

The Khilafah (Caliphate) according to the Prophetic Method: Justice and Mercy for the Worlds

(Translated)

On the authority of Ammar ibn Abi Ammar, that Ibn Abbas recited this verse: ﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ﴾ **“Today I have perfected your faith for you, completed My favour upon you, and chosen Islam as your way.”** [Al-Ma'idah 5:3]. A Jew was with him and said, "If this verse had been revealed to us, we would have taken that day as a festival." Ibn Abbas said, "It was revealed on two festival days: Friday and the Day of Arafah." Narrated by al-Tabarani in his Mu'jam al-Kabir. Praise be to Allah for this blessing: the blessing of guidance and the blessing of the completion of the religion. A religion that is all guidance, mercy, and light. Whoever holds fast to it will be guided to the straight path.

Islam is the true religion of Allah, the final message of divine revelation and the one true truth. All other laws and doctrines on earth today are false and misguided. This religion is complete in its laws, guaranteeing perfect justice, perfect mercy, perfect guidance, perfect honor, and perfect servitude to Allah, because it comes from Allah alone.

Therefore, we are not straying from the truth when we say that there is no justice, no dignity, and no guarantee of their realization on earth except in Islam. The injustice, oppression, and corruption that humanity is witnessing today is the greatest evidence of the depth of hardship caused by aversion to implementing heavenly revelation. How can a person filled with instincts and driven by a love of possessions pity the need of others and refrain from consuming their wealth and daily sustenance without the threat of Hellfire for those who consume someone else's rights and the encouragement of the great reward for those who give and fear Allah? How can someone filled with the love of lust refrain from committing what is forbidden to others, protect their privacy, and cover their faults without the threat of Hellfire? ﴿فَأَمَّا مَنْ طَغَى * وَآثَرَ الْحَيَاةَ الدُّنْيَا * فَإِنَّ الْجَحِيمَ هِيَ الْمَأْوَى * وَأَمَّا مَنْ خَافَ مَقَامَ رَبِّهِ وَنَهَى النَّفْسَ عَنِ الْهَوَى * فَإِنَّ الْجَنَّةَ هِيَ الْمَأْوَى﴾ **“then as for those who transgressed * and preferred the ‘fleeting’ life of this world, * the Hellfire will certainly be ‘their’ home.* And as for those who were in awe of standing before their Lord and restrained themselves from ‘evil’ desires, *Paradise will certainly be ‘their’ home.”** [An-Nazi'at 79: 37- 41].

When Islam came as a law from the Lord of the Worlds to regulate human affairs as an individual, a community, an Ummah, and an entire world, its legislation was detailed, precise, and disciplined. When fully implemented without any association with other laws, it ensures justice and mercy for society. You will not find in Islamic society an injustice that has occurred without accountability for the oppressor and redress for the oppressed, nor an injustice that has not been redressed. Islam came primarily to protect people's blood, honor, wealth, and dignity. Abu Bakrah reported that the Messenger of Allah (saw) said in his sermon on the Day of Sacrifice at Mina during the Farewell Pilgrimage: ﴿إِنَّ دِمَاءَكُمْ، وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ حَرَامٌ عَلَيْكُمْ كَحُرْمَةِ يَوْمِكُمْ﴾ **“Verily your blood, your property and your honour are as sacred and inviolable as the sanctity of this day of yours, in this month of yours and in this town of yours. Verily! I have conveyed this message to you.”** On the authority of Abu Hurairah, may Allah be pleased with him, that he, may Allah bless him and grant him peace, said: ﴿كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ: دَمُهُ وَعِرْضُهُ وَمَالُهُ﴾ **Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood and property.**

Allah Almighty says in the Holy Hadith: ﴿يَا عِبَادِي إِنِّي حَرَّمْتُ الظُّلْمَ عَلَى نَفْسِي وَجَعَلْتُهُ بَيْنَكُمْ مُحَرَّمًا فَلَا تَظَالَمُوا﴾ **“O MY slaves, I have made oppression unlawful for myself and I have made it unlawful among you, so do not oppress one another.”** We will mention here the most important points related to the prohibition of injustice, and the rulings detailed by Allah Almighty that, when applied, are sufficient to prevent the occurrence of injustice, and even prevent the existence of oppressors and restrict them to the truth if they exist.

• The greatest feature of this religion is that, as we stated at the outset, it is the truth, and everything else is false. It comes from the All-Wise, All-Aware. This feature, and Allah's protection of His religion from distortion and alteration, means, among other things, that all Islamic laws are true and just. There is no room for discussion or dialogue to verify their validity. There is no need to update or renew any provision of the Islamic constitution, which is derived from detailed evidence from the four sources of legislation: the Quran, the Sunnah, the consensus of the Companions, and analogical reasoning (qiyas). This feature in itself is sufficient to instill reassurance in the hearts of those seeking it. It also suffices to put an end to the rebelliousness and arrogance of rulers and to prevent anyone who would dare to legitimize their corruption, permit whatever they wish, and forbid what they dislike. What is halal is clear, and what is haram is clear. There are no gray areas in the laws relating to the rights of people and the five objectives of Sharia.

