

**Taqi ud Deen an-Nabahani**

# **The System of Islam**

(Translation from Arabic)



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# **The System of Islam**

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For exact meanings of words and sentences, please refer to the original Arabic book Nizaam ul-Islam, 6th edition.

[TMQ is Translation of the Meaning of Qur'an]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## **The Way to Belief (Tareeq al-‘iman)**

Man achieves revival (Nahdhah) according to what he carries of thought (fikr) about life, universe and man, and about their relationship, as a whole, with what preceded this worldly life and what comes after it. Hence, in order for man to achieve revival, it is necessary to radically and comprehensively change his current thought and generate another thought for him. This is because it is the thought (al-fikr) that generates the concepts about things and consolidates them. Man shapes his behaviour (sulook) in life according to his concepts (mafaahim) about it. So, man's concepts about a person he likes, shape his behaviour towards him. This is in contrast with his behaviour towards a person he dislikes and holds concepts of hatred towards. Also he will exhibit different behaviour towards a person he neither knows, nor holds any concept about. Thus, human behaviour is related to man's concepts and when we want to change the low behaviour of man, and make it elevated, it is imperative to change his concept first. Allah (swt) says:

﴿إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ﴾

**“Allah does not change the circumstances of any people until they have changed what is within themselves.” [TMQ 13:11]**

The only way to change man's concepts is by generating thought (fikr) about this worldly life, in order to generate the correct concepts about it. Thought about this worldly life will not be productively consolidated, unless the thought about the universe, man and life, and about what preceded this worldly life, as well as what comes afterlife and its relationship with

what is before and after it, is generated. This can be achieved by giving the universal idea (al-fikrah al kulliyah) about what exists beyond the universe, man and life, because it is the intellectual basis (al-qaa'idah al-fikriyyah) upon which all thoughts about life are built. Giving this universal idea about these matters is the solution to man's biggest knot (al-'uqdat ul-qubra). Once this knot is solved all other knots are solved, because they are either partial relative to it, or branches from it. This solution wouldn't lead to the correct revival (Nahdhah), unless it is a correct solution, which agree to man's innateness (fiTrah) and convinces the mind and thus fills one's heart with tranquillity.

The true solution cannot be reached except through the enlightened thought (al-fikr ul-mustaneer) about universe, man and life. Consequently, those who yearn for revival (Nahdha) and pursue the path of elevation (ruqiy), must first solve this knot correctly via enlightened thought. This solution is none other than the creed ('Aqeedah) which is the intellectual basis (al-qaa'idah al-fikriyyah) upon which every detailed thought about man's behaviour and the systems of life are built.

Islam addressed the biggest knot of the humanbeing and solved it in a manner that agrees to the innateness (fiTrah), convinces the mind, and fills the heart with tranquillity. Islam made entering into it dependent upon rational approval of this solution. Therefore, Islam is built upon one basis, the 'Aqeedah, which states that there is behind universe, man and life a Creator (Khaaliq), who created all of them and created everything: He is Allah (swt). This Creator brought everything into existence out of nothing ('adam). His is the Necessary Existent (waajib ul-wujood) and thus He is not created - otherwise, He wouldn't be a Creator. The fact that He is attributed as being creator makes it necessary that He is not created, and that His is the Necessary Existent, because all things depend for their existence on Him and He does not depend on anything.



The reason that things must have a Creator who created them, is because the things that the mind perceives are the man, life and universe, and these are limited; so they are unable, deficient and are dependent on the other. Man is limited, because he grows in every aspect to a certain limit that he cannot surpass, so he is limited. Life is limited, because it manifests itself only in individuals, and what is noticed by the senses is that it is concluded with the individual, thus it is limited. The universe is limited, because it is the sum of celestial bodies, and each body is limited; and the sum of limited things is self-evidently limited. Thus, man, life, and the universe are definitely limited.

