style. Whenever any man attempts to diversify his speech, it will remain similar in style, because it is a part of him. Since there is no similarity between the *hadeeth* and the verse in style, the Qur'an is absolutely not Muhammad ﷺ speech. Besides this, none of the Arabs, who were the most versed with the styles of the Arabic speech, alleged that the Qur'an is Muhammad ﷺ speech, or that it is similar to his ﷺ speech. The only thing that they claimed was that Muhammad ﷺ had brought it from a Christian youth called Jabr. Allah ﷻ refuted what they claimed and said:

وَلَقَدْ نَعْلَمُ أَنَّهُمْ يَقُولُونَ إِنَّمَا يُعَلِّمُهُ بَشَرٌ لِّسَانُ الَّذِي يُلْحِدُونَ إِلَيْهِ أَعْجَمِيٌّ وَهَذَا لِسَانٌ
عَرَبِيٌّ مُبِينٌ ۝ ١٠٣

"We know indeed that they say it is a man that taught him. The tongue of him they wickedly point to is notably foreign, while this is Arabic, pure and clear." [An-Nahl: 103]

Since it is proved that the Qur'an is neither the speech of the Arabs nor the speech of Muhammad ﷺ, it is definitely the speech of Allah ﷻ, and consequently it is a miracle for the one who brought it.

Because Muhammad ﷺ brought the Qur'an, and the Qur'an is the speech of Allah ﷻ and His divine law, and because no one brings Allah's ﷻ *Shari'ah* (law) except the Prophets and the Messengers, then accordingly Muhammad ﷺ must definitely be a prophet and messenger, by rational proof.

This is an intellectual proof for the *iman* in Allah ﷻ and in the message of

Muhammadﷺ, and that the Qur'an is the speech of Allah ﷻ.

Consequently, the *iman* in Allah ﷻ comes through the rational way and this *iman* must be by the rational way. Thus, as such, it becomes the basis upon which the *iman* in all matters beyond our senses and in all of that which Allah ﷻ informed us is built. This is because we believe in Allah ﷻ, Who has the divine attributes, we must definitely believe in everything that He has informed us of, whether it is mentally comprehended or it is beyond the minds capability, simply because Allah ﷻ informed us of it. We must believe in the Day of Resurrection (*ba'ath*), in paradise (*jannah*) and hell (*naar*), in reckoning (*hisaab*) and punishment (*'adhaah*), in angels (*malaaiikah*), in *jinn*, in *ShayaaTeen* and all others that the Qur'an or a hadeeth *mutawaatir* have mentioned. This *iman*, though it is through narration and hearing (textual) it is originally rational, because its origin was proven by the mind (intellect). Therefore, the Muslim's '*aqeedah* must depend on the mind or on that whose origin is proven through the mind. Thus, Muslims must believe only in what is proven intellectually through the rational way or the definite and decisive texts, that is, what is proven by the Qur'an and the *hadeeth mutawaatir*. Anything not proven through these two methods: the mind and the text of the book and of the definite *hadeeth* is prohibited to believe in, because creeds (*a'qaaid*) should not be taken except with certainty (*yaqeen*).

Therefore, there must be *iman* in what is before this life, which is Allah ﷻ, and in what is after it, which is the Day of Resurrection. Since the commands of Allah ﷻ constitute the relationship of the life of this world with what is before it, besides the relationship of creation; and the reckoning of ones deeds in this life is the relationship of what is after this life with this life, in addition to the relationship of the Day of

Judgement, then there should be a relationship between this life with that which is before it and that which will be after it. Furthermore man's situation in this life must be restricted to this relationship. In other words, man must proceed in this life in accordance with Allah's ﷻ systems, and must believe that He will account him on his deeds on the Day of Judgement.

By this discussion, the enlightened thought has been established concerning what is beyond man, life and the universe and about what is before this life and what is after it, and that it has a relationship with what is before it and what is after it. Thus, the greatest problem has been completely solved by the Islamic 'aqeedah.

Once man has reached this solution, he can move to the thought about the life of this world and to establish sound and productive concepts about it. This solution becomes the basis upon which the ideology, which serves as the way of revival (*nahDah*) is built. It is also the basis upon which the civilisation (*haDarah*) of this ideology rests, the basis from which its systems emanate, and the basis upon which its state is established. Thus, the basis upon which Islam is established, both the idea (*fikrah*) and method (*tareeqah*), is the Islamic 'aqeedah.

يَا أَيُّهَا الَّذِينَ آمَنُوا آمِنُوا بِاللَّهِ وَرَسُولِهِ وَالْكِتَابِ الَّذِي نَزَّلَ عَلَى رَسُولِهِ وَالْكِتَابِ الَّذِي أَنْزَلَ
مِنْ قَبْلُ وَمَنْ يَكْفُرْ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ وَالْيَوْمِ الْآخِرِ فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا

النساء 136

"O you who believe! Believe in Allah and His messenger, and the Book which He sent to His Messenger and the Book which He sent to those before (him). Any who denies Allah, His Angels, His Books, His Messengers, and the Day of Judgement, has gone far, far astray." [An-Nisa: 136]

After this has been proven and the *Iman* in it is an inevitable matter, every Muslim is obliged to believe in the Islamic *Shari'ah* as a whole, because it came in the glorious Qur'an, and the Messenger ﷺ conveyed it, otherwise, he would be a *Kafir*. Therefore, it is *Kufr* to deny the *AHkam Shari'ah* as a whole, or any definite (*qaT'ai*) detailed *hukm* of them. This is the case whether these *ahkam* (rules) are connected with worships (*ibadaat*), transactions (*mu'amalaat*), punishments (*uqoobaat*), food, etc. So the rejection of the verse

وَأَقِيمُوا الصَّلَاةَ الْبَرَّةَ 43

"So establish regular prayer" [Al-Baraqah: 43]

is the same as rejecting the verse

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا الْبَرَّةَ 275

"But Allah has permitted trade and forbidden usury," [Al-Baraqah: 275]

and is the same as rejecting the following verses:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا الْمَأْمَدَةَ 38

"As to the thief, male or female, cut off his or her hands," [Al-Ma'idah: 38]

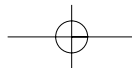
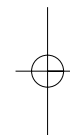
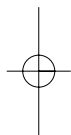
حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلِيَ لغيرِ اللَّهِ بِهِ الْمَأْمَدَةُ 3

"Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which has been invoked the name of any other than Allah." [Al-Ma'idah: 3]

The *iman* in the *Shari'ah* is not based on the mind. Rather, one must surrender completely to all that which was revealed from Allah ﷻ.

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا
قَضَيْتَ وَيَسْلُمُوا تَسْلِيمًا 65 النساء

"But no, by your Lord, they can have no (real) faith, until they make you judge in all the disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest submission." [An-Nisa: 65]



Al-QaDaa wal Qadar

In surat Aali-Imran, Allah ﷻ, says:

وَمَا كَانَ لِنَفْسٍ أَنْ تَمُوتَ إِلَّا بِإِذْنِ اللَّهِ كَتَبْنَا مُوَجَلًّا آل عمران 145

"Nor shall a soul die except by Allah's leave, the term being fixed by writing." [Aali-Imran: 145]

In surat al-Aaraf, He ﷻ says:

وَلِكُلِّ أُمَّةٍ أَجَلٌ فَإِذَا جَاءَ أَجْلُهُمْ لَا يَسْتَأْخِرُونَ سَاعَةً وَلَا يَسْتَقْدِمُونَ الأعراف 34

"To every people is a term appointed. When their term is reached, not an hour can they delay it, nor (by an hour) can they advance it (in anticipation)." [Al-A'raf: 34]

In surat al-Hadeed, He ﷻ says:

مَا أَصَابَ مِنْ مُصِيبَةٍ فِي الْأَرْضِ وَلَا فِي أَنْفُسِكُمْ إِلَّا فِي كِتَابٍ مِنْ قَبْلِ أَنْ نَبْرَأَهَا إِنَّ ذَلِكَ عَلَى اللَّهِ يَسِيرٌ الحديد 22

"No misfortune can happen on earth nor in your souls but it is recorded in a decree before We bring it into existence. That is truly easy for Allah." [Al-Hadid: 22]

In surat at-Tauba, He ﷻ says:

قُلْ لَنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ ⁵¹ التوبة

"Say: Nothing will happen to us except what Allah has decreed for us. He is our Protector and in Allah, let the believers place their trust." [At-Tauba: 51]

In surat Sabaa, He ﷻ says:

لَا يَعْزُبُ عَنْهُ مِثْقَالُ ذَرَّةٍ فِي السَّمَاوَاتِ وَلَا فِي الْأَرْضِ وَلَا أَصْغَرُ مِنْ ذَلِكَ وَلَا أَكْبَرُ إِلَّا فِي كِتَابٍ مُبِينٍ ³ ساء

"From Whom is not hidden the least little atom in the heavens or on earth, nor is there anything less than that, or greater, but it is in the Clear Record." [Saba: 3]

In surat al-Anaam, He ﷻ says:

وَهُوَ الَّذِي يَتَوَفَّاكُم بِاللَّيْلِ وَيَعْلَمُ مَا جَرَحْتُم بِالنَّهَارِ ثُمَّ يَبْعَثُكُمْ فِيهِ لِيُقْضَىٰ أَجَلٌ مُّسَمًّى ثُمَّ إِلَيْهِ مَرْجِعُكُمْ ثُمَّ يُنَبِّئُكُم بِمَا كُنتُمْ تَعْمَلُونَ ⁶⁰ الأنعام

"He it is Who gathers you at night and knows that which you commit by day. Then He raises you again to life, that the term appointed (for you) may be fulfilled. And afterward unto Him is your return and He will show you the truth of all that you did." [Al-An'am: 60]

In surat an-Nisa, He ﷺ says:

وَإِنْ تُصِيبْهُمْ حَسَنَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِ اللَّهِ وَإِنْ تُصِيبْهُمْ سَيِّئَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِكَ قُلْ كُلُّ
مَنْ عِنْدَ اللَّهِ فَمَالِ هَؤُلَاءِ الْقَوْمِ لَا يَكَادُونَ يَفْقَهُونَ حَدِيثًا ۝٧٨ النساء

"If some good befalls them, they say: This is from Allah. But if evil, they say: This is from you (O Prophet). Say: All things are from Allah. But what has come to these people, that they fail to understand a single fact?" [An-Nisa: 78]

These *ayat* of the Qur'an, and other *ayat* similar in meaning, are used by many as evidences in the question of *QaDaa* and *Qadar*. They take the understanding from these that man is compelled to undertake actions; man undertakes his actions under compulsion through the decree and will of Allah ﷻ; and that Allah ﷻ, created man and his actions. They try to support their opinion by the saying of Allah ﷻ:

وَاللَّهُ خَلَقَكُمْ وَمَا تَعْمَلُونَ ۝٩٦ الصافات

"But Allah has created you and your handiwork!" [As-Saffat: 96]

They also support their point with the *hadeeth* of the Prophet ﷺ, such as:

((نَفَثَ رُوحُ الْقُدُسِ فِي رَوْعِي, لَنْ تَمُوتَ نَفْسٌ حَتَّى تَسْتَوِيَ رِزْقُهَا وَأَجَلُهَا وَمَا قُدِّرَ لَهَا))

"The Holy Spirit inspired in my soul that nobody will pass away until they receive in full their livelihood, term of life (ajal), and what is decreed for

them."

The question of *QaDaa* and *Qadar* has occupied a great deal of discussion amongst the Islamic schools of thought. *Ahlus Sunnah* held the opinion which in summary is man has *Kasb Ikhtiari* (free will) in carrying out his actions, so he is accounted because of this *Kasb Ikhtiari*. *Al-Mu'tazilah* were of the opinion that man is the one who creates his actions and so he is accounted on them because it is he who initiated them. *Al-Jabriyah* held the opinion that Allah ﷻ, is the one who creates man and his actions, therefore man is compelled to carry out his actions and does not have free will, so he is like the feather which floats in the air according to where the wind carries it.

If one was to come to an accurate understanding of the subject of *al-QaDaa wal Qadar* he must first have an understanding of the correct basis upon which the argument is built. This basis should not be whether the actions of man are created by himself or by Allah ﷻ. It is also not the knowledge of Allah ﷻ (*ilmullah*), in terms of the fact that He ﷻ knows that man will perform such an action and that His ﷻ knowledge encompasses it. Nor is it the decree of Allah ﷻ (*iradatullah*) in terms that His ﷻ decree was related to the servant's action, i.e., that the action must happen because of this will. It also shouldn't be that the servant's action is recorded in the *Al Lauh Al MahfooTH* (Protected Decree or Register), so as a result he is inevitably going to carry out this action in accordance with what is recorded.

Indeed, the basis upon which the subject is built is neither of these matters, since they have no relationship to the subject in terms of reward and punishment. They are rather related to the subject in terms of creation, the knowledge that encompasses

everything and the will of the Creator, which is related to all the possible matters, and the inclusion in *Al Lauh Al MahfooTH* of everything. This relationship is detached from the subject of reward and punishment for the action. In other words, is man compelled to perform an action, good or bad, or does he have a choice? And does man have the choice to perform an action or abandon it? Or does he not have the choice?

Any individual who studies the actions of man accurately will observe that man lives within two spheres: one of them he dominates, which is the sphere that falls within the domain of his free will and within it, his actions, which he carries out by his own free will occur. The other sphere dominates him and it is the sphere within whose domain he lives and within it the actions, which he has no free will in, occur; whether they occur from him or not.

In regards to the actions that fall within the sphere that dominates man, man has nothing to do with them or in their existence. They can be divided into two types: A type which is required by the law of the universe (*wujood*), and a type within which actions that are beyond man's control, but are not within the law of the universe (*wujood*). As far as the actions, which are within the laws of the universe (*wujood*), man is in complete submission to them. Therefore, he is forced to proceed in accordance with them because he proceeds with the universe and life subject to a particular law that does not change. Subsequently, man's actions in this sphere occur without his will and he is compelled and has no choice. Man came to this life without his will and he shall leave it without his will. He cannot fly in the air with his body only, walk in his natural being on water, nor create the colour of his eyes. Man did not produce the

shape of his head nor the size of his body. Indeed, it was Allah ﷻ Who created all of this without the created servant having any say in that. This is because Allah ﷻ created the law of the universe (*wujood*), made it the regulator of the universe, and made the universe proceed in accordance to it, without being able to function differently.

As for the actions, which are beyond man's control, which he is unable to avoid and they are not within the laws of the universe, they are the actions which man initiates, or they fall on him against his will without him ever being able to avoid them. Examples of such actions are, if someone on a wall accidentally falls on a person and thus kills that person; or if someone shoots at a bird and the shot hits a person he was not aware of and kills him; or if a car goes off the road or a train derails, or a plane crashes. All of these are due to, an unexpected failure without any ability on the part of the pilot or the driver to avoid the accident, thus causing the death of the passengers. All of these examples of actions and the like which occurred from man or fell on him, are not within the law of the universe, yet they occurred from man or on him without his will and it was beyond his ability to control them. All of these actions, which occur within the sphere that dominates man, are termed *QaDaa*, because Allah ﷻ alone is the one who has predetermined them. Therefore, man is not reckoned about these actions, whether they are classified as beneficial, or harmful, or whether he liked or disliked them - though Allah ﷻ alone knows the good and bad in these actions - because man has no influence on them. He has no information about them or the manner in which they came about; nor is he able to drive them away or avoid them at all. Man thus must believe in this *QaDaa* and that this *QaDaa* is from Allah ﷻ.

As for *Qadar*, it is evident that the actions, which occur either in the sphere that dominates man or in the sphere that man dominates, occur involving objects in the universe, man and life. Allah ﷻ created certain attributes in these objects. For example, He created in fire the attribute of burning, in wood the attribute of catching fire, and in the blade the attribute of cutting. He made the attributes indispensable in objects according to the law of the universe such that they do not change. When it appears that an attribute changes, it means Allah ﷻ has eliminated the attribute of that object and such an event would be unnatural. These are miracles that happen to the Prophets. As Allah ﷻ created attributes in the objects, He created in man instincts and organic needs. He created in the instincts and organic needs specific attributes. Hence, He created in the instinct of reproduction the attribute of sexual inclination. He created in the organic needs attributes such as hunger and thirst and the like. He made these attributes inseparable from them according to the law of the universe. These particular attributes that Allah ﷻ has created in objects, instincts and organic needs are called *al-Qadar*. This is because Allah ﷻ alone created the objects, instincts, and organic needs and predetermined (*Qaddara*) in them their attributes. These attributes are not brought about by the objects nor does man have anything to do with them nor an influence on their existence. Therefore, man must have *iman* that it is Allah ﷻ who has predetermined these attributes in objects. However, these attributes have the capacity for man to perform by means of utilising them an action either according to the commands of Allah ﷻ and thus it is good, or contradicting His commands and thus it is bad. So when performing actions utilising objects with their attributes or in responding to the instincts and organic needs, if (these actions) were according to the commands and prohibitions of Allah ﷻ they would be termed good actions, and would be termed bad actions if they were in disagreement to the commands and

prohibitions of Allah ﷻ.

Accordingly, all actions - good or bad - that occur within the sphere that dominates man are from Allah ﷻ. All the attributes of objects and in the instincts and organic needs - whether resulting in good or bad - are also from Allah ﷻ. Consequently, a Muslim must believe that *QaDaa* - good or bad - is from Allah ﷻ, i.e. he should believe that actions beyond his sphere of influence are from Allah ﷻ. He must also believe that *Qadar* - good or bad - is from Allah ﷻ i.e. he must believe that the innate attributes of the objects are from Allah ﷻ, whether they result in good or bad, and man, the created has no effect on them. Thus man's lifespan (*ajal*), provision (*rizq*), and soul (*ruH*) are all from Allah ﷻ. On the same token, the sexual inclination, and inclination towards ownership existing in the instincts of reproduction and survival, together with thirst and hunger, existing in the organic needs, are all from Allah ﷻ.

This is in respect to the actions that occur within the sphere that dominates man and the attributes of all objects. As for the sphere that man dominates, it is the sphere in which he proceeds freely according to the system he chooses, whether it is the law of Allah ﷻ (*Shari'ah*) or any other. This is the sphere in which the actions that emanate from man or fall upon him, occur with his free will. For example, he walks, eats, drinks and travels, whenever he likes. Likewise, he refrains from doing any of these actions whenever he likes. He also burns with fire and cuts with a knife when he chooses. He satisfies the instincts of reproduction and ownership and hunger of his stomach, as he likes. He freely performs that or abstains from it. Therefore, man is reckoned on these actions, which he performs within this sphere.

Though the attributes in objects, instincts, and organic needs, which Allah ﷻ predetermined in them and also made them intrinsic have an affect on the outcome of the action, their attributes by themselves do not initiate action, it is man who initiates the action when using them. Hence, the sexual inclination in the instinct of reproduction has the potential for good and bad; and the hunger present in the organic need has the potential for good and bad. However, the one who performs actions that are good or bad is man and not the instinct or the organic need. This is because Allah ﷻ created for man the mind that comprehends and He gave the mind the quality of comprehension and judgement. He also guided man to know the path of good and bad.

وَهَدَيْنَاهُ النَّجْدَيْنِ ۝۱۰

"And we showed him (the man) the two paths (of good and bad)." [Al-Balad: 10]

Allah ﷻ also created in man the ability to comprehend vice and righteousness.

فَأَلْهَمَهَا فُجُورَهَا وَتَقْوَاهَا ۝۸

"And He inspired it as to its wrong (fujoor) and its right (taqwa)." [Ash-Shams: 8]

When man responds to his instincts and organic needs in a manner agreeing with the commands and prohibitions of Allah ﷻ, then he performs the good action and proceeds in the path of righteousness. When he responds to the instincts and organic needs deviating from the commands and prohibitions of Allah ﷻ, then he performs

the bad action and proceeds in the path of vice. Therefore, in all of that, the good and bad emanate from man. He responds to the needs according to the commands and prohibitions of Allah ﷻ and thus does good, or responds to them deviating from Allah's ﷻ commands and prohibitions and thus does bad. Consequently man is reckoned on his actions, which occur in the sphere that he dominates, thus he is either rewarded or punished because he has undertaken those actions freely without any coercion. Although the attributes of the instincts and organic needs are from Allah ﷻ, and their potential for good and bad is also from Allah ﷻ, Allah ﷻ didn't fashion the attribute in a manner that forces man to use it, whether in a way that pleases or displeases Allah ﷻ, i.e. in good or bad. Likewise the attribute of burning was not fashioned in a manner that compels man to burn anything, whether this pleases or displeases Allah ﷻ, i.e. in good or bad. Rather, these attributes are fashioned in the objects, instincts, and organic needs, in a way that they result in these attributes when anybody uses these matters (objects, instincts and organic needs) in the proper manner.

When Allah ﷻ created man with his instincts, organic needs, and the mind, He ﷻ endowed him with the choice to carry out or abstain from an action. Allah ﷻ did not compel him to carry out or to abstain from the action. Furthermore, He did not make the attributes of the objects, instincts and organic needs in a manner that compels man to carry out or abstain from an action. Man is therefore free, to perform or abstain from an action by the use of what He granted him of the distinguishing mind, and He made it the place of *shar'ai* responsibility. Accordingly, Allah ﷻ will reward man for performing the good because his mind chose to perform actions according to the commands of Allah ﷻ and abstain from His prohibitions. He would also

punish him for performing the bad actions because his mind chose to disobey the commands of Allah ﷻ and do what He prohibited by responding to his instincts and organic needs in a way contrary to the orders of Allah ﷻ. Therefore, man's accountability is right and just, because he is free to carry out his action and is not compelled. In this question, the *QaDaa* and *Qadar* is irrelevant. It is rather to do with man carrying out his actions freely and therefore he is responsible for his actions.

Allah ﷻ, says:

كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِيْنَةٌ ۚ لِلَّذِيْنَ

"Every soul is a pledge for what it earned" [Al-Muddaththir: 38]

As for the knowledge of Allah ﷻ (*ilmullah*), this does not force man to carry out an action. Allah ﷻ knows that man is going to freely undertake an action. To carry out this action is not based on the knowledge of Allah ﷻ, rather, the eternal knowledge of Allah ﷻ means that He knows that man is going to carry out the action. With regards to "the writing in the *Al-Lauh al-MahfooTH*", it is an expression that the knowledge of Allah ﷻ encompasses everything.

With regards to the will of Allah ﷻ (*iraadatullah*), this does not compel man to carry out any action. Its meaning, however, is that nothing can take place in His Kingdom without His will, i.e. nothing takes place against His will. Thus, if man carried out an action and Allah ﷻ did not prevent or compel him from doing so, and instead left him to act freely, without any compulsion, then man has acted by the will of Allah ﷻ and

not contrary to His ﷻ will. Man's action was undertaken by himself and by his choice, and the will of Allah ﷻ did not compel him to carry out the action.

This is the issue of *al QaDaa wal Qadar* which will drive man to do good and avoid bad when he realises that Allah ﷻ is watching him and will account him (for his actions); and that He has endowed him with the choice to act or abstain; and if he does not choose the right actions, he will be severely reprimanded and punished. Therefore, we find the true believer, who understands sincerely the concept of *al QaDaa wal Qadar* and who is fully acquainted with the mental faculties and choice that Allah ﷻ has endowed him with, is very conscious in observing Allah's ﷻ orders and being afraid of Him. He endeavours to comply with the commands of Allah ﷻ and to abstain from the prohibitions, because of his fear of the punishment of Allah ﷻ, his desire to be in His *Jannah*, and his yearning in attaining that which is greater than all of this, namely the pleasure of Allah ﷻ (*RiDwan Allah*).

The Intellectual Leadership of Islam (Al-Qiyadatul Fikriyyatu fil Islam)

Whenever the level of thinking declines, the patriotic bond (*raabitah al wataniyyah*) amongst people arises, due to them living in one land and being attached to it. The survival instinct drives them to defend themselves, the country they live in and the land they live off. Hence the patriotic bond arises. This patriotic bond is the weakest and lowest level of bonds. It is present amongst animals and birds as well as human beings. It manifests itself in an emotional way. It comes about in the event of a foreign aggression against the homeland, either when attacked or occupied. The patriotic bond has no effect when the homeland is safe from aggression. It ceases when the foreigner is repelled or banished from the homeland. Therefore, this bond is of a low level.

Moreover, when the thinking level is narrow, a nationalistic bond (*raabitah qawmiyyah*) arises. It is a family bond though in a broader sense. This is because when the survival instinct becomes deeply rooted in the individual, love of dominance appears in him. This love of dominance is individualistic in the man of low intellect. However, as the awareness of an individual broadens his love of dominance widens, thus he considers the dominance of his family. Once his awareness has broadened and widened, he considers the dominance of his people in his homeland. Once this is achieved he considers their dominance over all other peoples. Therefore, due to this aspect local feuds arise amongst the members of the family. Hence, once the dominance within the family is settled then the feud transfers to a feud between his family and other

families until the dominance is settled in favour of one family or a group of people from different families. In the end, the conflict arises between his people and others for sovereignty and achieving a high standard of living. Therefore, tribalism (*'asabiyyah*) prevails amongst the adherents of this bond. As a result of this, whims and assisting one another against others prevail amongst them. Consequently, it is an inhumane bond and it remains exposed to internal feuds if they are not preoccupied instead with external conflicts.