• The second is that Islam requires everyone who professes it, and everyone who bears citizenship under its state, to grant sovereignty to this religion. There is no sovereignty other than that of Allah. Simply put: this is the truth that does not favor anyone, and this is a noble religion that requires you to prioritize nothing else over it. There is no authority above Allah's legislation. In man-made laws, a common phrase is: "The law is above all." However, reality tells us that the opposite has happened, both in ancient and modern times. If a noble person among the Children of Israel stole, they would let him go, but if a weak person stole, they would carry out the prescribed punishment. But Islam, with all dignity and justice, says: «وَأَنَّهُ» **By Allah, were Fatimah, the daughter of Muhammad, to commit the theft, I would have cut off her hand.** Our master Omar ibn al-Khattab flogged the son of the Emir of Egypt, Amr ibn al-Aas, because he unjustly flogged a Copt. Have you seen how Allah grants sovereignty to His religion and no one else? Even if you are the son of a prophet, the son of a caliph, or the son of a prince.

• The ruler in Islam is neither a king nor a leader. He is the emir of a group, responsible for them. He has a covenant and a pledge of allegiance (bayah) between him and them, in which they pledge their obedience and commitment to Islam, provided that he will provide them with good care and implement this religion as their Lord has commanded. The Khalifah (Caliph) in Islam is like everyone else, equal in equality, like the teeth of a comb. This is one of the fundamental principles of the great Islam. There is no difference or superiority except through obedience. Your obedience is not a favor you bestow upon anyone; rather, you await acceptance or rejection until you die. Thus, Islam connects man to his afterlife and makes him focus on the true purpose of his existence: succession on earth. The ruler and the ruled are both on a great frontier: establishing Allah's Deen when Allah uses them. The Khilafah (Caliphate) is a tremendous responsibility, and leadership is a trial from which the strong and pious would flee, fearing that Allah Almighty would question them about it. And our master Omar Al-Farouq died saying, "I wish I had emerged from it with nothing to gain or to bear." This is the man from whom the devils fled!

• These ideas and principles are not subject to theory, nor are they merely Platonic notions of a utopia that does not exist. Islam is also distinguished by the fact that it was revealed to human beings who make mistakes and are prone to error, and it is applicable in every era and to any group. It came with a detailed explanation of all these rulings and a clarification of how to implement them.

With these features, and despite the great temptation of leadership and the fact that authority is a major gateway to injustice and error, Islam has divided its rulings into two parts: The first relates to the ruler himself, encouraging him to receive the reward of good care, urging him to be merciful to his servants, managing their affairs and caring for them with justice and wisdom, and warning him of the dire consequences for oppressors in this world and the hereafter. The second relates to those governed, establishing rulings on enjoining good and forbidding evil, holding rulers accountable and advising them, emphasizing the necessity of speaking the truth, and setting strict guidelines for the ruler to adhere to the truth. It made fear of Allah the driving force behind its servants, and granted a great reward to those who speak the truth.

Here, I will cite articles from the Draft Constitution of the Khalifah State, prepared by Hizb ut Tahrir, relating to governance, the management of affairs, and ensuring the prevention and elimination of injustice when it occurs, with commentary on them as appropriate to the context of the article.

- Article 4: "The Khalifah (Caliph) shall not adopt any specific Sharia ruling in matters of worship, except for zakat, jihad, and whatever is necessary to preserve the unity of Muslims. He shall not adopt any ideology related to the Islamic faith." This will limit the legislative encroachment that afflicts rulers and end the long reach of tyrants before they are even born. The Constitution is clear, and the legislation is known to every Muslim. There is no room for manipulation or the creation of new provisions. This will also end sedition, heresies, and anything that would undermine the faith of the Ummah, preserving its religion as it was revealed to Muhammad (saw).

- Article 5: "All those who hold Islamic citizenship enjoy rights and are bound by Islamic law." There shall be no discrimination on the basis of sect or race. The incident of Ibn Amr ibn al-As beating the Copt, followed by the Khalifah (Caliph's) retaliation against the Copt from the emir, illustrates how to manage affairs and prevent injustice against any individual.

- Article 13: "The default is innocence. No one may be punished except by a court ruling. It is absolutely forbidden to torture anyone, and anyone who commits such acts will be punished." This puts an end to the instances of security encroachment, suspicion, kidnapping, and thuggery that are rampant in all Muslim countries. Prisons now outnumber schools, and Muslims fear speaking the truth for fear of being hounded by the sun. This article is sufficient to end the pharmacies in Muslim countries, and there are so many of them! This article is sufficient to achieve the purpose of Sharia: to preserve human life and dignity.