When we ponder on the limited (thing), we see that it is not azali (pre-existent), otherwise it would not have been limited, and therefore, it must be created by something else, which is the Creator of man, life and the universe. This Creator is either created by someone else, creator of oneself, or azali (pre-existent) whose existence is necessary (waajib ul-wujood). It is absolutely false that He is created by someone else, because He would then be limited. It is also false that He is the creator of himself because He would be simultaneously created by oneself and creator of oneself. This is simply absurd. Hence, the creator must be azali (pre-existent) whose existence is necessary. He is Allah (swt).

Anyone who has the mental faculty can perceive from the mere existence of things that can be sensed that they have a Creator. This is because what is noticed in all of them is that they are deficient, unable and dependent on the other, so they are definitely created. Therefore, it is sufficient to draw one's attention to anything in the universe, life and man to infer from that the existence of the Creator and Arranger. Hence, looking at any celestial body of the universe, contemplating upon any facet of life, or perceiving any aspect of man, indicates definitive proof of the existence of Allah (swt). Therefore, we see that the

Qur'an draws attention to these things and instructs man to ponder upon them, their surroundings, and what is related to them, and to conclude from his pondering the existence of Allah (swt). In fact, when man looks at things how they are in need of other things, he definitely realises from this the existence of Allah (swt), the Creator and Arranger. There are hundreds of Qur'anic aayaat expressing this meaning. In Surah Aali-'Imraan, Allah the Exalted said:

﴿إِنَّ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ وَآخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ﴾

**“Behold! In the creation of the heavens and the earth and the alteration of night and day, these are indeed signs for men of understanding.”** [TMQ Surah Aali Imran 3:190].

In Surah ar-Rum, He the Exalted said:

﴿وَمِنْ ءَايَاتِهِ خَلْقُ السَّمَوَاتِ وَالْأَرْضِ وَآخْتِلَافُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ﴾

**“And of His signs is the creation of the heavens and the earth, and the difference of your languages and colours. Behold! Herein indeed are signs for men of knowledge.”** [TMQ Surah ar-Rum 30:22].

In Surah al-Ghaashiyah, He the Exalted said:

﴿أَفَلَا يَنْظُرُونَ إِلَى الْإِبِلِ كَيْفَ خُلِقَتْ ﴿٧٧﴾ وَإِلَى السَّمَاءِ كَيْفَ رُفِعَتْ ﴿٧٨﴾ وَإِلَى الْجِبَالِ كَيْفَ نُصِبَتْ ﴿٧٩﴾ وَإِلَى الْأَرْضِ كَيْفَ سُطِحَتْ ﴿٨٠﴾﴾

**“Will they not look at the camels, how they are created! (17) And the heaven, how it is raised! (18) And the mountains, how they are set up, (19) and the earth, how it is spread! (20)”** [TMQ Surah al-Ghaashiyah 88: 17-20].

In Surah at-Taariq, He the Exalted said:

﴿فَلْيَنْظُرِ الْإِنْسَانُ مِمَّ خُلِقَ ﴿١﴾ خُلِقَ مِنْ مَّاءٍ دَافِقٍ ﴿٢﴾ يَخْرُجُ مِنْ بَيْنِ الصُّلْبِ وَالتَّرَائِبِ ﴿٣﴾﴾

**“So let man reflect, from what he is created. (5) He is created from a gushing fluid that is issued from between the loins and ribs. (6)” [TMQ Surah at-Taariq 86:5-6].**

In Surah al-Baqarah, He the Exalted said:

﴿إِنَّ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ وَآخْتِلَافِ اللَّيْلِ وَالنَّهَارِ وَالْفُلْكِ الَّتِي تَجْرِي فِي الْبَحْرِ بِمَا يَنْفَعُ النَّاسَ وَمَا أَنْزَلَ اللَّهُ مِنَ السَّمَاءِ مِنْ مَّاءٍ فَأَحْيَا بِهِ الْأَرْضَ بَعْدَ مَوْتِهَا وَبَثَّ فِيهَا مِنْ كُلِّ دَابَّةٍ وَتَصْرِيفِ الرِّيْحِ وَالسَّحَابِ الْمُسَخَّرِ بَيْنَ السَّمَاءِ وَالْأَرْضِ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ﴾

