



# Some Insights into the Goodness of the Khilafah

After America's humiliating defeat in Afghanistan, there is widespread discussion about the return of Islamic ruling. There is popular support for the implementation of the Islamic Shariah after the evident failure of man-made laws and systems to secure the affairs of Muslims. However, despite the divine evidences that enjoin the obligation to rule by Islam, there is an aversion to the idea of Shariah rule in some quarters. This is, perhaps, in part due to the distorted and improper application of the Shariah by a number of oppressive and tyrannical regimes that have ruled over the Ummah, since the destruction of the Khilafah, a Hijri century ago.

Such aversion should not exist, as the Shariah is from Allah (swt) and everything that Allah (swt) has enjoined upon the believers is nothing but a mercy for them. Allah (swt) says in the Qur'an, وَهُلُ جَزَاءُ الْإِحْسَانِ إِلَّا الْإِحْسَانِ اللهِ الْإِحْسَانِ اللهِ الْإِحْسَانِ اللهِ الْإِحْسَانِ اللهِ اللهِ عَمَامُ اللهُ عزّ وجلّ لمن خافه، فأحسن في "Is there any reward for goodness other than goodness" (TMQ Surah Ar-Rahman 55: 60). At Tabari commentated, هل ثواب خوف مقام الله عزّ وجلّ لمن خافه، فأحسن في الأخرة ربّهُ "Is there any reward for fearing the standing of Allah Almighty for the one who fears Him, does good in this world and obeys his Lord, other than his Lord does good to him in the Hereafter?"

A review of certain rulings (ahkam) that are enjoined upon us by Allah (swt), to be implemented by the soon to arrive Khilafah, confirm that the Shariah brings good in this world, ahead of being rewarded with good in the Aakhira.

## The Unification of the Islamic Ummah under a Single Ruler

It is not allowed for the Ummah to be divided under different states. Instead, they must all be unified under one state and one ruler. Hizb ut Tahrir has adopted in its Introduction to the Constitution, Article 23, "As for the issue of the Khalifah being one, it is due to the narration of Abu Said Al-Khudri that the Messenger of Allah (saw) said, «إِذَا بُوبِعَ لِخَلِيفَتَيْنِ فَاقْتُلُوا الْأَخْرَ مِنْهُمَا» "When oath of allegiance has been taken for two caliphs, kill the one for whom the oath was taken later." (reported by Muslim), and this is an unambiguous prohibition of allowing more than one Khalifah for the Muslims."

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However, today, the Ummah has been divided without a single Khilafah to unify it. 'Asabiyya (partisanship) has affected the thinking of the believers and has led to disunity and corruption. It is this disunity that has weakened the Ummah and left it vulnerable and in a state of destitute. The need to unify the Ummah has never been more apparent and such unification is only achievable through establishing the Shariah rule and re-establishing the Khilafah, which will be ruled by one Khalifah.

## **Ending Military Alliances with the Kuffar Powers**

Instead of strengthening the Muslims by re-establishing the Khilafah and unifying the current Muslim states as a single powerful state, the rulers of Muslims make harmful military alliances with states that wage war on Islam, such as the US and China. In Article 190 of its "Introduction to the Constitution," Hizb ut Tahrir has adopted, "All military treaties and pacts (with other States) are completely prohibited, along with anything of their type, or connected to them such as political treaties and agreements covering the leasing of military bases and airfields."

The fire is an allusion (kinaya) for war; it is said in the Arabic language, the أوقَدُ نار الحرب "he kindled the fire of war" i.e. he initiated its evil and provoked it. The fire of intimidation is a fire the Arabs would kindle during alliance in Jahiliyyah. The hadith alludes to war with polytheists and taking their opinion, so the prohibition of war alongside polytheists is understood. From this, it became clear that military alliances with disbelieving States is Haram in the Shar'a so they are not convened. It is not allowed for the Muslim to shed his blood for the sake of defending a belligerent disbeliever. The Muslim only fights people so that they enter into Islam from disbelief (kufr) or live under the authority of Islam and pay jizya.

The Ummah of today lies in despair as its rulers forge military alliances with colonialists who occupy Muslim Lands, oppress Muslims and fight Islam. They befriend these enemies of Islam even though Allah (swt) warned, ﴿وَالَّذِينَ كَفَرُوا بَعْضُ هُمْ أُوْلِيَاءُ بَعْضِ إِلَّا تَفْعَلُوهُ تَكُن فِتْنَةً فِي الْأَرْضِ وَفَسَادٌ كَبِيرٌ "And those who disbelieve are friends to each other. If you do not do so, there shall be disorder on the earth, and a great corruption." [TMQ Surah Al-Anfal 8:73]. Ibn Kathir said in his Tafseer in regards to this verse, المشركين وتوالوا المؤمنين ، وإلا وقعت الفتنة في الناس ، وهو التباس الأمر ، واختلاط المؤمن وتوالوا المؤمنين ، وإلا وقعت الفتنة في الناس ، وهو التباس الأمر ، واختلاط المؤمن طويل عريض الناس فساد منتشر طويل عريض with the believers alone, Fitnah will overcome the people. Then confusion will be rampant, for the believers will be mixed with disbelievers, resulting in tremendous, widespread trial between people."

