

After all, if the parents themselves take their values from the same environment, what do you expect they will teach to their children?

Fundamentally, both of these issues arise from the same source, that is, the mentality of freedom. Under the guise of 'freedom' people are subjugated to their own whims and desires. The politicians legislate laws to govern over you on the basis of their own preferences. With so many members of the cabinet being self-confessed adulterers, how confident do you feel that the way they run your affairs and build the society around you will be suitable for your son or daughter to grow up in?

As well, with freedom comes **lack of responsibility**. If a parent really believes in freedom, what stops him or her from abusing or neglecting their children? The answer is, very little.

What is worse, is that the whole process works both ways. A child will act according to the values and ideas he has been brought up with. Thus, more often than not, children of the West disrespect and disobey their parents. And the same selfish mentality that motivates them to do this, is the reason why you might find yourself stuck in an old people's home just when you need their support...

## The Islamic Social System Solves the Problems of Parenthood

In Islam, the mentality of freedom is replaced by responsibility. This responsibility is not merely towards yourself and your own desires, rather it is the responsibility to Allah (swt) your creator. The Social System of Islam, which deals with the relationship between men and women and the issues that arise between them, defines clear guidelines for a stable and harmonious family structure. It is upon this basis that your relationship as a parent with your child is built, and it is this that provides the environment in society which can enable you to ensure that your child will grow up to be someone you are proud of.

The primary duty to bring up your child lies on the neck of **you** as the parent. Allah (swt) says,

*"Oh you who believe, save yourselves and your families from the Hellfire, whose fuel is men and stones."* [TMQ 66:6]

This *ayah* defines what your ambitions for your son or daughter should be. Your primary concern should be that he or she attains the Paradise and is saved from the Hellfire. Only after this is it worth considering what kind of education or career they should pursue. After all, if your aims for your child lie solely in the bounties and pleasures of this life, you will give them little in the way of preparation for the life to come, which is the ultimate destination for both of you.

The essence of achieving success in this endeavour lies in education of your child with the correct Islamic understanding. You must teach them about the true belief in Allah (swt) and His Messenger (saw), and how they should fulfil their obligations as a Muslim. And this you must do in such a way that they have complete conviction in what they are doing.

This includes teaching them about the rational proofs of the Islamic *'aqeedah*, the prayer, the fasting, the duty of *da'wah* and jihad, the conduct of a Muslim - in short, all the things which are *fard* (obligatory) upon them and *haram* (forbidden) for them. For it is only when one is inculcated with the mentality of obedience to the commands and prohibitions of Allah (swt) that anyone can hope to attain the Paradise.

How can you make sure that this duty is fulfilled? The first thing to do is to take a look at yourself. Are you ready to save **yourself** from the Hellfire? Unless you are, how can you hope to prevent your child from arriving at such a fate? If you are going to educate your child with knowledge of the *deen* (i.e. Islam), you must **know** it yourself. And then, if you are to be a good example to your child, you must practice Islam fully in your own life. This is the first stage in fulfilling your responsibility as a parent.

Ibn Majah narrated that the Prophet (saw) said, **"Teach your children and teach them properly."**

Ibn Jurayr narrated that the Prophet (saw) said, **"Order your children to abide by all the commands of Allah, and to avoid all the prohibitions, and by that you protect them from the Hellfire."**

Once you have equipped your child with an understanding and conviction in Islam - the basic and most vital preparation that you could give, he or she will be ready to face all that the world can offer.

## The Effect of Society on Your Child

In this country, as effective as the training and guidance that you give your child may be, as soon as they are out of the security of your watchful eye, other forces come into play to undo all your good work. However, in the Islamic State, the Social System ensures that the negative images we see in the West are absent.

It ensures that the image of women is portrayed as one of honour, respect and dignity. Thus, there will be no pornography in the newspapers, on the television, in the cinema or anywhere else. No one will look at your daughter as a 'sex object', and your son won't be under the delusion that being 'gay' is perfectly normal and acceptable!

As well, public life in the Islamic State will be based around separation of the sexes. Thus, the free mixing between men and women in the West that leads to so called 'sexual liberation' will not occur. Instead of wasting their lives in bars, night-clubs and discotheques, young people will be encouraged to involve themselves in more meaningful endeavours.

These are just a few of the areas in which the Social System will have beneficial effects on the upbringing of your child. Think of all the worry that an Islamic Social System will save you!

## Rights and Duties of the Parent and the Child

As a parent the Islamic Social System gives you clear cut duties towards your child which you must fulfil, and similarly, it gives you rights that your child must return to you. Neither is 'free' to use and abuse as he or she feels fit. Thus, a stable family structure is realised, built upon mutual respect and good relations.

## Your Life as a Parent in the Islamic State

Let us look at how things would be different under Islam :

### Childhood

This is the period when you find yourself most in control of your child's life. He or she is entirely dependent upon you for support and guidance. Islam gives your child rights over you that you must fulfil. These include :

1. Choosing a good mother/father :

Even before your children are conceived, your duty towards them has already begun. 'A'isha narrated that the Prophet (saw) said, "**Choose the correct mother for your seed, and get married to a good woman.**" Al-Hakim

2. Providing food, shelter and clothing :

This is your duty as a parent. Abu Daud narrated that the Prophet (saw) said, "**It is enough sin for a person that he ignores those whom he is responsible for.**"

3. Teaching them the *deen* :

Ibn 'Abbas narrated that the Prophet (saw) said, "**Act upon the obedience to Allah and avoid the prohibitions of Allah, and order your children to abide by the commandments of Allah and to avoid the prohibitions of Allah, and by that you protect yourself and them from the Hellfire.**" Ibn Jurayr

When you take care of these issues, you not only fulfil your responsibilities to your child, but they are a source of great reward for you in the life to come.

### Youth and Adolescence

This is when the real problems start. Your child develops a mind of his or her own, and for the first time starts to do things that you did not necessarily ask them to do.

But if you compare youth in the West to youth who have been cultured by the environment of the Islamic Social System, you will find that most of your fears are allayed. Here their duties as a son or daughter become apparent :

1. No Dating :

The media paints an image for youth that if they don't have a boyfriend or girlfriend, there must be something wrong with them. In Islam, if you have a boyfriend or girlfriend, there is something wrong with your lifestyle. The policy of segregation not only ensures that the temptation to do this is minimised, it also guarantees the preservation of dignity and respect for both

men and women. Instead, Islam recommends you to get your children married as soon as they are able (i.e. mature). Allah (swt) says,

*“Do not come near zina (fornication or adultery), for it is a shameful deed and an evil, opening the road to other evils.”* [TMQ 17:32]

Bukhari narrated that the Prophet (saw) said, **“Whoever is able to marry should marry, for that will help him lower his gaze and guard his modesty.”**

## 2. Obedience to parents :

Respect and obedience towards parents is enjoined upon all Muslims throughout their lives. Islam forbids your children to insult, abuse or even speak in a harsh tone towards you. Allah (swt) says,

*“And we have enjoined upon 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 your parents : To me is (your final) goal. But if they strive to make you join in worship with me things of that which you have no knowledge, obey them not.”* [TMQ 31:14-15]

## Effect of the Media

Anorexia, depression and suicide. These are a few among many of the problems which arise in young people as a direct result of the way in which the media portrays the ‘ideal body.’ The achievement of this is beyond most ordinary people, yet young people find themselves forced to strive to conform to these unrealistic goals. In Islam, the emphasis is upon the character of the individual and his or her *taqwa*, as opposed to physical attributes.

Allah (swt) says,

*“O mankind! We have created you male and female, and have made you nations and tribes that you may know one another. Lo! the noblest of you in the sight of Allah, is the best in conduct.”* [TMQ 49:13]

## Adulthood

When your child achieves adulthood, the roles are effectively reversed, and it is time for your child to repay the kindness and benevolence that you have given them. In the West, aged parents are seen as a nuisance. Hospitals and residential homes are full of old and lonely people who pay the price of an individualistic society. In Islam, the responsibility to look after you in your old age lies on your children. Allah (swt) says,

*“And do good to your parents. Should one of them, or both, attain old age in your care, never say ‘oof’ to them or scold them, but (always) speak to them with reverent speech, and spread over them humbly the wings of your tenderness, and say, ‘Oh my sustainer! Bestow Your grace upon them, even as they cherished and reared me as a child.’”* [TMQ 17:23-24]

## Conclusion

Bringing up your children in the West is an uphill struggle. With all the confused messages that they receive, from their parents on the one hand and the rest of the society around them on the other, it is no wonder why so many of our youth are going astray. The key to the problem lies in the reorganisation of the values and role models which are prevalent in the world around you, which affect the way in which your child develops and behaves. Thus, it is only under the guidance of the Islamic State, and the social stability that it offers, that you can be sure of a happy, stable and successful family life.

# The Islamic Social System

The Social System in Islam is concerned with men and women, and the regulation of the way they interact with each other, whether in the private or public arenas.

There has always been much confusion among people in the West as to the roles that men and women play in life. In the past, women were seen as inferior beings to men, and have even been compared to animals and regarded as 'without souls', or just items of property. And in the present day, womens movements and organisations struggle against the establishment to achieve the same status and rights as men.

These kinds of conflicts arise between men and women, because it is left to human reason to define what is the nature of men and women, and what roles they are supposed to play in life. However, it is impossible for limited human minds to understand fully the intricate nature of men and women, and their different emotions and characteristics. As a result of this, erroneous ideas arise about how men and women should interact with each other. Their roles remain undefined, and the result is chaos in society.

Many problems stem directly from this lack of clarity, whether concerning the roles of men and women in relationships, in families or in the workplace. This is why there is discrimination against and oppression of women, family breakdown, sexual harassment, prostitution, child abuse, homosexuality - the list of the consequences of an ill-defined social system is almost endless.

## Men and Women in Islam

Islam defines very clearly exactly what are the roles of men and women in life, and gives detailed guidance as to how they should interact with each other in every sphere of life. These definitions and roles come from Allah (swt) the Creator of human beings. As a result they perfectly accord with human nature and there is no scope in Islam for either men or women to be left to

oppress or discriminate against each other.

Mankind is regarded as consisting of human beings, who have the same instincts, like the survival, spiritual or procreational instincts, and organic needs such as the need to eat, sleep, breathe etc. They share these regardless of their gender. As such, men and women are both creations of Allah (swt) and in this respect are absolutely equal in status. Islam defines the purpose of life for human beings as being purely a worship to Allah (swt).

*“I have not created jinn and human beings except as a worship unto me.”* [TMQ 51:56]

This worship is fulfilled by living in obedience to the commands and prohibitions of Allah (swt), and the extent to which a person has done this will be judged on the Day of Judgement, to determine whether they are to gain the reward of Paradise or the punishment of Hellfire. This applies equally to both men and women, with neither having any preference over the other. In the eyes of Allah (swt) men and women have equal status. Allah (swt) says,

*“And their Lord has accepted of them and answered them, ‘never will I suffer to be lost the work of any of you be you male or female, you are members of one another.’”* [TMQ 3:195]

It is acknowledged however, that Allah (swt) created man and woman with a different *fitrah* (nature) which gives them different roles to play in life. This is because there are some attributes that are exclusive to men or women, that cannot be shared by the other; for example, women bear children and breast-feed them, but while men are physically stronger, they are unable to do these. One of the many errors found in the man-made system, is that ‘equality’ has taken the same meaning as ‘sameness.’ Thus, women and men are forced to compete with each other to fulfil the same roles.

The Shari‘ah of Islam prevents this. In some areas, which are not gender specific, men and women follow the same rules, as in the prayer, the giving of oaths or the fasting, except where there is an acknowledgement in the differences of their nature - so in times of menstruation, the woman does not pray, and when pregnant, the woman need not fast (although the missed days are made up later). But in others, which are gender specific, men and women have different roles to play and rules to follow, e.g. motherhood or fatherhood. Thus instead of competition between men and women, there is harmony and tranquillity.

## Objectives of the Social System

There are three main objectives of the Social System in Islam. These are :

1. To define the roles of men and women.
2. To organise the relationship between men and women and to solve the problems that arise from this relationship.
3. To regulate the family structure.

All the rules and laws which human beings are subject to in order to fulfil these objectives are defined by the Shari‘ah. Some roles are unique to men and women and some apply to both.

### The Man

A man can take different roles with regard to his relationship with those around him. Islam defines different rights and duties for the man depending on which capacity he is acting in. Some of the roles he could have are as :

1. Grandfather
2. Maternal/ Paternal Uncle
3. Father
4. Brother
5. Son
6. Husband
7. Maternal / Paternal Nephew
8. Unrelated man.

Some examples of the different rights and duties incumbent upon the man depending on his capacity are :

a) The father must provide food, shelter and clothing for his children, until such a time that they are mature, and able to support themselves, after which his support becomes a charity.

‘A’isha (ra) narrated that Hind bint Utbah came to the Messenger of Allah (saw) and she said, **“Oh Rasul Allah, Abu Sufyan is a miserly man and I have nothing from him except what I take for myself.”** The Prophet (saw) said, **“Take what is sufficient for you and your child with justice.”** *Kitab al Umm*, Imam Shafi‘i

b) The son is obliged (i.e. it is *fard*) to obey the mother or father in those areas which are *mubah* (permitted) and are the right of the parent, e.g. to serve them or look after them, and is *mandub* (recommended) to obey them in areas which are the choice of the son, e.g. who to marry, what to wear etc. It is forbidden for him to obey his parents if they order him to disobey Allah (swt).

*“And we have enjoined upon 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 your parents : To me is (your final) goal. But if they strive to make you join in worship with me things of that which you have no knowledge, obey them not.”* [TMQ 31:14-15]

c) It is forbidden for an unrelated man to gaze at a woman with lustful intentions.

Jarir ibn ‘Abdullah reported, **“I asked Allah’s Messenger about the sudden glance (that is cast) on the face (of a non-mahram). He commanded me that I should turn away my eyes.”** Muslim

## The Woman

The woman too can take different roles. Her duties vary depending on which capacity she acts in.

Among the roles that a woman can take, these are some of the important ones :

1. Mother
2. Maternal/ Paternal Aunt
3. Grandmother
4. Sister
5. Daughter
6. Wife
7. Maternal / Paternal Niece
8. Unrelated woman
9. Wet-nurse (i.e. mother by breast-feeding)

Here are a few examples of what some of these roles may entail:

a) The mother has more right of obedience and respect from her children than the father.

Abu Hurayrah related that a man came to the Prophet (saw) and asked, **“O Rasul Allah, which of all the people is best entitled to kind treatment and good companionship from me? He answered, ‘your mother.’ The man asked, ‘Then who?’ He said, ‘Your mother.’ ‘And after her?’ He replied, ‘Your mother.’ ‘And after her?’ He replied, ‘Your father.’”** Bukhari and Muslim

b) The daughter needs the permission from her *waliy* (guardian), who is usually her husband or father, to leave the house. Baihaqi narrated that the Prophet (saw) said, **“It is not permissible for a woman who believes in Allah and the Last Day to allow someone into her husband’s house if he is opposed, or to go out if he is averse.”**

c) The maternal aunt has more right of custody over her young nephew or niece, than any other relation apart from the mother and father.

Muhammad (saw) said, **“The *khala* (maternal aunt) has equal rights after the mother.”** The *hadith* was regarding custody of a child.

Each role that the man or woman may fulfil has its own details and explanations. However, by fulfilling the roles that each has with regards to the other people around them, harmony will prevail within the family structure. Disputes which may arise will be solved by the Shari‘ah, whether they are within the family structure, or in the society as a whole.

## Principles of the Social System

The main principles which preserve the relationship between men and women according to the Islamic Shari‘ah are:

1. Men and women must cover their *awrah*.
2. Men and women are segregated, and mixing between them is allowed only in specific areas.
3. It is not allowed for an unrelated man and woman to be together in a secluded place (*khalwa*).
4. Men and women must lower their gaze towards each other and preserve their modesty.
5. It is not permitted for a woman to travel alone for more than 24 hours away from a secure place (i.e. without a *mahram*).
6. Marriage is a valid institution for unrelated men and women to have intimate companionship with each other. Marriage may be dissolved by divorce.

7. Islam defines the roles of motherhood, fatherhood and children.

### **Covering the *Awrah***

*Awrah* is the term used by Islam to indicate the areas of the body on a man or woman which must be covered up in the presence of other people. This is an act which preserves the modesty and dignity of those who conform to it. There are different degrees of *awrah*, and the extent to which they must be covered depends on the relationship that the Muslim has with the people around him or her.

#### **The Dress Code of the Man**

The *awrah* of the man can be divided into two categories :

1. *Awrah Ghalida* (hard *awrah*) : this encompasses the private parts and the back side.
2. *Awrah Khafifa* (soft *awrah*) : this encompasses the other areas from between the navel to the knee.

The *awrah* of the man to another man :

It is forbidden for the man to uncover any area of either of these parts of his soft or hard *awrah* in public, or in private when other men are present.

The *awrah* of the man to the woman :

The same applies when the man is in the presence of any woman, including his near relatives. However, it is permitted for a man to show any part of his *awrah* to his wife.

Evidence: Abu Said al-Khudri said that the Prophet (saw) said, “**A man’s *awrah* is between his navel and his knees.**”

#### **The Dress Code of the Woman**

The *awrah* of the woman is divided into two areas :

1. *Awrah Ghalida* (hard *awrah*) : This is between the chest (including the breast) and the knee.
2. *Awrah Khafifa* (soft *awrah*) : This is all of the body except for the face and the hands.

The *awrah* of the woman to a man:

The soft *awrah* must be covered at all times when the woman is in the public areas or when an unrelated man may be able to see her, like the street or the market-place. The clothes that she wears cannot be tight, and reveal the shape of her body, as this does not constitute the adequate covering of her *awrah*. If an unrelated man has looked at even as much as one hair on her head, then he has seen her *awrah*, and has committed a sin (unless there is a valid Shari‘ah reason for doing so, e.g. medical treatment etc).

If the woman is in the private places, like her home, but is in the presence of her male *mahram* (non-marriageable relatives) or other women, she must cover her hard *awrah*, but may show her soft *awrah*.

The only person in front of whom the woman can show all of her body, including the hard *awrah*, is her husband.

‘A’isha (ra) narrated that Asma, the daughter of Abu Bakr came to the Messenger of Allah (saw) while there were thin clothes on her. He turned his face away from her and said to her, “**O Asma! When a girl reaches the menstrual time, it is not proper for her that anything should remain exposed except this and this.**” He gestured at her face and palms. Abu Daud

#### ***Al-Tabarruj* (the adornment)**

There is a specific dress code that the woman must conform to when she is in public areas, as well as covering her *awrah*. This concerns the issue of adornment. She must wear an outer garment, which consists of:

1. *Khimar* - this is a head covering which conceals all of her hair, and reaches down to cover her chest.
2. *Jilbab* - This is a barrel shaped outer garment which covers the whole body, and does not reveal the underlying shape or definition. This may be in one piece or two pieces. Allah (swt) says,

“*Oh Prophet, say to your wives and your daughters and the women of the believers that they let down over them their jilbab (over garment); this will be more proper, that they may be known, and thus they will not be annoyed.*” [TMQ 33:59]

As well, the woman is forbidden from wearing bright colours or any style of clothing that will attract attention to her. This applies for jewellery, make-up, or anything which may make a noise when she walks. She is also not allowed to put on perfume that can be smelt when she is in public places. However, if she wears make-up or clothes which do not attract undue attention, she may wear these in public.

In the private areas, while in the presence of other women or her *maharim* (non-marriageable relatives), but not if in the presence of unrelated men, she may wear whatever clothes and make-up that she chooses, as long as they conform to the Islamic conditions (like covering the head *awrah*, not imitating the clothes of the disbelievers, etc.). Allah (swt) says,

*“And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save to their husbands or fathers, their husbands fathers, their sons, their husbands sons, their brothers or their brothers sons, or their sisters sons, or their women, or the slaves whom their right hand possesses, or male servants free of physical needs, or small children who have no sense of shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments.”* [TMQ 24:31]

These are some of the aspects of the social system, as relating to the woman or the man in their individual capacities. However, the Shari‘ah gives details about the rules regarding areas where men and women interact with each other.