**“Behold! in the creation of the heavens and the earth and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sends down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and in the ordinance of the winds, and the clouds obedient between heaven and earth are signs for people who have sense.” [TMQ Surah al-Baqarah 2:164].**

In addition, there are so many ayaat that call upon man to ponder deeply upon things and their surroundings and that which is related to them, thereby concluding from that the existence of the Creator, the Arranger. This, in order to establishe a firmly belief in Allah through reason and clear evidence.

Indeed, belief in the Creator, the Arranger, is innate in every human being. However, such innate belief comes through affectivity (wijdaan); a path that neither leads to trustworthy results nor to consolidation if left alone. The affectivity (wijdaan) often adds things to what is believed that do not correspond to reality, but it imagined them necessary attributes of what it believes in; therefore it fell into disbelief (Kufr) and misguidance (Dhalal). Idolatry, superstitions, and twaddles are

but a result of erroneous of sentiments. Therefore, Islam does not leave the affectivity as the only method to belief, so as not to ascribe certain attributes contradictory to deity, or to consider Allah incarnated in material substances, or to conceive the possibility of drawing closer to Him through worshipping material objects thus, leading to Kufr or shirk, or to delusions and superstitions; all of which are renounced by true `iman. That is why Islam compels the use of the mind with the affectivity and makes obligatory to the Muslim to use his mind to believe in Allah and forbids imitation in 'Aqeedah. Therefore, Islam assigned the mind as the arbiter in `iman in Allah. Allah (swt) said:

﴿إِنَّ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ وَآخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ﴾

**“Behold! In the creation of the heavens and the earth, and the alteration of night and day, these are indeed signs for men of understanding.” [TMQ Surah Aali Imran 3:190].**

Therefore, it is obligatory (wajib) upon every Muslim to make his belief (`iman) result from thinking, study and contemplation and to make his mind the absolute arbiter in the belief (`iman) in Allah (swt). The call to look deeply at the universe so as to extrapolate its laws and to be guided to the `iman in its Creator is repeated in the Qur'an hundreds of times in its different soorahs, all of which are directed to man's intellectual faculty, inviting him to reflect and to ponder so as his `iman be based upon reason and clear evidence, and warning him not to adopt what he found his forefathers doing without investigating it, scrutinizing it, and being personally confident of its correctness. This is the `iman which Islam called for, and not the so called faith of the old women. It is the faith of the enlightened and certain person, who searched and contemplated, until he came through contemplation and thinking to the certain conviction in the existence of Allah, exalted be His Omnipotence.

Despite the obligation to use the mind to arrive at the belief in Allah (swt), man is unable to perceive things beyond his senses and mind. This is because man's mind is limited, and its potential, regardless of how much it develops and grows, is limited by boundaries it cannot surpass; hence, its perception is limited. Therefore, the mind will fall short of perceiving the essence and reality of Allah (swt), because He is beyond universe, man and life; and the human mind cannot perceive what is beyond universe, man and life. Thus the human mind is unable to perceive the Essence of Allah (swt). It should not be asked how can man believe in Allah with his mind, while his mind cannot perceive the Essence of Allah (swt). This is because belief (`iman) entails `iman in the existence of Allah (swt), whose existence is perceived through the existence of His creation, the universe, man and life. These creations are within the limits of what the mind can perceive. Thus, man perceived them; and through the perception of them, man perceived the existence of a creator for them who is Allah (swt). Therefore, `iman in the existence of Allah is rational and within the limits of man's mental capacity. This is in contrast to the essence of Allah (swt), which is impossible to perceive since He is beyond universe, man and life; and hence He is beyond the mind. The mind is incapable of perceiving what is beyond its bounds because of its inability to do so. This inability itself should be one of the elements which strengthen the `iman and not a factor of suspicion and doubt. Moreover, since our `iman in Allah (swt) is reached through our mind, our perception of His existence is perfectly complete. And since our feeling of His existence is associated with the mind, then our feeling of His existence is absolutely certain. All this produces in us a complete perception and certain feeling of all divine attributes. This would convince us that we will be unable to perceive the reality of the Essence of Allah (swt), despite our firm believe in Him. Therefore, we have to submit to all that He has informed us about, of which the mind is incapable to perceive or to arrive