#### Men and Women Cooperation under the Khilafah

In Article 114 of its *Introduction to the Constitution*, Hizb ut Tahrir has adopted, "The woman has been given the same rights as man, and whatever was obliged upon man is also obliged upon the woman, except that which was specified for her or him by the Shari'ah evidences. Accordingly, she has the right to partake in trade, agriculture and industry, and to undertake contracts and

transactions, to possess all forms of property, to invest her wealth whether personally or through proxy, and to personally carry out all worldly affairs."

Within the bond of marriage, it is established by the Shari'ah that it is Fard for the husband and father to work and earn an income to provide for his family. It is not Fard upon the wife and mother and any money that she earns is hers alone. This is evidenced from Surah An-Nisa, verse 34: ﴿ الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَلُ اللّه بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَا أَنفَقُوا مِنْ أَمُوالِهِمْ 'Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially."

Hence, it is the man and woman who cooperate together and work as supporting pillars of one another, within marriage, ﴿ هُنَ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّكُمْ وَأَنتُمْ لِبَاسٌ لَّهُنَّ ﴾ "…they are a garment (i.e. vestment, mutual protection) for you, and you are a garment for them..." [TMQ Surah al-Baqarah, verse 187].

Beyond these primary sex specific responsibilities, it is permissible for both the man and woman to partake in politics, to account the rulers, to work as civil servants and judges, and engage in public affairs. This is due to the generality of the pertaining textual evidences. It is through this that the believing men and women fulfill their obligation to enjoin the good and forbid the evil.

### Public Property Ensures Plentiful Revenues for the Looking After the Affairs

In Article 129 of its *Introduction to the Constitution*, Hizb ut Tahrir has adopted, "Public property is the permission of the Legislator (swt) for the community to collectively utilize the property itself" and in Article 137: "There are three categories of Public Ownership: a. Public utilities, such as the open spaces in the towns. b. Vast mineral resources, like oil fields. c. Things which, by their nature, preclude ownership by individuals, such as rivers."

Unlike Capitalism and Communism, Islam has declared that energy and minerals are neither a private nor a state property but a public property for all the Muslims. The Messenger of Allah (saw) said, «المسلمون شركاء في ثلاث الماء والكلأ والنار» "Muslims are partners in three things: water, pastures and fire (energy)" [Abu Dawood].

Shams al-A'imma al-Sarkhasi (d. 483), one of the early Hanafi authorities, says in his al-Mabsut: ولو استأجر بئرا شهرين ليسقي منها أرضه وغنمه لم يجز، وكذلك النهر والعين؛ لأن المقصود هو الماء وهو عين لا يجوز ألناس والمناف ولله الإجارة، ولأن الماء أصل الإباحة ما لم يحرزه الإنسان بإنائه وهو مشترك بين الناس كافة قال صلى الله عليه و سلم «الناس شركاء يتملك بعقد الإجارة، ولأن الماء أصل الإباحة ما لم يحرزه الإنسان بإنائه وهو مشترك بين الناس كافة قال صلى الله عليه و سلم «الناس شركاء يتملك بعقد الإجارة، ولأن الماء أصل الإباحة ما لم يحرزه الإنسان بإنائه وهو مشترك بين الناس كافة قال صلى الله عليه و سلم «الناس شركاء و الأخر بسببه "f one leased a well for two months to irrigate his land and feed his sheep, this would not be allowed. Likewise, rivers and springs. This is because in all these cases the object being contracted over is water, which is a commodity that is not allowed to be owned through a lease. Further, the original hukm for water is permissibility (for all people to use) so long as someone does not take some in his container (then what he takes becomes his property). It is common property of all people, as the Prophet (saw) said, «الناس شركاء في الثلاث في الماء والكلأ والنار» "The people are partners in three things: water, pastures and fire."