## Segregation Between Men and Women

In Islam, the basic principle of the interaction between men and women is segregation. This means that in all areas of life and in all places whether private or public, contact between men and women is generally prohibited. Many evidences establish the principle of not mixing between the sexes, and there are many *ahadith* which clarify that this is the case in both public and private areas:

Abu Daud narrated the following *ahadith*: The Prophet (saw) said, **“The best row for men is the front row, (furthest from the women’s row) and the best row for women is the back row and the worst is the front row (just behind the men).”** Ibn ‘Umar said, **“The Prophet prohibited men from walking between two women.”** The Prophet (saw) saw men and women outside the mosque moving side by side in the crowd. He stopped the women saying, **“It is not proper for you to walk in the middle of the path, you had better walk along the walls.”**

This means that the Muslims should avoid contact with members of the opposite sex, whether Muslim or not, as a general rule. However, there are exceptions to this general rule, where the mixing or interaction between men and women is permitted in certain situations.

For example, it is permitted for men and women who are *mahram* to each other to mix freely for any purpose that Islam permits. As well, there are certain areas where it is permitted for non-*mahram* men and woman to interact with each other, such as for the purpose of *da‘wah* (invitation to Islam) or education. However, the type of mixing that can occur here is not free, and is restricted by the Shari‘ah to be within certain guidelines and boundaries, and the Muslim must be sure to understand these before any type of mixing takes place.

The *ahkam* (rules) to do with mixing also vary with regard to the kind of place in which the mixing occurs.

## The Public and Private Life

In an Islamic society, there are two types of areas where men and women come into contact with each other, which are quite different in their descriptions and in the *ahkam* (rules) which relate to them. The nature of the interaction between people in them may involve the mixing among men, among women, and between men and women. These are :

**The Public Areas** - These consist of areas wherein anybody can be present without permission, e.g. the mosque, the streets etc.

**The Private Areas** - These are areas where permission is required to enter them, such as houses. In such areas, it is forbidden to enter without permission, or even to look inside. Sahl ibn Sa‘ad narrated, **“A man peeped through a round hole into the dwelling place of the Prophet (saw) while he had an iron comb with which he was scratching his head. He (saw) said, ‘Had I known you were looking (through the hole) I would have pierced your eye with it (the comb). Verily, the order of taking permission to enter (a dwelling place) has been enjoined because of that sight (that one should not look unlawfully at the state of others)’.”** Bukhari

Islam defines rules and laws which regulate the relationships between men and women in each of these spheres.

## The Private Life

This concerns the conduct of people when they are in the private areas. Here, the principle is that mixing between unrelated (non-*mahram*) men and women is forbidden as a general rule. However, the Shari'ah gives permit for mixing to occur under certain special circumstances. In all these cases, a woman must have a *mahram* (non-marriageable relative) in her presence. The areas include:

1. **Medicine** : It is allowed for men and women to mix for the purpose of seeking medical treatment.
2. **Studying** : It is allowed for men and women to be present in the same class if the purpose of their mixing is learning about Islam or other types of education permitted by the Shari'ah.
3. **Marriage** : It is permitted for men and women to be present in the same place for the purpose of performing, witnessing or celebrating a marriage.
4. **Food** : Men and women may eat together in the same place.
5. **State Arrest** : In any issues involving the affairs of the State, it is permitted for the police on the authority of the Khaleefah, to enter into a private place where women may be present, if this is required for them to conduct their business.
6. **Duress or Compulsion** : At times of absolute necessity or emergency, such as earthquakes, war or hurricanes, the necessary mixing is permitted for men and women in order to remove any danger or threat.

## The Public Life

This concerns the conduct of people when they are in the public areas. Here again, the principle is that mixing between unrelated (non-*mahram*) men and women is forbidden as a general rule. However, the Shari'ah gives permit for mixing (in the sense of presence in the same area) to occur under certain special circumstances. In all these cases, it is not a condition that a woman has a *mahram* in her presence. The areas can be broadly categorised to include :

1. **Every day life affairs** : This involves the unavoidable interaction between men and women in areas like streets, mosques, markets, hospitals, businesses, offices, airports, while performing the Hajj etc.
2. **Da'wah** : For the purpose of inviting non-Muslims to Islam, or teaching the Muslims about the *deen*, men and women may be present in the same public area, e.g. public halls, lecture rooms etc.
3. **Seeking Knowledge** : For the purpose of education, men and women may study in schools, universities, colleges as long as they are public places that do not require permission for entry.

In all these cases, where men and women are present at the same time, there must not be free mixing, where both sexes are mingling with each other. Rather, the men and the women must be separated, such that for example, the women are at the back of the room and the men are at the front. The general rule is that any contact between members of the opposite sex is minimised as much as possible, so any contact between members of the opposite sex must be necessary to the business at hand. Thus in the Islamic State, for example, in the trains or buses there would be separate areas for men and women.

In any case, the activities which are occurring must be *halal* (i.e. permitted) in nature. Accordingly, mixing between non-*mahram* men and women for the purpose of amusement, leisure-activities or entertainment is strictly prohibited. Thus issues such as boyfriend/girlfriend relationships, dating, or enjoying leisure and company with unrelated women is *haram*. However, Islam does see these types of activities as acceptable, but only when regulated within the framework of marriage.

## Khalwa - Seclusion

*Khalwa* relates to the presence of a non-*mahram* man and woman being on their own together without the presence of a *mahram* or any other person. This could happen in a private place, or a public place. In either case *khalwa* is forbidden from Islam, and both the man and woman involved are sinful.

*Khalwa in a Private Place* : This could occur in any place that requires permission for entry, such as a house or bedroom in a residence building.

*Khalwa in a Public Place* : This could occur in any public place whose nature is that no other people would be likely to pass by or come there. An example of such a place would be in a forest or an isolated room in a university.

Muhammad (saw) said, **“If a man and a woman are alone together in an isolated place, then the third is *Shaitan*.”**

Bukhari narrated that the Prophet (saw) said, **“No man should stay with a lady in seclusion except in the presence of a mahram to her.”** A man stood up and said, **“O Rasul Allah! My wife has gone out intending to perform the Hajj and I have been enrolled in the army for such and such a campaign.”** The Prophet (saw) said, **“Return and perform the Hajj with your wife.”**

## Modesty and Lowering the Gaze

Part of the provision of maintaining the dignity and honour of men and women in Islam is in the regulation of the way they are regarded by each other. It is forbidden for the Muslim man to look at any woman with lustful intentions, except for his wife. The same is true for a Muslim woman with regard to other men.

Rather, the emphasis is on lowering the gaze away from members of the opposite sex at times when they are present, like in the streets or the market place. Allah (swt) says,

*“Say to the believing men that they should lower their gaze and guard their modesty, that will make for greater purity for them, and Allah is well acquainted with all that they do. And say to the believing women that they should lower their gaze and guard their modesty.”* [TMQ 24:30-31]

Jarir ibn ‘Abdullah reported, **“I asked Allah’s Messenger about the sudden glance (that is cast) on the face (of a non-mahram). He commanded me that I should turn away my eyes.”** Muslim

This reflects the principle that the way that Muslim men and women view each other is completely different to the way of the West, where women are seen as sex objects, and respect of both men and women in this context is almost non-existent. Indeed, if it does exist at all, the criteria upon which it is based mainly concerns the superficial physical attributes. Allah (swt) says,

*“And the believers, the men and women, are protecting friends of one another, they bid to honour and forbid dishonour, they perform the prayer, and they pay the alms, and they obey Allah and His Messenger. Upon them Allah will have mercy.”* [TMQ 9:71]

This aspect of the Social System of the Islamic State will prevent exploitation of women in pornography, or the use of their bodies as an enticement for people to buy products. Additionally, in the media as a whole, whether on television, magazines, newspapers or films, neither men nor women will be portrayed in roles where they reveal their *awrah*, or involve in activities that are forbidden in Islam.

Thus the sexual bombardment from the media that is faced by people in the West, and the distorted image of men and women that this builds in the mind, will be absent in the Islamic State.

## Not Travelling Alone for More than 24 Hours

It is forbidden for a Muslim woman to travel on a journey which lasts for more than 24 hours, unless she is in the company of a *mahram*. It is the role of her *mahram* to ensure that her safety, honour and welfare are protected.

Muslim reported that the Prophet (saw) said, **“It is not allowed for a woman to travel for a day without a mahram.”**

## Relationships and Marriage (*Nikah*)

Islam recognises that one of the basic instincts that appear in men and women is the urge to procreate and feel attraction to members of the opposite sex. Unlike monastic religions, which condemn sex as a ‘sin of the flesh’, relations between men and women are seen by Islam as a beautiful and perfectly acceptable means of fulfilling the procreational instinct that is to be enjoyed to the full. However, it forbids the sexual excesses of the liberal west and thus removes the dangers and problems in society which such so called ‘freedom’ inevitably entails, like single parent families, unwanted pregnancies and abortion. Rather in Islam, relationships between men and women are based upon responsibility and mutual respect. Allah (swt) says,

*“And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your hearts. Undoubtedly in this are signs for those who reflect.”* [TMQ 30:21]

Intimate relationships of any kind between unrelated men and women are forbidden outside the framework of marriage. This ranges from everything between ‘socialising’ with members of the opposite sex, to *zina* (fornication). Adultery is forbidden and punished severely, and any forms of sexual deviancy like child abuse, homosexuality, incest or bestiality are similarly forbidden. Allah (swt) says,

“Do not come near zina (adultery or fornication), for it is a shameful deed and an evil, opening the road to other evils.” [TMQ 17:32]

## Marriage

Marriage is highly recommended in Islam, with men and women being encouraged to marry as soon as they are able (i.e. physically mature and capable of supporting a wife). It is in fact seen as an act of worship, and every act of fulfilment between husband and wife is a charity.

Anas (ra) narrated that the Prophet (saw) said, “**When a man marries, he has fulfilled half of his *deen*, so let him fear Allah regarding the remaining half.**”

Marriage is regarded as a companionship between men and women, as opposed to a partnership. The objectives of marriage are two :

1. To enjoy the company of a member of the opposite sex.
2. To have children thereby guaranteeing the continuity of the human race.

The contract of marriage is called *nikah*, and it is a contract between a man and a woman of which all the conditions must be fulfilled for it to be correct and valid. These include:

1. Offer and acceptance
2. No compulsion or duress
3. Two witnesses
4. *Waliy amr* (guardian of the bride)
5. Payment of *mahr* (dowry, not necessarily money) from the man to the woman
6. The man and woman are not *mahram* to each other
7. The woman is not in her *'iddah* (waiting period)
8. The man and woman are eligible for marriage (e.g. woman is unmarried)

The Muslim woman must only marry a Muslim man, and it is forbidden for her to marry a man of any other belief. Regarding the marriage of believing women, Allah (swt) says,

“*They are not lawful for the disbelievers, nor are the disbelievers lawful for them.*” [TMQ 60:10]

However, it is permitted for the Muslim man to marry a non-Muslim woman from the People of the Book (Jew or Christian), provided that they are chaste and unmarried. Allah (swt) says,

“*Lawful unto you in marriage are not only the chaste women who are believers, but chaste women among the people of the Book revealed before your time, when you give them their due dowers and desire chastity, not lewdness nor secret intrigues.*” [TMQ 5:5]

Within the framework of marriage, the Shari‘ah has defined different roles and duties that men and women have. They complement each other perfectly, such that the life between man and woman is filled with harmony and tranquillity.

## The Concept of *Maharim*

One of the conditions of marriage is that the partner must not be from the forbidden categories (*maharim*).

The *maharim* of the man include : his mother, the wives of his father, his sons wives, the two grandmothers, his daughters, his grand-daughters, his sisters, his paternal and maternal aunts, his great aunts, his nieces, his wife’s mother, his mothers by breast feeding and their mothers and daughters and his sisters by breast feeding.

The *maharim* of the women become clear given the opposite understanding of the *maharim* of the man given above.

In all these cases, while it is forbidden for marriage to occur between them, it is permitted for them to mix freely in the private and public areas. Allah (swt) says,

“*Forbidden unto you are your mothers, and your daughters, and your sisters, and your father’s sisters, and your mother’s sisters, and your brother’s daughters and your sister’s daughters, and your foster mothers, and your foster sisters, and your mothers-in-law, and your step daughters who are under your protection (born) of your women unto whom you have gone in - but if you have not gone in unto them, then it is no sin for you (to marry their daughters) - and the wives of your own sons who spring from your own loins. And it is forbidden unto you that you should marry two sisters together, except what has already*

*happened of that nature in the past. Lo! Allah is ever Forgiving, Merciful.*” [TMQ 4:23]

The sister in law of a man cannot be married by him while he is still married to her sister. However despite this, he cannot mix freely with his sister in law as he can with the other *maharim*. Similarly, the woman cannot mix freely with her brother-in-law.

‘Aqabah ibn Amir narrated that the Prophet (saw) said, **“Do not go near women when they are alone.”** A man from the *Ansar* said, **“What about the husband’s elder and younger brothers?”** The Prophet (saw) said, **“Intimacy with them is to be avoided as death.”**

## **Rights and Duties within Marriage**

Allah (swt) says,

*“Men are the protectors and maintainers of women, because Allah has given the one more strength than the other and because they support them from their means. Therefore the righteous women are devoutly obedient and guard (in the husband’s absence) what Allah would have them guard.”* [TMQ 4:34]

Ibn ‘Umar narrated, the Prophet (saw) said, **“Each of you is a guardian and is responsible for his ward. The ruler is a guardian (over his people) and the man is a guardian of the members of his household, and the woman is guardian and is responsible for her husband’s house and his offspring, and so each of you is a guardian and is responsible for his ward.”** Bukhari and Muslim

‘A’isha (ra) narrated that the Prophet (saw) said, **“When a wife spends food of her house without spoiling, there is for her its reward for what she gives away, and there is also reward for her husband for what he earns, and the like (reward) for the storekeeper - none of them diminishing anything from the reward of another.”** Bukhari

These evidences, among others, define the basis from which come the understanding of the rights and duties of the husband and wife to each other within the framework of married life. These are outlined below.

## **The Husband**

The main duties of the man are :

1. *The guardianship of the wife and children* : This means he must ensure their security and protection, and must always act in such a way as to safeguard their interests.

2. *The maintenance of his wife and children* : He must spend from his own means to ensure that the basic material needs are provided for them, which include bringing her all she needs to fulfil her duties as a wife. His wife is not obliged to give him any of her own money for this purpose, even if she is wealthy and he is poor. However, she may do so if she wishes.

3. *Shelter for the wife and children* : The husband must provide adequate housing for his family.

The main rights of the husband from his wife are :

1. *Obedience and taking permission* : The wife must obey her husband in all areas which are permitted from Islam, like to assist him or give him comfort. Also, the wife must take permission from her husband when she wants to leave the house, or when she wants to invite people into the house.

2. *Divorce* : It is the right of the husband to divorce his wife if he is unhappy with the marriage. If the husband dies, or divorces his wife, she must observe the *‘iddah* (waiting period) before she can marry again. In the case of his death, this is four months and ten days, and in divorce, it is when three intervals between her menstruations have finished (as long as she is not pregnant).

3. *Looking after his money and children* : The wife must ensure that the children are properly cared for and educated with knowledge of Islam and that the husband’s money is spent in a just way.

4. *Custody of the Children* : It is the right of the husband that if his marriage ends, he takes custody of the children **after** they have reached seven years of age.

## **The Wife**

The main responsibilities of the wife are :

1. *Obedience and taking permission of her husband.*
2. *Looking after her husband's wealth* : This includes his money, property etc.
3. *Welfare of her husband* : She must ensure that her husband's needs are taken care of.
4. *Looking after the children.*

The main rights of the wife from her husband are :

1. *Companionship* : It is the right of the wife that her husband gives her companionship and maintains an environment of love and affection for her.

2. *Spending and shelter* : The husband must look after her material needs, provide shelter for her, and give her anything she needs to fulfil her role as a wife. This includes providing things for her which she can use to adorn herself and make herself beautiful.

3. *Khul'a (Right of divorce)* : The wife can ask for separation from her husband if she is unhappy with the marriage. There are three reasons for which she can do this : a) He harms her directly, e.g. beating her, b) He harms her indirectly, e.g. not providing for her or her children, c) She hates him.

4. *Custody of the children* : It is the right of the wife if the marriage ends to have custody of the children as long as they are below the age of seven.

From these descriptions, it can be seen that the details of these rights and duties for both men and women complement each other perfectly. In Islam, there is no issue of struggle for rights, or disputes between the roles that each fulfils. These are all defined by Allah (swt), so obedience to them means that men and women are freed from oppression and dominance by members of the opposite sex.

Indeed, Islam obliges that husband and wife make the utmost efforts to keep a beautiful and co-operative relationship with each other.

Abu Hurayrah (ra) reported that the Prophet (saw) said, **“The most perfect of the believers in faith is he who is best of them in conduct, and the best of you are those who are best to their wives.”** Tirmidhi

‘Abdullah ibn Amr reported that the Prophet (saw) said, **“The whole world is a provision, and the best object of benefit of the world is the pious woman.”** Muslim

## Motherhood, Fatherhood and Children

Part of the family structure involves the birth of offspring. Once a married couple have children, the strong familial bond and the relationship they have with their child is defined and regulated according to the Shari‘ah. Both the mother and father have responsibilities to their children, and the children too have responsibilities to their parents.

### **The Role of the Mother**

The role of the wife as a mother not only includes rearing and protecting the children, but also to teach the children the true *deen*.

The Prophet (saw) said, **“Every child is born on the *fitrah*, its parents later on making it a Jew or a Christian or a Pagan.”** Anas reported that the Prophet (saw) said, **“Be generous to your children, and excel in teaching them the best of conduct.”** Ibn Majah

The reward for the mother for the sacrifices she makes and the efforts she spends for the sake of looking after and rearing her children are great.

Anas narrated that Salamah, the nurse of Ibrahim said to the Prophet (saw), **“O Messenger of Allah, you brought tidings to men but not to women.”** He said, **“Did your women friends put you up to asking me this question?”** She said, **“Yes, they did.”** He (saw) said, **“Does it not please any of you that if she is pregnant by her husband and he is satisfied with her that she receives the reward of one who fasts and prays for the sake of Allah? And when the labour pains come none in heaven or earth knows what is concealed in her womb to soothe her. And when she delivers, not a mouthful of milk flows from her and not an instance of child's suck, but that she receives, for every mouthful and every suck, the**

reward of one good deed. And if she is kept awake by the child at night, she receives the reward of one who frees seventy slaves for the sake of Allah.” Tabarani.

### **The Role of the Father**

The emphasis here for the father with regard to his children is that he should provide for them all the material support that they require until they are able to fend for themselves. Islam encourages kind treatment of the children by the father, and recommends good relations be kept between them.

A man named al-Aqr’a ibn Habis visited the Prophet (saw) and was surprised to see him kissing his grandsons, Hasan and Husayn. **“Do you kiss your children?” he asked, adding that he had ten children and never kissed one of them. The Prophet (saw) replied, “That shows that you have no mercy and tenderness at all. Those who do not show mercy to another will not have Allah’s mercy shown on them.”**

Ibn ‘Abbas narrated that the Prophet (saw) said, **“There is no Muslim, whose two daughters reach the age (of maturity), and he is good to them as a companion, and they do not cause him to enter Paradise.”** Ibn Hibban.

### **The Role of the Children to their Parents**

Islam enjoins that children are respectful to their parents and treat them with kindness and affection. The child must obey his or her parents. This obedience falls into two categories:

1. Issues which are the right of the parent : These include areas which are of the concern to the parents themselves such as to serve the mother or father. For a woman whose father is her *waliy* (guardian) it is the father’s right that she seeks his permission to go out of the house, and she must obey this and all the rights he has as her *waliy*. In all these cases, it is *fard* (obligatory) for the child to obey.

2. Issues which are the right of the child : These include areas which are the concern of the child him or herself, such as what they should eat, who they should marry, etc. In these cases, it is *mandub* (recommended) for the child to obey the parents.

However as is the case when the husband orders his wife, if the parent orders the child to obey them in something that is a disobedience to Allah (swt), like to do something *haram* or to neglect a *fard*, then it is neither obligatory nor recommended for the child to obey. Rather, in these cases, it is *haram* for the child to obey. Allah (swt) says,

*“And we have enjoined upon 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 your parents : To Me is (your final) goal. But if they strive to make you join worship with Me things of that which you have no knowledge, obey them not.”* [TMQ 31:14-15]

## **Conclusion**

This is an outline of the Social System of the Islamic State. The Shari’ah clearly defines the way that men and women should interact with each other and how they should regulate their relationships. Such guidelines are largely absent in societies of the West, be they governed by Capitalist or Socialist ideologies. Instead, the need to put down a policy for interaction between men and women is ignored as if it is unimportant. The consequences of this in society are disastrous.

It leads to exploitation of men and women in all areas of society. Social problems are rife, such as prostitution, widespread abortion, sexually transmitted diseases, rape, adultery, pornography - where both men and women lose all dignity and honour. These are but a few of the issues that arise in any society which has a man-made social system.