at its perception. This is due to the natural inability of the human mind, by its relative and finite criteria, to perceive what is beyond it; for this perception would need irrelative and infinite criteria, matters which man neither possess nor can acquire.

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

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

As for the affirmative proof that the Qur'an is revealed by Allah (swt), it is well known that the Qur'an is an Arabic book

conveyed by Muhammad (saw). Thus, it is either from the Arabs, from Muhammad (saw), or from Allah (swt), and it is not possible that it be from any other except these three since it is Arabic in language and style.

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

﴿قُلْ فَأْتُوا بِعَشْرِ سُورٍ مِثْلِهِ﴾

**“Say, bring ten soorahs like unto it.” [TMQ 11:13]**

﴿قُلْ فَأْتُوا بِسُورَةٍ مِثْلِهِ﴾

**“Say, bring one soorahs like unto it.” [TMQ 10:38]**

They tried to bring the like of it but they failed to do so. Hence, this book is not of their speech because they were unable to bring the like, of it, though it challenged them, and they tried to bring the like of it. It is also false to say that it is from Muhammad (saw), since Muhammad (saw) is one of the Arabs, and whatever the height of his genius, he is a human being and a member of his society and nation. Since the Arabs themselves had failed to bring the like of it, this also applies to Muhammad (saw), the Arab, that he could not bring the like of it. Thus, it is not from him. Moreover, Muhammad (saw) has left Authentic/valid (SaHeeH) aHaadeeth and Mass-transmitted (mutawaatir) aHaadeeth, whose authenticity is beyond doubt. If any of these aHaadeeth were to be compared with any verse of the Qur'an, there would be no similarity between them in style. He (saw) used to utter the revealed verse and say the Hadeeth at the same time and yet there is a difference between them in style. Whenever any man attempts to diversify his speech, it will remain similar in style, because it is a part of him. Since there is no similarity between the Hadeeth and the verse in style, the Qur'an is absolutely not Muhammad (saw) speech because it is distinctly and clearly different from his speech. Besides this, the

Arabs only claimed that Muhammad (saw) brought the Qur'an from a young Christian servant called Jabr, which Allah (saw) refuted in His saying:

﴿وَلَقَدْ نَعْلَمُ أَنَّهُمْ يَقُولُونَ إِنَّمَا يُعَلِّمُهُ بَشَرٌ لِّسَانُ الَّذِي يُلْحِدُونَ إِلَيْهِ أَعْجَمِي ۖ وَهَذَا لِسَانٌ عَرَبِيٌّ مُبِينٌ﴾

**“We know indeed that they say it is a man that taught him. The tongue of him they wickedly point to is notably foreign, while this is Arabic, pure and clear.”** [TMQ Surah an-Nahl 16:103]

Since it is proved that the Qur'an is neither the speech of the Arabs nor the speech of Muhammad (saw), it is definitely the Speech of Allah (swt), and consequently it is a miracle for the one who brought it.

Because Muhammad (saw) brought the Qur'an, and the Qur'an is the Speech of Allah (swt) and His divine law, and because no one brings Allah's (swt) Sharee'ah (law) except the Prophets and the Messengers, then accordingly Muhammad (saw) must definitely be a prophet and messenger, by rational evidence.