- Article 20: "Muslims have a right to hold rulers accountable and a communal obligation. Non-Muslims among the subjects have the right to complain about the ruler's injustice or the misapplication of Islam." The Islamic society is a free society par excellence: free for everyone to worship Allah, free for the individual to exercise his or her right to express himself in ways that do not violate Islamic law, free to criticize the ruler and even hold him or her accountable with all his or her strength, free to denounce the state and speak the truth without fear of blame. Yes, Islam builds strong, free societies in which everyone fears Allah alone. The ruler is an individual who can make mistakes and be right, and the motto of the Khalifah (Caliph) is similar to the motto of Abu Bakr al-Siddiq (may Allah be pleased with him): "Obey me as long as I obey Allah with regard to you. If I disobey Him, then you must not obey me."

- Article 24: "The Khalifah (Caliph) is the one who represents the Ummah in authority and in implementing the Sharia," and Article 28: "No one shall be a Khalifah (Caliph) unless the Muslims appoint him, and no one shall possess the powers of the Khalifah (Caliph) unless the Muslims confer them on him in a legitimate manner, like any other contract." These two articles are among the most important guarantees of the people's right to choose their ruler and prevent the inheritance of rulers or the appointment of rulers by the West contrary to the desires and wishes of the Ummah.

- Articles 33 and 34, with their respective branches, detail the manner in which the Khalifah (Caliph) is appointed, and provide a precise explanation of the situation where the position of caliph becomes vacant and who temporarily assumes his place to manage affairs. Islam leaves no room for confusion or error. Every detail is clear and explicit.

- Article 37: "The Khalifah (Caliph) is bound by the Shari'a rulings in his adoption. It is forbidden for him to adopt a ruling that has not been correctly derived from Shari'a evidence. He is bound by the rulings he has adopted and the method of derivation he has adhered to. He may not adopt a ruling derived in a manner that contradicts the method he has adopted, nor may he issue an order that contradicts the rulings he has adopted." This forces the ruler to fulfill his responsibility in overseeing affairs, and reinforces him in the right path during

times of strife. It also strengthens the nation's ability to hold accountable and confront any emergency that befalls the state or any external pressures to which the Khalifah (Caliph) may be subjected. The state is thus bound by Shari'a, and the Ummah is a support and a pillar that keeps the ruler and his aides on the right path and holds them accountable with all the strength and courage of the constitution to which they have bound themselves and the Ummah.

- Article 40 and its branches provide extensive detail on the possible challenges the caliph may face that would render him ineligible as ruler of the nation, clarifying each situation and the appropriate course of action for the Ummah and state. The ruler's immorality does not require obedience to him as guardian, as some scholars of authority claim. Rather, it requires accountability, even to the point of removing him from the position of Khalifah (Caliph). If the Khalifah (Caliph) is unable to carry out his duties if someone overpowers him or he is captured by an enemy, the matter should be referred to his situation, whether he can escape or not. If there is hope of escape, he should be warned; otherwise, he should be deposed and someone else should be appointed. The Khilafah (Caliphate) is not a position of honor. As we have stated, sovereignty belongs to the Shari'a and authority belongs to the nation, not to the ruler himself or his title.

The Court of Grievances is solely responsible for monitoring the Khalifah (Caliph's) ability to carry out his duties, scrutinizing his conduct and actions, and has the right to dismiss or depose him. The Court of Grievances is not appointed by the Khalifah (Caliph). This protects the Ummah and the state from administrative corruption and the loss of rights, and nips any injustice or usurpation of the Ummah's authority in the bud.

- The mandated assistants appointed by the Khalifah (Caliph) end their term with the death or removal of the Khalifah (Caliph) and this ensures the renewal of energies and prevents the emergence of a state within a state, or the domination of government by parties and groups, which usurps authority from the Ummah.

- Articles 45 and 46: The deputy must inform the Khalifah (Caliph) of his actions, and the Khalifah must monitor the actions of his assistants. The first and final authority belongs to the Khalifah, and he is the first and final authority in the state. Any injustice that occurs must be held accountable by the Khalifah, and there is no room for evasion, blaming minor workers, or evading accountability. This also protects the state from the arrogance of ministers and the Khalifah's entourage, who monopolize the affairs of state. Thus, Islam holds each individual accountable and entrusts them with their duties, for they will clearly be held accountable before Allah Almighty ﴿وَكُلُّهُمْ آتِيهِ يَوْمَ الْقِيَامَةِ فَرْدًا﴾ **“And each of them will return to Him on the Day of Judgment all alone.”** [Maryam 19:95]. The Messenger of Allah (saw), says: «كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ» **“Each of you is a shepherd and each of you is responsible for his flock.”**

The Messenger of Allah (saw) says, without elaborating: The Islamic state is the practical implementation of what Allah Almighty said about our Master Muhammad (saw): Its rulings ensure that this mercy becomes a reality lived by the Ummah, just as the early Muslims enjoyed it under the first Khilafah Rashidah (rightly guided Caliphate). We ask Allah to grant us a second Khilafah soon and to make us its people and its sincere workers.

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Written for the Central Media Office of Hizb ut Tahrir by
Bayan Jamal