Under Islam, the correct roles for men and women are defined by Allah (swt) the creator of men and women. The mentality of ‘freedom’ that prevails in the West is replaced by one of responsibility and mutual respect. This notion is apparent in the way in which men and women behave in their social conduct.

These roles, and the systems which regulate them are manifested not only in the conduct of the individuals, but are also implemented by the ruling system, such that there becomes a complete harmony between the behaviour of the people and the functioning of the environment around them. This has the effect of elevating the situation of the people from the lowest levels, to one where the dignity and honour of all human beings is preserved and respected (as would be the case in an Islamic State).

# Summary: Social System in Islam

In the so-called 'civilised world', the roles of men and women are defined by the concept of freedom. While this is held by many to be the only just way, the real proof of its success can be seen in the society at large.

Society pressures women to conform to certain roles, which by their nature destroy their honour and dignity; yet still they believe themselves to be liberated. 'Fashion' dictates that they must undress themselves to be acceptably attired. Their bodies are used like commodities to sell cars and chocolate bars. Pornography is commonly seen as a right, rather than exploitation. Women find themselves competing with men, and struggling to fulfil the same roles.

The air of sexual freedom, too has its consequences. Rape, abortion, and prostitution are everyday occurrences in the news. Adultery, sex before marriage and homosexuality are perfectly acceptable, while those who reject them are seen as 'backward.' Tens of thousands of women are forced to bring up children on their own, while at the same time worrying about how to provide for themselves.

In reality, the idea of 'freedom' is replaced by 'irresponsibility.' The effects are disastrous.

Islam does not leave men and women free to dominate or abuse each other. By their nature, men and women are different, and they obviously have different roles to play in life. These roles are defined by the only one capable of doing so, Allah (swt) who created men and women.

Islam gives women honour, dignity and protection. Muslim women never had to fight for their rights - these are guaranteed by their belief. Nor do they have to compete with men. Instead, the rights and duties of men and women to each other complement them perfectly. Relationships are regulated by marriage, responsibility and a stable family structure, where the men are the providers and protectors.

Even a brief study will show you how the Social System of Islam ensures that the whole society has an atmosphere of dignity and mutual appreciation between the sexes, where the lives of men and women are regulated in a beautiful harmony.

# The Education System

## Facts About the Education System

In the Islamic State, schools, institutions and universities which were previously set up and run by the foreign imperialists and their agents, such as Aitcheson College, Lahore, St Joseph's School, Dhaka, St Johns Institution, Kuala Lumpur etc. will be shut down. These are institutions deliberately set up to inculcate young Muslims with non-Islamic ideas to implant in their minds awe and adulation of the Western way of life.

The Islamic State will have its own media department which it will use to propagate Islam and the Islamic values throughout the world and refute all the lies and misconceptions that have been propagated by the disbelievers. All the latest technological and scientific means of communications, such as satellite, electronic mail, teleconferencing etc. will be tapped, used and explored by the State in its quest to educate the citizens of Khilafah. Foreign media sources like BBC World Service, CNN, Voice of America etc., which exist in the Muslim world to confuse, attack and divert Muslims from Islam will be banned.

Mass media, TV, Radio, newspapers, books and conferences are the existing means which can be used within the Islamic State. No permission is required to set up any of the above, provided what they propagate is within the bounds of Islam.

Today the Muslim world is plagued by astonishingly high levels of illiteracy, e.g. Pakistan and Bangladesh. The Messenger of Allah (saw) tackled head on the issue of illiteracy amongst Muslims. He (saw) made the ransom of each prisoner at Badr to teach ten Muslims how to read. The Islamic State would strive to ensure every Muslim thus turns into either a scholar (*mujtahid*) or an informed learner (*muttabi'i*).

During most of Islamic history, every major city within the Khilafah possessed public and private libraries. Libraries such as Cordoba and Baghdad boasted collections of over 400,000 books.

Arabic became the most important scientific language due to translation of works of Aristotle, Plato, Pythagorean school, Greek astronomy, Ptolemy and Euclid. Muslim scholars discussed and refuted many of the ideas of these scholars, e.g. Imam Ghazzali's '*Tahafut al-Falasifah*' ('Refutation of the Philosophers') and Ibn Taymiyya's '*Kitab ul Ibtal*' ('Book of Invalidity').

The Muslims use of the Zero, which was previously absent in mathematical sciences enabled great advances, solving problems that for centuries remained unsolved.

Muslim mathematicians devised and developed algebra, and the concept of algorithms were thought up (and named after) Al-Khwarizmi, a famous Muslim scholar who lived in the Islamic State.

The Khilafah State would ensure the provision of free education to every male and female (Muslim and non-Muslim) at both primary and secondary levels. Education at higher levels would be encouraged and the State would help in funding those who wish to do so as much as possible.

The Khilafah State would set up libraries and laboratories in other than the schools and colleges in order to enable those who wish to take up further studies to do so, in various subjects such as *fiqh*, *hadith* and *tafseer*, or medicine, civil engineering, pure sciences etc.

**MEDICINE** : Muslim physicians developed many surgical instruments to perform operations, as well as describing countless other aspects of medical science, such as :

Al-Razi used alcohol as an antiseptic, and found a treatment for smallpox in the 10th century.

Ibn Sina diagnosed and treated meningitis in the 11th century, and his textbook of medicine (*Al-Qanun*) was used as a standard reference in Europe for centuries after.

Ibn al-Nafis described the minor circulation of blood in the 14th century.

The words 'Retina' and 'Cataract' derive from Arabic. Muslims were expert in ophthalmology, and explained the workings of the eye, and devised surgical procedures to remedy cataracts during the 13th century (all CE).

Science flourished under the Islamic Education System. The Muslims were the most advanced in the world in fields such as : mathematics, geometry, optics, astronomy, medicine, physics, natural sciences, engineering and many others.

The Khaleefah Harun al-Rashid would punish parents who had not ensured that their children had learned to read and pronounce Arabic. He also provided financial incentives for any who would teach, learn, propagate or debate issues of the *deen*.

## What's Happening to Our Children?

All parents worry about their children's future. We have a vision that our offspring will be successful in life, and will possess the characteristics of a good person. We hope they will, along with becoming accomplished in their careers, be dutiful, obedient and respectful of their parents.

Therefore, we are particular about their attendance and attitude towards school. As well as this we ensure that they attend after school lessons in the mosque. We do all this because naturally we feel that the education of our children is of the utmost importance.

Despite our concerns, we see more and more of our youth falling far short of our expectations. The lifestyles of so many are characterised by misbehaviour, disrespect and selfishness. They live by their own rules, with little or no consideration for others. Why has this happened?

Let us see exactly what your children are being exposed to under a non-Islamic education system. Consider a typical day in the life of a Muslim child (perhaps your child) in a western school. You drop off your child, feeling satisfied that they are about to enter an environment that is safe and secure. Is your assumption accurate? Do we really know what happens to our child once the classroom doors have been shut?

Perhaps the first lesson is geography. Your child will be taught about the different countries : its resources, population, peoples and culture, language, its national flag etc.... And many of these will inevitably be of Muslim countries. It all seems quite harmless until you realise that Islam does not recognise most of these countries as legitimate countries. Islam looks to the Muslims as one nation not separated by these national identities which have been designed to cause disunity amongst the Muslims. Allah (swt) says,

*“And hold fast all of you together to the rope of Allah and do not be divided.”* [TMQ 3:103]

Your child may develop an identity other than that of Islam - an Asian, Arab or Black identity, or a Bangladeshi, Pakistani or Indian identity, rather than being Muslim, slave of Allah, unified by the belief in Allah.

Maybe the next lesson in the daily routine will be science. You expect your child to gain an understanding in science that will further his/her future career. But it is easy to forget that many of the ideas taught in this subject are in direct contradiction to the Islamic belief.

After all, many theories, hypotheses and speculations, which have no firm foundation on evidence and which are subject to dispute among experts are taught as if they are established facts.

The Theory of Evolution suggests that humans evolved from apes. The principle of Conservation of Energy proposes that energy is eternal (cannot be destroyed or created, but just transformed). Humans are put in the same category as animals (differing by being just a more advanced animal). The water cycle is presented as a self-sustaining system. All of these ideas contradict basic Islamic principles e.g. that Allah (swt) is the Creator and the sustainer of everything.

Attitudes in Western science threatens the very status of the Creator. Which of these false and baseless ideas is your child being taught today? How will these ideas affect your child's belief in Allah?

What about your child's history lessons? The only history that is taught is that of the West; its wars, its political development, its achievements, discoveries and inventions etc... Islam is not considered as having any important history, having little effect on the world. Its glories are portrayed as just an episode of world history that is now over. Moreover it is taught as a religion that subjugates and oppresses the innocent. Your child will learn more about the Romans than of the Muslims. They will learn more about the wars and battles fought in the way of Capitalism rather than the wars fought by the Muslims in the way of Allah.

What about Physical Education (PE lessons)? Islam obliges Muslims to conform to a code of dress that proffers modesty. Allah (swt) says in the Qur'an :

*“O children of Adam! We have indeed sent down to you clothing to cover your shame and for beauty, and dress of piety - that is best.”* [TMQ 7:26]

Your child may be told to wear clothing that does not cover them adequately according to Islam. Are you aware that most of the showers are communal, where children are completely naked?

In your child's religious education (RE) lessons Islam is compared to the likes of religions such as Christianity, Judaism, Hinduism, Sikhism etc. The uniqueness of the Islamic belief is not presented but is diminished. Even labelling Islam as a religion is not accurate since Islam is a comprehensive way of life, covering all aspects from personal worship to governing lives affairs in a state.

The corruption does not end in the classroom. In between lessons, your child spends much of his/her time in the playground or common room, where children discuss the latest pop-stars, films, actors and actresses, footballers; idolising them to the point of emulating them. No longer are Muhammad (saw) and the Sahabah (ra) seen as the role models, but they have been replaced by the likes of Madonna, Michael Jackson, Take That, Gazza etc...

Even in the dining rooms, the food that is prepared does not conform to the Islamic dietary requirements (e.g. non-*halal* meat, pork etc.)

Perhaps you are considering a Muslim school for your children. Will this solve your problem? Will your child be guaranteed protection against corruption? Unfortunately the National Curriculum has by law to be taught in any school for it to gain permission to operate. Most of the above dangers will apply to any school that teaches from the same curriculum.

Moreover, education does not only happen in the school. Society itself plays a major role in educating your child. It can be thought of as a bigger school : instead of using blackboards, teachers and classrooms, society employs television, radio, advertising, billboards or children's magazines to educate your child with un-Islamic practices. Your child may grow increasingly alienated from you, the parent, and Islam. He or she may become more aware and accustomed to non-Islam.

## Islam

How will the Islamic State differ in the education of your child? Will your child grow to know his/her *deen* without corruption?

Firstly, your child's education would be free since it is the State's duty to provide, as a basic necessity, free education for every male and female at primary and secondary levels. Every citizen of the State must be provided with education of that which is needed in all aspects of life. There would exist an Islamic curriculum with the objective of building the Islamic mentality and Islamic disposition (i.e. inclinations) in your child. So not only would your child's actions be shaped by Islam but also their likes and dislikes would be in accordance with Islam. They should as a result of school understand the *halal* and the *haram* and follow them with enthusiasm.

Let us consider a similar scenario as above. Your child arrives at a school in the Islamic State, and begins the day by greeting his/her colleagues and teachers with the greeting of Islam. Your child has the first lesson, perhaps a science subject. It could be a selection of the experimental or pure sciences. It would be taught with the Islamic '*aqeedah* (belief) as the basis and an overriding guide. You as the parent, could rest assured that ideas such as the Theory of Evolution would not be taught; humans would not be considered as advanced animals; the Big Bang Theory would not be taught as fact. Allah (swt) says,

*"But most of them follow nothing but conjecture. Truly conjecture can be of no avail."* [TMQ 10:37]

Whereas science in the West is seen as a contradiction to belief in God, within the Islamic State science would be a confirmation of the existence of Allah. Your child would come home and explain that he/she learnt about the water cycle : how Allah (swt) causes water to rise as vapour from the seas by evaporation and form clouds; then Allah (swt) would cause these clouds to give rain once they were over the lands; and Allah (swt) would cause the rain-water to gather and return back to the seas to once again start the cycle. Nothing that is taught would be in contradiction to Islam. Allah (swt) says,

*"Lo 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, these are signs (of Allah's sovereignty) for people who have sense."* [TMQ 2:164]

Your child's next lesson may be a cultural subject such as languages, geography, history or *fiqh*. In geography, your child would be familiar with the Islamic atlas. He/she would learn about the vastness of the Islamic State; how the Muslims are unified in one land under one leader. How its resources are managed according to Islam; its citizens, whether Muslim or non-Muslims working together under one system. Your child would learn to be proud of being part of the leading nation.

In languages your child would learn the language of the Qur'an, not French or German (these could be studied in higher or further education). Your child would not have to go to additional out of school Arabic lessons. He/she could read and understand the Qur'an, or refer to books in Arabic.

In history, your child would be exposed to the rich Islamic history. He/she would study the different *Khulafa'a* and their achievements; the famous scholars and the roles they played; the discoveries and inventions that were made; the conspirators against Islam and how they were dealt with; the positive influence of the Khilafah upon the world. Your child could show how the achievements of the Muslims of the Islamic State placed them hundreds of years ahead of their contemporaries (who were in the Dark Ages). They could give accurate accounts of the battle between Salah al-Deen and the Crusaders, or the life stories of the Sahabah (ra).

Your child would gain a sound knowledge of the *fiqh* (jurisprudence). They would be able to provide detailed evidences for rules in Islam. They may even be able to correct your own actions as advice to the parents. They would understand the respect and obedience that Allah (swt) requires from the child to the parent. Allah (swt) says,

*“Your 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 “oof” to them, nor rebel them but address them in terms of honour.” [TMQ 17:23]*

School break times and lunch times would be a time to enjoy the company of other Muslims with good etiquettes, filled with conversations about famous Muslims: leaders, scholars, mathematicians, scientists and others who would be excellent role models. They would not learn to swear or learn of ill practices, and would possess the most pleasing mannerisms.

In the bigger school - society, there would be also a consistent education of Islam through the State's media. Through television, radio and children's magazines only Islamic ideals and values would be passed.

All these measures would guarantee the nurturing of a fine generation that could be the leaders of the Khilafah. And **your** child could contribute to this.

# The Objective of the Education Policy in Islam

Islam's policy regarding seeking knowledge and education has always been aimed at building the Islamic mentality and the Islamic disposition (tendencies or inclination), which together form the Islamic personality. Islam develops a comprehensive understanding about life. And through this understanding, it shapes our actions, it also shapes our likes and dislikes. Children would, therefore, not only perform their Islamic duties, but they would do so with pleasure. Islam has dealt with both of these matters and linked them directly to the *'aqeedah* (creed), so some of its texts deal with the thought (the mentality) and other texts deal with the tendencies (the emotions).

An example of the former is reflected in the saying of the Messenger of Allah (saw): **“The reflection of one hour is better than the worship of seventy years.”** And an example of the latter is reflected in Allah's (swt) saying,

*“Say if your fathers and your sons and your brethren and your wives and your tribe and the wealth you have acquired and merchandise for which you fear that there will be no sale, and dwellings you desire are dearer to you than Allah and His Messenger and striving in His way, then wait till Allah brings His command to pass, and Allah guides not wrongdoing folk.”* [TMQ 9:24].

And also reflected in the Messenger of Allah (saw) saying, **“No one amongst you becomes a believer until I become dearer to him than himself.”**

All this is to make the Muslim's mind as well as his/her feelings based on the *'aqeedah* of Islam. Therefore, any knowledge which if acquired would help achieve the Islamic personality would be adopted and anything which leads to other than this would be rejected and would not be included in the Islamic State's curriculum. A Muslim should not occupy his mind with philosophical opinions because they contradict the Islamic *'aqeedah*, and his desires should not lean towards a life of disintegration, opulence and mixing, for these are not Islamic tendencies. This is quite the opposite to the established Western education system, where children are made to feel uncomfortable with Islamic tendencies. It now remains to be seen how Islam practically enforces the Islamic personality, and protects from exposure to non-Islamic (*kufri*) culture.

## Islamic Curriculum Within the Khilafah

The education of the Islamic Curriculum can be divided into two types; the sciences and the culture. Experimental sciences and their branches include such subjects as mathematics and medicine, and cultural subjects include things such as languages, history and *fiqh* (jurisprudence). Experimental sciences and their branches would be adopted and included in the curriculum, according to the need for them and without any restrictions. As for the cultural subjects, these would be taught in the primary and secondary terms following a specific policy, which would not contradict Islam and its rules. As for the higher education, these cultures would be adopted and studied like any other science as long as they do not lead to a deviation from the policy

and the aims of education. As for the arts and industries, such as commerce and economics, shipping etc... these would be part of the sciences and would be taught as such. As for the sciences which are derived from a certain culture when affected by a specific viewpoint such as painting and sculpture of animate objects, these would be rejected since they contradict the Islamic viewpoint (painting and sculpturing of any living soul being *haram*).

Students would study the Islamic culture in depth at all levels, this includes the *fiqh* and the foundations of *fiqh*, the commentary (*tafseer*), the *hadith* and the Arabic Language and its literature, as well as the Islamic History. They would also study natural science, chemistry, civil engineering, medicine, biology, pharmacy etc... Special colleges would be set up for this purpose at university level. Other subjects such as philosophy, sociology, foreign history, foreign languages and their literature; these would be restricted and would not be taught at primary and secondary levels, for they contain aspects of cultures which contradict the Islamic viewpoint. However such studies, together with the Western Capitalist, Communist and Socialist concepts, as well the doctrines of the People of the Book, the Buddhists, the Hindus, the Qadianis, the Bahais and the concepts of nationalism and patriotism, although being restricted, would only be studied at university level with the sole aim of demonstrating their falsehood and triviality. Therefore, the minds of the Muslims would only be nurtured by the Islamic culture and the experimental sciences and whatever does not contradict the Islamic '*aqeedah*. This would ensure the development of the Islamic mentality and disposition in the Muslim individual, achieving therefore an Islamic personality. The Muslim society would therefore remain distinct in its thought and behaviour and protected against deviation and disintegration.

## Education Services of the Islamic State

Many in the West are mesmerised by the standard of education provided. This section hopes to outline services an Islamic State would provide.

The State would ensure the provision of free education to every male and female at both primary and secondary levels, and it would also endeavour to provide free education to everyone at university level. This is so because providing every single citizen of the State with the education he or she needs in all aspects of life is an essential necessity, therefore it is the State's duty to provide it (especially now that the primary and secondary education have become basic necessities rather than luxuries). It is therefore an obligation upon the State to ensure that every individual is educated to such levels. As for the higher studies, some of these are also a necessity, such as medicine and study of the mining industry for instance, and the State should provide such education; whereas what is considered to be non essential studies such as literature, the State should provide such studies if funds were available.

The State would also set up libraries and laboratories for experimental fields of study, in other than the schools and colleges in order to enable those who wish to take up further studies to do so, in various subjects such as *fiqh*, *hadith* and *tafseer*, or medicine, civil engineering, chemistry etc....

All the above would allow the Ummah to host a sizeable number of *mujtahideen*, scientists and inventors. It has been reported that during the Islamic rule, a single street of Baghdad used to be a venue for many *mujtahideen* and scientists. The cities of Samarqand, Bukhara, Damascus, the cities of Hijaz, Al-Qayrawan, Cordoba and others used to be crowded with universities and students, which at the time reflected the might and the high profile of the greater Islamic State which was the leading power in every domain, be it military, economic or otherwise.

## The Muslims' Educational Institutions

(1) **Al-Katatib**: Which is the plural of *kuttab*, is the place where the Qur'an writing and calculating are taught. These *katatib* were present throughout the reign of the Islamic State in the cities and villages.

(2) **The Mosques**: The scholars and the *hadith* experts used to hold study circles in the majestic central mosques, where they used to sit and teach or debate matters of *fiqh*, *tafseer*, language and *hadith*; these used to be attended by their pupils.

(3) **The Qur'an centres**: The first to establish a separate centre for the teaching of Qur'an was the receptor Rasha ibn Nathif al-Dimashqi, and that was in Damascus in the year 400 Hijri.

(4) **The Hadith centres**: The first to establish a centre specialising in the teaching of *hadith* was al-Malik al-Adil Nureddine Mahmud al-Zanki, in Damascus as well.

(5) **The Schools**: These were established in the fifth century of Hijrah in Damascus; there was a school for every subject such as the school of civil engineering in Damascus and the school of medicine.