Therefore, the patriotic bond is unsuitable for the following three reasons: Firstly, because it is a low level bond, which is not good to bind man with man in his quest for revival. Secondly, because it is an emotional bond arising from the survival instinct of defending oneself. Such an emotional bond is liable to change and alteration, so it is not fit to be a permanent bond between human beings. Thirdly, because it is a temporary bond that exists in the case of defence (of a threat), but in the state of stability, which is the normal state of man, it does not exist. Therefore, the patriotic bond is not fit to be a bond amongst mankind.

Similarly the nationalistic bond is also unsuitable for the following three reasons: Firstly, because it is a tribal bond which is not appropriate to bind man with man in his quest for revival. Secondly, because it is an emotional bond that arises from the survival instinct, thus resulting in the love for dominance. Thirdly, because it is an inhumane bond for it causes conflicts among people over dominion. Therefore, it is not suitable to be a bond between human beings.

The other invalid bonds, which are mistakenly taken as bonds between people are: the bonds of self-interest (*ar-raabitah al -maslahiyah*) and the spiritual bond (*ar-raabitah al*

ruhiyah) from which no system emanates.

The bond of self-interest is a temporary bond and it is not suitable to bind mankind, for it is subject to compromise in the pursuit of greater interests; so it ceases to exist when the interests are outweighed. It also comes to an end and separates people from each other when the interests become dissimilar. Furthermore, when the interests are fulfilled this bond ceases to exist. Therefore, it is a dangerous bond for its adherents.

The spiritual bond from which no system emanates appears in the case of religiousness and does not manifest itself in the realm of life. Therefore, the spiritual bond is a partial and impractical bond, it is not suitable to bind people in the affairs of life. Consequently, the Christian creed did not serve as a bond amongst the European nations, though they all embrace it, because it is a spiritual bond devoid of a system.

Consequently all the aforementioned bonds are not suitable to bind man with man in his quest for revival. The only correct bond, which binds mankind in life, is the rational doctrine (*'aqeedah*) from which a system emanates; that is the ideological bond (*ar raabitah al mabdaiyah*).

The ideology (*mabda'a*) is a rational doctrine from which a system emanates. The *'aqeedah* (doctrine) is a comprehensive idea about man, life and the universe what preceded this life, what is to follow it, and the relationship of this life with what preceded it and what is to follow it. As for the system that emanates from this doctrine, it is the solutions for man's problems, the method for implementing those solutions, preserving the doctrine and conveying the ideology to others. The method

of implementing the solutions, preserving the doctrine and conveying the ideology constitutes the *tareeqah* (method), while anything else, which is the '*aqeedah* and the solutions, is the idea. Consequently, the ideology is composed of an idea (*fikrah*) and a method (*tareeqah*).

The ideology (*mabda'a*) must come into existence in the mind of a man either by revelation from Allah ﷻ with a command for him to convey it or through an ingenuity that shines in that man. As for the ideology (*mabda'a*), which originates in the mind of a man by revelation from Allah ﷻ. This is the correct ideology (*mabda'a*) since it is from Allah ﷻ who is the Creator of man, life and the universe. Therefore, it is definitely the correct ideology (*mabda'a*). Whereas, the ideology (*mabda'a*), which originates in the mind of a man through a spark of genius in him is false since it originates from a limited mind, which is incapable of comprehending everything in the universe. Furthermore, man's ability in organisation is liable to disparity, differences, contradictions and being influenced by the environment in which he lives. This consequently produces a contradictory system that leads to man's misery. Therefore, the ideology, which originates in a man's mind, is false in its '*aqeedah* and the system that emanates from this '*aqeedah*.

Consequently, the foundation of the ideology is the comprehensive idea (*al-fikrah al-kulliyah*) about man, life and the universe and the method, which brings the ideology into existence and implementation in all the walks of life is indispensable to ensure the existence of the ideology. The comprehensive idea is the foundation of the ideology since it is the '*aqeedah* and the intellectual leadership. On the basis of this comprehensive idea the intellectual direction of man and his viewpoint in towards life

is defined. Moreover, all thoughts are built upon it and the solutions for life's problems emanate from it. The fact that the *tareeqah* (method) is essential, is because if the system that emanates from the '*aqeedah* (doctrine) does not include the manner of implementing such a system, preserving the '*aqeedah* and conveying the *da'wah* to it, then the idea would become a hypothetical and fanciful philosophy that remains recorded in the books without having any effect in this world. Hence, the '*aqeedah* (doctrine), the solutions for the problems and the *tareeqah* (method) are all necessary for the ideology to come into existence. However, the mere presence of the idea (*fikrah*) and the method (*tareeqah*) from which a system emanates does not indicate that the ideology (*mabda'a*) is correct; it simply indicates that it is an ideology (*mabda'a*) and nothing more. The matter that proves the validity of the ideology (*mabda'a*) is the '*aqeedah*. This is because the '*aqeedah* is the intellectual basis (*al-qa'idah al-fikriyyah*) upon which every thought is built, views are defined and from which every solution and method emanates. Therefore, if the intellectual basis (*al-qa'idah al-fikriyyah*) is correct the ideology (*mabda'a*) will be correct and if it is false the ideology (*mabda'a*) will be false from its basis.

If the comprehensive idea (doctrine) agrees with man's nature (*fiTrah*) and is built upon the mind it will be correct. However, if it disagrees with man's nature (*fiTrah*) and is not built upon the mind it will be false. The compatibility with man's nature means that the '*aqeedah* recognises the natural weakness of man and his need for the Creator, the Sovereign, i.e., it agrees with the instinct of religiousness (*tadayyun*). Building the '*aqeedah* (doctrine) on the mind means that it is not built on matter or a solution arrived through compromise.

If we examine the ideologies that exist in the world, we will find only three:

Capitalism, Communism and Islam. The first two ideologies are adopted by states, while Islam is not adopted by a state, but rather by individuals within different peoples, nevertheless it is present internationally in the whole globe.

Capitalism is based upon the separation of religion from life. This idea (*fikrah*) is its 'aqeedah (doctrine), its intellectual leadership (*qiyaadah fikriyyah*) and its intellectual basis (*qa'idah fikriyyah*). According to this intellectual basis (*al-qa'idah al-fikriyyah*) man lays down the system for this life, so it is necessary to preserve for man the following types of freedom: freedom of belief (*hurriyat ul-'aqeedah*), freedom of opinion (*hurriyat ur-ra'i*), freedom of ownership (*hurriyat ul-milkiyyah*) and personal freedom (*al hurriyat ush-shakhsiyyah*). The Capitalist economic system resulted from the freedom of ownership, so capitalism has become the most prominent feature in this *mabda'a* and the most prominent matter that resulted from the doctrine ('aqeedah) of this ideology (*mabda'a*). Thus, this ideology (*mabda'a*) is named Capitalism, after its most prominent element.

As for democracy, which is ascribed to this ideology, it stems from the fact that man lays down his own system. The nation is therefore, the source of authority. She lays down the system, she employs the ruler to govern her, and strips him of his authority when she wants and establishes and lays down to him the system she likes. This is because ruling is an employment contract between the people and the ruler to rule according to the system, which the people choose, so as to govern them with.

Though democracy is a part of capitalism, it is less prominent than the economic system. This is because the capitalist economic system in the West influences the government to the extent that the capitalists (owners of capital) are effectively the real rulers in the countries which adopt the capitalist ideology. Moreover, democracy is not

limited to this ideology, since the Communists also claim to be democratic and call for giving the ruling to the nation (people). It is therefore more accurate to call this ideology the Capitalist Ideology or Capitalism.

This ideology originally emerged when the emperors and kings of Europe and Russia were using religion as a means to exploit the peoples, transgress against them and suck their blood. They used the clergy as an instrument for this. There arose, as a result of this, a bloody struggle in which some philosophers and thinkers denied religion completely. Others acknowledged religion but called for its separation from this life. Eventually, the opinion of the majority of the philosophers and thinkers settled on one idea, which is the separation of religion from this life. It naturally resulted in the separation of religion from the state. Thus, the opinion settled on avoiding the discussion of religion, whether in denial or recognition and instead discussion was confined to the necessity of separating religion from this life. This idea is considered a compromise (solution) between the clergy, on the one hand, who sought to control everything in the name of religion and the philosophers and thinkers, on the other hand, who denied religion and the authority of the clergy. Therefore, this idea did not deny religion nor did it allow it to interfere in the life, instead it just separated it from life. Consequently, the '*aqeedah* (doctrine), which the West embraced, is the separation of religion from life. This '*aqeedah* (doctrine) is the intellectual basis upon which all thoughts are built, upon its basis the intellectual direction of man and his viewpoint in life are determined and upon its basis all life problems are solved. It is the intellectual leadership, which the West carries and calls the world to.

The separation of religion from life implicitly recognises religion, and by doing so, it recognises that there is a Creator for the universe, man and life and that there will be

a Day of Resurrection, because this is the foundation of religion as a religion. This acknowledgement provides an idea about the universe, man, life, what preceded this life and what is to follow it, because it didn't deny the existence of religion. Rather when it called for its separation from it implicitly confirmed its existence and gave an idea that there is no relationship between this life with what preceded it and with what is to follow it, when it called for the separation of religion from life and that religion is only a relationship between the individual and his Creator. Accordingly, this '*aqeedah* (doctrine) (separation of religion from the life), by its all-inclusive concept, constitutes a comprehensive idea about the universe, man and life. Thus the Capitalist ideology, by this explanation, is an ideology like any other.

Socialism, which led to Communism views the universe, man and life as only matter and that matter is the origin of all things. Through the evolution of this matter all things came into existence and thus there is nothing at all beyond this matter. Therefore, this matter is eternal and pre-existent and not created by anyone i.e. it is indispensable (*wajibul-wujood*), is everlasting and self-existing i.e. not created by anyone. Communists, therefore, deny that matter is created by a Creator. They deny the spiritual aspect of matter and view the recognition of the existence of the spiritual aspect as a threat to the life. Consequently, they maintain that religion is the opium of the masses which sedates and hinders them from action. They believe in nothing but matter, even thought is viewed as reflection of matter on the brain. Hence, matter for them, is the origin of thought and the origin of everything, and through its materialistic evolution all things originate. Accordingly, they deny the existence of the Creator and consider matter to be eternal, thus, they deny what preceded this life and what is to follow it, so they do not acknowledge anything except this life.

In spite of the differences between these two ideologies in respect to their view about man, life and the universe both agree that the ideals to be sought by man are the sublime values that man lays down for himself. So happiness, in their view, is to enjoy the optimum level of sensual pleasures, which in their opinion are the means to happiness, even happiness itself. The two ideologies also agree upon preserving the personal freedom of the individual, so man can act as he likes, however he desires, as long as he sees his happiness in that action. Therefore the personal behaviour or the personal freedom is a part of what is sanctified by these two ideologies.

Both ideologies differ in their view of the individual and society. Capitalism is an individualistic ideology, which assumes society to be composed of individuals. It pays secondary attention to society and singles out the individual for its attention. Therefore, it considers it necessary to secure the freedoms of the individual. In order to ensure his freedom, every member works for the sake of society. Freedom of belief is, therefore, one of the things sanctified by this ideology. Freedom of ownership is also sanctified and not restricted by its philosophy but by the government which intervenes to guarantee the liberties. The government implements these restrictions by the police and through law enforcement. The state, however, is considered a means and not an end in itself. Sovereignty ultimately belongs to the individuals and not to the state. Accordingly, capitalism carries an intellectual leadership, which is the separation of religion from the life; on the basis of this leadership capitalism implements its systems, calls for them and attempts to implement them everywhere.

Socialism, including Communism, is an ideology, which views society as a general collection consisting of human beings and their relationship with nature. Thus, people will submit to this relationship inevitably and automatically. This collection as a whole

is one single unit, which is man, nature and relationships, all constitute one whole and not parts separated from each other. Nature is considered to be a part of man's personality, the part he carries in himself. Man does not evolve without being connected with this part of his personality i.e. nature, because man's relationship with nature is like the relationship of the thing with its own essence. Accordingly, society is considered to be one unit whose three elements evolve together as a whole. Thus man has to revolve within this collection like a spoke in a wheel. Therefore, Communists hold no freedom of belief or economical ownership for the individual; belief and economy are restricted by what the state wants. Consequently, the state is also one of the things sanctified by this ideology. From this materialistic philosophy, life systems have emanated and the economic system was considered the primary basis and the main feature of all the systems. Hence Socialism, including Communism carries an intellectual leadership, which is materialism and materialistic evolution, on this basis it rules with its systems, calls for them and attempts to apply them everywhere.

As for Islam, it holds that beyond man, life and the universe there is a Creator, who created them all. Therefore, its basis is the conviction in the existence of Allah ﷻ. This '*aqeedah*' is the one, which determined the spiritual aspect in everything, that is the fact that the universe, man and life are created by a creator. Therefore, the relationship of the universe, as being created by Allah ﷻ the creator and the relationship of the created life with Allah ﷻ the creator, and the relationship of the created man with Allah ﷻ the creator, such a relationship is the spiritual aspect in the universe, in life and in man. The spirit (*ruH*), therefore, is man's comprehension of his relationship with Allah ﷻ.

The belief in Allah ﷻ must also be linked with the belief in the Prophethood of Muhammad ﷺ, his Message and that the Qur'an is the speech of Allah ﷻ. Hence, it is obligatory to believe in everything he brought. Accordingly, the Islamic *'aqedah* makes it compulsory to believe in what preceded this life, which is Allah ﷻ, to believe in that which is after this life - which is the Day of Resurrection and that man is restricted in this life by the commands and prohibitions of Allah ﷻ which represent the relationship of this life with what preceded it. Man is also restricted with the accounting on following these commands and avoiding these prohibitions. This accountability represents the relationship of this life with what follows it. Inevitably, a Muslim must realise his relationship with Allah ﷻ when undertaking any action, thus he directs his actions according to the commands and prohibitions of Allah ﷻ. This is the meaning of mixing matter with spirit. The ultimate goal of directing the actions by the commands and prohibitions of Allah ﷻ is to attain His pleasure. While the immediate aim from undertaking such actions is the value which the action achieves.

Therefore, the ideal aims to protect the society are not laid down by man, but rather by the commands and prohibitions of Allah ﷻ, which are constant, neither changing nor evolving. Thus the protection of the human life, mind, human dignity, private property, religion, security and the state are all constant ideals that aim to protect society; they are not subject to change or development. Islam has laid down harsh punitive measures to protect these constant aims. It is obligatory to protect these aims, because they are commands and prohibitions from Allah ﷻ, not because they produce material values (benefits). Accordingly, the Muslim and the state undertake all actions according to the commands and prohibitions of Allah ﷻ, because they (the commands and prohibitions alone) should organise all of man's affairs. Undertaking

actions according to the commands and prohibitions of Allah ﷻ is the only way that provides the Muslim with tranquillity. Hence, happiness is not satisfying the sensual pleasures, it is rather attaining the pleasure of Allah ﷻ.

In respect to man's organic needs and instincts, Islam has organised them in a way that ensures the satisfaction of them all, such as the stomach need, the production need or the others. However, this organisation is not done by satisfying some of them at the expense of the others; nor by suppressing some of them, setting others loose, or setting all of them loose. Instead, Islam has co-ordinated all of them and satisfied all of them by a precise system which offers man delight and comfort and prevents him from lapsing to the level of the animal through the anarchism of instincts.

To maintain this organisation of organic needs and instincts, Islam considers the community to be an indivisible whole and views the individual as an inseparable part of the community. However being a part of the community, does not mean the individual is not perceived as a spoke in a wheel; he is viewed as a part of the whole, like the hand being a part of the body. Therefore, Islam took care of the individual as part of a community and not separate from her, looking after him leads to the protection of the community. At the same time, Islam took care of the community not as being a whole devoid of parts, but in her capacity as a whole made of parts who are the individuals, such that looking after the community leads to the protection of these individuals, who are the parts of the community. Prophet Muhammad ﷺ said:

((مَثَلُ الْقَائِمِ عَلَى حُدُودِ اللَّهِ وَالْوَاقِعِ فِيهَا كَمَثَلِ قَوْمٍ اسْتَهَمُوا عَلَى سَفِينَةٍ فَأَصَابَ بَعْضُهُمْ أَعْظَاهَا وَبَعْضُهُمْ أَسْفَلَهَا، فَكَانَ الَّذِينَ فِي أَسْفَلِهَا إِذَا اسْتَقُوا مِنَ الْمَاءِ مَرُّوا عَلَى مَنْ فَوْقَهُمْ، فَقَالُوا: لَوْ أَنَّا خَرَقْنَا فِي نَصِيبِنَا خَرْقًا وَلَمْ نُؤْذِ مَنْ فَوْقَنَا، فَإِنْ تَرَكُوهُمْ وَمَا أَرَادُوا هَلَكُوا جَمِيعًا، وَإِنْ أَخَذُوا عَلَى أَيْدِيهِمْ نَجَوْا وَنَجَوْا جَمِيعًا))

"The example of those who maintain Allah's limits (hudood) and those who surpass them is like the example of those who share a boat. Some would occupy its upper deck and some its lower deck. The occupants of the lower deck would have to go to the upper deck to have access to the water. If they said, why don't we drill a hole in our part (to directly access the water) and do not cause any inconvenience to those above us. If those on the upper deck let them do what they wanted then all of the passengers would sink. However, if they prevented them from doing so then all would be saved".

This outlook to the community and the individual establishes a distinct concept about society. The individuals as part of the community must have thoughts (*afkaar*) that bind them together and by which they live. They must also share the same emotions (*mashaa'ir*) by which they are influenced and they proceed according to them. Additionally, they must have one system to address all of their life's problems. Hence, society is composed of individuals, thoughts, emotions and systems. Man has to be bonded in this life by these thoughts, emotions and systems. Thus man is restricted in this life by these thoughts, emotions and systems. A Muslim is, therefore, restricted in this life by Islam and he does not have freedoms at all. So the '*aqeedah*' for the Muslim is restricted by the limits of Islam and is not left unrestricted. Consequently any one

who renounces Islam is considered to have committed a capital offense and his apostasy is met with capital punishment if he does not repent. Similarly, the personal aspect is restricted by the system of Islam. Hence, *zina* is a crime for which the fornicator is severely punished without compassion and in public.

Allah ﷻ says:

وَلْيَشْهَدْ عَذَابُهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ ۖ النور 2

"And let a party of the believers witness their punishment." [An-Nur: 2]

Drinking *khamr* is a crime that also invokes punishment. Likewise, acts of aggression against others constitute a crime that is treated case by case according to the type of aggression, such as false accusation of *zina*, murder etc. The economic aspect is also restricted by the *shar'a*, and by the means of ownership with the *shar'a* permitted the individual to possess with and the nature of this private property as being the *shar'a* permission of using the object. Consequently, violating these restrictions is considered a crime, which differs according to the type of this violation, such as theft, robbery etc. Therefore the state is necessary to protect both the community and the individual and to apply the system in the society. It is also necessary that the ideology influences its adherents so that its protection becomes naturally coming from the people themselves. Accordingly, it is the ideology, which restricts and protects (the entire society) while it is the state which executes (the legislation). Sovereignty (*siyaadah*), therefore, belongs to the *shar'a* and not to the state or the *Ummah*, though the authority (*sulTan*) belongs to the *Ummah* and it is manifested in the state. Hence, the state is the method for implementing the system, although the individual's piety

(*taqwa*) of Allah ﷻ is relied upon for his adherence to the rules of Islam. Therefore, it is necessary to have legislation implemented by the state and direction to the believer so as to comply with Islam, motivated by his *taqwa*. Islam is therefore comprised of an '*aqeedah* and systems and the Islamic ideology is both a *fikrah* and a *tareeqah* (method), which is of the same kind as the *fikrah*. Its system emanates from its '*aqeedah* and its *haDarah* (civilisation) is a unique way of life. Islam's method in carrying the *da'wah* is by implementing it by the State and carrying it as an intellectual leadership to the world which should be the basis for understanding and practising Islam. Implementing Islam on the community, which is governed by its system is considered carrying the Islamic *da'wah* (to them), because applying Islam on non-Muslims is considered to be the practical method for the *da'wah*. This implementation had the greatest effect in creating the vast Islamic world.

To summarise, three ideologies exist in the world, Capitalism, Socialism and the third ideology is Islam. Each of these ideologies has its own doctrine ('*aqeedah*) from which its systems emanate, a measure for man's actions in the life, a specific view towards society and a method to implement the system.

As for '*aqeedah* the Communist ideology holds that matter is the origin of things and that all things emanate from it by means of materialistic evolution. The Capitalist ideology believes that religion must be separated from the life, which results in the separation of religion from the state. Hence, the Capitalists don't want to discuss the issue of whether a Creator exists or not, they rather discuss that the Creator has no right to interfere in life, regardless of whether His existence is acknowledged or not. Consequently, those acknowledging the existence of a Creator and those who deny it are equal in the Capitalist doctrine, which is the separation of religion from life.

As for Islam, it believes that Allah ﷻ is the creator of the existence (*wujood*), that He sent prophets and messengers with His *deen* to human beings and that man will be accounted for his actions on the Day of Judgement. Therefore, the '*aqeedah* of Islam is the belief (*imaan*) in Allah ﷻ, His angels, His books, His messengers, and the *QaDaa* and *Qadar*, the good and bad of which are from Allah ﷻ.

However, regarding the manner in which the system emanates from the '*aqeedah* (doctrine), Communism maintains that the system is taken from the tools of production, thus the feudal system was the product of the dominant mode of production in the feudal society, namely the axe. The evolution of society to Capitalism made machinery the tool of production, thus the Capitalist system is taken from this mode of production through materialistic evolution. Capitalism in separating religion from life, maintains man has to set for himself a system from this life. So he started to take his system from his reality and lays it down by himself. Islam considers that Allah ﷻ has assigned a system for man to proceed on in this life. He ﷻ has sent Muhammad ﷺ with this system which He revealed it to him ﷺ, so man must follow it. Hence, a Muslim studies the problem and deduces its solution from the Qur'an and the *Sunnah*.

As the measure for actions, Communism considers materialism i.e. the materialistic system as the measure in this life. So as matter evolves so does the measure. Capitalism considers the measure to be benefit, on this basis actions are evaluated and undertaken. Islam considers the halal and the haram as the measure i.e. the commands and prohibitions of Allah ﷻ. Accordingly, the halal is performed and the *haram* shunned. The measure neither evolves nor changes, it is not influenced by benefit,

rather only the *shar'a* arbitrates.

As for society, Communism considers it consisting of a general collection comprising of earth, modes of production, nature and man which all are considered to be matter. When nature and its contents evolve man evolves with it, thus the whole society evolves. Consequently, society follows the materialistic evolution. Therefore, man has only to generate the contradictions to promote this evolutionary process. When the society evolves the individual evolves with it and thus man revolves with the society like a spoke in a wheel.

Capitalism views society as composed of individuals. Hence, if the individual's affairs are managed the society's affairs will be managed. Care is therefore, only given to the individual. Thus the government acts only for the benefit of the individual and consequently, this ideology is individualistic. Islam views the '*aqeedah*' as the basis of society, including its thoughts, emotions (*mashaa'ir*) and the systems emanate from it. Thus, the Islamic society is brought into being when the Islamic thoughts and emotions dominate and the Islamic system is implemented on the people. Society is therefore comprised of man, thoughts, emotions and the systems. For a person together with another person constitutes only a group and they do not make a society except when people adopt the same thoughts, share the same emotions and apply the same system upon them. This is because the matter that originates a relationship between two persons is only the interest (*maslaHah*). However the relationship between two persons exists when the thoughts over the *maslaHah* were unified together with their emotions thus unifying the acceptance (*riDa*) and rejection (*ghaDab*) and the system that solves the problems is the same. If the thoughts or emotions towards the interest (*maslaHah*) differed thus the acceptance (*riDa*) and

rejection (*ghaDab*) were not united, or the system that treats it between people differed then the relationship would not exist and consequently the society would not exist.

Therefore, society consists of man, thoughts, emotions and systems, because these are the matters, which originate the relationship and make a group of people a distinct society.

Thus if all people in a society were Muslims, but the thoughts they adopted were democratic and Capitalistic, their emotions were priestly-spiritual, patriotic or nationalistic, the system applied upon them was democratic and Capitalistic then the society would be non Islamic, even if the majority of the people were Muslims.

Concerning the implementation of the system, Communism considers that the state alone implements the system through the police force and harsh laws. The state develops the system and acts on behalf of the individual and community. The government in capitalism looks after the liberties. So if someone encroached upon the freedom of an individual, then the government will act to prevent the encroachment. However, if someone did not encroach upon the freedom of another person even if he exploited him and took away his rights, but with his consent, then there would be no encroachment upon freedoms. The state would not then interfere because the state exists to secure the liberties.