الشماء في الأصل خلق مباحا لقول النبي صلى الله عليه و سلم «النّاسُ شُرُكَاءُ فِي ثَلَاثُ مِّ الأَصل خلق مباحا لقول النبي صلى الله عليه و سلم «النّاسُ شُركاءُ فِي الأحرزه به فقد استولى عليه وهو غير مملوك لأحد فيصير النّماء وَالْمَاءِ وَالْمَارِي وَالشَركة العامة تقتضي الإباحة إلا أنه إذا جعل في إناء وأحرزه به فقد استولى عليه وهو غير مملوك لأحد فيصير مملوك المستولي كما في سائر المباحات الغير المملوكة، وإذا لم يوجد ذلك بقي على أصل الإباحة الثابتة بالشرع فلا يجوز بيعه؛ لأن محل مملوكا للمستولي كما في سائر المباحات الغير المملوكة، وإذا لم يوجد ذلك بقي على أصل الإباحة الثابتة بالشرع فلا يجوز بيعه؛ لأنه مباح لهم «النّاس شركاء في المباحات الغير المملوكة وإنس له أن يمنع الناس من الشفة - وهو الشرب بانفسهم - وسقي دوابهم منه؛ لأنه مباح لهم «النّاس شركاء في المباء والكلا والنار» (النّاس الشفة - وهو الشرب بالفسهم - وسقي دوابهم منه؛ لأنه مباء والكلا والنار» (النّاس المباء والكلا والنار» (النّاس المباء والكلا والنّار» (النّاس المباء والكلا والنّا والمباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام المباء والكلا والنّام المباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام المباء والكلا والنّار» (النّام النّام المباء والكلا والنّار» (النّام النّام النّام النّام النّام المباء والنّار» (النّام النّام النّ

The Hanafi faqih of the sixth century Burhan al-Din Abu al-Hasan Ali ibn Abi Bakr al-Marghinani (d. 593) says in al-Hidaya, لا يجوز للإمام أن يقطع ما لا غنى بالمسلمين عنه كالملح والأبار التي يستقي الناس (ti is not allowed for the ruler to grant (to a person/s) that which the Muslims collectively are in need of such as salt mines and large wells from which the people irrigate their lands."

The Shariah prevents the monopolization of those resources which are necessary for all. Instead, it ensures that such resources are available for all who need them, supervised by the state. The immense wealth they represent are not confined to the few, through profits after privatization. Although the Khilafah state takes charge of managing the public property and state property, it is not permitted for the Khalifah to grant the ownership of the public property to any private party, whether an individual or group, as it is a property for all Muslims. Revenues are for the public, looking after its affairs and securing its interests, and not for the state.

This applies to all the abundant wealth of public property, whether energy, such as petroleum, gas, electricity or replenishable minerals, such as copper and steel, or water, such as seas, rivers and dams, or pastures and forests. Indeed, the entire Ummah is known to possess the lion's share of the world's energy and mineral resources, but without Islam's economic system, the Muslims are drowned in poverty and the Ummah carries no weight in world affairs, even when compared to states that possess a small fraction of its material wealth.

#### Conclusion

The revered Imam al-Ghazali (rh) wrote in his book, Al-Iqtisad fi al-I'tiqad, that were the Imamah to be abolished then أن يقول القضاة معزولون والولايات باطلة والأنكحة غير منعقدة وجميع تصرفات الولاة في الخرام، أن يقول القضاة معزولون والولايات باطلة والأنكحة غير منعقدة وجميع تصرفات الخلق كلهم مقدمون على الحرام، ait is said that the judges are dismissed, the guardianships are invalidated and the contracts are not contracted, all the decrees of the governors everywhere in the world are unenforceable and all of mankind will be engaged in what is unlawful (haram)."

The situation that Imam al-Ghazali (rh) speaks of is the situation that the Ummah finds itself in today. It should be understood by the believers of today that the only way to implement the Shariah and fulfill our obligation to Allah (swt) is by re-establishing the Khilafah. Only then can goodness thrive and falsehood and corruption be defeated.

Allah (swt) says in Surah An-Noor, verse 51-52: ﴿ إِنَّمَا كَانَ قُوْلَ الْمُوْمِنِينَ إِذَا دُعُوا إِلَى اللّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ (51) وَمَن يُطِعِ اللّهَ وَرَسُولَهُ وَيَخْشَ اللّهَ وَيَتُقُهِ فَأُولَٰئِكَ هُمُ الْفُقْلِدُونَ (51) وَمَن يُطِعِ اللّهَ وَرَسُولَهُ وَيَخْشَ اللّهَ وَيَتُقُهِ فَأُولَٰئِكَ هُمُ الْفُقَائِدُونَ (51) وَمَن يُطِعِ اللّهَ وَرَسُولَهُ وَيَخْشَ اللّهَ وَيَتُقُهِ فَأُولَٰئِكَ هُمُ الْفُقَائِدُونَ (51) saying of the faithful believers, when they are called to Allah (His Words, the Qur'an) and His Messenger, to judge between them, is that they say: "We hear and we obey." And such are the prosperous ones (who will live forever in Paradise) (51) And whosoever obeys Allah and His Messenger, fears Allah, and keeps his duty (to Him), such are the successful ones. (52)".

## Written for the Central Media Office of Hizb ut Tahrir by Khalil Musab – Wilayah Pakistan

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