(6) **The Universities**: These were established in the middle of the fifth century Hijri. Al-Hakam ibn Abdul Rahman

established the university of Cordoba which was one of the most famous centres of education at the time. Other universities were established in many places such as the Mustansiryya university in Baghdad. Students from all over Europe sought admission to these types of institutions.

These universities educated many scholars who played an influential part in what the world of science has reached today in terms of inventions, such as Al-Khwarizmi, Ibn al-Haytham, Ibn Sina, Jabir ibn Hayyan, Al-Razi and others.

## Measures Taken to Prevent Exposure to Kufr

With regards to education within the Islamic State, schools and universities, whether private or public (i.e. run by individuals or by the State), would be allowed to operate if they fulfilled two conditions:

1. That they adopt the State's curriculum without any amendments
2. That they were not owned by foreigners, i.e. citizens of other countries.

The owners of private schools and colleges must be citizens of the Islamic State. Therefore, schools and colleges such as the American Universities in Beirut, Istanbul and Cairo would be shut down, so would be the French missionary schools of Frère Woody Lasal, and the French college of Lahore, the British Councils, the Shamlan Institute of Alya in Lebanon, the German Colleges and all the other schools and colleges in Muslim lands, owned by foreigners, would have to be shut down and not be allowed to operate even if they adopted and adhered to the State's curriculum.

One important issue that cannot be overlooked is the means of educating and culturing the Ummah outside of educational establishments, which play a vital role. Such things include the radio, television, newspapers, magazines, books and conferences. All these means will be used by individuals without permission from the State. No licence would be required to publish a newspaper or a magazine, nor to publish a book or to hold a public talk, for all these are permitted for individuals. However, if anyone published a book, or a speaker held a public talk, that contradicts the teachings of Islam, they would be liable for punishment (although no action would be taken against the newspaper or the magazine since what the author writes, and journalists publish, would be credited to themselves and they are restricted by the Islamic '*aqeedah* and Shari'ah, thus being accountable for what they publish).

The rule which applies to the foreign schools and colleges applies also to the foreign newspapers, magazines and radio stations; these would be prevented from operating within the Islamic State. Newspapers like The Times and magazines like Time, would be banned, and radio stations like the BBC World Service, and the Voice of America would be shut down, for these represent the views of the enemies of Islam and Muslims. They would be banned on the basis of looking after the affairs of the people. All the books and publications which contain un-Islamic culture, would be treated similarly. As for the scientific books, these would be allowed to circulate after they have been examined and once it is certain that they do not contain anything that contradicts the Islamic culture.

Currently, such measures are unheard of, though badly needed, as there is no Islamic State at present. So Muslims are at the mercy of secular policies enforced by the *kufir* governments, which have been placed there in a deliberate attempt to confuse and falsely indoctrinate the minds of the Muslims. This can only mean that it is of vital importance for Muslims to re-establish the Khilafah, that will guarantee the provision of Islamic education.

When the State takes these measures, it will once again provide the atmosphere amongst its citizens of academic excellence and the striving to achieve it. It will be at the forefront of science, technology and education, producing universities and scholars sought after by the world.

## Summary: Education in Islam

The youth of this generation are the leaders and governors of the generations to come. Thus, their education, the way they think, the values and ideals they hold - all these are of vital importance in shaping the future of the world. If you take a look around you now and see the situation of the younger generations, do you have confidence that their future will be in safe hands?

In the Islamic State, the Education System is geared towards building the Islamic personality in all the students. This prepares them to live their lives in accordance with the orders and prohibitions of Allah (swt). They will be taught all they need to know about the various aspects of Islam, such as social conduct, prayer, Islamic law etc.

As well they will be motivated to achieve excellence in the fields of science and technology, commerce and the arts. These will be taught within the framework of Islam, such that the hypothetical ideas which are propounded as facts in the West, like evolution of humans from apes and matter and energy being eternal, will not corrupt their minds.

The concepts taught by the Education System of Islam are based entirely on reality, and they motivate the ones carrying them to apply their minds to this reality and discover its true nature. The study of living things, the oceans, the planets - all these will point to the fact of Allah's existence and omnipotence.

In this way, the educational curriculum will ensure that Islam, science and the affairs of life will not be seen as separate and unconnected worlds, but will be regarded as a holistic and intricately interwoven unit.

In the society as a whole, which teaches people as much as any school, by means of the television, magazines and radio; unacceptable images of sex, violence and crime will not exist in the Islamic State as an influence over the people. Rather, these unfruitful pursuits will be replaced with stories of the Prophet (saw) and his Sahabah (ra), or other lessons in the Islamic way of life.

You will see how implementation of the Islamic Education System established those living under it, whether Muslim or not, at the forefront of science and technology, and how it built personalities that stood forth in justice.

# The Judicial System

## Facts About the Judicial System

In an Islamic law court only one judge is responsible for any trial. He has the authority to pronounce judgements based on the Qur'an and Sunnah. Other judges may only advise or assist, if requested to do so by the presiding judge.

There is no jury system in Islam. A person's fate is not left to the whims and prejudices of twelve highly fallible people who were not witnesses in the case and may even be criminals themselves!

Islamic punishments can only be administered when the evidence is proven to be definite and all relevant conditions are met (for example four witnesses to prove adultery). If there is any doubt over the evidence the whole case is thrown out.

There are three types of judge in Islam :

1) *Qadi 'Aam* - responsible for settling disputes among the people, e.g. everyday issues over land, car crashes, accidents etc.

2) *Qadi Muhtasib* - Responsible for resolving disputes that arise between the Ummah and any people who harm the society at large, e.g. shouting in the streets, cheating in the market etc.

3) *Qadi Madhaalim* - who deals with disputes between the people and the State officials. He can dismiss any ruler or government official, including the Khaleefah.

The second Khaleefah 'Umar ibn al-Khattab (Amir of the Muslims between 634-644 CE) was the first to set up jails and prisons in Makkah.

Under the Judicial System, every person, Muslim or non-Muslim, male or female, defendant and accused has the right to appoint a representative or proxy.

There is no distinction between civil and criminal courts as we see today in Muslim countries, e.g. Pakistan where both parts of Islam and parts of *kufir* are applied. The Islamic State will only use the sources of Islamic law, i.e. the Qur'an and the Sunnah (and whatever derives from them), as its reference.

Islamic punishments will be executed without delay or hesitation. No-one is to be punished except by a rule of court. In addition, any means of torture is not permissible.

Under the Islamic system a person aggrieved of a crime has the right to forgive the accused or demand compensation (i.e. *qisas*) for a crime - except for *hadud* laws, which are the right of Allah (swt).

The Islamic punishment of hand-cutting only applies if seven conditions are fulfilled. These are :

- 1) Two witnesses (with no contradiction or error in their testimonies)
- 2) The value of the stolen goods must exceed 1/4 of a *dinar* in value (4.25g of gold)
- 3) Cannot be food (if the thief was hungry)
- 4) Cannot be from the thief's family
- 5) Goods must be *halal* in nature (e.g. not alcohol)
- 6) Must be stolen from a secure place
- 7) Must be no doubt on the goods (i.e. the thief definitely has no right over it, e.g. money from the public treasury)

Throughout the entire 1300 years of Islamic rule only around 200 people had their hand cut off for theft.

Any person has the right to take the leader to court, speak to him or criticise him if he has done any transgressions towards him or her. This was the case when a woman in the time of 'Umar ibn al-Khattab corrected him over a mistake he made about the value of the dowry.

The honour of a citizen is a sacred trust upon the Ummah. The punishment for accusing another Muslim of being unchaste without producing four witnesses to substantiate the claim is 80 lashes.

There are four categories of punishment in the Islamic Judicial System:

1. *Hadud* - The right of Allah (swt), e.g. fornication (100 lashes), apostasy (death).
2. *Al-Jynayaat* - The right of the individual. He/she may forgive the criminal, e.g. murder, bodily harm.
3. *Al-Ta'azir* - The right of the community - those issues that affect the every day life of the general public, e.g. littering, cheating in the market.
4. *Al-Mukhalafat* - The right of the State - issues affecting the running of the State, e.g. breaking the speed limit.

## So You Think You're Safe, do You?

How safe do you feel walking in the streets of your local area? Do you worry when you are travelling around on your own? What about your mother, or your sister? When you are out, are you concerned about the empty house you have left behind?

If so, it would not be an unusual thing. Crime is a major problem in Western society, with there being 5.6 million *officially reported* crimes per year in Britain. It is continually on the increase to the extent that nobody can feel secure anymore about their property, honour or even their lives. In fact, such concerns have become part and parcel of everyday life.

However, this dangerous tendency cannot be left entirely unchecked, lest society spirals into an abyss of disorder and chaos. It is for this reason that the institution of the judiciary exists, as a means of dealing with and eradicating crime. But are you confident with the British legal system, for example, in curbing and regulating crime?

In the West, if criminals are caught, the punishment administered is at the discretion of the judge. He, a limited human being just like yourself, is the one who evaluates the severity of the crime, and taking into consideration the opinions of previous judges, gives the sentence that he chooses. Thus, you can see that people who have committed the same crime might

receive entirely different punishment.

This is why a 15 year old rapist was ordered by the courts to pay a fine of £500, while a man was fined £1200 for dropping an empty packet of crisps!

Imagine you were victim to one of the more common crimes, such as burglary. In the unlikely event that the perpetrators were caught, how well do you think you would fare in the prosecution? Let us examine some of the possible eventualities.

Ideally speaking, the case would consist of the plaintiff, the defendant, the judge and the evidence. The purpose of the whole affair would be to ascertain the truth of the guilt or innocence of the accused, and to punish or release him accordingly. However, in the British judiciary there are many more factors which impede this objective....

## Money Talks

With the legal world being so full of technical jargon, loopholes in the law and 'old boy networks', your chances of successfully presenting your claims on your own are practically zero. Thus, you need a barrister or solicitor to act on your behalf. But, to your expense, to attain the services of one will cost you money...a lot of money. And the more money you have to spend, the better the lawyer you can buy.

So what if you don't have more money to spare, and the criminal who robbed your house has used all the earnings from his illicit endeavours to buy the best that the legal profession has to offer? In this industry you will learn very quickly that the *evidence* in a case is not the deciding factor of the verdict, but it is only one of a variety of the tools that the lawyer makes use of in achieving the outcome he has been paid to produce. It seems that justice does not figure highly on his list of priorities! The bottom line is this. In the quest for getting your legitimate rights....money talks!

With regards to the question of deciding the verdict in your case, this is left up to twelve randomly selected members of the general public - the jury. The evidence is presented to them (eloquently or not depending on how much your lawyer cost), and they weigh it up according to their own opinions. But consider these points:

1. If you came across 12 people in the street, how many of them would **you** trust? After all, the jury members themselves may be criminals, racist, sexist, liars, cheats...
2. The jury probably know nothing about the details of legal process, the science of forensics or the intricacies of police procedures. Yet they have to judge the evidence according to these bases !

All in all, given some of these facts about the British judicial system, is it any surprise that you don't have confidence in it?

## Justice under Islam

If on the other hand, you take a look at how the unique Judicial System of the Islamic State operates, you will see that the courts are not the sole factor in curbing the tide of crime. Rather they are the last line of defence. You would see how the State guarantees your rights, and ensures that justice is the only arbiter in your disputes.

## Taqwa - The First Line of Defence

As a Muslim, you appreciate that your belief in Islam, and the notion of obedience to your creator Allah (swt), causes you to behave in a certain way. Your *taqwa* (fear of Allah) will motivate you to leave what is prohibited (*haram*), and do what is obligatory (*fard*). Thus it will automatically help to prevent you and other Muslims around you from committing crimes, like theft, mugging, drug abuse etc. - these are all *haram*.

For the Muslim, the issue thereafter becomes not weighing up the risks of committing a crime for which there is a possibility of being caught. Instead it is a matter of facing the punishment of the Hellfire, which Allah (swt), the All-Knowing, All-Seeing, prepares for those who go astray!

## The Pressure of Public Opinion

The second factor concerns the society itself. In the Islamic State you are in an environment which is based around and propagates only the Islamic values and emotions. There will be no media influences tempting you away from obedience to Allah (swt), nor will the non-Islamic ambitions held by people around us here, like success at all costs or increasing of status, affect us. You will find yourself surrounded by people who look down upon actions contradictory to Islam and who praise those which accord with it.

These will all create a public opinion against committing crime that will act as a check against those who are tempted to do so.

## Justice in Islam

Human beings are limited in knowledge and are fallible. They are prone to error and subject to prejudice. Islam does not leave the legislation of justice to the whims and fancies of human beings as is the case in the West. Instead the permission to make laws is only for Allah (swt) the creator of mankind and the One Who knows human beings the best. Who do you think is best qualified for this task? Allah (swt) says,

*“The rule is to none but Allah.”* [TMQ 6:57]

Thus you can rest assured that in an Islamic court, factors such as the judge being friends with the accused, or having had a bad day, have no bearing on the severity of the punishment he chooses to administer.

If you are a victim of crime and are poor while your opponent is wealthy, this will have no effect whatsoever on the verdict of the court. While you are allowed to appoint a representative to speak on your behalf, there are no vast sums of money at stake. The objective of the courts is solely to establish justice, not to make money. Therefore, it does not matter who presents your case, or how persuasively he speaks, but it is up to the judge to ascertain the facts and evaluate them.

In Islam, only definite evidence of guilt is sufficient for the administration of a sentence. Accordingly, there is no concept of a jury, whose members may disagree between themselves on the verdict, purely on the basis of their own personal discretion.

Circumstantial evidence, which is inconclusive and subject to different interpretations is not enough. All evidence is presented to a judge who is expert in jurisprudence, and he imposes punishment according to laws from Islam. Thus only those proven to be criminals are punished. Criminals for whom no conclusive verdict is possible will not escape the punishment on the Day of Judgement.

Given the above framework of the two Judicial systems, let us compare the treatment of common crimes that we are most worried about in this society.

1. **Mugging** : You have probably suffered this at least once in your life, or know someone who has suffered it.

British Legal System : The sentence is discretionary, depending on the crime, but is commonly punished by community service.

Islamic Judicial System : Once guilt is ascertained, the judge will consider the severity of the crime and perform *ijtihad* (i.e. extracting the rule from the Qur’an and the Sunnah). This may range from public humiliation to death, if the mugging led to death.

2. **Burglary** : Burglary is extremely common in Britain. No doubt, you are afraid that your house may have been burgled if you are away for any period of time.

British Legal System : The sentence is discretionary, depending on the crime, but is commonly punished with imprisonment.

Islamic Judicial System : Burglars will have their hand cut off, provided they fulfil the seven conditions for this punishment. They are not permitted to have it surgically replaced.

3. **Rape** : There is a rape in Britain on average every 2.5 hours. Many more go unreported, and in most cases the perpetrator is known to the victim.

British Legal System : The sentence is discretionary, but the punishment ranges from a fine to life imprisonment. Commonly, the period of imprisonment is below 10 years.

Islamic Judicial System : The punishment can be death, depending on the circumstances.

**Drugs Abuse** : This is extremely common amongst all ages, particularly the youth. It is often seen as a harmless habit. Perhaps you are worried about a child or relative. If not, you probably should be.

British Legal System : The punishment depends on the nature of the drug, and the quantity possessed. Alcohol is legal. For ‘soft’ drugs like marijuana, offenders are usually just cautioned, but ‘hard’ drug abusers (like cocaine, heroin) may be imprisoned.

Islamic Judicial System : Offenders are publicly flogged 80 lashes.

**Fornication & Adultery** : With the emphasis in our society placed on relationships and sexual freedom, you would be justified in fearing for the conduct of young or indeed older Muslims who are subject to its influence.

British legal System : Both of these are legal, whether done between members of the opposite sex or the same sex ( i.e. homosexuality). In fact, if you were to criticise these you would be blamed for intolerance and discrimination.

Islamic Judicial System : Fornication is punished by flogging 100 lashes. Adultery and homosexual fornication are both punished by public execution.

The objective behind the administration of justice in Islam is to act as a deterrent, to reform offenders and to secure society. As you can see, the nature of sentences in the Islamic Judicial System ensure that these objectives are achieved. History bears witness to this - only about 200 hands are recorded to have been cut in the entire history of the Islamic State!

In the West, however, up to 70% of convicted prisoners re-offend once they are released, and the rates of crime are hardly indicative of a successful deterrent.

One of the fundamental problems in the West is the complete contradiction of the ideology that is pushed upon the people. On the one hand, they are told that freedom is the basic right of the individual. This, however, is an open license to commit crime. When this is combined with the concept of democracy, the contradiction becomes apparent. For democracy is a system of making laws - devices to restrict freedom. The result of this conceptual mish-mash is chaos!

The justice which the Islamic State's Judicial System proffers will offer you peace of mind, security and confidence that your rights will not be abused. After the checks and balances of personal *taqwa* and the effect of public opinion, the last level of regulation - the Islamic Judicial System guarantees that the world will be free from the exploitation and corruption of man-made law, and the rising tide of crime that complements it.

# The Islamic Judicial System

In the history of the Islamic State, it was famous for its administration of justice, and its ability to protect the rights of the people, and this was the case in all the different fields of life, from personal to political.

There are two people who are responsible for the implementation of Islam in such a manner - the Khaleefah and the *qadi* (judge). The Khaleefah executes the Islamic rules and implements them over the people, while the judge derives the Islamic verdicts for the different situations from their sources (i.e. the Qur'an, the Sunnah, and whatever derives from them) and presents them for application.

Accordingly, the judiciary is one of the fundamental pillars of the Islamic State and it is upon this that the ruling system depends for the implementation of Islam in the political life. There has always been in the Islamic State a judiciary which administers justice, and judges who would judge between the people to ensure that Islam was constantly adhered to.

This system of judiciary is nothing alien to Islam; indeed it derives from the Islamic *'aqedah* and forms an integrated part of the Islamic way of life, complementing the other Islamic systems, like the Economic (*Iqtisad*) and Ritual (*Ibadat*) systems, making a perfectly functioning whole.

## Objective of the Judiciary

The basis of the Judiciary is set in three principles :

- 1) That the application of the Islamic judgement on each and every issue is obligatory,
- 2) That it is forbidden to follow any Shari'ah other than Islam, and
- 3) Any Shari'ah other than Islam is *kufir* (disbelief) and *taghut* (falsehood).

It is within the framework of these that the Judicial System of the Islamic State operates, and it is based around these that the definition of the judiciary (*'al-Qadha'*) is established from the Shari'ah.

Thus, the definition and purpose of the judiciary is, "to allow the legitimate judges to provide the opinions about the divine rules on any situation, with the authority to enforce them."

Evidences for the Legitimacy of the Judiciary

The foundation of the judiciary system and its lawfulness are derived from the Qur'an and the Sunnah. As for the Qur'an, Allah (swt) says,

*"But no, by your Lord, they will not believe (in truth) until they make you judge of what is in dispute between them and find within themselves no dislike of that which you decide, and submit with full submission."* [TMQ 4:65]

*"Lo! We reveal unto you the scripture with the truth, that you may judge between mankind by that which Allah has shown you."* [TMQ 4:105]

*"So judge between them by whatever Allah has revealed, and follow not their desires away from the truth which has come to you."* [TMQ 5:51]

These *ayat* clearly indicate that it is legitimate to judge between the people and indeed that it is *fard* (obligatory) to do so, referring only to the system of Allah (swt).

As for the Sunnah, the Messenger of Allah (saw) was himself in charge of the Judicial System and he judged between people. Muslim reported on the authority of 'A'isha (ra), wife of the Messenger of Allah (saw), that she said, **"Sa'ad ibn Abi Waqqas and Abd ibn Zama'a disputed with each other over a young boy. Sa'ad said: Oh Messenger of Allah, he is the**

son of my brother Utbah ibn Abi Waqqas as he made explicit that he was his son. Look at his resemblance. Abd ibn Zama'a said: Messenger of Allah, he is my brother as he was born on the bed of my father from his slave -girl. Allah's Messenger (saw) looked at his resemblance and found a clear resemblance with Utbah, but he said: He is yours O Abd ibn Zama'a, for the child is to be attributed to one on whose bed it is born, and stoning is for the adulterer."

This is proof that Muhammad (saw) judged between the people, and that his judgement carried authority to be implemented.