This is an intellectual evidence for the `iman in Allah (swt) and in the message of Muhammad (saw), and that the Qur'an is the speech of Allah (swt).

Consequently, the `iman in Allah (swt) comes through the rational way and this `iman must be through the rational way. Thus, as such, it is the pillar upon which the `iman in the unseen (mughayyabaat) and in all of that which Allah (swt) informed us is built. This is because we believe in Allah (swt), Who has the divine attributes, we must definitely believe in everything that He has informed us of, whether it is mentally perceived or it is beyond the mind, simply because Allah (swt) informed us of it. We must believe in the Day of rising (ba'ath), in resurrection (nushur), in paradise (jannah) and hell (naar), in reckoning



(Hisaab) and punishment ('ZHaab), in angels (malaai kah), in jinn, in ShayaaTeen and all others that the Qur'an or a definitive (Qat'i) Hadeeth have mentioned. This `iman, though it is through narration and hearing, it is rational in its root, because its root was proven by the mind (intellect). Therefore, the Muslim's 'Aqeedah must depend on the mind or on that whose root is confirmed through the mind. Thus, Muslims must believe only in what is proved intellectually through the rational way or the certain and definitive texts, that is, what is proven by the Qur'an and the definitive Hadeeth, which is the mutawaatir. Anything not confirmed through these two ways: the mind and the text of the Book and of the definitive Sunnah is prohibited to believe in, because creeds (a'qaa'id) should not be taken except with certainty (yaqeen).

Therefore, Iman is obliged in what is before this worldly life, which is Allah (swt), and in what is after it, which is the Day of Resurrection. Since the commands of Allah (swt) are the relationship of what is before life with this life, besides the relationship of creation; and the reckoning of one's deeds in this worldly life is the relationship of what is afterlife with this worldly life, in addition to the relationship of rising and resurrection, then there should be a relationship between this worldly life with that which is before it and that which will be after it. Furthermore, man's status in this life must be restricted to this relationship. In other words, man must proceed in this worldly life in accordance with Allah's (swt) systems, and must believe that He will account him on his deeds on the Day of Resurrection (Yawm al-qiyāmah).

By this, the enlightened thought has been generated concerning what is beyond universe, life and man, and about what is before this worldly life and what is after it, and that it has a relationship with what is before it and what is after it. Thus, the biggest knot has been completely solved by the Islamic creed ('Aqeedah).

Once man has reached this solution, he can move to the thought about the worldly life and to establish sound and productive concepts about it. This solution becomes the foundation upon which the ideology, which serves as the way of revival (Nahdah), is built. It is also the foundation upon which the civilisation (HaDaarah) of this ideology rests, the foundation from which its systems emanate, and the foundation upon which its state is established. Thus, the foundation upon which Islam is established, as an Idea (fikrah) and Method (Tareeqah), is the Islamic ‘Aqeedah. Allah (swt) says:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا ءَامِنُوا بِاللّٰهِ وَرُسُلِهِ ۚ وَالْكِتٰبِ الَّذِى نَزَلَ عَلَى رَسُوْلِهِ ۚ وَالْكِتٰبِ  
الَّذِى اُنْزِلَ مِنْ قَبْلُ ۚ وَمَنْ يَكْفُرْ بِاللّٰهِ وَمَلٰٓئِكَتِهٖ وَكُتُبِهٖ وَرُسُلِهٖ ۚ وَالْيَوْمِ الْاٰخِرِ فَقَدْ ضَلَّ  
ضَلٰلًا بَعِيْدًا﴾

**“O you who believe! Believe in Allah and His Messenger, and the Book which He sent to His Messenger and the Book which He sent to those before (him). Anyone who denies Allah, His Angels, His Books, His Messengers, and the Day of Judgement, has gone far, far astray.” [TMQ Surah an-Nisaa 4:136].**