Islam considers that the system is implemented by the individual's consciousness of Allah ﷻ (*taqwa*). It is also implemented by the state through the feeling of the community of its justice, by the co-operation of the nation (*Ummah*) with the ruler through *al-amr bil maruf wa nahiyanil munkar* (enjoining the good and forbidding the

evil) and the authority of the state. The state takes care of the community's affairs but not the individual's affairs unless he was unable to do so. The system does not evolve at all. The state has the authority to adopt the rules (*AHkam shar'aiah*) when there is more than one opinion of *ijtihad* on an issue.

The intellectual leadership of Islam agrees with man's nature (*fiTrah*). In spite of its depth it is easily understood. One's heart and mind are quickly opened to it, eagerly trying to understand it and pondering over its details with appreciation. This is because religiousness is instinctive in man. Every man is religious by his nature and no power can remove from him this nature (*fiTrah*), because it is deeply rooted in him. Man, by nature, feels that he is incomplete and that there is a greater power which deserves to be sanctified. Man's instinct of religiousness is the need for the Creator the Organiser that arises from his natural weakness. This instinct of religiousness is constant and has a specific manifestation, which is the sanctification (*taqdees*). Consequently, mankind is religious and has always worshipped something throughout history. Humanity has worshipped man, planets, stones, animals, fire and other things. Islam, however, with its doctrine came to lead man away from worshipping created things to the worship of Allah ﷻ who created everything. The advent of the materialistic ideology, which denies the existence of Allah ﷻ and our relationship with Him ﷻ, could not put an end to this innate religiousness. However, it shifted man's conception of power greater than himself and of his sanctification of this power. It shifted all that to conceiving this power in men and made his sanctification to them alone. It is as if it went backward, and shifted people's sanctification from worshipping Allah ﷻ to worshipping the servants (of Allah), away from venerating the *ayat* of Allah ﷻ to venerating the words of the created. So it was backward in that

regard. It could not eliminate the nature (*fiTrah*) of religiousness; it rather, deceitfully shifted it backward. Therefore, the intellectual leadership of the materialistic ideology (Communism) is a negative leadership, which disagrees with man's nature. Therefore it is a failure from this perspective. It only manipulates the people through appealing to their stomach. It attracts the poor, the scared and the defeated ones. Those who adhere to it are those low in their thinking, the failures in life and resentful of it and those mentally devious who aspire to be known as intellectuals when they chatter about the theory of dialectics whose falsehood and corruption are so visible by both the intellect and reality. It resorts to force to subjugate people to its ideology. Hence, oppression, suppression, anarchy, turmoil, destruction and instability are its most important instruments.

The Capitalistic intellectual leadership likewise disagrees with man's nature (*fiTrah*) i.e. the instinct of religiousness. This is because the instinct of religiousness manifests itself in sanctification as well as in management of man's affairs in life. The inconsistency and contradictions appear when man undertakes this management; testifying to man's inability. Consequently, the *deen* (revealed from the Creator) must manage man's affairs in life. Thus the separation of the *deen* from life contradicts man's nature (*fiTrah*). The presence of the *deen* in life does not mean making the functions of life religious rites. Rather, the presence of the *deen* in life means making the system that Allah ﷻ ordained, solve man's problems in life. This system emanates from the '*aqeedah*, which agrees with man's nature (*fiTrah*). Removing this system and replacing it with a system which emanates from a creed that disagrees with the instinct of religiousness disagrees with man's nature (*fiTrah*). Therefore, the intellectual leadership of Capitalism fails from the instinctive (*fiTriy*) aspect because it is a negative one, for it separates the *deen* from life, banishes religiousness from life and making it

an individualistic issue and removes Allah's ﷻ system which He ordained, from solving man's problems.

The Islamic intellectual leadership is positive since it establishes the mind as the basis for the belief in the existence of Allah ﷻ. It draws man's attention to the elements of the universe, man and life to conclusively and decisively establish the existence of Allah ﷻ, the Creator of these things. It defines for man the utmost perfection which he innately searches for and does not exist in him, the life, or the universe and directs man's mind to this utmost (Supreme) power so as to realise His existence and believe in Him

The Communist intellectual leadership is built upon materialism and not the intellect though the mind concludes it. It considers that matter exists before thought and matter is the origin of all things, hence it is materialistic. The Capitalist intellectual leadership however, is based upon a compromise solution reached after a bloody struggle between the clergy and the intellectuals, which had lasted for many centuries and it resulted with the idea of separation of the *deen* from the state.

Therefore, both the Communist and Capitalist intellectual leaderships failed since they contradict man's nature (*fiTrah*) and are not built upon the intellect.

In conclusion, of the three intellectual leaderships, only the Islamic intellectual leadership is correct, because it is built upon the mind, it agrees with man's nature (*fiTrah*) and, thus man positively responds to it. While the other intellectual leaderships are false because they are not built upon the mind and they disagree with man's nature

(*fiTrah*). That is, the intellectual leadership in communism is built on materialism and not on the mind. This is because it maintains that matter precedes thought i.e. it precedes the mind. Thus when matter is reflected onto the brain it initiates thought in it, so it (the brain) thinks in the matter that was reflected on it. Prior to the reflection of the matter onto the brain there was no thought, and accordingly everything is built upon matter. Consequently, the origin of the Communist intellectual leadership is matter and not thought.

This perspective is wrong for two reasons: The first: There is no reflection between matter and brain; neither the brain is reflected on matter, nor matter is reflected on the brain. This is because reflection requires that objects be endowed with the characteristic of reflection, such as a mirror, for reflection to happen. This characteristic is not possessed by the brain or by the matter. Therefore, there is no reflection at all between matter and the brain, because matter is not reflected on the brain, nor is it transferred to it. Rather, the sensation of the matter is transferred to the brain through the senses. The sensation of matter to the brain is not a reflection of matter to the brain, nor a reflection of the brain to matter; it is only the sensation of matter. In this regard there is no difference between sight and the other senses in the sensing of matter. Thus sensation occurs by smelling, hearing, touching and tasting as it occurs by seeing. Therefore, what happens is not reflection on the brain but rather it is sensation of the things. Accordingly, man senses things through his five senses and things are not reflected on the brain.

The second: Sensation alone does not produce thought, but merely produces sensation i.e. a sensation of the tangible object. Sensation, plus sensation, plus a million sensations will still only produce a sensation and no thought at all. In order for

man to think, he must have previous information through which he can explain the sensed matter. For example, if a book in the ancient Syriac language was given to someone who has no previous information about the Syriac language, and all his senses were made to fall on the book, by sight and touch, and this was repeated a million times, he still would not be able to understand a single word of the book unless he is given the relevant information about the Syriac language. Thereafter, he will start thinking and understanding. Let us take another example of a child with sound senses but with no previous information. If we were to place in front of the child a piece of gold, brass and a stone and make all his senses, sense these things the child would not be able to comprehend them, no matter how much this sensation was diversified and repeated. However, if the child was given previous information about them, he would use this information to comprehend them. Were the child to grow up to be twenty years of age without any information he would remain as his first day of life, regardless of the biological growth in the brain. Since it is not the brain that enables man to comprehend, rather it is the previous information together with the brain and the sensed object. As for the instinctual behaviour, in contrast to the intellectual process in man, it results as a mere response to the instincts and organic needs, a matter, which occurs with animals as well as man. For example, a baby recognises through giving him an apple and stone repeatedly, that the apple can be eaten while the stone cannot. Likewise, the donkey recognises that barley is edible but soil is not. This differentiation occurs not through thought or intellect, but through the response to the instincts and the organic needs, which are present in animals and man. Thus thought cannot be produced unless previous information is coupled with the transference of the sensed thing through the senses to the brain.

Accordingly, the mind, intellect, or comprehension can be defined as the transmission

of a sensed object through the senses to the brain and the existence of previous information by which this reality is explained.

Therefore, the Communist intellectual leadership is both false and incorrect, because it is not built upon the mind and the meaning of the thought and mind in its understanding is false.

The Capitalist intellectual leadership is built on a compromise solution agreed upon by the clergy and the intellectuals after their bloody conflict which lasted for many centuries. This compromised solution is the separation of the *deen* from life i.e., the implicit acknowledgement of the *deen* while separating it from life. Thus, the Capitalist intellectual leadership is not built on the mind, it is rather based on this compromise solution. Indeed, the idea of a compromise is deeply rooted in the Capitalists who draw the truth (*haqq*) near to the falsehood (*baTil*) and *imaan* near to *Kufr*, the light (*nur*) near the dark (*DHalam*). This is despite the fact that the compromise solution does not exist because the matter is either the *haqq* or the *baTil*, *imaan* or *Kufr* and light or darkness. The compromise on which they have built their doctrine and intellectual leadership has made them swerve from the truth, the *iman* and the light. Therefore, this intellectual leadership is not built on the mind thus it is false.

However, the Islamic doctrine is built upon the mind, because it obliges the Muslim to believe in the existence of Allah ﷻ, in the Prophethood of Muhammad ﷺ and the Qur'an, through the use of the mind. It obliges the Muslim to believe in the *ghaib*, (things beyond the senses) on the condition that it is mentioned in a source which was conclusively proven rationally like the *Qur'an* or *hadith mutawatir*. Thus, the Islamic creed is based upon the intellect.

This is from the rational perspective. However with regards to man's nature (*fiTrah*), the Islamic intellectual leadership agrees with man's nature (*fiTrah*) since it recognises the existence of *deen*, its necessity in life and the obligation to manage life according to the commands and prohibitions of Allah ﷻ. Religiousness is innate (*fiTriy*) in man since it is one of man's instincts with its own response, namely sanctification, which is a natural response to a specific instinct that differs from all the other responses of other instincts. Thus, the belief in *deen* and the obligation to live according to the commands and prohibitions of Allah ﷻ is instinctive. It agrees with man's nature (*fiTrah*) and therefore responds positively to man.

This differs from the Communist and the Capitalistic leaderships, each of which disagrees with man's nature (*fiTrah*). The Communist intellectual leadership denies the existence of *deen* absolutely and opposes its recognition. Accordingly, it contradicts man's nature (*fiTrah*). The Capitalist intellectual leadership neither recognises nor denies *deen*. It does not make the recognition or denial of *deen* an issue for discussion. However, it insist on the separation of *deen* from life and advocates that life be managed according to benefit with no relation to *deen*. Therefore, it contradicts man's nature (*fiTrah*). This disagrees with the nature (*fiTrah*) and stands far away from it.

The Islamic intellectual leadership therefore, is the only correct intellectual leadership because it agrees with man's nature and mind; all other intellectual leaderships are false. Accordingly, the Islamic intellectual leadership is the only correct and successful intellectual leadership.

One question remains: Did the Muslims implement Islam, or did they only embrace

its doctrine while implementing other systems and laws? The answer to this question is that Muslims implemented only Islam through all the ages from the arrival of Rasool Allah ﷺ to Madinah until 1336 A.H i.e. 1918 C.E when the Islamic State collapsed at the hands of colonialism. The Muslims implementation of Islam was comprehensive and its success in their comprehensive implementation was overwhelming.

The practical implementation of Islam is undertaken by two entities having the responsibility to implement the system. They are: The judge who is responsible for settling disputes between people, and the ruler who governs the people. It has been narrated through successive reports (*tawatur*) that the judges who settled the disputes between people from the time of the Messenger ﷺ till the demise of the Khilafah in Istanbul, settled the disputes in all affairs with the laws of the *Shari'ah*. This is whether the disputes were between Muslims or between Muslims and non-Muslims. The courts that settled disputes, such as infringement of rights, family matters, criminal prosecution, etc. were under one single court based on the Islamic *Shari'ah* only. No one ever reported that even one case had been settled according to other than the Islamic *Shari'ah* rules or even one court in the Islamic countries has ever judged with other than Islam before the courts were divided into *shar'ai* and *nizami* (civil) under the regular influence of colonialism. The clearest proof of this is contained in the records of the *shar'ai* courts preserved in the old cities of Jerusalem, Baghdad, Damascus, Cairo and Istanbul etc. These records are a conclusive proof that only the *Shari'ah* was implemented by the judges. Even non-Muslims used to study and write Islamic *fiqh* like Saleem al-Baz, who wrote a commentary on al-Majallah. Laws that were introduced towards the demise of the state, were introduced on the basis of the

scholars fatwa that such laws do not contradict the *AHkam Shari'ah*. Consequently, the 'Uthmani penal code was introduced for application in 1275 A.H (1857 C.E.) and the Law of Rights and Trade was introduced in 1276 A.H (1858 C.E). This was followed in 1288 A.H (1870 C.E) by dividing of the courts into two: *Shari'ah* courts and official law courts and a decree was passed to arrange this division. In 1295 A.H (1877 C.E) a law was issued to regulate statutory courts. In 1296 A.H (1878 C.E) the Rights and Penalties Procedure was issued. Since the '*ulema'a* did not find any justification to use the civil law, it was put aside and the *Shari'ah* magazine (*al-Majallah*) was issued in 1286 A.H (1868 C.E.) as a canon for transactions. All these canons were issued as rules permitted by Islam and were not enacted except, as clearly spelled out in the decrees introducing the canons, after a fatwa was given to allow them and after being permitted by the Sheikh al-Islam. The colonialist authorities since 1918 C.E. have occupied some Islamic lands and were settling disputes over the civil cases according to non-Islamic laws. Whereas, those countries which were not physically occupied by colonialist armies, although they are under its influence, continued to rule judicially according to Islam until recently, such as Afghanistan and the Arabian peninsula i.e. Hijaz, Najd and Kuwait, though the rulers in these countries no longer implement Islam. Accordingly, we observe that Islam was implemented judicially and no other law was applied in the judiciary throughout all the ages of the Islamic State.

The implementation of Islam by the ruler is represented in *AHkam Sharai'ah* related to five areas: social, economics, education, foreign affairs and ruling. The *AHkam Sharai'ah* relating to these matter were all implemented by the state. The social system defines the relationship between men and women and the matters that arise as a result of this relationship i.e. personal status. Alone the *Shari'ah* is still applied in the social system in spite of the presence of the colonial powers in the Islamic lands and the

presence of *Kufr* ruling; definitely no other system has been implemented. Concerning the economic system, it is represented in two ways, firstly the way in which the state collects public revenue in order to look after the peoples affairs, secondly, the way in which this revenue is spent. As far as collecting revenue is concerned, the State collects the *zakat* due on money, land and livestock as an obligatory worship and is exclusively distributed amongst the eight categories mentioned in the Qur'an. The State never used the *zakat* fund for managing its expenditures. The State collected the necessary funds for its expenditures according to the *Shari'ah*. Thus, it collected *kharaj* over the land, *jizyah* from non-Muslims, and customs duties in its capacity as the supervisor over internal and external trade. The State did not collect funds except according to the *Shari'ah*. As for funds distribution, the state had a *nafaqah* system (financial support) for the disabled, placed the *safeeh* (incompetent) and *mubaddir* (the one who spends his wealth on *haram*) under guardianship and established lodgings in every city and along the roads to the pilgrimage to assist the poor, destitute and the travellers. These relics can still be seen in major Muslim cities. The State's expenditure was solely governed by the *Shari'ah* and by no other system. Any deficiency that may be noticed in this field was due to negligence and misapplication and not due to the absence of (*shar'a*) implementation.

The foundation of the educational policy was Islamic and the Islamic culture constituted the basis of the curriculum. Care was exercised to ensure that foreign culture was not adopted if it contradicted Islam. The neglect in opening schools towards the demise of the Ottoman state was typical of all the Islamic countries at that time, due to the intellectual decline which reached its lowest level in that period. In all the other ages of the Islamic State, it was well known that only the Islamic land was the *qiblah* of the scholars and students. The universities in Cordoba, Baghdad,

Damascus, Alexandria and Cairo had a tremendous effect on the course of education throughout the world.

The foreign policy of the Islamic State was founded upon Islam. The Islamic State built its relationship with all other states on the basis of Islam and all other states dealt with it as an Islamic State. All of its external relationships were based on Islam and the interest of Muslims. It is known all over the world that the foreign policy of the Islamic State was an Islamic policy, to the extent that no evidence is required.

With regards to the ruling system, the structure of the state in Islam is established upon eight pillars: the Khaleefah, i.e., the head of State, the Khaleefah's delegated assistants (*Mo'aawen TafweeD*), the Khaleefah's executing assistants (*Mo'aawen Tanfeedh*), the *Ameer of Jihad*, the Governors (*Wulah*), the Judges (*QuDah*), state departments, and the state assembly (*Majlis al-Ummah*). This structure existed and Muslims have never been without a Khaleefah until at the hands of Mustapha Kemal, the disbelieving (*Kafir*) colonial powers abolished the Khilafah in 1342 A.H (1924 C.E). The existence of a Khaleefah for the Muslims, prior to its removal, had been continuous. Whenever a Khaleefah died or was removed, he was succeeded by another, even during the era of decline. Since the Islamic State is the Khaleefah, it means that when a Khaleefah is present the Islamic State exists. As for his assistants in ruling and execution they were present in all ages and were assistants and not *wazirs*. Although, they were named *wazirs* during the 'Abbassid era they were assistants and did not possess the capacity of ministers (*wazirs*) present in the democratic system at all, they were rather assistants in ruling and execution by authorisation from the Khaleefah, while all the executive powers were in the hands of the Khaleefah. The existence of the governors (*wulah*), judges (*quDah*) and state departments was obvious.

When the *kuffar* occupied the lands, all their affairs had been running and there were therein governors, judges and state departments, a matter that does not need any evidence. As for the ameer of *jihad*, he used to run the affairs of the army in its capacity as an Islamic army all over the world, it was known to be undefeated. With regards to the *Majlis al-Ummah*, after the era of the *Khulafaa ar-Rashidun*, its existence was not given much attention. The reason for that is that it is one of the ruling structure but not one of its pillars. *Shura* is one of the rights of the people upon the Khaleefah. Thus, if he neglects it he would be negligent, but the ruling system would still remain Islamic. This is because the *shura* (consultation) in Islam is for seeking the opinion and not for ruling. This is contrary to the parliamentary system in democracy. Therefore, it is clear that the Islamic ruling system was applied.

A question may arise concerning the *bai'ah* (pledge) to the Khaleefah. It is an established fact that there was no hereditary system in the Khilafah. In other words, the hereditary system was not established in the state, by which ruling i.e. the state leadership was acquired as is the case in the monarchy. Instead, the State leadership would be acquired through receiving the *bai'ah* from the Muslims in some eras, from the influential people (*ahle al-halli wal-'aqd*) in later eras or as what occurred towards the demise of the state from the *Sheikh al-Islam*. Throughout the ages of the Islamic State, the procedure was that no Khaleefah was appointed without receiving *bai'ah*. Never was a single incident reported that the Khaleefah was appointed through inheritance without receiving *bai'ah*. However, notwithstanding this, the manner of attaining *bai'ah* was misapplied. Thus, a Khaleefah would take a *bai'ah* from the people before his death for his son, brother, cousin, or any other individual of the family. After the death of the Khaleefah the *bai'ah* was renewed for that person. This is a misapplication of the *bai'ah* but it neither constitutes hereditary rule or succession to

the throne. Likewise, the misapplication of the elections in a parliamentary or a democratic system is still called elections and not an appointment even if the government-backed candidates succeed in the elections. Consequently, one must acknowledge that the Islamic system was applied throughout all periods of the Islamic State.

As for the practical success of the Islamic intellectual leadership, it was without parallel particularly in the following two matters:

Firstly, the Islamic ideology transferred all of the Arabs from a low level of intellect in which they were acting haphazardly in the darkness of bloody family feuds and ignorance to an age of intellectual revival glittering in the light of Islam whose sunrise was not restricted to the Arabs but prevailed all over the world. Muslims rushed in conveying Islam to the world, putting their hands in the process over Persia, Iraq, the lands of ash-Sham, Egypt and North Africa. Each of these peoples had their own religion, nationality, language, customs and traditions. All were different from one another. The nationality of Persians differed from that of the Romans of Sham, from that of the Copts of Egypt and from that of the Berbers of North Africa. Once they lived under the rule of Islam and understood it, they all embraced it and became one nation (*Ummah*), the Islamic *Ummah*. Therefore the success of the Islamic intellectual leadership in melting these peoples and nationalities into one nation was unparalleled. This is in spite of the fact that the means of transportation at the time was the camel and the means of communication was the word of the mouth and the writing of the pen.

Al-FatH (conquer), however was to remove by force the physical obstacles to give the people free access towards what their minds and their innate (*fiTrah*) guides them to.

In this manner people entered Islam in masses. On the other hand, the oppressive conquering (*fatH*) of countries alienates the conquerors from the conquered. For example, the colonisation of the East by Western imperialism lasted for decades without gaining any result. If it was not for the influence of the deceptive Western culture and the oppression of its agents which will soon vanish, then the return to the domain of Islam in its ideology and system would be quicker than the blink of an eye. Accordingly, the success of the Islamic intellectual leadership in forging all the various peoples into one Islamic *Ummah* is without parallel. These peoples have remained as Muslims to this day, in spite of the colonialists calamities, wickedness and planning in corrupting the creeds and poisoning the thoughts. These people will remain one Islamic nation (*Ummah*) till the Day of Judgement. It has never happened that any people (or ethnic group) which had embraced Islam have apostatised from it.

As for the Muslims of Andalus (Spain), they were massacred by the Courts of Inquisition, the guillotine and burnt in the ovens of the executioners. The Muslims of Bukhara, the Caucasus and Turkistan met with the same disastrous fate as those before them. The fact that these people embraced Islam and became one *Ummah* that was concerned to protect her '*aqeedah*', portrays, as evidence the degree of success of the Islamic intellectual leadership and the application of Islam by the Islamic State.

The second matter, which denotes the success of this ideology, is the fact that the Islamic *Ummah* was the leading nation in the world in respect to civilisation, material advancement, culture and science. For twelve centuries, dating from the seventh century C.E to the middle of the eighteenth century C.E, the Islamic State remained as the leading and most powerful state in the world. Throughout this period it was the flower of the globe and the rising sun amongst the nations, a fact that confirms the

success of this intellectual leadership and the success of Islam in implementing its system and 'aqedah upon the people. When the Islamic State and *Ummah* abandoned carrying its intellectual leadership and fell short in understanding and applying Islam, it lapsed and declined among other nations.

Therefore, we say that only the Islamic intellectual leadership is correct and it alone should be carried to the world. When the Islamic State, which carries this leadership, is established, the success of this leadership will be realised today as it was before.

We have proven that Islam with its 'aqedah and its system, which emanates from it, agrees with man's nature (*fiTrah*). Consequently, Islam does not view man as a mechanical being functioning accurately like a machine and implementing the system on the basis of fine mathematical measures without disparity. On the contrary, from the Islamic perspective man is a social being who applies the system with varying capabilities and qualities. Thus, it is natural for Islam, on the one hand, to narrow the gap between people without making everyone equal while guaranteeing tranquillity for all. On the other hand, it is also natural to find some individuals who deviate from the system and thus don't comply with it and others who do not respond or who turn away from the system. Inevitably, there will be in the society evildoers (*fussaq*), people who indulge in vices (*fujjar*), unbelievers (*kuffar*), hypocrites (*munafiqoon*), apostates (*murtaddun*) and atheists (*mulhidoon*). The important thing is that the society as a whole, from the point of view of its thoughts, emotions, systems and people, is considered as an Islamic society, which applies Islam when these elements manifest themselves as Islamic.

The evidence for this is that it is impossible for anyone to apply a system at the level

of Muhammad's ﷺ application. In spite of this, at his ﷺ's time there were also disbelievers, hypocrites, apostates, atheists, evildoers and people who indulged in vices. Therefore, no one can claim that Islam was not applied completely or that the society was non-Islamic. Yet the Islamic application is on man as a social being, not a mechanical being.

Islam continued to be applied on the entire Islamic *Ummah*, Arab and non-Arabs, from the time Prophet ﷺ settled down in Madinah till the colonial powers occupied the Islamic lands and replaced Islam with the Capitalist system.

Thus, Islam was implemented from the first year of the Hijrah until 1336A.H (1918 C.E) and the Islamic *Ummah* did not apply any system other than Islam throughout this period.

Although the Muslims translated books of philosophy, science and different foreign cultures into Arabic, they never translated any legislation, system, or canon of other nations neither for research nor for application. Considering Islam to be a system, some people applied it well and others misapplied it. This depended on the strength or weakness of the state and on the degree of its comprehension of Islam or lack of understanding and according to whether it was strong or complacent in carrying its intellectual leadership. Consequently, the misapplication of Islam in some ages brought about some decline in the Islamic society, but this is something, which no system can avoid, because the application of the system depends on human beings. However, the misapplication does not mean that Islam was not implemented. Surely Islam was implemented and no other system or ideology was applied. This is because

the crucial point is in the applying of canons and systems enacted by the state. In this respect the state did not adopt any canon or system alien to Islam. What occurred was the misapplication of some of its rules by some rulers. However, notwithstanding this, one must observe two points when examining the implementation of Islam throughout its history. The first point is that history must not be taken from the enemies of Islam who harbour hatred towards it. Instead history must be taken from Muslims themselves after an extensive research so as not to adopt a distorted image. The second point is that the generalisation in study of the society should not be taken from the history of individuals or from one aspect of the society. For example, it would be wrong to pass judgment on the history of Ummayyad era by studying the history of Yazid's era. Or to pass judgment on the history of the Abbassid era from some incidents of their *Khulafaa*. Likewise, we must not pass judgment on the society of the Abbassid era from Kitab al-aghani (book of songs) which was written to narrate the stories of recklessly extravagant people, poets and authors or from reading the books of asceticism (*zuhd*) and the like and thus start thinking that the entire society was in a state of extravagance and sin or asceticism and isolation. Rather, we have to study the whole society. We have to acknowledge however that the whole history of the Islamic society as a society in any era was never written. What has been written rather is the affairs of the rulers and some officials. Those who wrote such history were not trustworthy, they were either slanderers or adulators and whatever they wrote can't be accepted without investigation.