Other Evidences of the Judiciary in Sunnah

1. Abu Daud, Tirmidhi, Nissai, and Ibn Majah reported :

Buraida said, The Messenger of Allah (saw) said, **"The judges are three, two of them will go to the Hellfire and one will go to the Paradise. One knows the truth and he judges with it - he is in the paradise, one knows the truth and doesn't judge by it, he will go to the Hellfire. The other doesn't know the truth and judges between the people with ignorance - he will go to the Hellfire."**

2. Ahmad and Abu Daud reported :

Ali (ra) said the Messenger of Allah said, **"Oh Ali, if two people come to ask you to judge between them, do not judge to the first one until you hear the word of the second one in order that you may know how to judge."**

3. Bukhari, Muslim and Ahmad reported :

Umm Salamah said, **"Two men disputed about the inheritance and came to the Messenger of Allah (saw), neither having any proof. He (saw) said : Both of you bring your dispute to me and I am a man like you and one of you may have more eloquent speech, so I may judge in his favour. And if I judge for him something that does not belong to him and I take it as a right from his brother, he should not take it because whatever I give to him it will be a piece of Hellfire in his stomach and he will come bowing his neck on the Day of Judgement. Both of the men cried, and one man said, I give my share to my brother. The Prophet (saw) said go now together and divide the inheritance between you and seek the right from both of you and each one of you say to the other 'May Allah forgive you', and permit him what he takes in order for both of you to be rewarded."**

4. Baihaqi, Darqutni and Tabarani reported :

The Messenger of Allah (saw) said, **"Whoever Allah tests by letting him become a judge, should not let one party of a dispute sit near him without bringing the other party to sit near him. And he should fear Allah by his sitting, his looking to both of them and his judging to them. He should be careful not to look down to one as if the other was higher, he should be careful not to shout to one and not the other, and he should be careful of both of them."**

5. Muslim, Abu Daud and Al-Nissai reported :

Ibn Abbas said, **"The Messenger of Allah (saw) judged between the people by oath and witnesses."**

6. Mawardi, in 'The Etiquette of the Judge', vol.1, p.123 :

*"The Messenger of Allah (saw) appointed judges in the Islamic State; one of them was Imam Ali, one was Mu'adh ibn Jabal and one was Abu Musa al-Ash'ari."*

7. Muslim reported :

Abu Hurayrah said, **"The Messenger of Allah (saw) passed by a heap of food, as he put his hand inside it his fingers got wet, so he said to the vendor: What is this? He said : It was dampened by the rain O Messenger of Allah. He (saw) said : Why don't you put it on the top so that people can see it? He who cheats us is not one of us."**

All these *ahadith* clearly state the authenticity of judging and explain from different angles some of the elements of the Judicial System of the Islamic State:

1. The *ahadith* indicate that people are motivated to become judges, due to the reward of the judge.

2. The *ahadith* make terrified those people who want to become judges if they are not capable.

3. The *ahadith* show us the *usul* (source) of disputing and the *usul* of judging, e.g. the Messenger of Allah (saw) told 'Ali not to judge until he heard the statement of both parties. They show that we must have a court where both parties sit together and that the judge must listen to both parties. He said fear Allah at the way you look at them, talk to them and the way you judge between them.

4. They show the foundation of appointing a representative. Because of the saying, 'Be careful of those with good tongues'; so it is permissible to appoint someone to speak on your behalf.

5. They prove that the Messenger of Allah (saw) took oaths and witnesses and that they are evidences which can be used in proving cases.

6. They state types of judges, e.g. *Qadi Muhtasib* - who establishes justice and fair dealing in the market place.

7. They state the authenticity of appointing judges, as per Mawardi - Imam 'Ali and Mu'adh ibn Jabal.

## The Hukm of the Judiciary

It is agreed upon by the four schools of thought (i.e. Hanafi, Shafi'i, Hanbali and Maliki) that the judiciary is *fard kifayyah* (sufficient *fard*) like the Khilafah. Accordingly, if there is no judiciary, there will be no judging by Islam, and the whole Muslim Ummah will be sinful for its absence. However, if there is a functional judiciary, that is fulfilling the role of administration of justice for the people, then the *fard* has been fulfilled, and the sin is removed from the necks of the Muslims.

The Messenger of Allah (saw) said, **“One day from a just Imam is better than worshipping sixty years, and the establishment of one *hadud* (an Islamic punishment) on the earth is better than rain for 40 years.”**

These are some opinions of the distinguished scholars on the issue of the Judiciary:

- Imam Sarkhasi considered that the judiciary is the strongest *fard* after *iman*, because it ensures Allah's (swt) laws are implemented in practice.

- Imam Ghazzali said that the judiciary is from the Jihad.

- 'Abdullah ibn Mas'ud (ra) said, *I prefer to sit as a judge between two people more than to perform 70 years of ibadat.*

## The Responsibilities of the Judiciary

These are to :

- a) Settle the disputes between people,
- b) Prevent whatever harms the common rights, and
- c) Resolve the arguments between people and any person who forms part of the ruling system, be they rulers or employees, the Khaleefah or any other person.

Islam defines that each of these roles are separate parts of the judiciary and that each are undertaken by different types of judges.

## The Appointing of Different Types of Judges

The Messenger of Allah (saw) used to appoint the judges; he appointed 'Ali as judge over Yemen and he gave him instructions about how to judge by saying, **“If two disputing persons came to you do not judge for either of them until you have heard what the other had to say.”** He (saw) also appointed 'Abdullah ibn Nawfal as judge over Madinah.

However, all the judges were not of one type, and the areas over which they had jurisdiction varied according to the roles they were allocated. Some judges were concerned with the disputes between the people, others with settling whatever harms the common interest of the people and others dealt with the area of disputes between the people and those who were in authority over them.

## The Structure of the Judiciary

### The Types of Judges :

The judiciary in Islam defines the role of three types of *qadi*'s, which are :

- 1) **Qadi 'Aam** : He is the *qadi* that settles the disputes between the people. He deals with both civil and criminal cases.
- 2) **Qadi Muhtasib** : He is in charge of looking into and settling any breach of law that may endanger the public interest or property.
- 3) **Qadi Madhaalim** : He deals with disputes between the people and the State.

### The Qadi 'Aam

As for the evidence about the judiciary that settles the disputes that occur between people, this is derived from the actions of the Messenger of Allah (saw), and in his appointment of Mu'adh ibn Jabal over an area of Yemen.

*The Mandatory powers of the Qadi 'Aam*

All the cases have to be judged in court sessions where the evidence is presented to the *qadi*. Since sovereignty belongs to Allah (swt), there is no concept of jury. The evidence is presented to the judge who then judges on the basis of Qur'an and Sunnah. It is forbidden to have more than one judge presiding over the case and having the power to render judgement. However it is permitted for other judges to be present with him. Their role would merely be to counsel or voice an opinion, but their opinions would not be binding. This is so because the Messenger of Allah (saw) never appointed two judges to deal with one matter, but only one judge for one matter, which indicates that it is forbidden to have two or more judges to look into one matter.

The judge can only rule in a judicial court and any evidences or oaths can only be considered in the judicial court. This is so because it has been reported on the authority of 'Abdullah ibn al-Zubayr who said, **"The Messenger of Allah has ordered that the two disputing parties should sit before the judge."** This *hadith* demonstrates the form in which the judiciary should be conducted : The two disputing parties should sit together before a judge, and this would be in a judicial court.

It is permitted to have various levels of court according to the type of case. Thus it would be permitted to have some judges confined to dealing with specific cases to a certain extent and to refer other cases to other courts.

This is so because the judiciary is a delegation from the Khaleefah and it is just like the deputyship. In fact the judiciary is a form of deputyship which can be general, where the judge would have authority to consider a wide variety of matters; or it can be specific, with the judge specialising in only a few matters. Therefore, it is permitted to have various levels of tribunal as Muslims had in the past : Al-Mawardi wrote in his book entitled *al-Ahkam al-Sultaniyya*:

"Abu 'Abdullah al Zubayr said: For a while, the Amirs here in Basra used to appoint a judge at the central mosque (al-Masjid al-Jami'), they called him the judge of the mosque, he used to judge in disputes involving sums that do not exceed twenty dinars and two hundred dirhams, and he used to impose the maintenances. He would not exceed his boundaries nor the duties entrusted to him."

#### *Different areas of authority of the Qadi 'Aam*

There are ten areas where the jurisdiction of the *Qadi 'Aam* may apply. These are:

1. Judge of disputes between people, e.g. over ownership of property (*Munaza'at*).
2. Judge of Rights (*Huquq*).
3. Judge of guardianship, e.g. over the orphan, the child who is not mature, the child's money etc. (*Wilayah*)
4. Judge of trusts e.g. goods given up for use by people for the sake of Allah like mosques, fields etc. (*Awqaf*)
5. Judge of implementation of the will, i.e. inheritance (*Tanfeeth al-wasiya*).
6. Judge who is *waliy amr* (guardian) of people who do not have *waliy amr*, e.g. single women who want to marry etc. (*Tazweej al-ayama*)
7. Judge for establishing *hadud* punishments (*'Iqamat il hadud*).
8. Judge for looking after the interests of the people, i.e. public interest like if the people were to dispute about building a railway in the area etc. (*An nazar fi masalih al-nass*)
9. Judge who looks into the character of the witnesses - he has a special court, which verifies the eligibility of the witnesses (*Tasaffahi shuhud*).
10. Judge to solve disputes between the weak and the strong (*Taswia fil hukmi bain al-quwi wal-daeef*).

There is also a special type of judge who looks into the domestic disputes, i.e. between the husband and wife.

#### *The Judge's decision is Final*

There are no appeal courts and there is no court of cessation, so the judiciary, as far as the method by which the cases are treated, is one and the same. If the judge pronounced a sentence, it would become binding, and the sentence of another judge would never and under no circumstances reverse it. The sentence of the judge cannot be reversed except by him personally and no other judge could do this. The evidence for this is derived from the general consensus of the Sahabah, for Abu Bakr judged in some cases according to his own *ijtihad* while 'Umar did not agree with him, and he did not reverse his judgements; 'Ali disagreed with 'Umar's *ijtihad* but did not reverse his sentences; 'Ali differed with Abu Bakr and 'Umar but their sentencing was never reversed. The people of Najran came to 'Ali and said to him: *"O Amir of the believers, your book is in your own*

*hands and your pardon is with your own tongue. He said: Woe to you, 'Umar was rightly guided and I will not reverse a judgement pronounced by 'Umar. "*

This is why there are no courts of appeal in Islam, nor are there courts of cessation. The judiciary from the adjudication point of view should be of the same level. The Shari'ah principle states : "The *ijtihad* does not reverse another *ijtihad*." So no *mujtahid* (scholar) could serve as an authoritative source for another *mujtahid*; thus it would be forbidden to have tribunals that reverse the sentences of other tribunals.

However, if the judge abandons the rule by the Shari'ah, and judges by a rule of disbelief, his judgement would be false, and also if he judged by a rule that contradicts the Shari'ah (i.e. if he did not have an evidence or even a doubtful evidence), and there were texts that contradicted him, then the judgement of the ruler or the judge should be rejected for the Messenger of Allah (saw) said, "**Anything that is not derived from our teaching is a reject.**" And the one who has the power to reject it would be the judge of the *madhaalim* (see later).

### **The Qadi Muhtasib (or Qadi Hisba)**

The function of this judge is related to conveying the Shari'ah rule by way of compulsion in whatever may harm the common interest. This type of institution is also known as the *hisba*, and it carries out a specific task within the Islamic State, which is the controlling of the traders and skilled workers lest they cheat in their trade, work or in their products, lest they wrongly use the weights and measures or any other type of action that may affect the public rights.

As for the evidence of this judiciary, this is highlighted in the *hadith* of the heap of food : It has been reported in Sahih Muslim on the authority of Abu Hurayrah the following: "**The Messenger of Allah (saw) passed by a heap of food, as he put his hand inside it his fingers got wet, so he said to the vendor: What is this? He said : It was dampened by the rain O Messenger of Allah. He (saw) said : Why don't you put it on the top so that people can see it? He who cheats us is not one of us.**"

So this was a public right on which the Messenger of Allah looked into, and judged that the wet food should be displayed at the top to prevent cheating. And this applies to all the common rights or interests that are of this nature. It does not include the penal code or the criminal law, for they are not of the same sort, as they are disputes between people in the first place.

#### *The Mandatory powers of the Muhtasib*

The *muhtasib* has the power to judge on the offence as soon as he learns about it, and this could take place on the spot and in any place; he does not need to be in a judiciary court. He will have at his disposal a number of police officers to execute his orders and apply the sentence on the spot. A judiciary court would not be required for the *muhtasib* to look into the case at hand as he passes the judgement the moment he is sure that it took place, and he has the power to judge in any place and at any time, be it in the market, in the house, or while riding in the car both day or night.

This is so because the evidence that confirms the need to have a judiciary court in order to deal with a case does not apply to the *muhtasib*, for the *hadith* which confirmed such condition states: '**If the two disputing parties sat before you**', and this is not applicable to the judge of *hisba*, for there is no plaintiff and no defendant, there is only a public concern that has been violated, or a violation of the Shari'ah. Besides, when the Messenger of Allah (saw) looked into the case of the heap of food, he was at the time walking in the market and the food was displayed for sale, he (saw) did not summon the vendor to him, but as soon as he detected the offence he dealt with it on the spot. This indicates that the cases of *hisba* do not require a judiciary court.

The *muhtasib* can be given the right to select deputies in lieu of him. They should fulfil the requirements of the *muhtasib*, and he is allowed to assign them to different places. These deputies would have the power to carry out the duties of the *hisba* in the areas they have been assigned to and in the cases they have been delegated for. These deputies must be appointed as full judges, holding all the mandatory powers given to a judge.

The legal requirements for those whom the judge appoints as his deputies are: They must be Muslims, sane, free, just, mature and *faqihs* (learned scholars) in the matters they are assigned to deal with, i.e. they must have the same requirements of the *muhtasib* for they are also judges like him.

### **The Qadi Madhaalim**

The judge of *madhaalim* is a judge appointed to lift every *madhlama* (unjust act) perpetrated by the State against any person, whether this person were a citizen of the State or a person living under its authority, and whether this *madhlama* were perpetrated by the Khaleefah or those working under him be they rulers or civil servants.

This is the definition of the judge of *madhaalim* and the origin of the judiciary of *madhaalim* is derived from reports attributed to the Messenger of Allah (saw) when he described the unjust acts perpetrated by the ruler while ruling over the subjects as being a *madhlama*. Anas reported: "**Prices soared during the time of the Messenger of Allah (saw) so they said**

**to him: O Messenger of Allah why don't you introduce pricing? He said: Verily Allah is the Recipient, the Extender of wealth , the Provider, and the Pricer, and I hope that I will meet Allah (swt) without having anyone accusing me of having perpetrated a *madhlama* against him be it in blood or in money."** He (saw) therefore judged the pricing as being a *madhlama*, for if he had done it, i.e. introduced pricing, he would have acted without authority.

The *madhaalim* (unjust acts) were mentioned in the *hadith* of the Messenger of Allah (saw) where he said: **"If I took money from someone, here is my money, let him take from it, and if I whipped the back of someone, here is my back, let him retaliate."** This indicates that complaints against the ruler, or the *wali* or the civil servant should be submitted to the judge of *madhaalim*, and the Judge of *madhaalim* would convey the Shari'ah rule by way of compulsion.

He (saw) also made the issues that affect the common rights which the State organises for the people as part of the *madhaalim*, such as the irrigation of farming lands by common water in turn; the Messenger of Allah (saw) looked into the dispute over irrigation that took place between al-Zubayr ibn al-Awwam and a man of the *Ansar*; he (saw) witnessed it personally and said to Al-Zubayr: **"You irrigate first O Zubayr and then the *Ansari*."** Therefore, any *madhlama* that occurs on any person, whether perpetrated by the ruler, or occurring as a result of the State's organisation or orders, would be considered as a *madhlama*, as gathered from the two *ahadith*. The matter would be then referred to the Khaleefah to deal with it or to whoever the Khaleefah appoints as judge of *madhaalim* to deal with such matters in lieu of him.

#### *The Mandatory powers of the Judge of Madhaalim*

Accounting the Rulers:

The judge of *madhaalim* has the mandatory powers to remove any ruler or civil servant, and he also has the right to remove the Khaleefah. The judge of *madhaalim* has the right to remove the rulers, for the ruler is appointed by a contract, known as the appointment contract (*bay'ah al-in'iqad*). It is important to understand that the court of *madhaalim* does not act on behalf of the Khaleefah, but is an independent court that is there to remove any *madhlama* implemented by the State on any of its citizens. So if a *madhlama* occurred in the *wilayah* of a certain governor, the court has the right to remove that *madhlama* it may have to remove that governor from office, even if the Khaleefah does not agree with the judgement.

As for its powers to remove the Khaleefah, this would also be a judgement aimed at removing a *madhlama*, for if a situation arose that necessitated his removal, or a situation as a result of which he should be removed, then his stay in office would be a *madhlama*, and it is the court of *madhaalim* that judges the removal of a *madhlama*, so it orders his removal. Therefore, the judgement of the court of *madhaalim* to remove the Khaleefah would be a judgement aimed at removing a *madhlama*. This is a principle mechanism that Islam has defined for regulating and accounting the ruler.

The court of *madhaalim* has the powers to look into any *madhlama*, whether the *madhlama* were perpetrated by government employees, or related to the contradiction of the Shari'ah by the Khaleefah, or the various Shari'ah rules adopted by the Khaleefah, or related to the imposing of a tax or any other matter. This is so because the Messenger of Allah (saw) refused to fix the prices when the Sahabah requested him to do so after the prices had soared, and he (saw) considered price fixing as being a *madhlama*. This proves if the action of the ruler contradicted or violated the Shari'ah rules, it would be considered a *madhlama*. The Messenger of Allah (saw) was a ruler over the Muslims and their head of state.

Furthermore, every action that is part of the government business, performed by any member of the government, if this action was in contradiction of what is lawful, or if it violated the Shari'ah rules, it would be considered a *madhlama*, for that person would be a deputy to the Khaleefah, acting on his behalf according to the task assigned to him within the ruling system. Therefore, the *hadith* about the pricing indicates that the offence committed by the Khaleefah is a *madhlama*.

To look into a text from the constitution or the canon, would be to look into the order of the authorities, since the constitution and the canon represent the basic laws and since the laws represent the order of the Khaleefah, this is also included in the *hadith* about the pricing, for it would be like looking into the Khaleefah's actions; and besides, Allah (swt) says,

*"If you dispute about something refer it to Allah and the Messenger."* [TMQ 4:59]

i.e. if you disputed with the people in authority about a matter, and this dispute was about an article in the constitution or an article of the law, then it would be a dispute between the subjects and those in authority about a rule of Shari'ah, then it must be referred to Allah and His Messenger, which means in this case to refer it to the court of *madhaalim*, i.e. to the judgement of Allah (swt) and His Messenger (saw).

As for the mandatory powers given to the judge of *madhaalim* to look into the imposing of a tax, this is derived from the *hadith* of the Messenger of Allah (saw) where he said, **"If I took money from anyone, here is my money, let him take from it."** And he (saw) also said: **"And I hope to meet Allah *Azza wa Jall* without having anyone claiming a *madhlama* against me, whether in blood or money."** If the Khaleefah took money from the subjects unlawfully, it would be a *madhlama*, therefore the court of *madhaalim* has the right to investigate tax affairs for it is money taken from the subjects. Its investigation of tax collections would be with the aim of ruling whether those taxes are lawfully imposed by Shari'ah on the Muslims, such as the money taken to feed the needy, which would not be a *madhlama*; or with the aim of ruling whether those taxes are not

imposed by the Shari'ah, such as the monies taken to build a dam that is not considered to be essential which would therefore be a *madhlama* and would have to be removed. This is why the court of justice has the power to look into the taxes.

In the judiciary of *madhaalim*, the court sitting is optional, and the summons of the defendant is not necessary, nor is the presence of a plaintiff; the court of *madhaalim* has the right to look into a *madhlama* even if nobody filed a claim.

This is so because the evidence that confirms the need for a judiciary court to look into a case does not apply for the court of *madhaalim* for it is not always necessary to have a plaintiff. The court of *madhaalim* looks into the *madhlama* even if nobody filed a claim, and because it is not always necessary to summon the defendant, for it concentrates on the *madhlama*; therefore the necessity of a judiciary court, which is deduced from the *ahadith* of the Messenger of Allah (saw): **“The two disputing parties sit before the judge.”** and: **“If the two disputing parties sat before you.”**, does not apply to the court of *madhaalim*. Therefore, the court of *madhaalim* reserves the right to look into the *madhlama* as it occurs without any restrictions such as time, place or court sitting.

## The Conditions Required for the Position of Judge

Anyone taking up the post of judge must be :

- 1) Muslim
- 2) Free
- 3) Mature
- 4) Sane
- 5) Just ('*adl*)
- 6) *Faqih* (learned scholar), able to apply the rules to the situations
- 7) They must have the faculty of the three main senses - sight, hearing and speech.