After this has been proven and the `iman in it is an inevitable matter, every Muslim is obliged to believe in the Islamic shariah as a whole, because its brought by the Noble Qur’an, and by the Messenger (saw), otherwise, he would be a Kafir. Therefore, it is Kufr to deny the AHkaam Sharee’ah (Shariah legal rulings) as a whole, or any definite (qaT’ai) detailed Hukm of them. This is the case whether these aHkaam (rulings) are connected with worships (ibaadaat), transactions (mu’aamalaat), punishments or foodstuff. So the rejection of the verse,

﴿وَأَقِمُوا الصَّلٰوةَ﴾

**“So establish regular prayer” [TMQ Surah al-Baqarah 2:43],** Is the same as rejecting the verse of,

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾

**“But Allah has permitted trade and forbidden usury,”**  
[TMQ Surah al-Baqarah 2:275]. And is the same as rejecting the following verses:

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾

**“As to the thief, male or female, cut off his or her hands,”** [TMQ Surah al-Maaida 5:38]

﴿حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ﴾

**“Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which has been invoked the name of any other than Allah.”** [TMQ Surah al-Maaida 5:3]. `Iman in the Sharee’ah is not dependent on the mind. Instead, one must surrender completely to all that which was revealed from Allah (swt).

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ

حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾

**“But no, by your Lord, they can have no (real) faith, until they make you judge in all the disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest submission.”** [TMQ Surah an-Nisaa 4:65]

## Al-QaDaa wal Qadar (Fate and Destiny)

In Surah Aal-i-Imran, Allah (swt), says,

﴿وَمَا كَانَ لِنَفْسٍ أَنْ تَمُوتَ إِلَّا بِإِذْنِ اللَّهِ كَتَبَ مُوَجَّلًا﴾

“Nor shall a soul die except by Allah’s leave, the term being fixed by writing.” [TMQ Surah Aal-i-Imran 3:145]. In Surah al-A’araf, He (swt) says,

﴿وَلِكُلِّ أُمَّةٍ أَجَلٌ فَإِذَا جَاءَ أَجْلُهُمْ لَا يَسْتَأْخِرُونَ سَاعَةً وَلَا يَسْتَقْدِرُونَ﴾

“To every people is a term appointed. When their term is reached, not an hour can they delay it, nor (by an hour) can they advance it (in anticipation).” [TMQ Surah al-A’araf 7:34] In Surah al-Hadeed, He (swt) says,

﴿مَا أَصَابَ مِنْ مُصِيبَةٍ فِي الْأَرْضِ وَلَا فِي أَنْفُسِكُمْ إِلَّا فِي كِتَابٍ مِّن قَبْلِ أَنْ نَبْرَأَهَا إِنَّ ذَٰلِكَ عَلَى اللَّهِ يَسِيرٌ﴾

“No misfortune can happen on earth nor in your souls but it is recorded in a decree before We bring it into existence. That is truly easy for Allah.” [TMQ Surah al-Hadeed 57:22] In Surah at-Tawbah, He (swt) says,

﴿قُلْ لَّنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ﴾

“Say: Nothing will happen to us except what Allah has decreed for us. He is our Protector and in Allah, let the believers place their trust.” [TMQ Surah at-Tawbah 9:51]. In Surah Sabaa, He (swt) says,

﴿لَا يَعْزُبُ عَنْهُ مِثْقَالُ ذَرَّةٍ فِي السَّمَوَاتِ وَلَا فِي الْأَرْضِ وَلَا أَصْغَرُ مِنْ ذَٰلِكَ وَلَا أَكْبَرُ إِلَّا فِي كِتَابٍ مُّبِينٍ﴾

**“From Whom is not hidden the least little atom in the heavens or on earth, nor is there anything less than that, or greater, but it is in the Clear Record.”** [TMQ Surah Sabaa 34:3]. In Surah al-An’aam, He (swt) says,