When the Islamic society is studied on this basis i.e. to study it from all its aspects and through thorough investigation it can be found to be the best society. Since, it was so for the first, second and third centuries, in fact, right up to the middle of the twelfth century *hijrah*. One finds that the society applied Islam throughout all its ages right up

to the end of the Ottoman State as an Islamic state. However, history should not be taken as the source for studying the system and *fiqh*. Rather, the system should be taken from the sources of jurisprudence and not from history, since history is not its source. Accordingly, to understand the Communist system, one does not draw conclusions from the history of Russia, but from the books of the Communist ideology itself. Likewise, if to understand the English jurisprudence one should not take it from the history of England, but rather from the books of English jurisprudence. This applies to any system or canon.

Islam is an ideology with its own '*aqeedah* and system. Consequently, those who wish to understand it must not use its history as a source, neither for knowledge nor for deducing rules i.e. *aHkam*.

The source of understanding Islam is the books of Islamic *fiqh*, and the source for deducing its rules is their detailed evidences. Thus, history is not the correct source of the Islamic system, neither for its understanding nor for its deduction. It is therefore incorrect to take the history of 'Umar bin al-Khattab or Umar bin 'Abdul-'Aziz or Haroun ar-Rasheed, whether from the historical events ascribed to them or from the books written during their respective periods, as a source for the *aHkam Sharai'ah*. If an opinion of Umar is followed in a question, it is followed in its capacity as a *hukm Shara'i* deduced and applied by Umar, as is the case with the *hukm Shara'i* deduced by Abu Hanifah, Shafii, Ja'far and others. It is not adopted as an historical event. History, accordingly, has nothing to do with adopting or knowing the system. Moreover ascertaining whether or not the system was applied, *fiqh*, rather than history, is the reference for determining that. This is because every era has its own problems, which were tackled by a system. So in order to find the system used to solve problems, one

must refer to the Islamic *fiqh*, and not to the events of history, because it only reports to us the news as they are. When reference is made to the Islamic *fiqh*, one neither finds in it any system taken by the Muslims from others, nor any system chosen by the Muslims from themselves. Instead, one finds it completely as *aHkam shar'ah* deduced from the *shar'ai* evidences. Muslims were very careful to sift into the jurisprudence by removing any deficient opinions i.e. deficient *ijtihad*. They even prohibited others from acting according to the deficient (*Daif*) opinion, even if it was ascribed to a *mujtahid mutlaq* (absolute *mujtahid*).

As a result, there is not one legislative text other than the Islamic Fiqh throughout the Islamic world. The fact only one body of jurisprudence exists in a nation, without any other accompanying text, signifies that the nation did not use any other text in its legislation.

If it were permitted to give attention to history, this would be confined to examining the way of applying the system. History might also contain political events, from which the way of application can be seen. Even this should not be taken except after a thorough research and from Muslims. History has three sources: History books, archaeological objects and narration. Historical books should not be considered as a source because they are influenced by the political conditions of the time. They are filled with lies, either supporting the people at whose time these books were written or attacking those at the time before these books were written. A recent example of this is the history of the Allawide family in Egypt. Prior to 1952 C.E it had a bright image in history books, but after 1952C.E its image was dark. The same applies to the history of other political events now and in the past. For this reason, history books should not be considered as a source for history, even if they were biographies written

by their people.

Archaeological objects (excavation and antiquities) would provide historical facts if studied honestly. Although they by themselves do not provide a historical timeline, they however denote occurrence of some events. If one examines the Islamic antiquities found in their countries, be they buildings, instruments, or any other thing, one can conclude that nothing was present in the Islamic world except Islam, the system of Islam and rules of Islam. Additionally, the Muslims way of life and actions conducted were Islamic.

As for the third source i.e. narration, it is a correct source, which can be relied on if the narration was correct and the method followed in collecting the narration was the same as the method followed in collecting the ahadith. This is the manner in which history should be recorded. The Muslims followed this method of narration when they commenced writing. The classical books of history, such as the History of at-Tabari, Sirah of Ibn Hisham etc. were written according to this method. Muslims should not teach their children from the books of history whose sources are other books of history. An overview of the application of the Islamic system should not be taken from those books of history either. In conclusion, it is evident that Islam alone was implemented and nothing else was applied throughout all the periods.

However, since the end of the First World War, which ended with the Allies victory culminating with the announcement of Lord Allenby, the commander of the campaign when occupying Jerusalem (al-Quds), stated: "Now the Crusades are over". The *Kafir* colonialists have applied upon us since then the Capitalist system in all life matters, to perpetuate the victory they achieved over us. We must therefore get rid of

this rotten and corrupted system by which the colonialists control our countries. We have to completely uproot it, once and for all, so that we can resume the Islamic way of life.

It is a low superficial thinking to replace our system by any other system and it is a shallow thinking to consider that if the *ummah* applied the system without its '*aqeedah*, it would save her. The *Ummah* must embrace the '*aqeedah* first and then apply the system emanating from this doctrine ('*aqeedah*). The implementation of the system and embracing of the doctrine ('*aqeedah*) will then be a saviour. This applies to the *Ummah*, which is built upon an ideology and the state, which is established on this basis. As for the other peoples and nations, it is not necessary that they embrace the ideology as a prerequisite for applying the ideology upon them. The nation, which embraces the ideology and conveys it to others, can apply it on any people or nation, even if they do not believe in it. This is because the ideology will also result in the revival of that nation and will attract them to believe in it. Thus embracing the ideology is not a condition for those on which it is applied, it is rather an essential condition for those who implement it.

It is dangerous to adopt nationalism in conjunction with Socialism. Socialism cannot be separated from its materialist idea, because it will not be productive or influential. Neither can Socialism be adopted together with its materialistic idea, since it is a negative thought, which contradicts with man's nature (*fiTrah*). Furthermore, its adoption would mean that the Islamic nation would have to abandon the Islamic '*aqeedah*. We cannot adopt Socialism and simultaneously retain the spiritual aspect of Islam. This would result in adopting neither Islam nor Socialism, by virtue of the fact that they contradict each other and whatever was adopted would be incomplete.

Similarly, we cannot adopt the system of Islam devoid of its '*aqeedah*' from which its system emanates as this means the adoption of an imperious system devoid of spirit. Instead, we must adopt Islam wholly with its doctrine ('*aqeedah*') and systems and convey its intellectual leadership when we carry the *da'wah* for it.

Accordingly, there is only one way to attain our revival which is the resumption of the Islamic way of life and there is no way to resume the Islamic way of life except through establishing the Islamic State. This cannot be achieved unless we totally adopt Islam both as an '*aqeedah*', which solves the greatest problem and upon which man's viewpoint in this life is concentrated and as a system, which emanates from this doctrine ('*aqeedah*'). The basis of such systems is the Book of Allah ﷻ and the *Sunnah* of His Messenger ﷺ. Its cultural treasures are the: *fiqh*, *hadith*, *tafseer*, Arabic language and others. No method can achieve this except by carrying the Islamic intellectual leadership completely through the *da'wah* to Islam and establishing Islam completely everywhere. Once the intellectual leadership has been transmitted to the nation as a whole and to the Islamic State, we embark upon carrying the intellectual leadership to the world.

This is the only way to achieve the revival: to convey the Islamic intellectual leadership to Muslims so as to resume the Islamic way of life and to deliver it to all of mankind by means of the Islamic State thereafter.

The Way to Carry the Islamic Da'wah (Tareeqat Hamled Da'wah)

The Muslims did not lag behind the world due to their adherence to Islam. On the contrary, their regression commenced the day they abandoned this adherence to Islam and they allowed the foreign culture to enter their lands and the Western concepts to occupy their minds. They declined when they abandoned the intellectual leadership of Islam, neglected its *da'wah* and misapplied its rules (*aHkam*). Therefore, the Muslims must resume the Islamic way of life if they want the revival (*naHDah*) to occur. However, they will not be able to resume the Islamic way of life unless they carry the Islamic *da'wah* by carrying the intellectual leadership of Islam, and establish, by this *da'wah* an Islamic State which in turn will carry the intellectual leadership of Islam by carrying the Islamic call.

It should be noted that carrying the intellectual leadership by carrying the Islamic *da'wah* in order to revive the Muslims is undertaken because Islam alone can reform the world, and the true revival cannot be achieved without Islam, whether for the Muslims or others. It is on this basis that the *da'wah* should be carried out.

The *da'wah* must be carried to the world as an intellectual leadership from which all systems emanate, and upon this leadership all thoughts are built, and from such thoughts emanate all the concepts that influence one's viewpoint in life, without exception.

The *da'wah* should be carried today as it was delivered in the past and should proceed in compliance with the example of the Messenger ﷺ, without the slightest deviation from that method in its general and specific details. No regard should be given to the difference in time, for this difference amounts to nothing more than the means and forms. However, the essence and the reality of life has not and will not change, regardless of the passing of ages and changing of peoples and places.

Thus, carrying the *da'wah* demands frankness, courage, strength, thought and to challenge all that contradicts the *fikrah* and *tareeqah* (idea and method) of Islam by facing it and exposing its falsehood, irrespective of the situation and its consequences.

Carrying the Islamic *da'wah* necessitates that the ultimate sovereignty (*siyadah*) belongs to the Islamic ideology, regardless of whether it agrees or disagrees with the masses and whether they accept it or reject it and oppose it, or whether it is in accordance with the people's customs or not.

The *da'wah* carrier (*hameled da'wah*) does not flatter the people, is not courteous to the authorities or cares for the people's customs and traditions, and does not give any attention to whether the people will accept him or not. Rather he must adhere to the ideology alone and solely express it paying no regard to anything except the ideology. It is not allowed to tell the followers of other ideologies to adhere to their ideologies. Instead, they are invited without compulsion to embrace the ideology (of Islam) because the *da'wah* requires that there be no other ideology alongside Islam and that the sovereignty be for Islam alone.

هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ

التوبة 33

"It is He who has sent His Messenger with the guidance and deen of Haqq, to prevail over all other religions even though the idolaters may abhor it." [At-Tubah: 33]

The Messenger ﷺ came to this world with his Message and openly challenged the whole world. He ﷺ believed in the Truth he ﷺ was inviting the people to and declared war against the red and black (people) i.e. everyone, irrespective of their traditions, customs, religions, doctrines, rulers and masses. He ﷺ paid no attention to anything other than the message of Islam. He ﷺ commenced the *da'wah* by discrediting the false deities of Quraysh. He ﷺ challenged them in their doctrines, discredited them while he was alone, isolated, with no helper and no weapon except his unshakeable and deeply rooted conviction in Islam to which he was inviting. He ﷺ did not care for the Arab customs, traditions, religions, or doctrines. In this respect, he ﷺ was not courteous nor gave them any regard.

Similarly, the *da'wah* carrier has to challenge everything. This includes challenging the customs, traditions, erroneous thoughts and concepts, the public opinion when it is wrong even if he has to struggle against it. He has to challenge the doctrines and religions despite the fact that he might be exposed to the fanaticism of their followers and the hostility of those who stick to their distortions.

Delivering the *da'wah* requires a concern for the complete implementation of the rules

of Islam without the slightest concession. The carrier does not accept any truce nor concession, negligence or postponement. Instead, he maintains the matter as a whole and definitively settles it immediately. He does not accept any intercession which would obstruct the truth. Rasool Allah ﷺ did not accept the request of Thaqif's delegation to be allowed to retain their idol, Allat, for three years before it was demolished, neither did he exempt them from prayer, as pre-conditions for embracing Islam. He refused also to leave Allat for two years or for one month as they had demanded. He refused this request firmly, and decisively, without any hesitation or leniency. This is simply because man has to either believe or not, after all, the result is either Paradise or Hell. However, Rasool Allah ﷺ did accept their request not to have them demolish their idol by their hands. Instead, he asked Abu Sufyan and al-Mughirairah ibn Shu'abah to demolish it. He definitely did not accept anything less than the complete '*aqeedah* and what it requires of implementation. As for the means and forms of carrying this implementation, the Rasool of Allah ﷺ accepted them because they are not connected with the nature of the Islamic '*aqeedah*. Therefore, care must be taken in delivering the Islamic *da'wah* to preserve the completeness of the idea and the completeness of its implementation without any compromise in the *fikrah* and *Tareeqah*. There is no harm in using any *wasail* (means) it demands.

Carrying the Islamic *da'wah* necessitates that every one of its actions be undertaken for a specific objective. The carrier should always be aware of this aim and work towards achieving it, exerting himself relentlessly to fulfil it. Therefore, the carrier would not be satisfied by thought without action and would deem it to be a hypnotic and fanciful philosophy. Likewise, he would not be satisfied by thought and action devoid of any objective, considering this to be a spiral motion which ultimately ends

in apathy and despair. Instead, the *da'wah* carrier has to insist upon connecting the thought with action and uniting the two in working for a specific objective which will be fulfilled in a practical manner and be brought into existence.

Rasool Allah ﷺ carried the intellectual leadership of Islam in Makkah. When he realised that the society there would not make Islam the system of society, he began preparing the society of Madinah. In Madinah, he established the State, thereby implemented Islam, carried its message, and prepared the *Ummah* to convey it after him and to proceed in the same way he had traced. Therefore, carrying the Islamic *da'wah* in the situation where there is no Khaleefah, should include the call for Islam and the resumption of the Islamic way of life by working to establish the Islamic State which implements Islam and carries its message to the world. Thus, the *da'wah* is transferred then from a call within the *ummah* to resume the Islamic way of life to a call to the world carried out by the Islamic State, and from a local *da'wah* within the Islamic world to a universal *da'wah*.

The call to Islam should clearly include correcting the prevalent doctrines, strengthening the relationship with Allah ﷻ, and it should provide solutions for the problems of the people, so that the *da'wah* becomes vivid in all fields of life. The Prophet ﷺ would recite to the people of Makkah the following verses:

تَبَّتْ يَدَا أَبِي لَهَبٍ وَتَبَّ ۝١

"Perish the hands of Abu Lahab." [Al-Masad: 1]

إِنَّهُ لَقَوْلُ رَسُولٍ كَرِيمٍ، وَمَا هُوَ بِقَوْلِ شَاعِرٍ قَلِيلًا مَّا تُؤْمِنُونَ الخاتمة 40-41

"This is verily the word of an honourable messenger. It is not the words of a poet. Little it is that you believe." [Al-Haqqah: 40-41]

وَيْلٌ لِّلْمُطَفِّفِينَ، الَّذِينَ إِذَا اكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ، وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ

المطففين 1-3

"Woe to those who deal in fraud, those who when they have to receive by measure from men, exact full measure, but when they have to give by measure or weight to men, give less than due." [Al-Mutaffifin: 1-3]

إِنَّ الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَهُمْ جَنَّاتٌ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ ذَلِكَ الْفَوْزُ الْكَبِيرُ

البورج 11

"For those who believe and do righteous deeds will be gardens beneath which rivers flow; that is the great salvation (the fulfilment of all desires)." [Al-Buruj: 11]

In Madinah, he recited:

وَأَقِمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ البقرة 43

"Establish prayer and practice regular charity." [Al-Baqarah: 43]

He also recited:

انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ التوبة 41

"Go forth (whether equipped) lightly or heavily, and strive and struggle with your property and yourselves in the cause of Allah." [At-Tauba: 41]

And he ﷺ would recite:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ البقرة 282

"O you who believe, when you deal with each other in a debt for a fixed period of time, reduce it to writing." [Al-Baqarah: 282]

كَئِى لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ الحشر 7

"In order that it does not become (merely) a circuit between the wealthy among you." [Al-Hashr: 7]

لَا يَسْتَوِي أَصْحَابُ النَّارِ وَأَصْحَابُ الْجَنَّةِ أَصْحَابُ الْجَنَّةِ هُمُ الْفَائِزُونَ الحشر 20

"Not equal are the Companions of the Fire and the Companions of the Garden. The Companions of the Garden are the victorious." [Al-Hashr: 20]

Accordingly, the Islamic *da'wah* should carry to the people the system by which they are to solve their daily life's problems. This is because the secret to the success of the Islamic *da'wah* is that it is vivid and addresses man in a comprehensive manner as a human being, thereby bringing about a comprehensive and radical change in him.

It is impossible for the *da'wah* carriers to carry out the responsibility and to effectively discharge their duties unless they rooted within themselves the motivation towards perfection and completeness. They should constantly search for the truth, continuously scrutinize all that they know in order to purify their understandings (of issues) from any alien thoughts, and remove away from these understandings anything close to them (in meaning) that might possibly stick to them. This will keep the idea they carry, pure and clear. The purity and clarity of the thoughts is the only guarantee for Islam's success and the continuity of this success.

The *da'wah* carriers have to carry this duty as an obligation from Allah ﷻ. They have to embark upon it enthusiastically and delightedly expecting the pleasure of Allah ﷻ. They must not seek for their work any worldly reward or expect praises from people. They must acknowledge nothing except the pursuit of the pleasure of Allah ﷻ.

The Islamic Civilisation (al-haDarah al Islamiyyah)

There is a difference between the *haDarah* (civilisation) and the *madaniyyah* (material progress). The *haDarah* constitutes the whole concepts about life, whereas the *madaniyyah* means the material forms of sensed objects used in life's affairs. The *haDarah* is specific based on the point of view towards life, while the *madaniyyah* can be specific or general. So objects that are product of *haDarah* such as statues, are specific. While material aspects produced by science and its progress, industry and its evolution are general and thus are not particular to a specific nation, rather they are universal, like industry and science.

This distinction between *Hadarah* and *madaniyyah* must always be noted. One must also note the distinction between the *madaniyyah* forms resulting from *haDarah* and the *madaniyyah* forms resulting from science and industry. This is necessary, so that when taking *madaniyyah*, a distinction between its forms and differentiation between it and *haDarah* must be clear. There should be no objection in acquiring the Western *madaniyyah* resulting from science, industry, etc. However, Western *madaniyyah* resulting from the Western *haDarah* must not be adopted on any account, because we are not allowed to adopt the Western *haDarah*, for it contradicts the Islamic *haDarah* from the very basis upon which it is established, its point of view of life, and its understanding of the meaning of human happiness.

The Western *haDarah* is established upon the separation of *deen* from life and it denies

deen from having any influence on any of life's affairs and, hence it separated *deen* from the State. This separation is natural for those who separate *deen* from life and deny its role in life. It was on this basis that life and the system of life were built. This *haDarah* views the entire life as the pursuit of benefit. Thus, its criterion for actions in life is benefit. Therefore, benefit is the basis upon which the system is established and the *haDarah* is built. Benefit is the most prominent and apparent concept in its system and in the *haDarah*. This is because it portrays life as benefit. Happiness, in their view, is providing man with the maximum share of sensual pleasures and furnishing him with their means. It follows that its Western *haDarah* is established on the desire to reap benefits and gives no consideration or even recognition to anything except benefit, thus rendering it the criterion of actions. The spiritual side is restricted to the individual and is not part of the social order. The spiritual affair of man is confined to the church and clergy. Consequently, there are no moral, spiritual or humanitarian values in the Western *haDarah*, rather only materialistic ones. Owing to this, humanitarian actions became affiliated to organisations separated from the State, such as the Red Cross and missionaries. Every value, apart from the materialistic value of benefit, was excluded from the life. The Western *haDarah* thus consists of such host of concepts about life.

As for the Islamic *haDarah*, it is established upon a basis contradicting the basis of the Western *haDarah*. Its viewpoint about life and meaning of happiness are different from the Western *haDarah*. The Islamic *haDarah* is built upon the belief in Allah and that He has established a system for man, life and the universe. He ﷻ sent Muhammad ﷺ with Islam as the one and only *deen* for mankind. This means that the Islamic *haDarah* is established on the Islamic '*aqeedah*', comprising the belief in Allah ﷻ, His

ﷻ Angels, His ﷻ Books, His ﷻ Messengers, the Hereafter, and *al-QaDaa'a wal Qadar*. Thus, the '*aqeedah*' is the basis of the *haDarah* and consequently the *haDarah* is founded upon a spiritual basis.

Life in the Islamic *haDarah* is based on the philosophy of Islam which emanates from the Islamic doctrine or '*aqeedah*', upon which life and actions are both established. This philosophy which is mixing the matter with the spirit, i.e. making man's actions conducted by the *aHkam Sharai'ah*, constitute the basis of life. While man's actions are material, his observation of his relationship with Allah ﷻ when he undertakes the action as haram or halal constitutes the spirit (*ruH*). This means that the mixing of matter with spirit has taken place. Accordingly, the commands and prohibitions of Allah ﷻ regulate the actions of a Muslim. The Muslim's ultimate objective in carrying out his actions in accordance with the commands and prohibitions of Allah ﷻ is the attainment of Allah's ﷻ pleasure and not benefit. However, the immediate aim of undertaking the action is the sought after value, which differs according to the type of action. The value may be materialistic for the person who engages in commerce or trade to make a profit. So his trade is materialistic action, and he is directed in that by his realisation of his relationship with Allah ﷻ through His commands and prohibitions, for the sake of attaining His ﷻ pleasure. While the value that he aims to achieve from undertaking the action is the profit, which is a materialistic value.

The value may be spiritual, such as prayer, *zakah*, fasting or pilgrimage. The value may be moral, such as upholding the truth, being honest, or exhibiting loyalty. The value could be humanitarian, such as rescuing a drowning person or helping the poor. These values are noticed by man when he undertakes the action so that to achieve them.

However, these values are not the driving force behind man's actions, nor the ultimate objective he aims at. They are the values of the action which differ according to the type of action.

Happiness is attaining Allah's ﷻ pleasure and not the fulfilment of man's needs. Satisfying all such needs: organic needs and instinctual desires, are an essential means to preserve one's life, but happiness is not guaranteed by their fulfilment. In summary, this is the Islamic viewpoint about life, and this is the basis upon which this viewpoint is built. This viewpoint is the basis of the Islamic *haDarah*. It is obvious that the Islamic *haDarah* contradicts the Western *haDarah* in every sense. The *madaniyyah* objects resulting from *haDarah* which is specific to the Islamic *haDarah* contradict the *madaniyyah* objects which results from the Western *haDarah*. For example, a photograph by itself is an object of *madaniyyah*. The Western *haDarah* considers the photograph of a naked woman that reveals all of her beauties a *madaniyyah* object consistent with its concepts in life about women. Thus, an individual from the West, views the photograph to be a piece of art which he could take pride in and a piece of art when it accomplishes artistic conditions. However, this object of *madaniyyah* contradicts with the Islamic *haDarah* and the Islamic concepts about women, which are considered as an honour that must be protected. Consequently, such photographs are to be prevented, because they provoke the sexual drive which triggers moral laxity in the society. Likewise, if a Muslim was to build a house, another object of *madaniyyah*, he would have to take into consideration that women inside should not be seen to those outside. Accordingly, the Muslim builds around the house a wall, but the Westerner pays no attention to this. This applies to all objects of *madaniyyah* which result from the Western *haDarah*, such as statues and the like. Likewise, if clothes are specific to the unbelievers, the Muslims are then forbidden to wear them because they

carry a specific viewpoint about life. However, if the clothes are otherwise, such as if they are used to wearing certain clothes for necessity or adornment and not because of their *kufi*, then they are considered to be of the general *madaniyyah*, which is permissible for Muslims to use.

Objects of *madaniyyah* which are products of science and industry such as laboratory equipment, medical and industrial tools, furniture, carpet, etc. are all universal objects of *madaniyyah*. The use of such objects which do not result from the *haDharah* and nor related to it is permissible.

A cursory glance at the Western *haDharah* that dominates the world today reveals to us that it cannot guarantee tranquillity for man. On the contrary, the Western *haDharah* is the cause for man's deep-rooted misery and suffering. This *haDharah* which adopts as its basis the separation of *deen* from life's affairs is contradictory to man's *fiTrah*, thus giving no weight to the spiritual aspect in society, and it views life as only benefit and makes the attainment of benefit as the foundation for the relationship between men. Thus it inevitably produces nothing but perpetual misery and anxiety. As long as benefit is the basis, conflict over it will naturally increase and the reliance on force to establish relationships between people will be natural. Thus, colonisation is natural to the followers of this *haDharah* since benefit alone remains the basis of life, and any morals will be unstable. Hence, it is natural for any good morals to be shunned in life in the same way that the spiritual values were neglected, and life established upon competition, struggle, aggression and colonialism. The spiritual crisis in the people, perpetual anxiety and widespread evil all over the world today serve as glaring and oppressively clear indictments of the results of this Western *haDharah*. It has dominated the world and has led to such grave results and consequently have

constituted a great danger to the normal functioning of humanity.