For the person who takes up the judiciary of *madhaalim*, in addition to the conditions mentioned, he must also be male and a *mujtahid* (legist), just like the supreme judge (*Qadi al-Qada'a*), for his post is in fact one of judiciary and of ruling, where he judges the ruler and executes the Shari'ah upon him. Therefore he must be male in addition to the other conditions for the post of judge .

As well as being *faqih* he should also be a *mujtahid*, for part of the *madhaalim* that he could be required to look into is whether the ruler has ruled by other than what Allah has revealed, i.e. ruled by a law that has no Shari'ah evidence to back it, or in case the evidence he used does not relate to the event, and only the *mujtahid* can deal with such *madhlama*. Therefore if he were not a *mujtahid*, he would be judging on something he knows little about or has no knowledge of at all, and that is forbidden. Therefore, in addition to the conditions of the ruler and those of the judge, he also should be a *mujtahid*.

## The Appointment of Judges

It is permitted to appoint the judges and the *muhtasib* in a general capacity, to judge on all matters all over the country. It is also permitted to appoint him in a specific capacity, where the specification could either be geographic or according to a certain type of judiciary. This would be in accordance with the actions of the Messenger of Allah (saw), for he appointed 'Ali ibn Abi Talib as judge over Yemen, and Mu'adh ibn Jabal as judge over an area of Yemen; he also appointed 'Amr ibn al-A' as judge in one specific matter. This is as far as the *qadi muhtasib* and the *qadi 'Aam* are concerned.

As for the judge of *madhaalim*, it is permitted to appoint him for the whole country or to confine him to a specific area, for the Messenger of Allah (saw) appointed Rashid ibn Abdillah as Amir of the judiciary and the *madhaalim* over the *imara* where he was appointed. As for the confining of the judge of *madhaalim* to certain matters, this is forbidden, for the Messenger of Allah (saw) did not do so, and because his duty would be to look into the complaints of the people and remove their causes, thus specialisation would not be feasible, for the complaints cannot be partitioned. Also, in addition to him being a judge looking into the *madhaalim*, he is also a ruler in removing the causes of the *madhaalim*, and the rule cannot be partitioned. Thus the ruler does not specialise in the rule, i.e. he cannot be confined to ruling over certain matters and be restricted from ruling over other matters, he can only be confined to an area.

When a ruler is appointed and he acquires the mandatory powers and the authority to look into all matters, it is forbidden to restrict and categorise his duties of rule. The same applies to the judge of *madhaalim* - his appointment would be general as far as the judiciary is concerned. He can, however, be confined to a specific area just as for the confinement of the *wali* to a special *wilayah*. This would not be a partition of his rule but a specification of the *wilayah*, and no matter where and what type of *wilayah* it is, the rule of that *wilayah* cannot be partitioned. The judge of *madhaalim* would be appointed similarly over the *wilayah* of *madhaalim*, and this *wilayah* is general, therefore it would be wrong to partition the domain of his *wilayah*. This serves as evidence that he should not be appointed except with a general appointment as far as the judiciary of *madhaalim* is concerned.

# Qadi al-Qada'a - The Judge of Judges

This is a further type of judge who is appointed by the Khaleefah, but who is not concerned with the issues of the disputes that form the basis of jurisdiction of the other types of judges. Rather this judge and his department are responsible for appointing all the judges on behalf of the Khaleefah, and ensuring their conduct and qualifications are correct and in accordance with the Shari'ah.

In this way, the *Qadi al-Qada'a* would verify that any judge fulfils the conditions necessary for his authority to be valid. He would also look into any areas of injustice or misapplication of the Shari'ah that any of the judges may have been involved in, and he has the authority to correct and expel any judges involved in corruption.

## How the Judges are Removed

The appointment of a member of the judiciary is one of the Islamic contracts, and any contract in Islam has two contractors. One is the Islamic State, represented by the Khaleefah, and the other is the judge himself. The contract is manifested by an offer and acceptance.

Accordingly, the position of the judge will be valid as long as the conditions of the contract exist. Given this, there are three ways in which a judge can be removed from authority:

- 1) The Khaleefah removes him - this may be directly, or through the institution of the *Qadi al-Qada'a*.
- 2) The judge resigns.
- 3) The judge loses one of the conditions to be judge, e.g. he becomes blind or becomes untrustworthy.

## Punishments

These are the basic outlines of the structure of the Judicial system of the Islamic State. Their details provide comprehensive guidelines for both the structure and function of the judiciary, in such a way as to ensure that the objectives of justice under Islam are fulfilled. However, it is not only by means of guidance and clarification of the divine rules that the system maintains its integrity. It has at its disposal the means of effectively enforcing the decisions and judgements that are arrived at by the courts - the punishment (*al-'Uqubat*).

## Conclusion

The judiciary in the Islamic State was the richest source of jurisprudence and juridical works of any period of man. The libraries of Baghdad and Kufah (capitals of the Islamic State) boasted collections of tens of thousands of books and articles covering all aspects of legislation in the daily affairs of man, and the study of *fiqh* (Islamic law). Such was the extent of study and regard for this crucial aspect of the *deen* of Islam.

Sadly today this legacy has been all but lost to the minds of Muslims and non-Muslims throughout the world. Nowhere is the Justice of Islam prevalent as the ruling force and as a result, the world is engulfed in turmoil, where justice can be bought and abused by any who own the power to do so. Only when Islam is implemented again in its entirety, will the world return to the glorious state it enjoyed under the Khilafah.

# The Punishment System in Islam

The Punishment system (*nizam al-'Uqubat*) in Islam supplements the judiciary, and provides a means of giving tangible substance to the verdicts. We will outline here in brief some of the main points of the punishment system.

## The Objectives of the Punishment System

The objectives of the punishment system are three fold :

- 1) To punish those guilty of crime, thereby acting as *kaffara* (purification) and reforming them.
- 2) To act as a deterrent for society from committing crime.
- 3) To be a means of retribution for those who are victims of crime.

There are various degrees of punishment that accord with the severity of the crime, the nature of the crime, and other factors which surround it. These all have the effect of achieving the objectives detailed above.

## Principles of the Punishment System

The following are the principles of the punishment system :

**1) The Muslim is accountable for every action that he/she has performed and for every crime there exists a punishment that is enforced by the State.**

Such a principle is important because it not only protects the society, but taking the punishment for such crimes through a court of Shari'ah removes its punishment in the afterlife. It acts as a *kaffara* and is a means to repent and seek forgiveness. Muslims need to remember that Allah (swt) knows and will account all the actions. Therefore, it is better to get the punishment in this life and sincerely repent than to face the punishment in the afterlife.

Many of the Muslims during the time of Muhammad (saw) confessed to their crimes that were severely punishable in order that they may avoid the retribution for their actions on the Day of Judgement. It is narrated by Abu Daud when referring to a man who confessed to an illegal sexual act, and was ordered to be stoned to death, Muhammad (saw) said, **“He is more agreeable than the fragrance of musk in the eyes of Allah.”**

**2) The punishment should be prevented as much as possible.**

This applies because the severity of the punishment serves the primary role of a deterrent. Any shred of evidence that is doubtful or circumstantial will prevent the punishment. Indeed it is narrated in the Seerah (life) of Muhammad (saw) how he would exert himself to avert the punishment when individuals asked for the punishment to be implemented upon them. It is narrated that Muhammad (saw) said, **“To free someone criminal mistakenly is better than to punish someone innocent mistakenly.”** ‘A’isha (ra) narrated, **“Ward off punishments as much as you can. If you find any way out for a Muslim then set him free. If the Imam makes a mistake in granting forgiveness it is better for him than that he should commit a mistake in imposing punishment.”**

In this way, bearing in mind the heavy burden of proof, false conviction or unjustified punishment will be absent in the Islamic judiciary.

**3) Islam sets down punishments to protect and secure six issues for all citizens of the State, whether Muslim or non-Muslim : Belief, Honour, Mind, Property, Life and Offspring.**

**1. Belief :** The Islamic belief is the pillar of the *deen* and like any precious jewel, it is protected. Therefore, anyone who wants to leave Islam after accepting it and being advised, is subject to the penalty of death. The same punishment is applicable to anyone that slanders the belief of Islam.

Concerning the non-Muslims, the meaning of the Qur’anic verse,

*“There is no compulsion in religion”* [TMQ 2:256]

ensures that non-Muslims cannot be forced to become Muslims, and their right to practice their religion is protected.

**2. Honour :** In Islam, women are an honour (*ird*) and must be protected from all harm, slander and degrading actions. Therefore, Islam protects the dignity of women by punishing those who even backbite against her. Moreover, Islam protects the honour of people by punishing those who spread slanders against them. Anyone who is properly convicted of doing so is

punished by eighty lashes.

3. **Mind** : The use of alcoholic drinks and any other substances that befog the mind are forbidden in Islam. Accordingly, all the social problems which are inevitable consequences of such substances on the society are removed. The punishment for use of such substances is eighty lashes.

4. **Property** : Islam protects the wealth of all its citizens by securing a harsh punishment, e.g. cutting the hand of the thief, subject to all the conditions which apply here (like the value of the goods, the place of storage of the goods etc.)

5. **Life** : Muhammad (saw) said that, **“The blood of a Muslim is worth more than the Ka’aba and all its surroundings.”** The punishment for murder is death, with the right of the family of the deceased to forgive and receive blood money.

6. **Offspring** : Islam guarantees recognition of the correct lineage of people and their children, and ensures that no child is wrongfully attributed to anyone other than their own parentage. This is primarily achieved by forbidding and punishing illicit sexual relations.

With all these securities, Islam protects the things which human beings hold as most valuable. Those who are guilty of abusing any of these securities are subject to punishment.

## Who is Subject to Punishment?

Both Muslims and non-Muslims, whether male or female, who are under the authority of the Islamic State are subject to the punishment of the judiciary if they are proven to have committed the crimes. This is because the orders of punishment that appear in the Qur’an or *hadith* are general and do not specify that the punishments are restricted to Muslims or non-Muslims, e.g. Allah (swt) says,

*“And as for the male and female thief, cut off their hands as a punishment for what they have done.”* [TMQ 5:38]

Additionally, Muhammad (saw) administered the punishments of *hadud* upon the Muslims as well as the non-Muslims, as was the case when two Jews committed *zina* (fornication), and the *ayah* was revealed regarding them :

*“The fornicator and the fornicatress, lash each of them one hundred stripes.”* [TMQ 24:2]

It is forbidden to discriminate against any non-Muslim if they commit or are a victim of a crime. This is because all citizens of the Islamic State are equal in status, and have the same rights guaranteed. Muhammad (saw) said, **“Whoever harms a *dhimmi*, it is as if he harms me.”** A *dhimmi* is a non-Muslim citizen of the Islamic State.

Only those who are responsible for their actions are subject to punishment. Muhammad (saw) said, **“The pen is lifted (from recording the deeds of) three : The *majnun* (madman) until he becomes sane, the child until he becomes mature and the sleeping person till he awakes.”**

In all of the situations mentioned in the *hadith*, the person is not responsible for his actions, as he is unable to discern the correctness or incorrectness in his actions. Thus, he is not subject to the punishments that the court would normally administer to someone who had committed the same crimes.

If any crime is committed under force of duress, there will be no legal liability if it is proved that this was the case. Muhammad (saw) said, **“My Ummah will be forgiven for crimes it commits under duress, in error, or as a result of forgetfulness.”** Again here, no punishment will be given for crimes committed under such a state of mind as negating responsibility for a criminal act.

## The Types of Punishment

There are four categories of punishment that criminals may be subject to. These are :

1. **Hadud** : This punishment is the right of Allah (swt), and it is a retribution for seven different crimes, which no-one can forgive. These are:

a) *Fornication or adultery (zina)* : The punishment is 100 lashes for fornication (i.e. pre-marital sex) or stoning to death for adultery (where the fornicator/s is/are married).

b) *False Accusation (qadhaf)* : Where a false charge of adultery is insinuated against a man or woman. The punishment is 80 lashes.

c) *Theft (sariqa)* : Where theft is the crime. The punishment is cutting off of the hand, provided seven conditions are fulfilled concerning the circumstances of the crime.

d) *Consumption of Intoxicants (khamr)* : Where the crime is for example drinking wine. The punishment is 80 lashes.

e) *Rebellion against the State (al-baghi)* : Where individuals or groups revolt against the authority of the State, e.g. motivation of division of the Ummah. The punishment is death.

f) *Apostasy (al-irtidad)* : Where a Muslim changes his or her belief, and refuses to return after advice is given. The punishment is death.

g) *Highway Robbery (hiraba)* : Where robbers attack passers by on the open highways. The punishment is cutting off the hand and foot on opposite sides, or death if the crime led to the death of the victim.

In these issues, if someone is proven to be guilty of the crime and all the conditions for the punishment are fulfilled, there is no leniency or pardon for the perpetrator. Muhammad (saw) said, **“By Allah, if Fatimah the daughter of Muhammad stole, I would cut her hand.”**

2. *Al-Jynayat* (or *qisas*): This concerns crimes against the rights of an individual where the victim has the option to demand punishment or forgive the criminal and demand blood money (*diyyah*). It concerns mainly the issues of killing and bodily harm, whether unlawful or accidental. For example, if someone deliberately committed murder, the family of the victim could demand that the perpetrator be killed, or they could forgive them and demand blood money. The value of blood money varies depending on the nature of the crime:

a) Blood money from the one who kills with intention is 100 camels, 40 of which must be pregnant, or the equivalent monetary value.

b) Blood money from the one who kills unintentionally i.e. manslaughter, is the equivalent of 100 camels.

It is narrated by al-Nissai and Darimi that Abu Bakr reported that the Messenger of Allah (saw) wrote to the inhabitants of Yemen and there was in his letter : **“Whosoever kills a believer unjustly will suffer retaliation for what his hand has done unless the relatives of the murdered man consent otherwise. And therein it was : A man shall be killed for the murder of a woman. And therein it was : For the murder of a life, there is bloodwit of 100 camels..”**

Another *hadith* narrated by Imam Nissai mentions that every part of the body has blood money, for example, the blood money for the eyes is equivalent of 50 camels.

3. *Al-Ta‘azir* : This is considered the right of the community. It covers those issues which are not part of the *qisas* or *hadud*, but which affect the right of the community such as shouting in the streets, cheating in the market place etc. The judge presiding over the case will study the severity and nature of the crime and prescribe a punishment to match it from his own *ijtihad* (i.e. study of the Islamic texts).The punishments may range from anywhere between a warning to death. One famous example happened in the time of ‘Umar ibn al-Khattab (ra), where he punished a scholar who gave false testimony. He ordered that the scholar should have his head shaved, his face painted black, and be paraded semi-clothed in front of the people while sitting backwards on a donkey.

4. *Al-Mukhalafat* : This covers the areas of the rights of the State. Here the crime is committed when a person or group contravenes a law which the State has enacted, such as breaking the speed limit or parking in no-parking areas. The punishment is at the discretion of the judge, based on his own *ijtihad* or the adoption of the State.

## The Law of Evidence

There are various ways in which the perpetration of a crime can be proved in court, but these are restricted only to that which can ascertain definite guilt. For example, circumstantial evidence like fingerprints on a murder weapon are not in themselves sufficient to give 100% certainty of the guilt of the owner of the fingerprints. Therefore, this kind of evidence alone is unacceptable in the Islamic court. There are two types of testimony which can confer definite proof :

1) *Eye-Witness Testimony (shahada)* : The testimony of someone who has actually seen a crime occurring is a valid evidence. However, this is only applicable in the cases where the trustworthiness of the witness is proven. There is a special court whose purpose is to verify the character, memory, intelligence etc. of any witnesses who are brought forward.

An example of this is in the case of adultery (*zina*) where the testimony of four eye witnesses are required to prove the crime. Allah (swt) says,

“As for those of your women who are guilty of lewdness, call to witness four of you against them.” [TMQ 4:15]

If any of the witnesses fails to bring corroborating testimony, or someone who accuses the crime cannot provide four witnesses, then they will be subject to punishment of *qadhaf* (false accusation).

2) *Confession (iqrar)* : It is agreed that the criminal’s confession is sufficient for the establishment of guilt and that, on the basis of his or her confession, the appropriate punishment can be inflicted.

Abu Daud narrated that : “A woman of Ghamid came to the Prophet (saw) and said, ‘I have committed a punishable sexual act.’ He replied, ‘Go back.’ She then returned and on the next day came to him again and said, ‘Perhaps you want to send me back as you did to Ma‘az ibn Malik. I swear by Allah that I am pregnant.’ He said to her, ‘Go back.’ She returned to him the next day. He said, ‘Go back until you give birth to the child.’ She left. When she gave birth to the child she brought the child to him, and said, ‘Here he is! I have given birth to it.’ He said, ‘Go back and suckle him until you wean him.’ When she had weaned him, she brought the boy to him with something in his hand which he was eating. The boy was then given to a certain man of the Muslims and the Prophet (saw) commanded regarding her. So a pit was dug for her, and he gave orders about her and she was stoned to death. Khalid was one of those who were throwing stones at her. He threw a stone at her. When a drop of her blood fell on his cheek, he abused her. Muhammad (saw) said to him, ‘Gently Khalid. By Him in Whose hand is my soul, she has repented to such an extent that if one who wrongfully takes an extra were to repent to a like extent, he would be forgiven.’ Then giving command regarding her, he prayed over her and she was buried.”

If, however the confessor were to withdraw his or her confession, then the punishment would be stopped immediately, as guilt could no longer be definitely substantiated. This would also be the case if, for example, during the punishment the confessor ran away or began to protest.

## Punishment as the Last Resort

It must be noted that the punishments administered by the Islamic State are the last resort in the process of curbing and preventing crime. Islam comes as a *deen* (way of life) where all the systems work in harmony, making an integrated and perfectly complementary whole.

Thus, the Economic System will ensure that all the citizens of the State will have their needs adequately fulfilled such that no-one need resort to crime to sustain themselves. As well, the Education System will teach the people the mentality of rejecting any kind of crime, all of which are forbidden in Islam, in favour of obedience to Allah (swt). And the Social System will inculcate within the people the mentality of respect and dignity towards the opposite sex, and the segregation between men and women in their daily life will minimise the possibility of crimes in this area.

In the Islamic State the prevention of crime works on three levels :

1) **The Taqwa of the believer** : The Muslim has conviction in the rational creed of Islam, which is built upon the study of reality and use of the mind. This gives them the definite foundation for their belief in Islam and motivates them to be subservient to the One and Only True God, Allah (swt).

Crime is a disobedience to Allah (swt). The Muslim’s longing for the Paradise and their fear of the punishment of Hellfire will prevent them from committing crime.

2) **Public Opinion** : It is one of the mutual rights and duties of the Muslims that they always look out for and take care the affairs of each other. Thus there will be a constant motivation and encouragement from all sides for people to observe the Islamic conduct.

Crime will be shunned and rejected by the society at large. Criminals and cheats will not be accepted, nor will wealth or any perceived benefits gained illicitly be respected. This pressure from the dominant values in the society will prevent those who are tempted to commit crime from doing so.

3) **The Punishments** : The last resort is the fear of the consequences of the criminal actions in terms of the punishment.

It is for these reasons that so few incidences of implementation of *hadud* and other retributions by the judiciary were necessary in the history of the Khilafah.

## Conclusion

The Judicial System and Punishments of the Islamic State were implemented throughout every period from the time of the Prophet (saw) in Madinah, when he established the first Islamic State. It settled the disputes between the people, protected the

legitimate rights of the community, and ensured that those in authority gave the citizens of the State their dues in accordance with the Shari'ah of Islam. All this it did in a superior manner, such that it was acknowledged by all, the justice and propriety which it conferred upon those who were protected by it.

However, the strength and authority that the judiciary in Islam proffers is not built upon harsh punishments or oppression of the people. Rather, its power lies in the fact that it originates from the Islamic *'aqeedah* which is able to answer all the problems that may arise in life, and that its implementation and the obedience to it are considered as *ibadat* (worship). In this way, the history has shown that in only a relatively small number of cases did the judiciary have to resort to punishment of the people.

The mentality of obedience to Allah (swt) and disapproval of crime that the systems of the Islamic State - which are an integrated whole and of which the judicial system is one part - inculcates into the people is enough to ensure that justice and harmony in society prevail, and that crime is a fringe activity.