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

**“He it is Who gathers you at night and knows that which you commit by day. Then He raises you again to life so that the term appointed (for you) may be fulfilled. And afterward unto Him is your return and He will show you the truth of all that you did.”** [TMQ Surah al-An’aam 6:60]. In Surah an-Nisaa, He (swt) says,

﴿وَإِنْ تُصِيبْهُمْ حَسَنَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِ اللَّهِ وَإِنْ تُصِيبْهُمْ سَيِّئَةٌ سَيَقُولُوا هَذِهِ مِنْ عِنْدِكَ قُلْ كُلٌّ مِنْ عِنْدِ اللَّهِ فَمَالِ هَؤُلَاءِ الْقَوْمِ لَا يَكَادُونَ يَفْقَهُونَ حَدِيثًا﴾

**“If some good befalls them, they say: This is from Allah. But if evil, they say: This is from you (O Prophet). Say: All things are from Allah. But what has come to these people such that they fail to understand a single fact?”** [TMQ Surah an-Nisaa 4:78].

These aayaat of the Qur’an, and other aayaat similar in meaning, are cited by many in the question of QaDaa and Qadar. They take the understanding from these that the human being is compelled to undertake actions; that the human being undertakes his actions under compulsion through the Will (iraadah) and Want (mashee’ah) of Allah (swt); and that Allah (swt), created man and his actions. They try to support their opinion by the saying of Allah (swt):

﴿وَاللَّهُ خَلَقَكُمْ وَمَا تَعْمَلُونَ﴾

**“But Allah has created you and your handiwork!”** [TMQ 37:96]

They also supported their point with the aHaadeeth of the Messenger (saw), such as:

«نَفَثَ رُوحُ الْقُدُسِ فِي رُوعِي، لَنْ تَمُوتَ نَفْسٌ حَتَّى تَسْتَوْفِيَ رِزْقَهَا وَأَجَلَها وَمَا قَدَرَ لَهَا»

**“The Holy Spirit inspired in my soul that nobody will pass away until they receive in full their livelihood (rizq), term of life (ajal), and what is decreed for them (Qadar).”**

The question of QaDaa and Qadar has taken an important role amongst the Islamic schools of thought. Ahlus Sunnah held the opinion which in summary is man has a volitional acquisition (Kasb Ikhtiyaari) in carrying out his actions, so he is accounted because of this Kasb Ikhtiyaari. Al-Mu'tazilah had an opinion that is summarized as man being the one who creates his actions by himself, so he is accounted over them, because he is the one who brings them into being. Al-Jabriyah had an opinion summarized in Allah (swt) being the One Who creates both the servant ('abd) and his actions and so the servant is compelled (mujbar) in his actions and is not mukhayyar (of free will), so he is like the feather which floats in the air according to where the wind carries it.

The one who inspects the subject of al-qaDaa wal qadar finds that accuracy in research requires knowing of the foundation upon which the research stands. This foundation should not be whether the actions of man are created by himself or by Allah (swt). It is also not the Omniscience of Allah (swt) ('ilmullah), in terms of the fact that He (swt) knows that the servant ('abd) will perform such an action and that His (swt) knowledge encompasses it. Nor is it the Will of Allah (swt) (iraadatullah) in terms that His (swt) will was related to the servant's action, so that the action must exist because of this will. It also shouldn't be that the servant's action is recorded in the Al Lawh Al MaHfooZH (Preserved Tablet), so as a result he is inevitably going to carry out this action in accordance with what is recorded.

Indeed, the foundation upon which the research is built is absolutely none of these matters, since they have no relationship to the subject in terms of reward and punishment. They are rather related to the subject in terms of engendering, the omniscience that encompasses everything, the will that is related to all the possible beings and the inclusion in *Al Lawh Al MaHfooZH* of everything. This relationship is detached from the subject of reward and punishment for the action. In other words, is man compelled to perform an action, good or bad, or is he free to choose (*mukhayyar*)? Does man have volition (*ikhtiyaar*) in performing or abstaining from an action or does he not have volition?