A survey of the Islamic *haDarah* which dominated the world from the seventh century C.E until the end of the eighteenth century C.E reveals that it never had a colonialist policy. Indeed, colonialism is alien to Islam's nature, since it did not differentiate between the Muslims and other peoples. Thus it secured justice for all peoples who submitted to it throughout its reign. This is because it is a *haDarah* established upon a spiritual basis which fulfils all the values: materialistic, spiritual, moral, and humanitarian. The '*aqeedah*' is given the utmost importance in life, which is depicted as being governed by the commands and prohibitions of Allah ﷻ. It views happiness solely as the attainment of Allah's ﷻ pleasure. When this Islamic *haDarah* dominates again, as it did before, it will guarantee resolving the crises confronting the world and secure the welfare of the whole humanity.

The System of Islam

Islam is the *deen* revealed by Allah ﷻ upon Muhammad ﷺ to organise the relationship of man with his Creator, with himself, and with other human beings. Man's relationship with his Creator includes the '*aqaid* (creeds) and the acts of worship. Man's relationship with himself includes the moral code, diet, and clothing. Man's relationship with other humans involves societal transactions and the penal code. Hence, Islam is an ideology addressing all life affairs. It is not a theology that deals with priestly matters, whatsoever. It does away with autocracy (the dichotomy of clergy) for there is not a group called the clergy and another group called temporal. All those who embrace Islam are considered Muslims and are equal (in terms of obligation and rights) from the viewpoint of Islam. Hence there is no clergy and secular/temporal men, for its spiritual aspect means that all things are created by a Creator and organised by His order. Such a profound view of man, life and the universe and what surrounds them and what is related to them, necessarily shows that all of these are defective (*naaqis*), deficient (*a'ajiz*), and needy (*multtajj*). This confirms beyond doubt that all these are created by a Creator, governed by His commands and that man, when he proceeds in this life, needs a system to organise the satisfaction and fulfilment of his instincts and organic needs. This system cannot emanate from man as he is deficient and lacks comprehensive knowledge. Furthermore, man's ability to set such a system is subject to differences, inconsistency, and contradiction. This will produce a system full of contradiction that will lead to man's misery. The system must, therefore, come from Allah ﷻ. Thus it is obligatory that man conducts his actions according to a system from Allah ﷻ. However, if man complied with the Islamic

system based on the pursuit of the material benefit of this system and not because the system was from Allah ﷻ, it will be devoid of a spiritual aspect. Therefore, man must organise his actions in life by the commands and prohibitions of Allah ﷻ based upon his comprehension of his relationship with Allah ﷻ so that the spirit would exist when man undertake his actions. This is because spirit is man's observation of his relationship with Allah ﷻ. The mixing of matter with spirit is the presence of the comprehension of the relationship with Allah ﷻ the moment that the action is performed, so he (man) proceeds according to the commands and prohibitions of Allah, based on comprehending this relationship with Allah . An action is a matter, and the comprehension of the relationship with Allah when performing this action is spirit (*ruh*). Thus directing one's actions according to the commands and prohibitions of Allah ﷻ based on the comprehension of this relationship - is mixing matter with ruh. Accordingly, when a non-Muslim acts according to the *AHkam Shara'iah* which are derived from the Qur'an and *Sunnah*, his actions are not directed by spirit, and the mixing of matter and spirit does not exist in his actions. This is due to the fact that he did not believe in Islam and did not comprehend the relationship with Allah ﷻ. He simply appreciated the system and thus organised his actions accordingly. This is in contrast to a Muslim who undertakes his actions according to Allah's ﷻ commands and prohibitions based upon his comprehension of his relationship with Allah ﷻ and whose goal in complying with the commands and prohibitions of Allah ﷻ is attaining Allah's ﷻ pleasure and not just the benefit the system provides. Therefore, it is necessary that the spiritual aspect exists in things and that the spirit (*ruh*) exists when undertaking actions. It must be clear for all that the spiritual aspect means that the thing is created by a Creator i.e. the relationship of the created (thing) with the Creator, while the spirit is the comprehension of this relationship, i.e .man's

comprehension of his relationship with Allah ﷻ. This is the correct concept (of the spiritual aspect and of the spirit) and all other concepts are false. It is the profound and enlightened view to the universe, man, and life that has led to the correct results and to this correct concept.

Some religions have maintained that the universe has two aspects, the sensorial (*maHsoos*) and the unseen (*mughayyab*). Man also embodies both spiritual ascension and physical yearning. Life includes both the materialistic and spiritual aspects. They assume that the sensorial contradicts the unseen, and the spiritual ascension can't be together with the physical yearning, and matter is separate from the spirit. They contend that these two sides are separated from one another due to their fundamental contradiction in nature. Thus, they cannot be mixed and the increase in one leads to a deficit in the other. Consequently, those who desire in the Hereafter have to in the spiritual dimension. Based on this understanding, two authorities have arisen in Christianity, the spiritual and the temporal: "Render unto Caesar what is Caesar's and unto God what is God's". The people yielding spiritual authority into their hands, the clergy and priests, endeavoured to acquire temporal authority so as to give the spiritual authority in life preference over it. As a result, a severe conflict arose between the temporal and the spiritual authorities culminating with the church being confined to the spiritual authority and was prevented from interfering in temporal matters. Religion, was then separated from life because it is clerical.

This separation between *deen* and life is the doctrine of the Capitalist ideology. It is the basis of Western *haDarah* and the intellectual leadership which the Western colonialists call for and subsequently convey to the world. It is the main pillar of its culture. Based on this doctrine they shake the Muslims belief in Islam. They measure

Islam, by analogy, with christianity, as being both religions. Thus, anyone who carries this notion, the separation of *deen* from life is an indirect or direct agent directed by the Western intellectual leadership. He works intentionally or ignorantly as an agent of Western colonialism. He is either ignorant of the Islamic ideology or its enemy.

Islam views that objects comprehended by our senses as matter and their being created by a Creator determines the spiritual side in them. The spirit (*ruH*) is man's comprehension of his relationship with Allah ﷻ. Thus, there does not exist a spiritual aspect separated from the materialistic aspect. There is not also spiritual ascension and physical desires in man. Rather, he has organic needs and instincts which need to be satisfied. One of the instincts in man is the instinct of religiousness which means the need for the Creator, the Organiser, which results from the natural inability intrinsic in man. The satisfaction of the instincts cannot be labelled as materialistic aspect or spiritual aspect. Rather, it should be viewed only as a fulfilment. If man satisfied these organic needs and instincts in accordance with the system revealed from Allah ﷻ and in accordance with his relationship with Allah ﷻ, this satisfaction would be directed by the spirit. If the satisfaction was not based on a system or a system not revealed by Allah ﷻ, then the satisfaction will be purely materialistic and will lead to man's misery. If the instinct of reproduction (*ghareezat an-nau'*) was satisfied without a system or with a system not from Allah it would lead to misery. Whereas, if it were satisfied through the system of marriage, which is revealed by Allah ﷻ according to the *aHkam* of Islam, it would be a marriage resulting in tranquillity. If the instinct of religiousness (*ghareezat at-tadayun*) was satisfied without a system or with a system not from Allah ﷻ, such as by worshipping other human beings or idols, it would be polytheism (*shirk*) and disbelief (*kufr*). If it were to be satisfied with the *aHkam* of Islam, it would be

'*ibadah* (worship). It is therefore necessary to observe the spiritual aspect in all things and to perform all actions by following Allah's ﷻ commands and prohibitions, based on man's comprehension of his relationship with Allah ﷻ. In other words, the actions are directed by the spirit. Therefore, there are no two parts in the action. The fact is that there is only one thing which is the action. Describing the action as purely material or directed by spirit (*ruH*) does not derive from the action as such but from either being directed according to the rules (*aHkam*) of Islam or not. So, for example, when a Muslim kills his enemy in the battlefield his action is considered *Jihad* for which he will be rewarded, since it is directed by the *aHkam* of Islam. When the same person kills an innocent person, Muslim or otherwise, his action is considered a murder for which he will be punished, because it is against the commands and prohibitions of Allah's ﷻ. Both actions are the same, which is killing, and they stem from man. However, the killing would be worship when it is directed by the spirit and murder when it is not. A Muslim is thus obliged to direct his actions according to the spirit (*ruH*). Mixing of matter with spirit is not only possible, it is rather obligatory. It is not permissible to separate matter from spirit. In other words, it is not allowed to separate any action from being carried out according to the commands and prohibitions of Allah ﷻ on the basis of comprehending the relationship with Allah. Accordingly, everything that implies the separation of the spiritual aspect from the material aspect should be removed. Thus, there is no clergy in Islam, no spiritual authority in the priestly sense and no temporal authority which is separated from *deen*. Rather, Islam is a *deen* of which the State is an integral part. The State is a group of the *AHkam shar'aiah* in the same manner that the prayer is. It is the method to implement the rules of Islam and to carry the Islamic *da'wah*. Therefore, anything that confines *deen* to the spiritual sense, separating it from politics and ruling should be

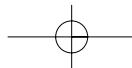
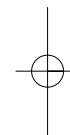
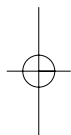
abolished. Thus all institutions established to exclusively oversee the spiritual aspects have to be abolished. So the department of mosques has to be dissolved and mosques should follow the department of education. The *Sharai'ah* courts and the civil courts must also be dissolved making the court system one and based upon Islam. After all, the authority of Islam is one.

Islam is an '*aqeedah* and system. The '*adeedah* is the belief in Allah ﷻ, His Angels, His Books, His Messengers, the Day of Judgement, and *al-QaDaâ wal Qadar*, the good and the bad are from Allah ﷻ. Islam builds the '*aqeedah*, which the mind can comprehend, on the mind. This includes the existence of Allah ﷻ, the Prophethood of Muhammad ﷺ and the Qur'an. The aspects of the '*aqeedah* which are beyond the senses (*ghayb*) such as the Day of Judgement, Angels, Paradise, and Hell, are all based upon and proved by conclusive textual evidences (*daleel naqli*) namely, the *Qur'an ul-Kareem* and the *hadith mutawatir* which are themselves built upon rational proofs. Islam has made the intellect the foundation for (legal) responsibility.

The systems are *aHkam Sharai'ah* which organise man's affairs. The Islamic system handled all of man's affairs in general form and by general meanings, enabling one to derive detailed rules from these general meanings when carrying out the implementation. Thus Qur'an and *Sunnah* include general outlines i.e. general meanings to deal with man's problems in his capacity as a human being leaving the *mujtahideen* to deduce from these general meanings partial judgements for problems that occur throughout the different times and places.

Islam has one consistent approach in solving problems. It invites the mujtahid to

thoroughly study the issue till he understands it and then to study the relevant *shar'ai* texts and finally deduce the solution for the issue from the texts. The *mujtahid* thus deduces the *Hukm shar'ai* for this question from the *shar'ai* evidences; and Islam has no use of any other method. Any issue facing man should be however studied as only a human problem. It should not be studied partially as an economic, social, political or any other type of question. It should be rather studied as a (human) question requiring *hukm shar'ai* in order to know the *Hukm* of Allah ﷻ related to it.



Hukm Shar'ai

Hukm shar'ai is the speech of the Legislator related to the actions of the servants ('ibaad). It is either conclusively proven (*qat'iy uthuboot*), such as the Qur'an and *hadith mutawatir* or inconclusively proven (*dhanniy uthuboot*) such as the non-mutawatir *hadith*. If it is *qat'iy uthuboot* and its meaning is definitive (*qat'iy udalalah*), the *hukm* will be conclusive. An example of this is the number of all prescribed *raka'ah* in *salat*, as they are mentioned in the *hadith mutawatir*. Likewise, the prohibition of *riba*, the amputation of the hand of the thief, and the lashing of the *zani* (adulterer) are conclusive rules whose correctness is definite, where there is only one single conclusively proven opinion.

If the speech of the Legislator is *qat'iy uthuboot* and does not yield a definite meaning (*dhanniy udalalah*), then the included *hukm* is inconclusive. For example, the *ayah* related to *jizyah* in the Qur'an. The *ayah* is *qat'iy uthuboot* but the meaning is not definite. The Hanafi school stipulated that it be called *jizyah* and those who are required to pay it must be in a state of humiliation when rendering payment. However, the Shafi'i school did not stipulate calling it *jizyah* and permitted *jizyah* to be called double *zakah*. They did not require for the one paying it to be humiliated, but it is enough to submit to the Islamic rules.

If the speech of the Legislator is *dhanniy uthuboot*, such as the non-mutawatir *hadith*, then the *hukm* included will not be conclusive, regardless of whether the meaning is *qat'iy udalalah* or not. For example, fasting six days in Shawwal or the prohibition of

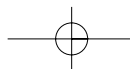
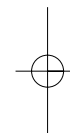
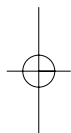
leasing agricultural land, both of which are proven through *Sunnah*.

The *hukm Shara'i* is understood from the speech of the Legislator (*Khitab Ashari*) through a correct *ijtihad*. Thus, the *ijtihad* of a mujtahid produces the *Hukm Shara'i*. Accordingly, Allah ﷻ's *hukm* for every *mujtahid* is the *hukm* that *mujtahid* arrived at through his *ijtihad* and what he most likely thinks to be correct.

It has been agreed upon amongst scholars that if a *mukallaf* (one under legal responsibility) fulfils the capacity of *ijtihad* in one question or more and makes *ijtihad* and reaches thereupon a *hukm*, he is not allowed to follow other *mujtahideen* in this issue, because it would be a *taqleed* of an opinion which is different to what is most likely correct in his opinion. The *muttab'i* is a person who has acquired some important knowledge in *ijtihad* and consequently follows the *hukm* after understanding its *daleel*. Accordingly, Allah's ﷻ *hukm* for this *muttab'i* is the opinion of the *mujtahid* whom he follows. The *'aammi* is the person who does not possess some important knowledge in *ijtihad* and hence follows the *mujtahid* without having knowledge of the *daleel* for the *hukm*. This *'aammi* has to follow the opinion of the *mujtahideen* and apply the *aHkam* they have deduced. The *Hukm Shara'i* on his part is the one deduced by the *mujtahid* whom he follows. Therefore, the *Hukm Shara'i* is the *hukm* deduced by the *mujtahid* who is qualified to practise *ijtihad*. It is Allah's ﷻ *hukm* for him, and he is not allowed to leave it to follow another opinion. It is also Allah's ﷻ *hukm* for those who follow the *mujtahid* and they are not permitted to leave it.

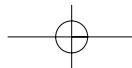
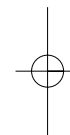
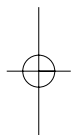
If the *muqallid* follows a *mujtahid* in a *hukm* of any issue and acts accordingly, he is not allowed to leave that *hukm* for another *mujtahid* at all. However, it is permissible for

the *muqallid* to follow the *mujtahid* in other issues, because *ijma'a as-Sahabah* permitted that a *muqallid* may ask a different 'aalim (scholar) on a different issue. If the *muqallid* assigned a certain School of Thought (*madhab*), such as the Shafi'i and committed himself to follow the entire *madhab*, then the following applies upon him: The *muqallid* is not allowed to follow any other *mujtahid* on an issue he has already practised according to the *madhab* he is following. Regarding the issues that he has not practised yet, he is allowed to follow the other *mujtahideen*. However, if a *mujtahid* reached a *hukm* on an issue through his *ijtihad*, he is allowed to abandon the result of his *ijtihad* and follow another opinion, if it means the unification of all Muslims on one opinion, as happened at the *bai'ah* of 'Uthman.



The Types of AHkam Shar'aiah

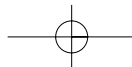
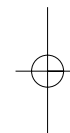
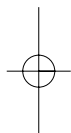
The *AHkam shar'aiah* are divided into: the *fard* (compulsory), the *haram* (prohibited), the *mandoob* (recommended), the *makruh* (undesirable) and the *Mubah* (permissible). The *Hukm shar'ai* is either an order to perform an action or to abstain from performing an action. If the order (*amr*) to perform the action is decisive (*jazim*), then it is classified as *fard* or *wajib*. Both these terms are synonymous. If the *amr* to do an action is indecisive, it is classified as *mandoob*. If the order to abstain is decisive, it is classified as *haram* or *maHzur* which are synonymous, whereas if the order to abstain is indecisive (*ghair jazim*), it is classified as *Makruh*. Thus, with the *fard/wajib*, the performer is praised and the one who abstains from it is condemned. The person who neglects to perform the *fard* deserves to be punished. The person who performs the *haram* is condemned and the one who abstains from it is praised. The person who performs the *haram* deserves to be punished. The person who performs the *mandoob* is praised and rewarded and the one who abstains is not condemned i.e. he is rewarded for performing the action and not punished for abstaining from it. The person who does not perform the *makruh* action is praised and rewarded i.e. abstaining from the *makruh* is preferable. The *mubah* is which the *daleel as-Sam'ai* (textual evidence) shows that the speech of the Legislator implies the choice between performing an action or abstaining from it.



Sunnah

Linguistically *Sunnah* means the method. However, in terms of the *Shari'ah* it designates the *nafileh* that has been narrated from the Prophet ﷺ such as the recommended *rakaat* (*rakaat as-Sunnah*) which are distinct from *fard* (compulsory). It should not be understood that the action is called *Sunnah* because it is from the Prophet ﷺ and that the *fard* is from Allah ﷻ. The *Sunnah* and the *fard* are both from Allah ﷻ; and Rasool Allah ﷺ is but a conveyor from Allah ﷻ, because the Rasool Allah ﷺ uttered not out of whims but only that which was revealed to him from Allah ﷻ i.e. wahy. Thus, although *Sunnah* is narrated from the Prophet ﷺ, nevertheless it is narrated as a recommended action i.e. *nafileh* that is why it is called *sunnah*; in the same way that the *fard* has been narrated as a compulsory action. Hence, the two compulsory *raka'at* of the dawn (*fajr*) prayer have been narrated from the Prophet ﷺ through decisive reports, known as *tawatur*, as being *fard*; and the two recommended *raka'at* of the *fajr* prayer have also been narrated through decisive reports (*tawatur*) as being *Sunnah* (*nafileh*); and both are from Allah ﷻ and not from Rasool Allah ﷺ himself. Thus the command (*amr*) is either *fard* or *nafileh* in actions of worship (*'ibadat*), and *fard*, *mandoob* or *mubaH* in other actions. In other words, *nafileh* is the same as *mandoob*, but it is called *nafileh*, and called as *Sunnah*.

The *Sunnah* also means all the *shar'ai* evidences which came from Rasool Allah ﷺ other than the Qur'an. This includes his speech, actions and consent (his silence upon actions performed before him).



Emulating (at-tassi) the Actions of the Messenger ﷺ

The actions performed by the Prophet ﷺ are of two kinds; the actions that are part of his human nature and other actions. Every action that is part of his nature, such as standing, sitting, drinking, and eating etc. are indisputably permitted (*mubah*) for both him and his *Ummah*. Consequently, they do not fall within the category of actions of the *mandoob*.

Those actions which are not part of his human nature are either of the actions that are proven to be specifically personal to him i.e. they are not practised by anyone else, or they are not personal to him. Those actions which are proven to be specifically personal to the Prophet ﷺ, such as the permission for him to fast continually through the day and night, and to marry more than four wives etc. are specific to him and it is *haram* for us to emulate him as it has been proven by *Ijma'a* that they are only specific to him, and thus we are not permitted to emulate him in these actions.

Those actions known to be demonstration for us to follow are indisputable *daleels* (evidences). They are known by either a quite explicit statement, such as:

((صَلُّوا كَمَا رَأَيْتُمُونِي أُصَلِّي))

"Pray the same as you have seen me pray", and

((خُذُوا عَنِّي مَنَاسِكَكُمْ))

"Emulate me in all your rituals".

The evidence here denotes that his action is demonstration for us to follow. Or they are known by a circumstantial evidence, such as amputating the hand of a thief from the wrist bone as an explanation of Allah's ﷻ saying

فَاقْطِعُوا أَيْدِيَهُمَا نَالَةٌ 38

"Cut off their hands". [Al-Ma'idah: 38]

This explanation of his action, either by speech or circumstantial evidences, takes the same *Hukum* of that which is explained in terms of *Wojooob*, *Nadb* or *IbaHah* according to the evidence.

As for those actions of the Prophet ﷺ which are not accompanied either by a negation or affirmation from the Prophet ﷺ, they either show the intention of qurbah (nearness to Allah ﷻ) or not. If they show the intention qurbah they become *mandoob*, where the performer is rewarded for performing it and the abstainer is not punished. An example of this kind is the *Sunnah* of *duHa*. However, if the intention of qurbah to Allah ﷻ is not evident, they fall within the permissible actions (*mubaH*).

Adopting Divine Rules (*AHkam Shar'aiah*)

During the era of the Companions (*sahabah*), the Muslims used to extract the *AHkam shar'aiah* from the Book and the *Sunnah* by themselves. The judges, when tackling the disputes among people, would deduce by themselves the *hukm shar'ai* for every issue or event that they were faced with. The rulers, starting with the *Ameer al-Mu'mineen* to the *Wulat* and others, would themselves deduce the *AHkam shar'aiah* to solve every problem that arose during their ruling. Abu-Musa al Ash'ari and *ShuraiH* (raa) were two judges (*qadi*) who deduced the rules (*AHkam*) and judged by their own *ijtihad*. Mu'adh ibn Jabal (r.a) was a governor (*wali*) at the time of the Prophet ﷺ and used to deduce *aHkam* and ruled in his *wilayah* by his own *ijtihad*. Abu Bakr and Umar (ra) both deduced *aHkam* by themselves during their ruling and both ruled the people with the *ijtihad* each of them had deduced. Muawiya and Amr ibn al 'Aas were two governors who deduced *aHkam* for themselves by their own *ijtihad* and ruled people in accordance with it in their provinces. In spite of the *ijtihad* undertaken by the judges and governors, the *Khaleefah* used to adopt certain *aHkam* and to order their execution by the people who would be obliged themselves to implement the adopted rules and to leave their own opinion and *ijtihad* on those rules. This is because the *hukm shar'ai* states that the *Imam's* decree is to be executed openly and covertly. Examples of this is Abu Bakr's adoption that the pronouncement of divorce three times in one sitting constitutes only one divorce, and his adoption that funds should be equally distributed among Muslims irrespective of the time when they embraced Islam or any other matter. The Muslims followed Abu Bakr in these adoptions and the

judges and governors executed them. When 'Umar came to office after him he adopted different opinions in the same questions. He obliged people to accept and execute the pronouncement of divorce three times in one sitting as three divorces, and he distributed the funds differently according to the time when the people had entered Islam and according to need. The Muslims followed 'Umar in these adoptions and the judges and governors executed them. 'Umar also made the adoption that land obtained in war was a *ghanima* owned by the *Bait ul Mal* (House of Funds), wherein the original owners would retain possession and not distribute the land to the Muslim soldiers or the Muslims. The governors and judges followed him in this adoption and enacted the *aHkam* he had adopted. Accordingly, the consensus of the Companions (*ijma'a as-sahabah*) confirms that the *Imam* has the authority to adopt certain rules and order that they be executed and the Muslims must obey him, even if their *ijtihad* differs from it. Among the well known *shar'aiah* principles are:

(لِلسُّلْطَانِ أَنْ يُحْدِثَ مِنَ الْأَقْضِيَةِ بِقَدَرِ مَا يُحْدِثُ مِنْ مُشْكَلَاتٍ)

"The Sultan has the right to adopt decrees as numerous as the actual problems";

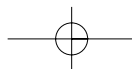
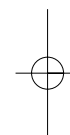
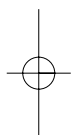
(أَمْرُ الْإِمَامِ يَرْفَعُ الْخِلَافَ)

"The Imam's decree resolves the discord"; and

(أَمْرُ الْإِمَامِ نَافِذٌ ظَاهِرًا وَبَاطِنًا)

"The Imam's command is executed openly and covertly".

Henceforth, the *Khulafa'a* adopted specific *AHkam*. Haroon ar-Rasheed, for example, adopted the book *Kitab al-Kharaj* in the economic affairs, and he obliged all the people to execute the *AHkam* included within it.



Constitution and Canon

Canon is a foreign technical term which means the decree issued by the ruler for people to enact. It has been defined as "the group of principles which the ruler obliges the people to enact in their relationships". The basic law for every government is called a constitution; whereas law which emanates from the system decreed by the constitution, is called a canon. 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 organises public authority, i.e. the government, defines its relationship with its subjects, and assigns both the State's rights and duties towards the subjects and the subject's duties and rights towards the State. Constitutions have different origins. Some have been issued in the form of a canon, and some have arisen through customs and norms, such as the British constitution, while others have been drafted by a committee of a national assembly - vested with the authority at that time - which passed the constitution, defined the procedure for revising it and then dissolved itself so as to be replaced by the authority established by the constitution, as happened in America and France. Constitutions and canons are taken from two sources. The first being the source from which they directly originate, such as norms, religion, the opinions of jurists, court precedents and the principles of justice and equity. This is known as the legislative source. Examples of this type of constitution are some of the Western states like Britain and America. The second is a historical source, i.e. the source from which the constitution or canon emerges or is taken, like the French Constitution and the constitutions of some of the states in the Islamic world, like Turkey, Egypt, Iraq and

Syria.