# Summary: Judiciary in Islam

To live in constant fear of being attacked or robbed is surely an unacceptable state of affairs. The thoughts and ideas that are prevalent in the society around us affect the way people behave and in this society people are constantly motivated to increase their wealth and become prosperous. But, when this is combined with the notion of freedom, a dangerous cocktail is made. People then put no limits for themselves on how to achieve these aims, and crime is an easy way to fulfil them.

This has come to the extent that it is not only a few evil people who resort to preying on the innocent in this way. Crime in the West is escalating uncontrollably. Burglary, mugging, theft, rape and cheating are all dangers which are taken for granted. It seems that the feeling of the whole society is that 'if you can get away with it, do it.' This is even moreso among the rich and the powerful, who use their authority mercilessly over the poor and the weak. And so, people feel that almost no-one is trustworthy anymore.

The measures that are taken to counteract this deadly tide are wholly inadequate. Criminals mock at the possible consequences of their actions, and many come out of short prison sentences to offend again. Victims feel that to get justice from the current legal system is virtually hopeless.

All this inevitably results from a judicial system that is man-made and a society which is governed by people's whims and desires.

In Islam, individuals are naturally inclined away from crime, because their belief and fear of Allah's (swt) punishment prevent them from committing it. As well, the attitude in society towards crime is one of total rejection. Friends and families will never be pleased or impressed by wealth that is gained in dubious ways. As well, the Economic System will ensure that people are not forced to resort to crime as a means of survival. These factors will automatically check the levels of crime in an Islamic State.

As the last resort, the Islamic State has a comprehensive judicial system which acts as a deterrent to criminals, and to reform those who have gone astray. Harsh punishments for those who are proven to be guilty of crimes are effective measures against it. After all, if you see someone walking around with only one hand because he had been a thief, how would you feel?

Even so, you will see that the aim of Justice in Islam is not to punish the people as much as possible, rather it is to guarantee the rights and the security of the people. The Islamic State successfully did this for over 1300 years, only rarely having to resort to punishing anyone.

**SECTION 3**

The Way to Revival

A

Carrying the *Da'wah* of Islam

# The Way to Revival

Nothing in life is of greater importance to the *Mu'min* (believer) than to seek the pleasure of the Creator (swt). It is He that created man from nothing and He that commands the utmost respect and worship in all our actions. As Allah (swt) commanded:

*"I have not created jinn and man except to worship Me."* [TMQ 51:56]

Allah (swt) not only created man, but also made within us the capacity to think and respond to our instincts. We have the choice of doing right or wrong, of following the Supreme's guidance or descending into falsehood, the criterion solely defined by Allah (swt):

*"Follow what is revealed to you from your Lord. And Allah is aware of all things you do"* [TMQ 33:2]

and,

*"Then We set you upon a way (Shari'ah) by which your purpose will be fulfilled: so follow this way and not the whims of those who have no knowledge."* [TMQ 45:18]

The following of and full implementation of this Shari'ah is the greatest challenge facing the Muslims of today, indeed without this application of Islam to all of life's affairs, we cannot say we are living by Islam. The sham of corruption characterised by the systems of disbelief which are implemented throughout the Muslim world must come to an end for us to achieve this noble goal. But as long as the Muslim Ummah stays silent the tyrants will continue to steal the authority to rule, which Allah (swt) granted to the Ummah. And as long as the sincere, active Muslims waste their time on side issues, solely involving themselves with such things as acts of charity, welfare, education, healthcare provision or even the individual military struggle as the solution to our political problems then we will delay the achievement of our key political goal - the re-establishment of the Khilafah, which ensures the full implementation of the Shari'ah.

## Signs of Revival

No one can deny that there is a great upsurge in interest in Islam. East and West alike are clamouring to understand the Islamic law and to see how it will affect them. Islam is talked about in the corridors of power in Washington, London and Paris as much as Muslims are seeking guidance and knowledge in the *deen* and wondering how Islam will solve their day to day problems in Damascus, Istanbul or Lahore. People point to the number of Muslim women in the streets wearing *hijab* as a sign of revival, or the number of men clamouring to pray the obligatory Friday prayers as another sign of Islamic resurgence. Whilst these obligations must be fulfilled by the Muslims and the signs that ever increasing numbers are practising Islam individually is encouraging, it is not the full picture or sole objective. Islam must dominate not only the personal lives of Muslims but also the society as a whole.

In this way the growing uneasiness with the systems of *kufir* dominating Muslim lands, the outpouring of feeling and movement for Islamic issues such as in Algeria, Egypt, Bosnia, Kashmir and Palestine are signs that the Muslims are looking only for Islamic solutions. The non-Muslims of course are seeking to divert such sentiment and action towards weak nationalist or secular solutions which will lead to further misery and are *haram* (forbidden) in any event.

Perhaps the greatest single sign of Islamic revival is the increasing attention paid to the Islamic movement in the world and in the Muslim world in particular. The threat to the Western ideology is coming from those struggling to implement Islam radically, that work tirelessly for a full implementation of the Islamic system and not those propping up the ailing secular regimes who legitimise their rule by joining them in government, or work to solve the social and economic failings of the governments through social and charitable works without even the mandate or authority of the people. Increasing attention is being brought to bear to divide the Ummah along imaginary fundamentalist and moderate lines where those that adhere strictly

to the commands and prohibitions of Allah (swt) are labelled fundamentalist or extremist and those prepared to compromise with western systems (laws) and ways are moderate.

What is sure is the promise of Allah (swt) to all that adhere to the word of Allah and struggle in His cause:

*“Allah has promised to those among you who believe and work righteous deeds, that of a certainty He will cause them to accede to power on earth, as He granted it to those before them, that He will establish in authority their deen which He has chosen for them, and that He will change (their state) after the fear in which they lived, to one of security and peace: They will worship Me (alone) and not ascribe powers to any beside Me.”* [TMQ 24:55]

## The Basis for Revival

Islam is based upon one main fixed idea - the comprehension of one Creator, Allah (swt), and complete submission to Him. This submission means that all reference for life's affairs must be directed to Allah (swt) for judgement, whether our prayers, fasting, relations with our families or non-Muslims, political and economic matters. The central pillars of faith (belief in Allah, His Angels, His Messengers, His books, the Day of Judgement and Divine fate and destiny) form the basis of all our actions. Therefore we refer only to the Book of Allah (swt) and the Sunnah of His Messenger (saw) as revelation (*wahi*) and the sources derived from these, *Ijma'* (consensus) of the Sahabah and *Qiyas*, for guidance. Whilst no Muslim enters the *deen* without full conviction in the articles of belief (*'aqeedah*), the adoption of laws and the adherence to them are compulsory regardless of whether the believer fully understands them or not. Allah (swt) says,

*“And they say: We hear and we obey.”* [TMQ 2:285]

Indeed the Shari'ah is applied to all (Muslims and non-Muslims) regardless of belief.

Islam uniquely bridges the confusion between belief and action or doctrine and systems. The human must determine the correct basis (creed or doctrine) and then base the system or his actions upon that provided by the law. The law provided by *wahi* (revelation) is that which governs all actions whether personal or societal, whether ritual worships or international politics and of course the issue of revival.

The following of Islamic text is an intellectual process which leads to revival, provided the Islamic methodology is used. By Islamic methodology we mean the process of *ijtihad* where the scholar applies the Islamic text to the reality after a rigorous process of verification of the problem (*tahkeek al-manat*) and then applying the appropriate Shari'ah evidence to the problem. This is completely different from the West where they derive the solution from the problem, so for example a law is brought to curb drink driving without examining the nature of the problem or whether drinking itself is not the real problem.

In the Muslim world today we suffer from corrupt scholars that bring a solution to satisfy the West and then text is sought to justify the answer, as we saw when a so-called Shari'ah opinion was sought to justify the invasion of the US forces into the Hijaz during the Gulf War, or potentially even worse where the correct process of *ijtihad* is not followed and so called scholars bring *daleel* (evidence) without following classical *ijtihad*. This is more damaging because the true revival based upon the clear cut evidences is inevitably delayed.

## The Prophet's (saw) Method of Establishing Islam

Our methodology for revival should follow the example of the Prophet (saw); no other example exists for the establishment of the Islamic State, and furthermore this is of the actions which are *fard* (compulsory) as Allah (swt) commands:

*“So judge between them by whatever Allah has revealed and follow not their vain desires, diverting you from the truth that has come to you.”* [TMQ 5:42]

The command to rule or judge by Islam is repeated many times in the Qur'an and is indicated to be compulsory through the practice of the Messenger of Allah (saw). This is not a preferable (*mandoub*) matter but an issue of life and death for the Ummah as can be seen by the disastrous consequences we live in without the Khilafah (Islamic State).

In summary the Prophet (saw) undertook several key steps to establish the first Islamic State:

1. He (saw) formed a political group (the companions).
2. His companions were well cultured and developed in a strong Islamic personality.
3. They actively interacted with the society, not militarily but intellectually and politically to bring down the existing corrupt system through building a strong public opinion for Islam.
4. He (saw) approached the tribes and influential people in order that they support him (saw) and his group and to actually transfer power from the existing system.

Any serious attempts at revival must be based upon this methodology; it is from the Sunnah and not from man's mind or imagination.

## The Need for Political Movements

Allah (swt) commands in *surah al-Imran*:

*"There should be from among you an Ummah (band(s) of people) inviting to the good (khayr), commanding what is right (ma'ruf) and forbidding what is wrong (munkar). Those are they who are the successful."* [TMQ 3:104]

The word Ummah in this *ayah* does not refer to the global body of Muslims most commonly used but a political movement. Imam Qurtubi in his book, *'Tafseer Ahkam al-Qur'an'* defined the word Ummah in this verse as a group or band or party, as the verse states *'min kum'* (among you) and the group is from amongst the total Ummah. The requirement is a *fard* of sufficiency as there should always be such a group, or groups as the verse states *'Those are they who are successful'* and does not refer to the group in the singular. The functioning of the group must be for the same purpose as Muhammad's (saw) companions with the same intention and with the same approach, i.e. to invite to Islam comprehensively (call to *al-khayr*), and aiming to look after the affairs of the people, which is the meaning of politics. Imam Fairuz al-Abadi said that looking after the affairs of the citizens means ordering and forbidding them (commanding *ma'ruf* and forbidding *munkar*). Therefore the group(s) must be political in nature.

## Changing a Corrupt Society to Islam

To change a people requires an intellectual elevation; people act based upon the beliefs they carry. To change a society requires a change in their beliefs, relations and the system governing them. The Prophet (saw) and his companions targeted this specifically, but to achieve the victory would require a supreme effort against great difficulty. The loss of many early Muslims through torture and oppression bears testimony to the difficulties they faced.

To prepare them for the struggle, the Prophet (saw) cultured his companions deeply; this formed what was known as the cultural or first stage. They used to study late into the night not only the belief but also a unique way of learning and thinking. To refer solely to Islam for all matters and to develop a deeply creative political mentality. That the Prophet (saw) could develop so many great companions with such strong statesmanlike qualities was a great tribute to their commitment and approach to Islam.

Mus'ab ibn 'Umayr was just one example of those that were so developed and had such a startling affect in Madinah in only one short year, prior to the establishing of the State there. After a period in which the culture was well ingrained within the Muslims of the group and the personality was totally Islamic, the command came that they should approach the *da'wah* in a most public and challenging manner. This was critical in order to confront the corrupt systems and thoughts dominating the society of the time, the same *kufir* thoughts dominating the world today. Allah (swt) says,

*"Therefore, proclaim that which you are commanded, and turn away from the polytheists. Verily, We are sufficient unto you against those that scoff."* [TMQ 15:94-95]

## Interaction with Society

The open challenge to the *kufir* system that was initiated by the Prophet (saw) was waged for nearly 10 years until an Islamic State was established in Madinah. The location of the State wasn't known to the Prophet (saw), nor was the time of its establishment, there was only a complete submission towards this goal and a clear cut method which was followed to achieve the victory that Allah (swt) had promised.

The famous *du'a* that the Messenger of Allah (saw) made when returning from Ta'if summarised his attitude and commitment to the call:

**"O Allah! To you I proclaim my weakness, little resource, and lowliness before man. O Most Merciful! You are the Lord of the weak, and You are my Lord. To whom would You confide me? To one afar who will misuse me? If You are not angry with me I care not. Your favour is wider for me. I take refuge in the light of Your countenance by which the darkness is illuminated, and the things of this world and the next are rightly ordered, lest Your anger descend upon me or Your wrath light upon me. It is for You to be satisfied until You are well pleased. There is no power and no might save in You."**

The Prophet (saw) had travelled alone to Ta'if to invite them to Islam and to ask for support in establishing the Islamic State; he was rejected outright and even children were sent to stone him until the blood ran to his feet. He (saw) did not mind, his sole concern was to adhere to the methodology set out for him and his group (companions) to establish Islam. **"If you are**

**not angry with me I care not**” - meaning no matter what the *kuffar* felt or how they responded, the Prophet (saw) was solely concerned with following the Islamic way as he was guided to by Allah (swt). And yet some Muslims today at the slightest problem retreat to their homes and refuse to follow the Sunnah of the Prophet (saw) in going to the people on mass to invite them to the *deen* and to establish Allah’s law.

The open stage was characterised by certain key points:

1. The Muslims worked hard to propagate the call of Islam publicly - the address to the tribes of Quraysh at Mount Safa was one example, and the demonstration of the Prophet’s group in encircling the Ka’aba which came after Allah’s command to “go and proclaim openly” was another. Quraysh were shocked; Ibn Abbas (ra) narrated that they had never before seen such a demonstration.

2. The call was controversial and challenging. The nature of change in society requires that opposing thoughts must be broken down and thoroughly refuted in order that the way be cleared for the Islamic thought and way of life to come forward. The nature of the Qur’anic *ayat* that were revealed during the Makkan period pointed the way and challenged the shallow unthinking minds of Quraysh to wake up and consider what it was they worshipped, who they followed as leaders, how they bought, or how they married. In short the whole way of life was pointedly attacked, and furthermore the Muslims of today are mistaken if they think that change will come without there being a rigorous intellectual attack upon Capitalism, Communism, or any other false ideology.

Not only was their belief in idols attacked, but the Prophet (saw) launched an intellectual onslaught on every aspect of their way of life:

Their political system and leaders were attacked:

*“May the hands of Abu Lahab perish: Doomed he is. His wealth and his gains shall not avail him. He shall be plunged in a flaming fire...”* [TMQ 111:1-3]

Their economic system was attacked:

*“Woe to the defrauders, who take in full what they buy, and who reduce the weight when they sell.”* [TMQ 83:1-2]

Even their social customs were attacked:

*“You shall not kill your children for fear of want. We will provide for them and for you.”* [TMQ 17:31]

Always the challenge linked the people back to the *‘aqedah*, imploring them to adopt Islam and reject the corruption around them. These *ayat* and the vigorous passing of the Islamic call created great controversy, hardship and ultimately raised the profile of the Muslims in the whole of the Arab peninsula. The false gods, systems and creeds of today must also be exposed and the message of Islam must be prominently brought forward, especially so in the Muslim world, where the work to re-establish the Khilafah is occurring.

The Muslims didn’t lose any opportunity to pass culture to the people and invite them to Islam. This open call forms the main approach for the Islamic movement today, and indeed must be carried out in the Muslim countries, to undermine completely the false ideas and concepts which have polluted the minds of the sincere Islamic Ummah.

## Seeking Support to Establish the State

The Prophet (saw) did not only call to Islam and attack the corrupt systems and beliefs around him, but he also actively worked to establish the State by approaching those with the authority to rule, those who were in positions of authority or could hand him authority - this is known as *nussrah* (support) and is a critical issue for the Islamic movement today. While the Prophet (saw) was preparing society with his open call, the actual influential people in Madinah facilitated the birth of the Islamic State there naturally, without the need for a coup d’état, which may have been needed in different circumstances. Many fail to recognise that the triumph which resulted after the *Hijrah* came at the end of a long struggle, one that will be necessary if we are to taste the same victory. Allah (swt) says,

*“Do they think they will be left to say: We believe without being tested? Surely We had tested those who came before them. Surely Allah will know who are faithful and who make a lie.”* [TMQ 29:2-3]

Whilst the message of Islam was reaching wider and wider audiences the actual land (*dar*) which the Prophet (saw) needed to launch the system and from which he could carry it to mankind through invitation and jihad eluded him. He (saw) spent time approaching directly the heads of tribes and those in power around the Arab peninsula, asking directly for the support to rule

by Islam. Islam could never be limited to a belief system and a few individual religious rituals; those that believed in it had to rule by it. Allah (swt) says,

*“If anyone rules by other than what Allah has revealed, they are disbelievers.”* [TMQ 5:44]

Many tribes were approached by the Prophet (saw) who was often accompanied by Abu Bakr (ra) who was an expert on the various tribes and their genealogies. One example suffices to prove this point. The *bani* (tribe) Amir ibn Sa'ssah were approached and after many discussions ranging over Islam to their military strength it was determined that this tribe was sufficiently strong to be a launching point for the new state, and they were prepared to support the Prophet (saw), however they put one condition in querying whether they would have the authority (rule from their tribe) after the Prophet (saw). The Prophet (saw) did not accept support from them and responded that **“Allah gives the authority where He wills”** and could not accept any compromise in the *deen* even at a time when he and his companions were facing great hardship.

When the unequivocal support did come from the tribes of Aws and Khazraj from Yathrib (Madinah) the Prophet (saw) showed clearly the importance of getting the power and authority for Islam. At the second pledge of 'Aqabah, late into the night he (saw) asked for twelve *naqeeb* (leaders) from them to come forward as it was they that were going to ensure the handing of power to him with full conviction in him and his message.

When the Prophet (saw) did complete the *Hijrah* to Madinah, and was given the full authority, the forces of the previous tribal leaders were seen out in force the very next morning to defend their new leader and the new Islamic State. Even 'Abdullah ibn Ubay ibn Salool later labelled as the head of the hypocrites of Madinah recognised that power had been taken through proper preparations when he jealously said, “This has been planned in the night.”

The Prophet (saw) proved that there could be no state without authority and there could be no authority without building the support from those that could deliver power. It would be nice to think that in today's world the Ummah would come out on mass in the streets demanding the implementation of Islam and that the corrupt regimes will lay down and pass the power on, but in the absence of such a natural birth it is likely that the State will need the assistance of a sincere following from those of influence like the army.

## The Practical Involvement Necessary Today

The above steps taken by the Prophet (saw) were not actions restricted only to himself. They were for his companions and are for the sincere Muslims of today to emulate. During history a number of scholars have tackled the problem of how we should respond were we not to have the Khilafah and have no Amir/Khaleefah.

- Imam Baghawi (circa 600 Hijri) said that if there was no Khaleefah then the Muslims must follow the method of Muhammad (saw) in establishing the State in order to bring it back.

- Imam Juwainy (4th century Hijri) also mentioned this methodology.

- Sheikh Taqiuddin al-Nabhani, the founder of Hizb ut-Tahrir is the only scholar in the post decline of Khilafah (post 1924) period to elaborate upon this detailed methodology, furthermore in the party's book *The Ruling System* he states:

“... the establishment of one Khaleefah is an obligation on all Muslims, this has been confirmed in the *hadith*; it has been narrated on the authority of Nafi'a that he said, 'Abdullah ibn 'Umar told me: I heard the Messenger of Allah (saw) say: **“...Whoso dies while there was no bay'ah on his neck dies a death of the days of Ignorance (jahiliyyah)”**.”

To avoid being sinful for living without the authority of Islam in our midst it is vital that all capable Muslims work to establish the State, to save themselves on the Day of Judgement.

The Islamic group(s), whose existence is necessary if we are to follow the way established by the Prophet (saw) 1400 years ago, should not be a violent movement bent on terrorist tactics, or a charity that props up the corrupt system, never touching the thoughts of the people or systems ruling over them. The sharp Islamic party of today must emulate the deep culturing process, the open challenge to all *kufir* thoughts and laws, and work to build support for such a call not only amongst the masses but amongst that small band of key people of support like the military that have the reigns of power and ultimate political revival within their grasp. Only when this methodology of the Prophet (saw) is followed, will the actions be accepted by Allah (swt), *Inshallah*. Allah (swt) says,

*“O you who believe, if you help Allah, Allah helps you and consolidates your foothold.”* [TMQ 47:7]

This political work to re-establish the Islamic State and resume the Islamic way of life must be undertaken in the Muslim

countries where Islam ruled before. This is the case as today, the work is not to bring about the State for the first time, as it was in the time of the Prophet (saw), but to resume the ruling by Islam that had already existed for hundreds of years. In these places, the corrupted thoughts that pervade the minds of the Ummah must be changed to Islamic thoughts, based solely on the Islamic *'aqeedah*.