This is but a brief definition of the terms constitution and canon, which in sum means, that the State takes certain rules from either legislative or historical sources which it adopts and enacts, such that thereafter the rules adopted by the State become a constitution, if they are general, or canons if they are specific.

The question that now faces the Muslims is whether or not it is permissible to use these terms? The answer to this question is that if foreign terms contain meanings or logical connotations that contradict the terminology of Muslims, they are prohibited for use: such as the term "social justice", which implies a specific system that is manifested in the form of guaranteeing education, medical care for the poor and guaranteeing the rights of employees and workers. This connotation contradicts the Muslims terminological meaning for justice, because in Islam justice ('*adl*) means the opposite of injustice (*DHulm*). As for securing of education and medical care it is a right for rich and poor, and protecting the rights of the weak and needy is a right secured to all those who hold citizenship of the Islamic State, whether they are employees, labourers or farmers etc. However, if the meaning of the terminology is consistent with what the Muslims have then it is permissible to use that term, such as the term tax, which means the funds collected from the people for the management of the state. The Muslims do have funds collected by the State for the management of their affairs and, thus, it is correct to use the term tax. The terms constitution and canon mean that the state adopts certain rules, announces them to the people and obliges them to act according to them and it governs them on their basis. This meaning is consistent with Islam. Accordingly, we do not find anything to prevent the use of the terms constitution and canons, which means the rules adopted by the

Khaleefah from the *AHkam shar'ayah*. However, there is a difference between the Islamic constitution and canons, on the one hand, and other constitutions and canons, on the other. The source of the other constitutions and canons is the traditions and verdicts of their courts etc. and the origin is an institutional committee which lays down the constitution, and councils elected by the people to enact canons, for they consider the people to be the source of authority and sovereignty. As for the Islamic constitution and canons, their source is the Qur'an and *Sunnah* only, and their origin is the *ijtihad* of the *mujtahideen* from which the Khaleefah adopts certain rules, where he enacts them and obliges the people to act according to them. This is because sovereignty is for the *shar'ayah* and *ijtihad* is a right for all Muslims and a *fard kifayah* upon them to deduce *AHkam shar'ayah*. Only the Khaleefah has the right to adopt the *AHkam shar'ayah*.

This is with respect to the permissibility of using the terms constitution and canon. As for the necessity of adopting rules, the Muslims, from the time of Abu Bakr (ra) up to the time of the last Khaleefah, have seen the necessity of adopting rules according to which the Muslims have been commanded to act. This adoption was for specific rules and not a comprehensive adoption of all the decrees that the state ruled with. The State only adopted comprehensively in some eras, namely, when the Ayubites adopted Ash-Shafi'i madhab and when the Uthtmani State adopted Al-Hanafi madhab.

The question which arises is, whether or not it is in the interest of the Muslims to lay down a comprehensive constitution and general canons? The answer to this question is that the presence of a comprehensive constitution and general canons for all rules hinders creativity and *ijtihad*. Hence, the *Khulafa'a* in the age of the Companions

(*Sahabah*), the followers of the Companions (*tabe'ieen*), and the followers of the followers of the Companions (*tab'ii et-tabe'ieen*), avoided adopting all the rules. They merely restricted adoption to specific rules where adoption was required to maintain the unity of ruling, legislation and administration. Therefore, for the sake of maintaining creativity and *ijtihad*, it is preferable for the State not to have a comprehensive constitution which includes all the rules, but rather a constitution that includes general rules which define the form of the State and which guarantees the continuity of its unity, and leaves *ijtihad* and deduction to the governors and judges. This is the case if *ijtihad* is feasible and people are *mujtahideen* as in the time of the *Sahabah*, *tabe'ieen*, and *tab'ii et-tabe'ieen*. But if all the people are *muqallideen*, and *mujtahideen* are rare, it is obligatory for the State to adopt rules by which the State, i.e. the Khaleefah, wulah and judges govern the people. This is because otherwise ruling by what Allah ﷻ has revealed would be not easy and the governors and judges will suffer from differences and contradicting *taqleed*. However, adoption should come after studying the subject matter and *daleel*. Allowing the wulah and judges to rule from their own knowledge will lead to the existence of different and contradicting rules within the same state, even in the same province, and it could even lead to them judging with other than what Allah ﷻ has revealed. Therefore, because the ignorance of Islam prevails these days, it is obligatory for the Islamic State to adopt certain rules confined to the transactions and punishments, excluding adoption in '*aqeedah* and the '*ibadat*. This adoption should be inclusive for all the rules so as to punctuate the state's affairs and to conduct all the affairs of the Muslims in accordance with the rules of Allah ﷻ. When the state adopts the rules and establishes the constitution and canons, it must restrict itself solely to the *AHKam shar'aiah*. It must not adopt, or even study, anything other than the *AHKam shar'aiah*, whether it agrees with Islam or not. For

example, it must not adopt the nationalisation of property. Instead, it must lay down the rule (*hukm*) of public property. The state has to restrict itself by the *AHkam shar'aiah* in every matter connected with the thought (*fikrah*) and the method (*Tareeqah*). But as for the canons and systems that are not connected with the *fikrah* and method (*Tareeqah*) and thus do not denote a certain view point of life, such as the administrative canons and departmental structures etc. they are considered to be means and styles, like the sciences, industries and technology, which the state may adopt to manage its affairs, as happened with Umar ibn al-Khattab (ra) when he established the army registers (*divans*) which were taken over from the Persians. These administrative and technical matters are not part of the constitution or the *AHkam shar'aiah* and, therefore, are not included in the constitution. Thus, the duty of the Islamic State is to observe that its constitution be *AHkam shar'aiah* i.e. that its constitution and canon be Islamic. When it adopts any rule it has to adopt it based on the strength of the *daleel shar'ai* with the correct understanding of the subject matter. Hence, first it has to study the problem in order to understand it - because understanding the problem is essential. It must then understand the *hukm shar'ai* related to this problem. Then it has to study *daleel* of the *hukm shar'ai*. The state then adopts this rule, based on the strength of *daleel*, on condition that these *AHkam shar'aiah* are adopted either from the opinion of one of the *mujtahids* - after looking through the *daleel* and be sure of its strength - or through *ijtihad shar'ai*, even in the single issue, from the Qur'an and *Sunnah*, *ijma'a as-sahabah*, or *qiyas*. Thus, for example, if the State wished to adopt forbidding insurance on goods, it has first to understand the nature of insurance on goods. It must study the means of possession. Allah's ﷻ law concerning property would be applied on insurance and this would subsequently be adopted as the *Hukm shar'ai* in this question. Accordingly, there should be an introduction to the constitution and to each canon that clearly explains the *madhab*

from which each article has been deduced, the *daleel* relied upon. If the article was deduced by a correct *ijtihad*, an explanation of the *daleel* from which the article has been deduced has to be provided, so that the Muslims know that the rules which the state has adopted in the constitution and canons are *AHkam shar'aiah* reached by correct *ijtihad*. This is because the Muslims are not obliged to obey the laws of the State unless they are *AHkam shar'aiah* adopted by the State. According to this basis, the State adopts *AHkam shar'aiah* in the form of a constitution and canons in order to govern the people who hold its citizenship.

As an illustration of this, we place in the hands of Muslims a draft constitution for the Islamic State in the Islamic world, to be studied by Muslims while they are working to establish the Islamic State that will carry the Islamic *da'wah* to the world. It should be noticed that this constitution is not meant for a particular country or intended to be specific to any region or country but for the Islamic State in the Islamic world.

A Draft Constitution

GENERAL RULES

Article 1

The Islamic creed (*'aqedah*) constitutes the foundation of the State. Nothing is permitted to exist in the government's structure, accountability, or any other aspect connected with the government, that does not take the creed as its source. The creed is also the source for the State's constitution and *shar'ai* canons. Nothing connected to the constitution or canons, is permitted to exist unless it emanates from the Islamic *'aqedah*.

Article 2

The domain of Islam (*Dar al-Islam*) is that entity which applies the rules of Islam in life's affairs and whose security is maintained by Muslims. The domain of disbelief (*Dar al-Kufr*) is that entity which applies the rules of *kufr* and whose security is maintained by the *kuffar*.

Article 3

The Khaleefah is empowered to adopt divine rules (*AHkam Shari'ah*) enacted as constitution and canons. Once the Khaleefah has adopted a divine rule, that rule, alone, becomes the divine rule that must be enacted and then implemented. Every citizen must openly and secretly obey that adopted rule.

Article 4

The Khaleefah does not adopt divine rules pertaining to worship, i.e. *'ibadat*, except in connection with alms (*zakah*) and war (*jihad*). Also, he does not to adopt any of the thoughts connected with the Islamic creed.

Article 5

All citizens of the Islamic State are entitled to enjoy the divine rights and duties.

Article 6

All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or caring of affairs.

Article 7

The State implements the divine law on all citizens who hold citizenship of the Islamic State, whether Muslims or not, in the following manner:

- a. The divine law is implemented in its entirety, without exception, on all Muslims;
- b. Non-Muslims are allowed to follow their own beliefs and worships.
- c. Those who are guilty of apostasy (*murtad*) from Islam are to be executed according to the rule of apostasy, provided they have themselves renounced Islam. If they are born as non-Muslims, i.e., if they are the sons of apostates, then they are treated as non-Muslims according to their status as being either polytheists (*mushriks*) or People of the Book.

- d. In matters of food and clothing the non-Muslims are treated according to their religions within the limits allowed by *AHKam Shara'iah*.
- e. Marital affairs, including divorce, among non-Muslims are settled in accordance with their religions, but between non-Muslims and Muslims they are settled according to the divine law.
- f. All the remaining *Shara'iah* matters and rules, such as: the application of transactions, punishments and evidences (at court), the system of ruling and economics are implemented by the State upon everyone, Muslim and non-Muslim alike. This includes the people of treaties (*muâaahid*), the protected subjects (*ahlu zimmah*) and all who submit to the authority of Islam. The implementation on these people is the same as the implementation on the subjects of the State. Ambassadors and envoys enjoy diplomatic immunity.

Article 8

The Arabic is the language of Islam and the sole language of the State.

Article 9

Ijtihad (personal exertion to derive the Islamic rule) is *fard kifayah* (a collective duty). Every Muslim has the right to exercise *ijtihad* if he has acquired the necessary conditions to perform it.

Article 10

There is no such thing as a clergy in Islam as all Muslims bear the responsibility for Islam. The State will prevent anything that signifies the existence of a clergy among

Muslims.

Article 11

The primary function of the State is the propagation of the invitation (*dâwah*) to Islam.

Article 12

The only evidences to be considered for the divine rules (*AHkam Shara'iah*) are: the Qur'an, the *Sunnah*, the consensus of the Companions (*ijmaâ as-sahabah*) and analogy (*qiyas*). Legislation cannot be taken from any source other than these evidences.

Article 13

Every individual is innocent until proven guilty. No person shall be punished without a court sentence. Torturing is absolutely forbidden and whoever inflicts torture on anyone shall be punished.

Article 14

All human actions are, in origin, restricted by the divine rules (*AHkam Shari'ah*), and no action shall be undertaken until its rule (*hukm*) is known. Every thing or object is permitted, i.e., *halal*, unless there is an evidence of prohibition.

Article 15

Any means that most likely leads to a prohibition (*haram*) is itself *haram*. However if it is (only) feared to lead (to a prohibition) it would not be *haram*.

THE RULING SYSTEM

Article 16

The ruling system of the State is that of a unitary ruling system and not a federation.

Article 17

Ruling is centralised and administration is de-centralised.

Article 18

There are four positions of ruling in the State. They are: The Khaleefah , the delegated assistant (*moâawin*), the governor (*wali*), the mayor (*a'mil*)
All other officials of the State are employees and not rulers.

Article 19

Nobody is permitted to take charge of ruling, or any action considered to be of the nature of ruling, except a male who is free, i.e., not a slave, mature, sane, trustworthy (*'adl*) , competent; and he must not be save a muslim.

Article 20

Calling upon the rulers to account for their actions is both a right for the Muslims and a *fard kifayah* (collective duty) upon them. Non-Muslim subjects have the right to make known their complaints about the rulers injustice and misapplication of the Islamic rules upon them.

Article 21

Muslims are entitled to establish political parties to question the rulers and to access

the positions of ruling through the nation (*Ummah*) on condition that the parties are based on the creed of Islam and their adopted rules are *AHKam Shari'ah*; the establishment of such a party does not require a license by the State. Any party not established on the basis of Islam is prohibited.

Article 22

The ruling system is founded upon four principles. They are:

1. Sovereignty belongs to the divine law (*shar'a*) and not to the people;
2. Authority belongs to the people, i.e., the *Ummah*;
3. The appointment of one Khaleefah into office is an obligation upon all Muslims;
4. Only the Khaleefah has the right to adopt the *AHKam Shari'ah* and thus he passes the constitution and the various canons.

Article 23

The State system is made of eight institutions. They are:

1. The Khaleefah
2. The delegated assistant (*mu'awin at-tafweeD*)
3. The executing assistants (*mu'awin at-tanfeedh*)
4. Amir of *jihad*
5. Governors (*Wulah*)
6. Judges
7. The state departments
8. The council of the *Ummah* (*majlis al-Ummah*)

THE KHALEEFAH

Article 24

The Khaleefah is deputised by the *Ummah* with authority for the enactment of the divine law.

Article 25

Khilafah is a contract of nomination and acceptance. No-one is obliged to accept it and no-one is obliged to nominate a particular person for it.

Article 26

Every mature male and female Muslim, who is sane, has the right to participate in the election of the Khaleefah and in giving him the pledge (*ba'iah*). Non-Muslims have no right in this regard.

Article 27

Once the contract of the Khilafah has been concluded on a person through the *ba'iah* of those by whom the *ba'iah* is legitimately concluded, the *ba'iah* of the remaining people is a *ba'iah* of obedience and not contract. Consequently, those who might disobey or rebel are obliged to give *ba'iah*.

Article 28

Nobody can become Khaleefah without being appointed by the Muslims. Nobody can hold the power of the Khilafah unless it is conveyed to him legitimately, as is the case with any contract in Islam.

Article 29

Any country which wishes to give the Khaleefah the *ba'iah* of contract, her *sultan* (authority) must be self-acting , that depends on muslims only and not on any *kafir* state. The security of the Muslims in that country, both internally and externally, must be maintained by the security of Islam and not *kufir*.

As for the *ba'iah* of obedience only it can be taken from any other country without such conditions.

Article 30

The individual who is given the *ba'iah* for Khilafah need only to fulfill the contracting conditions, even if he did not fulfill the preference conditions, because what is essential is the conditions of contracting.

Article 31

There are seven conditions needed in the Khaleefah so as Khilafah be contracted to him. They are to be a male, muslim, free, mature, sane, '*adl* (trustworthy) and competent (capable for the post).

Article 32

If the post of the Khaleefah becomes vacant, due to death, resignation or dismissal of the appointment of a new Khaleefah must take place within three days including their nights of the date when it became vacant.

Article 33

The Khilafah is to be appointed in the following manner:

- a. The Muslim members of the *Majlis al-Ummah* short-list the candidates for that post. Their names are subsequently announced and the Muslims are asked to elect one person from them.
- b. The result of the election is announced and the person who has attained the majority of the votes is to be announced to the Muslims.
- c. The Muslims must hasten to give *ba'iah* to the one who has attained the majority of votes as a Khaleefah for muslims , on the condition of following the Qur'an and the *Sunnah* of Rasool Allah ﷺ.
- d. Once the *ba'iah* has been accomplished, the name of the man who has become the Khaleefah along with a statement that he is qualified with all the agreement conditions necessary for holding the office of Khilafah is announced to the people so that the news of his appointment reaches the entire *Ummah*.

Article 34

The *Ummah* is the authority to appoint the Khaleefah but she has no right to dismiss him after he has legitimately attained the *ba'iah* of contracting.

Article 35

The Khaleefah is the State. He possesses all the powers/function of the state; so he possesses the following powers:

- a. The Khaleefah puts the *AHkam Shara'iah*, once he adopted them, into law, and as such they become canons that must be obeyed and not violated.

- b. The Khaleefah is responsible for both the internal and external policies of the State. He takes charge of the leadership of the army and has the right to declare war, conclude peace, armistice, and treaties.
- c. The Khaleefah has the authority to accept and reject foreign ambassadors, and to appoint and dismiss Muslim ambassadors.
- d. The Khaleefah appoints and dismisses the assistants (*mâawin*) and the governors (*wulah*). The assistants and governors are responsible to the Khaleefah as well as to *Majlis al-Ummah*.
- e. The Khaleefah appoints and dismisses the chief judge, the directors of departments, the heads of the armed forces and the generals; all of whom are responsible to the Khaleefah and not to the *Majlis al-Ummah*.
- f. The Khaleefah adopts the *AHkam Shara'iah* by which the State's budget is set. The Khaleefah decides its sections and the funds required for every field, whether they are related to revenue or expenditure.

Article 36

The Khaleefah is restricted in what he adopts by the *AHkam Shara'iah*. He is forbidden to adopt any rule that is not soundly deduced from the divine texts. He is restricted to the rules he has adopted and to the method for deduction that he has chosen. Accordingly, he is prevented from adopting a rule deduced by a method that contradicts the method he has adopted, and he must not enact any command that contradicts the rules he has adopted.

Article 37

The Khaleefah has the absolute right to conduct the citizens affairs according to his *ijtihad*, so he has the right to adopt of the mubah matters anything he wants to run the State affairs and to look after the affairs of the citizens. However, he is not allowed to disagree with a *Hukm shara'i* under the name of interest. For example; he cannot prevent a family from having more than one child under the pretext of the shortage in food-stuffs. Nor can he fix prices on the pretext of preventing exploitation; or appoint a *kafir* or a woman as a wali on the pretext of caring for affairs or the interest, nor anything that disagrees with *shar'a* rules. The Khaleefah must not forbid any *halal* thing or allow any *haram* thing.

Article 38

There is no limitation on the Khaleefah's period in office. So as long as he abides by the *shar'a*, implements its rules and is able to manage the State's affairs, he continues as a Khaleefah unless his situation changes in such a way as to discharge him from the office of Khilafah. He is to be dismissed immediately, once such situation occurred.

Article 39

There are three matters by which the situation of the Khaleefah changes, and by such he is discharged from the office of Khilafah. They are:

- a. If one of the qualifying conditions of the Khilafah contract becomes void, such as apostatising from Islam, insanity or manifest sinfulness (*fisq*) and the like. This is because these are conditions for contracting the Khilafah and for its continuity.
- b. His inability to undertake the responsibilities of the Khilafah post, for any reason.

c. In the event of sub-dual, whereby the Khaleefah is rendered unable to conduct the affairs of the Muslims by his own opinion according to the *shar'a*. If the Khaleefah is subdued by any force to an extent that he is unable to manage the citizens affairs by his own opinion alone according to the rules of *shar'a*, he is considered to be legitimately incapable of undertaking the functions of the state, and thus he ceases to be a Khaleefah. This situation may arise under two circumstances. They are: First. When one, or more, of the Khaleefah's entourage exerts control over the management of affairs. If there is a chance that the Khaleefah could rid himself of their dominance he is cautioned for a specified period of time, after which, if he fails to rid himself of their dominance, he must be dismissed. If it appears that there is no chance of the Khaleefah freeing himself from their dominance, he is to be dismissed immediately.

Second. Should the Khaleefah be captured by a subduing enemy, whether he is actually captured or under its influence. In this case the situation is to be examined; if there is a chance to rescue the Khaleefah, he is given a period of time until it appears that there is no hope to rescue him, after which he is dismissed. Should it appear from the outset that there is no hope of rescuing him, he is to be dismissed immediately.

Article 40

The responsibility of deciding whether or not the Khaleefah's situation has altered in such a way as to warrant his dismissal is the prerogative of the Court for the Acts of Injustice (*mahkumat ul-maDHalim*). It, alone, has the authority to admonish or dismiss the Khaleefah.

DELEGATED ASSISTANT

mu'awin ut-tafweeD

Article 41

The Khaleefah appoints an assistant delegated with the authority to assist him in undertaking the responsibility of ruling. He deputises to him to manage affairs with his own point of view and *ijtihad*.

Article 42

The delegated assistant must be qualified with the same essential qualifications of the Khaleefah, viz., male, free, Muslim mature, sane, and '*adl* (trustworthy). Additionally he must be competent in the tasks for which he is deputised to undertake.

Article 43

The appointment of the delegated assistant must entail both deputation and a general responsibility. Thus, in the appointment of the assistant, the Khaleefah must pronounce a statement to the effect of "I appoint you on my behalf as my deputy" or any other statement that confers both deputation and general responsibility. Unless the delegated assistant is appointed in this manner he would not be a delegated assistant nor hold the authority of a delegated assistant.

Article 44

The function of the delegated assistant, so as to distinguish between him and the Khaleefah in his authority, is to inform the Khaleefah of the matters he has managed and the appointments and delegated duties he has implemented. Therefore, the function of the delegated assistant is to inform the Khaleefah of his analysis and,

unless the Khaleefah prevents him, to carry it out.

Article 45

The Khaleefah has to examine the actions and dispositions of the delegated assistant so as to confirm what is sound and to adjust that which is wrong. This is because the management of the *ummah's* affairs is entrusted to the Khaleefah and subject to his own *ijtihad*.

Article 46

Once the delegated assistant has managed a matter with the agreement of the Khaleefah, he has the right to carry it out - as acknowledged - without any alteration. If the Khaleefah revises the matter and objects to what the delegated assistant has executed, the following considerations apply: If the Khaleefah has objected to what the delegated assistant has carried out in regard to a rule implemented soundly, or a fund spent justly, then the view of the delegated assistant must be enacted. This is because it is originally the view of the Khaleefah and the Khaleefah must not redress laws that he has implemented and funds that he has spent. However if the delegated assistant has implemented something else, such as the appointment of a wali or the equipping of the army, then the Khaleefah has the right to object and to overrule the decision of the delegated assistant. This is because the Khaleefah has the right to redress his own decisions in such cases and hence those of the delegated assistant.

Article 47

The delegated assistant has a general deputation and therefore he must not be assigned to specific departments or specific types of action. He undertakes general supervision of the administrative system but not undertakes administrative matters.

EXECUTION ASSISTANT

mu'awin ut-tanfeedh

Article 48

The Khaleefah appoints an execution assistant whose function is administrative and not ruling. His duty is to execute the instructions of the Khaleefah in both the internal and external affairs of the State and to relay to the Khaleefah what is received from these areas. This administration office is a medium between the Khaleefah and others, i.e. it executes instructions on his behalf and hand over reports to him.

Article 49

The execution assistant must be a Muslim because he is one of the Khaleefah's entourage.

Article 50

The execution assistant is always in direct contact with the Khaleefah the same way the delegated assistant is. The execution assistant is considered an assistant but in execution instead of ruling.

AMIR OF JIHAD

Article 51

The directorate of the Amir of *jihad* consists of four departments, they are: External affairs, The military, The internal security, and Industry. The *Amir* of *jihad* is the supervisor and director of all four departments.

Article 52

The Department of External Affairs directs the foreign affairs connected with the relationship of the state with foreign countries, whatever these affairs.

Article 53

The Military Department oversees all affairs connected with the military forces, such as: the army, the police, equipment, tasks, armament supplies, etc. It also includes control of the military academies, military missions, and everything deemed necessary from the Islamic culture and the culture of the army and whatever is related to warfare and its preparation.

Article 54

The Department of Internal Security oversees everything connected with security . It undertakes maintaining security in the country by means of the military forces, and uses the police as a means to maintain security.

Article 55

The Department of Industry directs all affairs connected with industry, including heavy industry, such as the production of motors, engines and car bodies; metallurgical industries, electronics and light industry; and factories of private and public ownership connected with the military industry. All factories of whatever type should be established on the basis of the military policy.

THE ARMY

Article 56

Jihad is a compulsory duty (*farD*) on all Muslims. Military training is therefore compulsory. Thus, every male Muslim, fifteen years and over, is obliged to undergo military training in readiness for *jihad*. Conscription, however, is *farD kifayah*.

Article 57

The army is divided into two parts: the regulars, who are paid salaries from the State's budget as employees, and the reserves, who comprise all the Muslims capable of fighting.

Article 58

The military forces are one force which is the army from which certain divisions are selected and organised in a particular way and provided with a certain culture, these are called police (*shurTah*).

Article 59

The police are authorised to protect public order, supervise internal security and to perform all execution duties.

Article 60

The army possesses flags and banners; the Khaleefah gives the flag to whomever he appoints as a leader of the army, the banners are introduced by the brigadiers.

Article 61

The Khaleefah is the leader of the army, he appoints the commander-in-chief, a general for each brigade and a commander for each division. The Brigadiers and commanders appoint the remaining ranks of the army. Members of the general staff are appointed according to their military culture, and are appointed by the general chief of staff.

Article 62

The army comprises one army located in specific camps. Some of these camps must be located in different provinces (*wilayat*) and strategic locations, and some must remain permanently mobile fighting forces. The camps are organised in numerous groups, each one of which is given a number as a name, such as the first army, the third army or can be named after a province (*wilayah*) or district (*imalah*).

Article 63

It is necessary to provide the army with the highest possible level of military education and to elevate its intellectual level as far as possible, and to provide every member in the army with the Islamic culture that enables him to have a general awareness of Islam.

Article 64

Each camp should have a sufficient number of officers of the general staff who have attained the highest level of military knowledge and experience in devising plans and directing battles. The army, as a whole, should have as many officers of the general staff as possible.

Article 65

It is necessary to provide the army with all the required armaments, supplies and equipment so as to fulfill its task as an Islamic army.

JUDICIARY

QADAAA

Article 66

Judgeship is the pronouncement of the verdict in a binding way. It settles the disputes among people, prevents that which harms the community's rights and eliminates the disputes arising between people and members of the ruling apparatus - rulers and employees - including the Khaleefah and those of lesser rank.

Article 67

The Khaleefah is to appoint a chief judge authorised to appoint, discipline, and dismiss judges within the administrative regulations. The chief judge must be a mature Muslim male who is sane, just and a jurist. The remaining employees of the courts come under the domain of the directorate that administers the court's affairs.

Article 68

There are three types of judges. They are:

1. The judge who settles the disputes among people in transactions and punishments;
2. The *muhtasib* who settles the violations of the community's rights; and
3. The judge of the Court for the Unjust Acts (*maHkamat ul-maDHalim*) who settles disputes between people and officials of the State.

Article 69

All judges must be qualified by being Muslim, mature, free, sane, 'adl, and a jurist being aware of how to apply rules to incidents. Judges of *maHkamat ul-maDHalim* must additionally be qualified with being male and a *mujtahid*, i.e., a person capable of making *ijtihad*.

Article 70

The judge and the muhtasib may be given a general appointment to pronounce judgement on all problems throughout the State, or alternatively they can be given an appointment to a particular location and to give judgement on particular cases. On the other hand, the judge of the *maHkamat ul-maDHalim* must be given a general appointment to pronounce judgement on all problems, but in terms of location he may be appointed to a particular location or all over the State.

Article 71

The courts should be comprised of only one judge who has the authority to pronounce verdict. One or more judges are however permitted to accompany him with only the authority of advising and assisting. They have no authority to pronounce verdict and their opinion is not binding on the judge who has the sole authority to give judgement.

Article 72

The judge cannot pronounce verdict except in a court session. Evidence and oaths are not considered except in a court session as well.

Article 73

It is permissible to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades, and other courts authorised to judge the other cases.

Article 74

There are no courts of appeal or cassation, because all judgements are of equal standing. Thus, once the judge has pronounced the verdict it becomes effective and no other judge's decision can overturn it, unless he judged with other than Islam, disagreed with a definite text in the Qur'an, *Sunnah* or *Ijma'a as-sahabah* or it appeared that he judged in contradictory to a true reality.

Article 75

The *muhtasib* is the judge who investigates all cases, in the absence of an individual litigation, involving the rights of the public that are non-criminal and not involving the *hudud* (i.e., the punishments.)

Article 76

The *muhtasib* has the authority to judge upon violations, wherever is the location one he acquired knowledge of these violations without the need to hold a court session. A number of policemen are put at the muhtasib's disposal to carry out his orders and to execute his verdicts immediately.

Article 77

The *muhtasib* has the right to appoint deputies to himself, that possess the same qualifications as the *muhtasib*, and to assign them to various locations where they

exercise the same authority as the *muhtasib* in the location and the cases assigned to them.

Article 78

The judge of the *maHkamat ul-maDHalim* is appointed to remove all unjust acts, committed by the Khaleefah, governor(s), or any official of the State, that have been inflicted upon anyone - whether that person is a citizen or not - living in the domain of the State.

Article 79

Judges in the *maHkamat ul-maDhalim* of Injustice are appointed by the Khaleefah or the chief judge. As for their accounting, disciplining and dismissal, this is carried by the Khaleefah, the *maHkamat ul-maDHalim* or the chief judge if authorised by the Khaleefah to do so. However, it is not allowed to dismiss him during his investigation in an unjust act against the Khaleefah, *mua'win ut-tafweeDH* or the chief judge.

Article 80

There is no limit on the number of judges that can be appointed for the Unjust Acts. The Khaleefah can appoint as many as he may deem necessary to eradicate the unjust acts. Although it is permitted for more than one judge to sit in a court session, only one judge has the authority to pronounce a verdict. The other judges only assist and provide advice, and their advice is not binding on the judge authorised to pronounce the verdict.

Article 81

The *maHkamat ul-maDHalim* has the authority to dismiss any ruler, governor and

official of the State, including the Khaleefah.

Article 82

The *maHkamāt ul-maDHalim* has the authority to investigate any case of iniquity, whether it be connected with officials of the State, the Khaleefah's deviation from the divine rules, interpretation of the legislative texts in the constitution, canons and divine rules within the framework adopted by the Khaleefah or the imposition of a tax, etc.

Article 83

The judicature of the Unjust Acts is not restricted by a court session or the request of the defendant or the presence of the plaintiff. It has the authority to look into any case of injustice even if there is no plaintiff.

Article 84

Everyone, both defendant and plaintiff, has the right to appoint a proxy, whether male or female, Muslim or not, to act on his or her behalf. There is no distinction in this matter between the mandator and the proxy. The proxy has the right to be appointed on a salary according to the terms agreed upon between the mandator and his or her proxy.

Article 85

It is permitted for the one who holds office, such as the Khaleefah, *wali*, official, muhtasib and judge of the Court for the Unjust Acts, or persons who have been vested with a specific responsibility, like a custodian or guardian, to appoint a person to his position as a proxy - within the bounds of his authority - for the purpose of

appearing on his/her behalf as the plaintiff or defendant, and for no other reason.

THE GOVERNORS OF THE PROVINCES (WULAH)

Article 86

The territories governed by the State are divided into units called provinces (*wilayah*). Each *wilayah* is divided into units called districts (*Imalat*). The person who governs the *wilayah* is called the wali or *Amir*, and the person who governs the *Imalah* is called the 'aamil.

Article 87

The walis and the 'aamils are appointed by the Khaleefah. The wali can, if authorised, also appoint the 'aamils. The walis and 'aamils must possess the same qualifications as the Khaleefah, i.e., Muslim, male, free, mature, sane, 'adl (trustworthy or competent) and competent in their responsibilities. They have to be selected from the people of piety (*taqwa*) and strength.

Article 88

The wali has the authority to govern and supervise the performance of the departments in his province on behalf of the Khaleefah. He has the same authority in the province as the delegate assistant has in the Khilafah State. He has command over the people of his province and control over all affairs except finance, the judiciary and the army. He has command over the police in respect of execution, but not in administration.

Article 89

The wali is not obliged to inform the Khaleefah of what he has carried out within his authorised command, but if a new problem arises, he has to wait until he has informed the Khaleefah about it, and then proceeds according to the instructions of the Khaleefah. If, as a result of waiting, the problem would be exacerbated, he must act first and then inform the Khaleefah later on about the reason for not informing him.

Article 90

Every province has an assembly elected from its people, and headed by the wali. The assembly has the authority to participate in expressing opinions on administrative matters and not ruling; their opinions are not binding.

Article 91

The wali's term of office in a particular province is not to be long. He must be discharged whenever he becomes powerful in his province and/or the people become enchanted with him.

Article 92

The wali's appointment is a general responsibility in a defined location. Consequently, the wali is not moved from one province to another. He has to be discharged first and then reappointed.

Article 93

The wali can be discharged if the Khaleefah decides so, or if the *majlis al-ummah* expresses dissatisfaction with him - whether justified or not - or if the majority of the

people of the province show displeasure with him. However, the wali can only be dismissed by the Khaleefah.

Article 94

The Khaleefah must exercise strict control over the walis and continually assess their performance. He must deputise people to monitor them and enquire about them. He has to periodically gather the walis , or some of them, and listen to the complaints of the *ummah* of them.

THE STATE DEPARTMENTS

Article 95

The management of the government's affairs and the interests of the people is performed by, and the responsibility of, administrations, directorates and departments.

Article 96

The policy of the administrations, directorates and departments is built upon the efficiency of the system, speed in carrying out the tasks and competence in those who are in charge of administration.

Article 97

Any subject of the State, male or female, Muslim or not, who is suitably competent may be appointed as head or official of any administration, directorate or department.

Article 98

Every administration must have a general manager and every directorate and department must have a special director responsible for them. All directors are responsible before the general manager of their administrations, directorates and departments. In respect to conforming to the laws and public orders, they are responsible to the Khaleefah, wali and '*aamil*.

Article 99

The managers and directors of all the administrations, directorates and departments are to be dismissed only for reasons connected with administrative regulations. It is permitted to move them from one post to another and to suspend them. The general manager of each administration, directorate or department is responsible for the appointing, dismissing, transferring, suspending and disciplining.

Article 100

Employees, other than the directors and the managers, are appointed, transferred, suspended, questioned, disciplined or dismissed by the general manager of their administration, directorate or department.

THE UMMAH ASSEMBLY (Majlis al-Ummah)

Article 101

The members of the *Majlis al-Ummah* are those people who represent the Muslims in respect of expressing their views to the Khaleefah when consulted. Non-Muslims are allowed to be members of the *Majlis al-Ummah* so that they can voice their complaints

in respect to unjust acts performed by the rulers or the misapplication of the Islamic laws.

Article 102

The members of the *Majlis al-Ummah* are elected by the people.

Article 103

Every citizen of the State has the right to become a member of the *Majlis al-Ummah*, provided he or she is both mature and sane. This applies to Muslim and non-Muslim. However, membership to non-Muslims is confined to their voicing of complaints in respect to unjust acts performed by the rulers or the misapplication of Islam upon them.

Article 104

Consultation (*Shura*) and the *mashura* are the seeking of views in absolute terms. These views are not binding in legislation, definitions, intellectual matters such as discovering the facts and the technical and scientific matters. However they are binding when the Khaleefah consults in other practical matters and actions that do not scrutiny or research.

Article 105

All citizens, Muslim or not, may express their views, but *shura* is a right for the Muslims only.

Article 106

All issues that fall under the binding *shura*, when the Khaleefah seeks opinion, are

decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of *shura*, the correct opinion is sought, whether it is a majority or minority held view.

Article 107

The *Majlis al-Ummah* is charged with five duties. They are:

1a. To be consulted by the Khaleefah or to advise him on the practical matters and actions which do not need scrutiny or research, such as: affairs of ruling, education, health, and the economy, industry, farming and the like; and its opinion in that is binding.

1b. However in the matters which require scrutiny and research and the technical matters, the financial, the military and the foreign policy, the Khaleefah has the right to refer to the *majlis* for consultation and seeking an opinion; however the opinion of *majlis* in such matters is not binding.

3. The *Majlis* has the right to account the Khaleefah regarding all the actions that the state has actually executed, whether they were of the domestic or foreign matters, or the finance or the army and the like. The view of the *Majlis* is binding wherever the majority opinion is binding and not binding wherever the majority opinion is not.

4. The *Majlis* has the right to express dissatisfaction with the assistants, governors, and mayors; and in this matter the view of the *Majlis* is binding and the Khaleefah must discharge them at once.

2. The Khaleefah may refer to the *Majlis* the rules, the constitution and canons, that

he intends to adopt. Muslimmembers of the *Majlis* have the right to discuss them and express their views about them , but their opinion is not binding.

5. To select the list of candidates standing for the position of Khaleefah; no candidate excluded from this list may stand and the decision of the *Majlis* is binding. Only Muslim members of the *majlis* may participate in drawing up this list.

THE SOCIAL SYSTEM

Article 108

The primary role of a woman is that of a mother and wife. She is an honor that must be protected.

Article 109

Men and women are basically to be segregated from each other, and they should not meet together except for a need that the *shar'a* allows it and allows the meeting for its sake, such as trading and pilgrimage (Hajj).

Article 110

Women have the same rights and obligations as men, except for those specified by the *shar'ai* evidences to be for him or her. Thus, she has the right to practice in trading, farming, and industry; to partake in contracts and transactions; to possess all form of property; to invest her funds by herself (or by others); and to conduct all of life's affairs by herself.

Article 111

A woman can participate in the election and giving of the *bai'ah* to the Khaleefah, and elect, and also be a member of the *Majlis al-Ummah*, and can be appointed as an official of the State in a non-ruling position.

Article 112

Women are not allowed to take charge of ruling, thus women cannot hold the positions of Khaleefah *mu'awin*, wali, 'amil, nor to practice any of the actions of ruling. She is not allowed to be a chief judge, a judge in *mahkamat ul-MuDHalim* nor amir of *Jihad*.

Article 113

Women live within a public and private life. Within their public life, they are allowed to live with other women, *maharam* males [males forbidden to them in marriage] and foreign men (whom they can marry) on condition that nothing of the women's body is revealed, apart from her face and hands, and that the clothing is not revealing nor her charms displayed. Within the private life she is not allowed to live except with women or her *mahram* males; and she is not allowed to live together with the foreign men. In both cases she has to restrict herself with the rules of *shar'a*.

Article 114

Women are forbidden to be in private (*khulwah*) with any men they can marry, they are also forbidden to display their charms or to reveal their body in front of foreign men.

Article 115

Men and women must not practice any work that poses danger to the morals or causes

corruption in society.

Article 116

Marital life is one of tranquility and companionship. The responsibility of the husband on behalf of his wife (*quwamah*) is one of taking care, and not ruling. She is obliged to obey her husband and he is obliged to meet the costs of her livelihood according to the seemly standard of living.

Article 117

The married couple must fully assist each other in performing the household duties, with the husband performing all the actions normally undertaken outside of the house, and the woman performing those actions normally undertaken inside the house as best as she can. The husband should provide home-help as required to assist with the household tasks she cannot manage herself.

Article 118

The custody of children is both a right and duty of the mother, whether Muslim or not, so long as the child is in need of this care. When children, girls or boys, are no longer in need of care, they are to choose which parent they wish to live with, whether the child is male or female. If only one of the parents is Muslim, there is no choice for the child is to join the Muslim parent.

THE ECONOMIC SYSTEM

Article 119

management of economics is the view of what the society ought to be when

addressing the satisfaction of (human) needs, so what the society ought to be is taken as the basis for satisfying the needs.

Article 120

The fundamental economic problem is how to distribute funds and benefits/ services to all subjects of the State, and to facilitate all the subjects to utilise these funds and benefits/ services by enabling them to strive and possess them.

Article 121

Every individual must have all his basic needs provided for completely by the State, and he/she must be guaranteed to satisfy his luxuries (non-basic needs) to the highest possible level.

Article 122

Allah is alone the owner of property and He has made human beings heirs in it. By this general entrust mankind has acquired the right to possess property. As a consequence of Allah's ﷻ permission for the individual to possess property, man has the actual possession.

Article 123

There are three types of property, they are: private property, public property, and State property.

Article 124

Private property is a divine rule determined by the property itself or the benefit from it. As a result of this possession, the person who possesses it obtains a benefit from

it or receives a return for it.

Article 125

Public property is the *shar'a* permission for the community to participate in obtaining benefit from the property itself.

Article 126

State property comprises all property whose expenditure is determined solely by the view of the Khaleefah and his *ijtihad*, such as: the funds of taxes, land tax (*kharaj*) and head tax (*jizya*).

Article 127

Private property consisting of liquid and fixed assets is restricted by the following divine means (*asbab*):

- a. Work.
- b. Inheritance.
- c. Acquisition of property to survive.
- d. A donation from State funds to a citizen.
- e. Funds obtained by individuals neither by effort nor through purchase.

Article 128

The disposal of property is restricted by the permission of the Legislator, i.e., Allah, ﷻ whether it is spending or investing of property. Squandering, extravagance and miserliness are forbidden. Also forbidden are the capitalist companies, co-operatives, all other illegal transactions, usury (*riba*), fraud, monopolies, gambling and the like.

Article 129

Tithed land (*al ushriah*) constitutes land within the Arabian peninsula and land whose owners had embraced Islam whilst possessing the land, (i.e. before the Islamic State encountered them by *jihad*). Tax land (*al kharajiah*) is all land, other than the Arabian peninsula, which was opened by *jihad*, i.e. war or peace. *Al ushriah* land, together with its benefits, is owned by individuals. *Al kharajiah* land is owned by the State, and individuals own its benefits. Everyone has the right to exchange, through *shar'a* contracts, tithed land and the benefits from tax land. All people can inherit these, the same as with other properties.

Article 130

Uncultivated (*muwat*) land is acquired by giving life to the land, i.e. irrigating it, or by protecting it, i.e. erecting fencing. Cultivated land can only be acquired by way of *shar'a* means, such as: inheritance, purchasing or through a donation from the State.

Article 131

Leasing land, whether *al ushriah* land or *al kharajiah* land, for agriculture is forbidden. Sharecropping of land planted with trees is permitted, and sharecropping on all other land is forbidden.

Article 132

Every landlord is obliged to use his land; those who are needy are to be given a loan from the treasury (*bayt ul-mal*) to facilitate this. Anyone who leaves his land fallow, i.e., does not use the land, for three years will have it taken from him to be given to another.

Article 133

The following three categories constitute public property:

- a. Public utilities, such as the town parks.
- b. Vast mineral resources, like oil fields.
- c. Things which, by their nature, preclude ownership by individuals, such as rivers.

Article 134

Factories by their nature are private property. However, they follow the rule of the product manufactured within them. If the product is private property, the factory is considered to be private property, like a textile mill. If the product is a public property, like iron ore, then the factory is considered to be a public property.

Article 135

The State has no right to change private property into public property, because public property is determined by its nature and not by the view of the State.

Article 136

Everybody in the State has the right to utilise public property, and the State has no right to allow any individual to singularly possess, own or utilise public property.

Article 137

The State is allowed to protect parts of the uncultivated land or public property on behalf of any of the citizens' interests.

Article 138

Hoarding funds, even if *zakah* is paid on it, is forbidden.

Article 139

Zakah is collected from Muslims on their properties that are specified by *shar'a*, i.e. money, trading goods, cattle and grain. It is not taken from anything not specified by the *shar'a*. *Zakah* is taken from every owner whether legally responsible (*mukallaf*), i.e. mature and sane, or not, i.e. immature and insane. It is recorded in a specific account of the *bayt ul-mal* and is not to be spent except for one or more of the eight categories of people mentioned in the Glorious Qur'an.

Article 140

Jizyah (head-tax) is collected from the non-Muslims (*dhimmis*). It is to be taken from the mature men if they are financially capable of paying it. It is not taken from women or children.

Article 141

Kharaj (land-tax) is collected on *al-kharajiah* land according to its potential production. However, in respect of *al ushriah* land *zakah* is payable on it, on the basis of its actual production.

Article 142

The Muslims only pay the tax that *shar'a* has permitted to cover the expenditure of *bayt ul-mal*, on condition that it is levied on that which is surplus to the individual's needs. The tax must be sufficient to cover the demands of the State.

Article 143

The State has the right to collect tax from the *ummah* when the funds of *bayt ul-mal* are inadequate to cover the expenditure required to undertake all the functions the *shar'a*

has obliged the Muslims to perform. The State is not allowed to impose a tax on the people for a function the *shar'a* has not obliged the Muslims to undertake. Thus, the State is not allowed to collect fees for the courts or departments or administrations, or for accomplishing any interest.

The budget of the State has permanent sources decided by the *AHkam Shari'ah*. The budget is further divided into sections. The funds assigned to each section and the matters for which the funds are allocated are all decided by the view of the Khaleefah and his *ijtihad*.

Article 145

The permanent sources of income for bayt ul-mal are: spoils (*faya*), *jizyah*, *kharaj*, a fifth of the buried treasure (*rikaz*) and *zakah*. All these funds are collected, whether there is a need for them or not, on a perpetual basis.

Article 146

If the revenues derived from the permanent sources of income for bayt ul-mal are insufficient to cover the expenditure of the State, it is permitted to collect taxes from the Muslims to cover the expenditure obliged on *bayt ul-mal*. The obligations are the following:

- a. The needs of the poor, the needy, the wayfarers, and to perform the obligation of *jihad*.
- b. Remuneration of the salaries of the employees, the rulers and the provisions for the soldiers.

- c. Providing benefits and public utilities due on *bayt ul-mal.*, such as constructing roads, extracting water, erecting mosques, schools and hospitals. Unify *bayt ul-mal.*
- d. Meeting emergencies, like natural disasters, famine, floods and earthquakes.

Article 147

Income derived from public and State property, people dying without heirs properties of the apostates and customs levied at the state's borders (*thoghoor*), are all recorded in *bayt ul-mal.*

Article 148

The expenditure of *bayt ul-mal* is distributed among the following six categories of people as follows:

- a. The eight categories of people entitled to partake of the *zakah* funds. If there are no funds in this chapter they are not given any money.
- b. The poor, the needy, the wayfarers, the debtors and *jihad* are funded from the permanent sources of revenues whenever there are insufficient funds in the *zakah* account. When there are inadequate funds from the permanent revenues, the debtors are not to receive assistance. The poor, the needy, the wayfarers and *jihad* must be funded from the taxes collected for this purpose; and if required - to prevent them from falling into corruption - they are to be funded from loans raised by the State for this purpose.
- c. *Bayt ul-mal* must fund those people who perform certain duties or services for the

State, such as employees, rulers and soldiers. If there are insufficient funds for this purpose, taxes must be collected immediately to meet their expenses, and loans should be raised if it is feared that corruption might ensue.

- d. *Bayt ul-mal* shall fund the essential services and utilities such as the roads, mosques, hospitals and schools. If there are insufficient funds, taxes must be collected to cover their cost.
- e. Non-essential services and utilities are funded by *bayt ul-mal*, but when there are insufficient funds available they are not financed and accordingly delayed.
- f. Disasters, such as earthquakes and floods, must be financed by *bayt ul-mal*; if there are insufficient funds available, loans are to be raised immediately, and will be repaid later from taxes.

Article 149

The State should provide employment for all subjects holding citizenship of the State.

Article 150

Company employees and the self-employed have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the nature of the work, is considered an employee. In matters of dispute, between employer and employee over salary levels, the salary level is to be assessed on the basis of the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the *shar'a*.

Article 151

The salary is to be determined according to the benefit of the work, or the benefit of the employee, and not according to the knowledge and/or qualifications of the employee. There are to be no annual increments for employees. Instead, they are to be given the full value of the salary they deserve for the work they do.

Article 152

The State is to guarantee the living expenses of the one who has no money, no work and no relatives responsible for his financial maintenance. The State is responsible for housing and maintaining the disabled and handicapped people.

Article 153

The State must endeavour to circulate wealth among all the subjects and forbids the circulation of wealth among only a sector of society.

Article 154

The State tackles the task of enabling every subject to satisfy his luxuries (non-basic needs,) and to achieve equality in society in accordance with the funds available to her, in the following way:

- a. The State grants all its citizens liquid and fixed assets from those owned by bayt ul-mal, and from the war booties, etc.
- b. The State donates from its cultivated land to those who have insufficient or no land. Those who possess land but do not use it are not given land. Those who are unable to use their land are given financial assistance to enable them to use their land.

- c. Those who are unable to settle their debts are given funds from *zakah*, and the war booty, etc.

Article 155

The State supervises agricultural affairs and their products in accordance with the needs of the agricultural policy, so as to achieve the potential of the land to its greatest level of production.

Article 156

The State supervises the whole affairs of industry. It directly undertakes those industries included in the public property.

Article 157

Foreign trade is assessed on the basis of the citizenship of the trader and not the origin of the goods. Merchants from countries in a state of war with the State are prevented from trading in the State, unless given a special permission for the merchant or the goods. Merchants from countries that have treaties with the State are treated according to the terms of the treaties. Merchants who are subjects of the State are prevented from exporting any goods that the enemies could benefit of militarily, industrially or economically. However, they are not prevented from importing any property they own. Any country that we have real war between us and its citizens (such as Israel) is excluded from these rules. The rules applicable to the actual land of war apply to such country in all the relations with it whether trade or otherwise.

Article 158

All individual subjects of the State have the right to establish research and

development laboratories connected with all life's affairs. The State should also establish such laboratories.

Article 159

Individuals are prevented from possessing laboratories producing materials that could harm the *ummah* or the state.

Article 160

The State provides free health care for all, but it does not prevent using private medical care nor the sale of medicine.

Article 161

The use of foreign capital and its investment within the State is forbidden. It is also prohibited to grant franchises to foreigners.

Article 162

The State issues its own currency, which is independent of all foreign currencies.