The holders of *nussrah* (i.e. the armies and the influential people) must be approached and convinced of the duty and need to resume the Islamic way of life, and both the Islamic Ummah and the armies within it, must work to overthrow the current corrupted Muslim regimes, who rule by non-Islam and pander to the whims of the disbelievers, thereby freeing the Muslim lands from the influence of the *kuffar* and allowing Allah's (swt) *deen* to be dominant once more.

Once this is done in any part of the Muslim world, and the Khilafah is re-established, the remaining Muslim lands can again begin to be re-united under one leadership, by a process of merging the Muslim lands such that they are absorbed by the expanding frontiers of the State.

For Muslims living outside the Muslim world, it is still an obligation and just as vital to work with the political movements who have this aim. For such people their focus would be in being active among the Muslim communities, wherever they are, to culture them with this political call of Islam, and to aid the work in the Muslim world as much as they can.

By these means, the whole Islamic Ummah, wherever they are, can be revived and can contribute to this vital work - the resumption of the Islamic way of life, that Allah (swt) has laid as a divine duty upon her.

## A Vision For The Future

All over the world humanity is witness to the dynamic growth of Islam. In land which previously formed the bedrock of the Khilafah (the Islamic State), there is a deep hunger to see the return of that same system. In the Muslim world, this desire is manifest as the intellectual struggle of the Muslim masses against the tyrannical puppets that presently plague us. On lands yet to experience the Khilafah, Islam is blooming, with a new generation of converts.

Today Islam is the fastest growing belief in the West. Yet many questions arise in peoples minds about the world order that Islam offers to Muslim and non-Muslim alike, the answers to which are shrouded by the veils of a distorted history and that of

the propaganda espoused by the media machine of the existing World Order. The clear understanding of Islam is clouded by images of harems, beheading of infidels, gun-toting mullahs and the like.

In this section, turn aside these veils and experience the wonders of a world under Islam.

## Islam - A World Without Borders

Borders between peoples have become a fact of life of our times. This is a fact that is blindly accepted. From childhood we are presented with a divided world, where the map is a mosaic of different colours representing separate Nation States. In adulthood this is reinforced as we unquestioningly accept the need to apply for visas when making the Hajj to Mecca, or visiting relatives in Tajekistan, or when we are told that only an Iranian can be the leader of the so called 'Islamic' Republic of Iran. This issue is further emphasised when for example, we see on the television that according to international law, Muslims from Pakistan are 'foreigners' in Somalia.

Yet it is this self-same fact of today's world order that leads to immeasurable misery. In this world of divided nations, jealousies emerge and damaging competitions appear. Europe is scarred by wars ravaged as one nation seeks to dominate others. The world nations struggle with each other, and new nations have their bloody birth within other nations. The world is full of divided nations even if we bestow on them the token title of 'United Nations'.

Allah (swt) says,

*"O human beings! We created you from a pair male and female, and We fashioned you into tribes and races that you may recognise each other, indeed the best amongst you is the one who is most conscious of Allah."* [TMQ 49:13]

In the framework of the Khilafah, Islam questions the issue of divided nations. For in the Khilafah, Muslims and non-Muslims that accept to live under the ideology of Islam would never be divided on racial grounds. This seems strange in a world where those in the West who share a love for democracy find themselves divided as a myriad of competing nations and races.

Under Islam the world has witnessed, and Inshallah will witness again, a land without borders. Peoples of different races will be standing together as one. Under Islam there was no Israel to fight Egypt, there was no Iran to fight Iraq or vice-versa - all these lands were one land.

## Islam - a Cure for Community Strife

Nationalism is so deeply etched into our world, that it even causes suffering within a nation state. The present system enforces colour bias by dividing the community into an ethnic majority and minority. By offering community services, like centres on the basis of race and nationality or by organising events like Asian festivals and Black cultural evenings, divisions are further ingrained into the thoughts of people. Again this is accepted blindly, but why should we need to state our ethnic origin when filling in forms? In fact, this encourages a subtle form of racism, whether in the form of discrimination or so-called positive discrimination, as it creates a colour conscious society.

In Islam such apartheid is prevented. For in the Khilafah, once citizenship is granted, the Muslim or non-Muslim is not viewed as a minority or a majority. All the systems of Islam will ensure this. So jobs are offered on suitability not ethnicity. Schools will work to ensure racism is put to rest. Organisations calling to race or nationality will be illegal.

This is a far cry from the myth of beheading of infidels, for under Islam the non-Muslim as a *dhimmi* (a non-Muslim citizen of the Islamic State), is a protected citizen, whose belief, property and honour is secured. Muhammad (saw) said in one *hadith*, **"Whosoever harmed a *dhimmi* has harmed me."**

## Islam - the Economic Life

Islam does not deny ownership of material or property, however it also does not allow humans to dictate the way it is acquired and used. Life in the Khilafah will offer a dramatic change in the way material is viewed.

In Islam wealth is a trust from the Creator. Consequently it is Allah (swt) alone who decides what can and cannot be bought and sold. This is unlike the situation today where the rights and wrongs of a society are at the mercy of market forces and the laws of supply and demand and where commercial viability of a product takes precedence over the detrimental effects on society that are produced as a result of the product's existence. Such is a world where business interests fund or lobby the 'guardian angels' of democracy - the politicians.

Accordingly, we see that Britain's richest man has based his fortune on pornography. There is no care for the damaging effects of pornography and other forms of exploitation of man and woman. The unwanted eyes when walking the streets; the

unwanted attention at work; rape. Instead, concern for humans is viewed in economic terms primarily.

This is not so in Islam, where 'honour' is a vital issue. There will be no advertisements using the sexuality of men and women for the hard sell, no 'top-shelf' magazines, no pornographic videos and no cybersex would be found in the Islamic State.

Similarly, no regard would be made for the commercial success of alcohol consumption, or the potential success of legalising other types of drugs, as is being discussed today. In Islam public consumption of intoxicants is forbidden, killing from the root the plethora of problems that things like alcohol contribute to: domestic violence, crime in general or the drain on health resources (self-help groups, victim support groups, medical services etc.). There would be no pubs, no drunkards and no 'drink-driving' under the Khilafah.

## Luxuries are not Needs

Not only would the subject of advertising be different in the Islamic State, but also the way in which things are advertised would be different. For adverts with their enticing manner and 'hard sell' contribute to the materialistic drive that is so damaging in our society. This all leads to an attitude that luxuries are needed, to be acquired by fair means or foul, creating a society where the haves want more, and the have-nots have not even their needs met.

## No Free Market

In our world today there is gross extremism in terms of wealth distribution, whether nationally or globally. In Britain 90% of the wealth is owned by about 5% of the population. Globally, though most of the world's reserves are in the so-called 'Third World', these regions are the most poverty stricken. In one corner of the globe children die of hunger, whereas in another butter mountains and milk lakes are formed due to excess food production. It is in the face of such gross imbalances that we are asked to make heart-wrenching decisions about health services and food aid.

In one corner of the globe luxuries of life are in abundance, and in another even the basic needs for survival are absent.

Islam stands alone in the world of today in its vision of the economic problem, striking at the root of this terrible scenario. Unlike Capitalism and Communism it does not preoccupy itself with means of production. Rather it ensures distribution by not only limiting the type of wealth that can be acquired, but also the means by which it is acquired.

So in Islam natural utilities like gas and oil cannot be owned privately, as we see in a world today where multinational companies stake their rights on the wealth of Muslim Ummah. The Prophet (saw) said, **"The human beings are partners in three things water, green pastures and fire."**

In Islam such wealth would be distributed to ensure that society's needs can be met, enabling the Khilafah to provide for its citizens services that would seem unimaginable to us in today's world.

Under Islam each house will be allocated a quota of fuel more than adequate for its needs. Imagine, no electricity or gas bills, let alone water rates. In terms of health care the potential too is incredible. Today we provide guide dogs for the blind. During the time of 'Umar ibn Abdul-Aziz two men were employed by the State to care for each blind person. Public transport is also regarded as a State service, so this would also be free.

Islam also prevents other unfair means of acquiring wealth, thereby ensuring distribution. Islam forbids the giving and taking of interest. Consequently banks would not be able to extract interest from those who are needy of loans. Today we find a situation where those who are able to pay off their mortgage sometimes find themselves paying more than twice the value of the house. Furthermore many fail and have their houses repossessed. On a global scale the 'Third World' is unable to pay the interest on loans from the World Bank and the IMF, and their ability to feed their populations is 'repossessed.'

Indeed in Islam the whole concept of banking is different. Banks are not companies but are services. So any profits are re-invested for the benefit of the citizens. There is no incentive for banks to exploit other individuals or nations in the way the banks of today do. So once again we may see a time when Africa is able to support other countries as it did during the Khilafah.

Just as banks would not be able to exploit the masses nor can the government do so in the manner it does today. For in Islam there is no income tax, Value Added Tax or road tax etc. These are all indiscriminate with regards to whether people are capable of paying them or not. In the Khilafah, only those who can afford to pay taxes are subject to them.

## Islam and Education

The Khilafah will ensure that education is provided free of charge. Schools, colleges and laboratories will be provided in

every locality, to the extent to which they are needed by the community. It is envisioned that the Islamic State will again become the reference point for technology, a position it enjoyed for centuries. Private schools will also be present but they must conform to the Islamic curriculum.

Other media are also educational, like magazines, computers or television, so their use will also be according to Islamic guidelines. Any violation will lead to criminal proceedings against the responsible journalists, so gone will be the days of the slandering and scandalising that fill the pages of today's tabloids. Gone too will be the days of fantasising in the form of the movies for acting is forbidden in Islam. Instead, the mass media will be used in a far more constructive way, being informative rather than just a form of escapism.

## Islam and the Judiciary

One can expect to see some horrendous punishments in a public display, like cutting the hand of the thief, or the execution of murderers. These indeed are terrible sights, and will take place in open areas, leaving a lasting effect on the hearts and minds of the society; for society will witness the intense suffering of the criminal.

So in future anyone even thinking of committing such a crime will think twice. Even those who did not witness the event in future generations will think twice. For in fact such punishments are not meted out frequently at all, as by their nature they have such a powerful deterrent effect. Furthermore, it is extremely difficult to cut the hand of the thief, for circumstantial evidence is not sufficient. Thus, the judiciary ensures that there would be no wrongful convictions, which seem more and more to be a sign of our times.

Severe punishments are not the only means to deter crime. Islam tackles the problems from all angles. The economic system secures the needs of people and cuts the want for stealing. The education system, through reminding society of accountability to the Creator, cuts the desire for stealing. So all the systems work in harmony. The reason why regimes like Saudi Arabia and Sudan fail is because they only implement parts of Islam side by side with man-made law, such that they punish by Islam but do not secure the needs by Islam.

Imagine a society where there is a sense of security. There would be no need to turn over your shoulder when walking the streets at night for fear of being assaulted, and no need to buy extra door locks, window locks and letterbox locks for fear of being burgled. This is no fantasy - indeed it was the case for centuries under the Islamic State.

Furthermore, Islam in its judiciary upholds values that are downtrodden in society, for example honour. In Islam accusing someone of adultery is a punishable offence, whereas for newspapers today it is a source of revenue.

Or take as another example the issue of belief. In Islam if anyone insults any prophet of Allah (swt) they are subject to be killed. This may appear harsh. But surely belief is at least as worthy of protection as property, for on the day of Judgement it is our belief that will save us, not our property.

## Islam and the Foreign Policy

Islam has its own unique view about foreign policy. The Khilafah's dealings with other states is not on the basis of securing 'national interests' as per Lord Palmerston's dictum. Rather its sole interest is to free man from the slavery to other men, and return human beings to the true purpose for their creation - the worship of our Creator, Allah (swt). So the objective of the foreign policy is to spread Islam by invitation (*da'wah*) and Jihad.

Thus, what we would hear on the media about the dealings of the Islamic State would be completely at variance with that of what we hear of the existing Muslim regimes.

## Muslim Land is One Land

Land that previously formed the bedrock upon which the Khilafah was established is called Muslim land. It is one land, as mentioned in the introduction, and is considered as such by the Khilafah. So when the Khilafah is re-established in any part of Muslim Land its outlook upon the rest of the Muslim Lands would be with a view to reunite it under Allah's *deen*, Islam. Allah (swt) says,

*"Hold fast all of you to the rope of Allah and be not divided."* [TMQ 3:103]

That would mean there would be no embassies to other Muslim countries within it, for these countries are not considered as 'foreign nations' to the Khilafah. Rather the Khilafah will use all means at its disposal to unify the Muslims; its army, its media, its wealth and the Islamic parties, in order that one day all Muslims will be freed from the shackles of the menagerie of illegitimate kings, presidents and prime ministers.

# The Global Effect of the Khilafah

What an impact on the world stage a united Muslim Ummah would have and Inshallah will have! For today Muslim Land is the wealthiest land in the world, with an abundance of oil, gas, minerals, food and textiles. And it is wealthy also in terms of population.

The Khilafah offers a united economy. So the Muslims and non-Muslims who suffer poverty in Bangladesh and Somalia would have a right on the wealth of the Gulf.

The Khilafah offers a united army. So gone will be the days when Muslim armies fight Muslims armies as we have seen time and time again, in Somalia, in the Gulf war and in the Iran-Iraq war. Rather, all Muslim soldiers will fight side by side with their fellow citizens of the State, under the leadership of the Amir of Jihad.

Gone also will be the days when the cries of the oppressed Muslims and non-Muslims in Bosnia, Chechnya, Kashmir and Palestine would go unheard. A united Muslim army would once again thunder across the lands, free from the chains of international law and the United Nations. For the Khaleefah is a shield for the Ummah. Muhammad (saw) said, **“The Imam is a shield behind which the Muslims fight, and behind whom the Muslims are protected.”**

This is a world vision far removed from the sad one we witness today, where our so-called leaders act not as shields but as shackles around our necks, fighting and torturing those who seek to bring back the rule of Allah (swt), whilst making deals with those who illegally occupy Muslims Land. Allah (swt) says,

*“Allah forbids you from making alliance with those who fight you for your deen, drive you out of your homes, and support those who drive you out.”* [TMQ 60:9]

What of lands that have not as yet lived under the Khilafah, the *dar al-harb*? We should understand that the Khilafah is not a state which will work within the confines of international law like the present so-called Muslim regimes. The Khilafah is concerned with the spread of Islam all over the world. By Jihad, it will end the wars of man on man by the system of man all of which have led not only to loss of life, but also to loss of property in crime ridden societies, loss of dignity, exploitation of woman and man, loss of belief and loss of security.

Not only will the Khilafah have nothing to do with the United Nations, but it will also show frank disregard for the disunity it stands for, and it will aim to unite the whole world under the banner of *‘La Illaha Illallah.’* It will do everything in its power to ensure this. Thus, all foreign dealings and treaties, whether economic or otherwise will be made with this purpose in mind. Accordingly, agreements and treaties made with other countries would have a time limit, for eventually all land must come under Islam.

The media of the Khilafah would broadcast the beauty of Islam to the rest of the world, inviting all people to worship the Creator, rather than the trash culture that TV stations pollute our minds with today. The economy of the Khilafah too would function with Jihad in mind. In line with this, certain sectors of industry like heavy industry and electronics, which have military applications, would be monitored by the Amir of Jihad. Furthermore Allah (swt) requests the Muslims to prepare to the best of their ability for Jihad, so the Khilafah should have a space programme, and ‘spin-offs’ from such a programme will enable the State to be the leader in terms of technology.

Indeed the prospect of life under the Khilafah is an inspiring one, while the future of humanity living under the shackles of man-made law is bleak. Only under the system of Allah (swt) the Creator will there be hope for the future generations to escape from such a plight. Such a future is no fairytale; rather it is only a matter of time...

*“Allah has promised to those among you who believe and work righteous deeds, that of a certainty He will cause them to accede to power on earth, as He granted it to those before them, that He will establish in authority their deen which He has chosen for them, and that He will change (their state) after the fear in which they lived, to one of security and peace: They will worship Me (alone) and not ascribe powers to any beside Me.”* [TMQ 24:55]

## Carrying the *Da'wah* of Islam

There exist in the world today many sincere movements working for the revival of the noble Ummah of Muhammad (saw). Among them is Hizb ut-Tahrir (the Liberation Party), an Islamic political party whose sole aim is to fulfill the command of Allah (swt) by working to resume the Islamic way of life and to carry the *da'wah* of Islam to rest of mankind, thereby making

the *deen* of Allah (swt) dominant in the world again. This will only be achieved when the Khilafah is re-established on the earth, and it is this the work of this duty that has become almost synonymous with the name of the Party throughout the world.

Hizb ut-Tahrir was established in response to the saying of Allah (swt),

*“Let there be among you a group that invites to the good, orders what is right and forbids what is evil, and they are those who are successful.”* [TMQ 3:104]

Its purpose is to revive the Islamic Ummah from the severe decline that it has reached, and to liberate it from the thoughts, systems and laws of *kufir*, as well as from the domination and influence of the *kufir* states over her.

This objective means bringing the Muslims back to living an Islamic way of life in *dar al-Islam* (i.e. a land where the sovereignty is for Allah (swt), and the authority is in the hands of the Muslims) and in an Islamic society such that all of life's affairs are administered according to the Shari'ah rules, and the viewpoint in it is the *halal* and the *haram* as upheld under the banner of the Khilafah State. That state is the one in which Muslims appoint a Khaleefah and give him the *bay'ah* to listen and obey on condition that he rules according to the Book of Allah (swt) and the Sunnah of the Messenger of Allah (saw).

## The Work of the *Da'wah*

This work of Hizb ut-Tahrir focuses its attention on the Muslim world, since the Islamic way of life existed there and thus it is the area most conducive to the establishment of the State. The Party does not actively seek to establish the State in countries other than these.

In the Muslim world, it endeavours to carry the Islamic *da'wah* in order to change the situation of the corrupt society so that it is transformed into an Islamic society. It aims to do this by firstly changing the society's existing thoughts to Islamic thoughts so that such thoughts become the public opinion among the people, who are then driven to implement and act upon them. Secondly the Party works to change the emotions in the society until they become Islamic emotions that accept only that which pleases Allah (swt) and rebel against and detest anything which angers Allah (swt). Finally, the Party works to change the relationships in the society until they become Islamic relationships which proceed in accordance with the laws and solutions of Islam. These actions which the Party performs are political actions, since they relate to the affairs of the people in accordance with the Shari'ah rules and its solutions; and politics in Islam is looking after the affairs of the people, either in opinion or in execution or both, according to the laws and solutions of Islam.

## The Method for Revival

The method adopted by Hizb ut-Tahrir to convey the *da'wah* is Shari'ah Law derived from the *seerah* of the Messenger of Allah (saw) in his performance during the conveyance of the *da'wah*. This is so because it is obligatory to follow him, as Allah (swt) says,

*“Surely, in the Messenger of Allah, is the best example for those who believe in Allah and the Last Day and remember Allah often.”* [TMQ 33:21]

*“Say if you love Allah follow me, Allah will love you and forgive you your sins.”* [TMQ 3:31]

*“Whatever the Messenger gives you take it, and whatever he forbids you abstain from it.”* [TMQ 59:7]

There are many other such *ayat* which denote that following the Messenger of Allah (saw), taking him as an example and taking all aspects of the *deen* from him is obligatory.

Since the Muslims nowadays live in *dar al-kufir* (i.e. a land where the sovereignty is to other than Allah (swt), or the authority is not in the hands of the Muslims, or both), because they are governed with laws other than those of Allah (swt), so their land resembles Makkah where the Messenger of Allah (saw) was first sent as a Messenger. Therefore, it is necessary to take the Makkan part of the Messenger of Allah's (saw) *seerah* as an example in conveying the *da'wah*.

By studying the life of the Messenger of Allah (saw) in Makkah until he had managed to establish the Islamic State in Madinah, it is evident that he went through clearly defined stages, in each of which he used to perform specific actions. So the Party took from that the method of its work, the stages of its action and the deeds which it has to perform during these stages in accordance with the deeds which the Messenger of Allah (saw) performed during the stages of his work.

Based on this, the Party defined its method of work into three stages:

*The First Stage:* The stage of culturing to produce people who believe in the idea and the method of the Party, so that they form the Party group.

*The Second Stage:* The stage of interaction with the Ummah, to let the Ummah embrace and carry Islam, so that the Ummah takes it up as her issue, and thus works to establish it in the affairs of life .

*The Third Stage:* The stage of establishing government, implementing Islam generally and comprehensively, and carrying it as a message to the world.

Hizb ut-Tahrir still continues in its work and hopes that Allah (swt) will grant to it and the Islamic Ummah the help, success and victory, and at that moment the believers will rejoice, Inshallah.