Article 163

The currency of the State is to be restricted to gold and silver, whether minted or not. No other form of currency for the State is permitted. The State can issue coinage not of gold or silver provided that the treasury of the State (*bayt ul-mal*) has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes etc. as long as it is covered completely by gold and silver.

Article 164

It is permissible to have exchange between the State currency and the currency of other states like the exchange between the state's own coinage. It is permissible for the exchange rate between two currencies to differ provided the currencies are different from each other. However, such transactions must be undertaken in a hand-to-hand manner and constitute a direct transaction with no delay involved. The exchange rate can change/fluctuate without any restrictions as long as it is between two different currencies . All citizens can buy whatever currency they require from within or outside the State, and they can purchase the required currency without obtaining prior permission or the like.

EDUCATION POLICY

Article 165

The Islamic creed constitutes the basis upon which the education policy is built. The syllabi and methods of teaching are designed to prevent a departure from this basis.

Article 166

The purpose of education is to form the Islamic personality in thought and behaviour. Therefore, all subjects in the curriculum must be chosen on this basis.

Article 167

The goal of education is to produce the Islamic personality and to provide people with the knowledge connected with life's affairs. Teaching methods are established to achieve this goal; any method that leads to other than this goal is prevented.

Article 168

A distinction should be drawn between the empirical sciences such as mathematics, on the one hand, and the cultural sciences, on the other. The empirical sciences, and all that is related to them, are taught according to the need and are not restricted to any stage of education. As for the cultural sciences, they are taught at the primary and secondary levels according to a specific policy which does not contradict Islamic thoughts and rules. In higher education, these cultural sciences are studied like other sciences provided they do not lead to a departure from the stated policy and goal of the education.

Article 169

The Islamic culture must be taught at all levels of education. In higher education, departments should be assigned to the various Islamic disciplines as will be done with medicine, engineering, physics etc.

Article 170

Arts and crafts may be related to science, such as commerce, navigation and agriculture. In such cases, they are studied without restriction or conditions. Sometimes, however, arts and crafts are connected to culture and influenced by a particular viewpoint of life, such as painting and sculpting. If this viewpoint of life contradicts the Islamic viewpoint of life, these arts and crafts are not taken.

Article 172

The state's curriculum is only one, and no curriculum other than that of the state is allowed to be taught. Private schools, provided they are not foreign, are allowed as long as they adopt the state's curriculum and establish themselves on the State's

educational policy and accomplish the goal of education set by the State. Teaching in such schools should not be mixed between males and females, whether the students or the teachers; and they should not be specific for certain *deen*, madhab, race or colour.

Article 173

It is an obligation upon the State to teach every individual, male or female, those things which are necessary for the mainstream of life. This should be obligatory and provided freely in the primary and secondary levels of education. The State should, to the best of its ability, provide the opportunity for everyone to continue higher education free of charge.

Article 174

The State ought to provide the means of developing knowledge, such as libraries and laboratories, in addition to schools and universities, to enable those who want to continue their research in the various fields of knowledge, like fiqh, *Hadith* and tafseer of Qur'an, thought, medicine, engineering and chemistry, inventions and discoveries etc. This is done to create an abundance of *mujtahideen*, outstanding scientists and inventors.

Article 175

The exploitation of writing for educational purposes, such as copyrighting, at whatever level is strictly forbidden. Once a book has been printed and published, nobody has the right to reserve the publishing and printing rights, including the author. However, if the book has not been printed and published, and thus is still an idea, the owner has the right to take payment for transferring these ideas to the public,

the same way he can take payment for teaching them.

FOREIGN AFFAIRS

Article 176

Politics is taking care of the nation's affairs inside and outside the State. It is performed by the State and the nation. The State practices it and the nation questions that practice.

Article 177

It is absolutely forbidden for any individual, party, group or association to have relations with a foreign state. Relations with foreign countries are restricted only to the State, because the State has the sole right to practice taking care of the *ummah* affairs. The *ummah* is to question the State in connection with this task of caring.

Article 178

Ends do not justify the means, because the method is integral to the thought. Thus, the duty (*wajib*) and the permitted (*mubah*) cannot be attained by performing a forbidden action (*haram*). Political means must not contradict the political methods.

Article 179

Political manoeuvres please check spelling are necessary in foreign policy, and the effectiveness of these maneuvers is dependent on concealing (your) aims and disclosing (your) acts.

Article 180

Some of the most important political means are disclosing the crimes of other states, demonstrating the danger of erroneous politics, exposing harmful conspiracies and destroying misleading personalities.

Article 181

One of the most important political methods is the manifestation of the greatness of the Islamic thoughts in taking care of the affairs of individuals, nations and states.

Article 182

The political cause of the *Ummah* is Islam, in the might of the State, the improvement of the implementation of its rules, and continuity in its call (*da'wah*) to mankind.

Article 183

Conveying the Islamic *da'wah* is the core around which the foreign policy revolves, and upon which relations between the State and other states are built.

Article 184

The state's relations with other states are built upon four considerations. These are:

1. States in the current Islamic world are considered to belong to one state and, therefore, they are not included within the sphere of foreign affairs. Relations with these countries are not considered to be in the realm of foreign policy and every effort should be expended to unify all these countries into one state.
2. States who have economic, commercial, friendly or cultural treaties with our State

are to be treated according to the terms of the treaties. If the treaty states so, their subjects have the right to enter the State with an identity card without the need for a passport provided our subjects are treated in a like manner. The economic and commercial relations with such states must be restricted to specific items and specific characters which are deemed necessary and which, at the same time, do not lead to the strengthening of these states.

3. States with whom we do not have treaties, the actual imperialist states, like Britain, America and France and those states that have designs on the State, like Russia are considered to be potentially belligerent states. All precautions must be taken towards them and it would be wrong to establish diplomatic relations with them. Their subjects may enter the Islamic State only with a passport and a visa specific to every individual and for every visit, unless it became a real belligerent country

4. With states that are actually belligerent states, like Israel, a state of war must be taken as the basis for all dispositions with them. They must be dealt with as if a real war existed between us - whether an armistice exists or not - and all their subjects are prevented from entering the State.

Article 185

All military treaties and pacts, of whatever source, are absolutely forbidden. This includes political treaties and agreements covering the leasing of military bases and airfields. It is permitted to conclude good-neighbouring, economic, commercial, financial, cultural and armistice treaties.

Article 186

The State is forbidden to belong to any organisation which is based on something other than Islam or which applies non-Islamic rules. This includes international organisations like the United Nations, the International Court of Justice, the International Monetary Fund and the World Bank, and regional organisations like the Arab League.

Morals in Islam (al-akhlaaq fil- Islam)

Islam is defined as the *deen* which Allah ﷻ has revealed to our Messenger Muhammad ﷺ to organise man's relationship with his Creator, himself and with other human beings. Man's relationship with his Creator revolves around the *Aqaid* and *Ibadat*. His relationship with himself includes morals, foodstuffs and clothing. While his relationship with other human beings involves *mu'amalat* (transactions) and *'uqubat* (punishments).

Islam tackles all of man's problems and looks upon man as an indivisible whole. Consequently, it solves man's problems according to one method. Furthermore, Islam has built its system on a spiritual basis, i.e., its creed (*'aqeedah*). Accordingly, the spiritual aspect is the basis of its *haDarah* (civilization), state, and *Shari'ah*. This the right spelling of *'aqeedah*

Although the Islamic *Shari'ah* explained the various systems in precise details, such as the *'ibadat* and *mu'amalat* and *'uqubat*, Islam did not put forward a detailed system for the morals. Rather, it treated the rules of morals as commands and prohibitions from Allah ﷻ, without viewing their details as morals that should be given special care greater than others. To the contrary, the details of their rules are less than other rules and they are given no particular section in Islamic *fiqh*. Thus, one does not find in the books of *fiqh* that contain the *AHkam Shari'ah* chapters titled "morals". Furthermore, the *Fuqaha'a* and *Mujtahidoon* have not paid much attention, in deduction and study, to

the subject area of moral rules.

Morals do not affect the building of a society, because society is built upon the systems of life and is affected by thoughts and emotions. Morals have no effect in establishing the society or determining its revival or decline. The effective factor is the general traditions which arises from the concepts about life. The driving factor in society is not morals but the systems applied within it and the thoughts and emotions people carry. Indeed, morals stem from the thoughts, emotions and result from the implementation of the system.

Accordingly, since morals are the product of Allah's ﷻ commands and they ensue from the call to the *'aqeedah* and from the implementation of Islam in general, it is impermissible to carry *da'wah* for morals in society. The call for morals actually reverses the Islamic concepts about life; it keeps people away from understanding the reality and the basic elements of society. It gives people a false satisfaction with individualistic virtues and thus leads to the negligence of the true means of the revival in life. Therefore, to turn the Islamic call into a call for morals is dangerous, for it deludes people into thinking the Islamic call is a call for morality and, consequently, obliterates the intellectual character of Islam and diverts people away from the only method that leads to the application of Islam, i.e. the establishment of the Islamic State. When the Islamic *Shari'ah* tackled man's relationship with himself, in accordance with the *AHkam Shara'iah* connected with the moral characteristics, it did not make that a system as it did with the *ibadat* and *mu'amalat*. Instead, these *AHkam Shari'ah* check spellingobserved the fulfilment of certain values which Allah ﷻ has commanded, such as truthfulness, honesty, shunning envy and deceit etc. These values

are achieved only by the command of Allah (*taala*) in respect to moral values, such as noble characteristics and virtues. Honesty, for instance, is a moral quality commanded by Allah ﷻ. Its moral quality should be observed - when it is enacted. It is something which achieves the moral value and so it is called a moral. However, when these moral characteristics are produced as a result of actions and transactions, like purity produced from prayers, and honesty produced from trading, the moral value is not attained, because the aim was not to achieve the moral value when undertaking the action. Rather, the characteristics accrued as a result of performing these actions with the obligatory observance of their rules are moral characteristics of the believer when he worships Allah ﷻ and undertakes his transactions. In prayer, the believer fulfils the primary aim of obtaining the spiritual value, and in trading the believer fulfils the aim of achieving the materialistic value while he is characterised with moral characters at the same time.

The *shar'a* has identified those virtues, the possessor of which is considered to have good morals, and those characteristics the possessor of which is considered to have bad morals. It has encouraged acquiring good morals, and has forbidden bad morals. It has encouraged truthfulness, honesty, cheerfulness, modesty, honouring parents, good relationships with relatives (*silaat ur rahm*), rescuing people from hardships, and wishing for others what one wishes for himself, etc. The *shar'a* considers these matters and the like as encouragement to people to follow the commands of Allah ﷻ. While it has forbidden the acquisition of opposing characteristics, such as: lying, dishonesty, envy, debauchery and the like and considers these matters and the like as prohibition of what Allah ﷻ forbade.

Morals are a part of this *Shari'ah* and a branch of the commands and prohibitions which a Muslim should verify in oneself so as to complete his observance of Islam and the commands of Allah ﷻ. However, the way in which the whole society attains these morals is by establishing the Islamic emotions and thoughts. Once the community has attained them, the individuals will inevitably acquire them. Most definitely, the way to acquire morals is not through the call to morals in itself, but by the way mentioned above which is establishing the thoughts and emotions. However, the initiation of this process necessitates the preparation of a group by Islam - in its complete form wherein the individuals are part of the group and not independent individuals - to carry the complete Islamic *da'wah* in the society, and thus bring into existence the Islamic emotions and thoughts. This makes the people embrace morals in huge groups as a result of their embracing Islam in huge groups. It is necessary to understand that this is our view that makes morals unconditionally attached to the commands of Allah ﷻ and to the application of Islam, and confirms the necessity that the Muslim acquires good morals.

Allah ﷻ has mentioned in many surahs of the Glorious Qur'an those characteristics which man should acquire and endeavour to possess. These characteristics consist of the '*aqeedah, ibadat, m'uamalat* and morals. These four characteristics should form an integrated whole.

Allah ﷻ says in Surat Luqman:

وَإِذْ قَالَ لُقْمَانُ لِابْنِهِ وَهُوَ يَعِظُهُ يَا بُنَيَّ لَا تُشْرِكْ بِاللَّهِ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ. وَوَصَّيْنَا
الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَى وَهْنٍ وَفَصَّالَهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ
الْمَصِيرُ. وَإِنْ جَاهَدَاكَ عَلَى أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبْهُمَا فِي
الدُّنْيَا مَعْرُوفًا وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ ثُمَّ إِلَيَّ مَرْجِعُكُمْ فَأُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ. يَا بُنَيَّ
إِنَّهَا إِنَّ تِلْكَ مِثْقَالَ حَبَّةٍ مِنْ خَرْدَلٍ فَتَكُنْ فِي صَخْرَةٍ أَوْ فِي السَّمَاوَاتِ أَوْ فِي الْأَرْضِ يَأْتِ
بِهَا اللَّهُ إِنَّ اللَّهَ لَطِيفٌ خَبِيرٌ. يَا بُنَيَّ أَقِمِ الصَّلَاةَ وَأْمُرْ بِالْمَعْرُوفِ وَانْهَ عَنِ الْمُنْكَرِ وَأَصْبِرْ عَلَى
مَا أَصَابَكَ إِنَّ ذَلِكَ مِنْ عَزْمِ الْأُمُورِ. وَلَا تُصْعَقْ خَلْقَكَ لِلنَّاسِ وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا إِنَّ
اللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ. وَاقْصِدْ فِي مَشْيِكَ وَاعْظُمْضْ مِنْ صَوْتِكَ إِنَّ أَنْكَرَ
الْأَصْوَاتِ لَصَوْتُ الْحَمِيرِ لقمان 13-19

"Behold, Luqman said to his son by way of instruction: Oh my son! Join not in worship (others) with Allah, for false worship (polytheism) is indeed the highest wrong-doing. And we have enjoined on man (to be good) to his parents, in travail upon travail did his mother bear him, and in years twain was his weaning, (hear the command) show gratitude to Me and to your parents, to Me is (your final) Goal.

But if they strive to make you join worship with Me things of which you have no knowledge, obey them not, yet bear their company in this life with justice (and consideration), and follow the way of those who turn to Me (in love), in the end the return of you all is to Me, and I will tell you the truth (and meaning) of all that you did.

O my son! (said Luqman), if there be (but) the weight of a mustard seed and it were (hidden) in a rock, or (anywhere) in the heavens or on earth, Allah will bring it forth: For Allah understands the

finest mysteries, (and) is well acquainted (with them).

O my son! establish regular prayer, enjoin what is just, and forbid what is wrong, and bear with patient constancy whatever happens to you, for this is firmness (of purpose) in (the conduct of) affairs. And swell not your cheek (for pride) at men, nor walk in insolence through the earth, for Allah loves not any arrogant boaster.

And be moderate in your pace, and lower your voice, for the harshest of sounds without doubt is the braying of the ass." [Luqman: 13-19]

Allah ﷻ says in Surat al-Furqan:

وَعِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَإِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا،
وَالَّذِينَ يَبِيتُونَ لِرَبِّهِمْ سُجَّدًا وَقِيَامًا، وَالَّذِينَ يَقُولُونَ رَبَّنَا اصْرِفْ عَنَّا عَذَابَ جَهَنَّمَ إِنَّ
عَذَابَهَا كَانَ غَرَامًا، إِنَّهَا سَاءَتْ مُسْتَقَرًّا وَمُقَامًا، وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا
وَكَانَ بَيْنَ ذَلِكَ قَوَامًا، وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ
إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا، يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ
مُهَانًا، إِلَّا مَنْ تَابَ وَآمَنَ وَعَمِلَ عَمَلًا صَالِحًا فَأُولَئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ وَكَانَ
اللَّهُ غَفُورًا رَحِيمًا، وَمَنْ تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا، وَالَّذِينَ لَا يَشْهَدُونَ
الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا، وَالَّذِينَ إِذَا ذُكِّرُوا بِآيَاتِ رَبِّهِمْ لَمْ يَخِرُّوا عَلَيْهَا صُمًّا
وَعُمْيَانًا، وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا ذُرِّيَّتًا قُرَّةَ أَعْيُنٍ وَاجْعَلْ لَنَا لِمَتَّقِينَ إِمَامًا،
أُولَئِكَ يُجْزَوْنَ الْغُرْفَةَ بِمَا صَبَرُوا وَيُلَقَّوْنَ فِيهَا تَحِيَّةً وَسَلَامًا، خَالِدِينَ فِيهَا حَسُنَتْ مُسْتَقَرًّا

وَمُقَامًا الفرقان 63-76

"And the servants of (Allah) most Gracious are those who walk on the earth in humility, and when the ignorant (people) address them, they say, Peace!

*Those who spend the night in adoration of their Lord prostrating and standing.
Those who say, Our Lord! Avert from us the Wrath of Hell, for its Wrath is indeed an affliction grievous;
Evil indeed is it as an abode, and as a place to rest in;
Those who, when they spend, are not extravagant and not niggardly, but hold just (balance) between those (extremes);
Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause, nor commit fornication, and any that does this (not only) meets punishment;
(But) the Penalty on the Day of Judgment will be doubled to him, and he will dwell therein in disgrace;
Unless he repents, believes, and works righteous deeds, for Allah is oft-forgiving, most merciful;
And whoever repents and does good has truly turned to Allah with an (acceptable) conversion;
Those who witness no falsehood, and, if they pass by futility, they pass by it with honorable (avoidance);
Those who, when they are admonished with the Signs of their Lord, droop not down at them as if they were deaf or blind;
And those who pray; Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous; Those are the ones who will be rewarded with the highest place in heaven, because of their patient constancy; therein shall they be met with salutation and peace;
Dwelling therein, how beautiful an abode and place of rest!" [Al-Furqan: 63-76]*

Allah ﷻ says in Surat al-Israâ:

وَقَضَىٰ رَبِّي أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَيَالِ الَّذِينَ يَحْسَبُونَ أَنَّهُم مُّغْنَاهُمْ أَكْبَارُ
 كِبَارُهُمْ فَلَا تَقُلْ لَهُمْ أَفْ وَلَا تَهْرَبْهُمْ وَقُلْ لَهُمْ قَوْلًا مَّعْرُوفًا، وَاصْفَعْ لَهُمْ حَتَّىٰ الدُّلَّ
 مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْتَنِي صَغِيرًا، رَبُّكُمْ أَعْلَمُ بِمَا فِي قُلُوبِكُمْ إِن
 تَكُونُوا صَالِحِينَ فَإِنَّهُ كَانَ لِلْأَوَّابِينَ غَفُورًا، وَأَتَتْ ذَا الْقَرْيَةِ يَحْقَ وَالْمُسْكِينِ وَابْنِ السَّبِيلِ
 وَلَا تَبْلُغْ تِلْكَ نِيَّتُكُمُ، إِنِ الْمُسْلِمِينَ كَانُوا إِسْمَافِينَ وَكَانَ الْخَطِيئَةُ لِرَبِّهِمْ كَفُورًا، وَإِنَّمَا
 لَعْنَتُنَّ عَلَيْهِمُ اتِّقَاءَ رَحْمَةِ رَبِّكَ تَرْجُوعَهَا فَقُلْ لَهُمْ قَوْلًا مَّيْسُورًا، وَلَا تَجْعَلْ بَيْنَكَ مَقُولَةً
 إِلَىٰ خَلْقِكَ وَلَا تَسْطِطْهَا كُلَّ الْبَسْطِ فَتَقْعُدَ مَلُومًا مَّحْسُورًا، إِن رَّبُّكَ يُسَبِّطُ الرِّزْقَ لِمَن يَشَاءُ
 وَيَقْدِرُ إِنَّهُ كَانَ بِعِبَادِهِ خَبِيرًا بَصِيرًا، وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ لَّحَنَ لِرِزْقِهِمْ وَإِن كُنْتُمْ
 إِن قَتَلْتُمْ كَانَ حَقًّا كَبِيرًا، وَلَا تَقْرَبُوا الرِّزْقَ إِلَهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا، وَلَا تَقْتُلُوا
 النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَن قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لِرَبِّهِ سُلْطَانًا فَلَا يَسْرِفُ فِي
 الْقَتْلِ إِنَّهُ كَانَ مُنْصَوِّرًا، وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا
 بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا، وَأَوْفُوا الْكَيْلَ إِذَا كُنْتُمْ وَرُتُوا بِالْقِسْطِ الْمُسْتَقِيمِ ذَلِكَ
 صَبْرٌ وَأَحْسَنُ لِّأُولِي الْأَرْحَامِ ١٥-٢٥

"Thy Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honor.

And out of kindness, lower to them the wing of humility, and say: My Lord! Bestow on them Thy Mercy even as they cherished me in childhood. Your Lord knows best what is in your hearts: If you do deeds of righteousness, verily He is Most Forgiving to those who turn to Him again and again

(in true penitence).

And render to the kindred their due rights, as (also) to those in want, and to the wayfarer: But squander not (your wealth) in the manner of a spendthrift.

Verily spendthrifts are brothers of the Evil Ones, and the Evil One is to his Lord (Himself) ungrateful. And even if you have to turn away from them in pursuit of the Mercy from thy Lord which you do expect, yet speak to them a word of easy kindness. Make not your hand tied (like a niggard's) to your neck, nor stretch it forth to its utmost reach, so that you become blameworthy and destitute.

Verily thy Lord does provide sustenance in abundance for whom He pleases, and He provides in a just measure. For He does know all His servants.

Kill not your children for fear of want. We shall provide sustenance for them as well as for you.

Verily the killing of them is a great sin.

Nor come nigh to adultery, for it is a shameful (deed) and an evil, opening the road (to other evils). Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand Qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law).

Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfill (every) engagement, for (every) engagement will be inquired into (on the Day of Reckoning). Give full measure when you measure, and weigh with a balance that is straight; that is the most fitting and the most advantageous in the final determination." [Al-Israâ: 23-35]

The verses in these three surahs represent one complete whole that elucidates the different virtues, clarifies the Muslim character and demonstrates the Islamic personality in its unique and distinguished identity. It is noticeable that these verses are commands and prohibitions from Allah ﷻ. Some of which are rules connected to 'ibadal; while others are rules connected to m'uamalat and akhlaq. Furthermore, the

verses were not confined to moral attributes but they also included Aqaid, 'ibadat and m'uamalat, as well as akhlaq. They are the characteristics that constitute the Islamic personality. Therefore, confining the subject matter to morals alone will not produce the perfect man and the Islamic personality. Moreover, the morals should be built on the spiritual basis, i.e., the Islamic 'aqeedah, if they are to achieve the goal for which they exist. Thus the characterisation by it must be built on this 'aqeedah. The Muslim is not characterised by truthfulness for the sake of truthfulness in itself but because Allah ﷻ commanded the Muslim to acquire this virtue, although he seeks to achieve the moral value in telling the truth. Thus morals are not acquired as such for themselves but because Allah ﷻ commanded them.

Accordingly, the Muslim should be characterised with moral virtues and perform them obediently and submissively for they are linked with *taqwa* since morals result from *T'badat*:

إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ الْعَبِيدِ 45

"Prayer forbids lewdness and abomination," [Al-Ankabut: 45]

and are observed during *m'uamalat* "Religion is the treatment" (i.e. how you treat others), in addition to their being specific commands and prohibitions, then this reinforces them in the Muslim and makes them an indispensable attribute of his character. Therefore, the merging of the morals with the rest of life's systems - though they are independent characteristics - allows the Muslim to be thoroughly and correctly prepared, especially the acquisition of a moral is in response to the

commands of Allah ﷻ or in avoiding His ﷻ prohibitions, and not because such a moral benefits or harms in this life. This makes the acquisition of good morals permanent and resolute as long as the Muslim continues to apply Islam and does not revolve around benefit. This is because the objective of morals is not benefit, but the moral value is acquired for itself and not for materialistic, humanitarian or spiritual values. These values should not be involved in the moral value so as no disorder occurs in performing it or acquisition of them. Moreover, the attention must be paid to the fact that the materialistic value has to be separated from the morals. Likewise performing the moral for the sake of gains and benefits should be avoided, for it constitutes a danger unto it.

In conclusion, morals do not constitute fundamental pillars of a society, but rather they are individualistic. Consequently, society is not bettered by morals but by Islamic thoughts and Islamic emotions, and by the implementation of the Islamic systems. Although morals constitute one of the basic elements of the individual, they are not and should not constitute the sole ones; morals should be accompanied by the *aqā'id*, *'ibadat* and *m'uamalat*. Therefore, the individual who possesses good morals but his *'aqeedah* is not Islamic warrants no consideration as he is a *Kafir*, and there is no sin bigger than *Kufr*. Likewise, the person who has good morals but does not perform the *'ibadat* nor practices *m'uamalat* according to the *Ahkam Shara'iah*, is not given any regard. Consequently, it is essential to observe the *'aqeedah*, the *'ibadat*, the *m'uamalat* and the *akhlaq* in reforming an individual. It is haram to treat morals alone and to leave the other characteristics. Moreover, it is forbidden to give attention to anything before having full confidence in the *'aqeedah*. The fundamental feature of morals is that they should be built upon the Islamic *'aqeedah* and that the believer should be

characterised with them as commands and prohibitions from Allah ﷻ.