Any individual who studies the actions of man accurately will observe that man lives within two spheres: one of them he dominates, which is the sphere that falls within the domain of his doings. His actions occur, within this sphere according to his free will. The other sphere dominates him and it is the sphere that embraces the human being himself and within it the actions, which he has no free will over, occur; whether they occur from him or on him.

In regards to the actions that fall within the sphere that dominates man, man has nothing to do with them or in their existence. They are divided into two sections: A section which is entailed by the existential order (*Nitham Al-Wujood*), and a section which includes those actions which are beyond the control of man and which he cannot avert, but which are not entailed by the existential order. As far as the actions, which are entailed by the existential order, man is in complete submission to them. Therefore, he is forced to proceed in accordance with them because he proceeds with the universe and life subject to a particular order that does not change. Subsequently, man's actions in this sphere occur without his will and he is compelled and has no choice. Man came to this life without his will and he shall leave it without his will. He cannot fly in the air with his

body alone, walk on water in his natural state, nor create the colour of his eyes. Man did not produce the shape of his head, and nor the size of his body. Indeed, it was Allah (swt) Who created all of this without the created servant having any say in that or relation. This is because Allah (swt) created the existential order, made it the regulator of the existence, and made the existence proceed in accordance to it, without being able to function differently.

As for the actions, which are beyond man's control, which he is unable to avoid and they are not within the existential order, they are the actions which occur from the human being or upon him unwillingly, without him ever being able to avoid them. Examples of such actions are, if someone on a wall accidentally falls on a person and thus kills that person; or if someone shoots at a bird and the shot hits a person he was not aware of and kills him; or if a car goes off the road or a train derails, or a plane crashes. All of these are due to an unexpected failure without any possibility to avoid the accident, thus causing the death of the passengers. All of these examples of actions and the like which occurred from man or fell on him, are not within the existential order, yet they occurred from man or on him without his will and it was beyond his ability to control them. All of these actions, which occur within the sphere that dominates man, are termed QaDaa (fate), because Allah (swt) alone is the one who has predetermined them. Therefore, man is not accounted over these actions, regardless of there being benefit or harm, liking or disliking, for the human being i.e. regardless of the good (khair) or evil (shar) in them, according to human interpretation. Allah Alone knows the good (khair) and evil (shar) in these actions, because man has no influence over them, he does not know about them or the manner in which they came to be, and he is absolutely unable to avert them or beget them. The human being thus must believe in this QaDaa and that this QaDaa is from Allah (swt).



As for Qadar, the actions, which occur either in the sphere that dominates man or in the sphere that man dominates, occur from or on objects that are part of the substance of the universe, man and life. Allah (swt) created certain characteristics in these objects. For example, He created in fire the characteristic of burning, in wood the characteristic of flammability, and in the blade the characteristic of cutting. He made the characteristics indispensable in objects according to the existential order such that they never fail. When it appears that they failed, it means that they were deprived of their characteristics by Allah (swt) and such an event was a supernatural event. This happens to the prophets and is considered their miracle. As Allah (swt) created characteristics in the objects, He created in man instincts and organic needs, and He also put in them certain characteristics. Hence, He created in the instinct of reproduction the characteristic of sexual inclination. He created in the organic needs characteristics such as hunger and thirst and the like. He made these characteristics inseparable from them according to the law of the existence. These particular characteristics that Allah (swt) has generated in objects, instincts and organic needs are called al-Qadar. This is because Allah (swt) alone created the objects, instincts, and organic needs and predetermined (Qaddara) in them their characteristics. These characteristics are not brought about by the objects nor does man have anything to do with them nor an influence on their existence. Therefore, man must have `iman that it is Allah (swt) who has predetermined these characteristics in objects. However, these characteristics have the ability to be used by man to perform through them an action either according to the commands of Allah (swt) and thus it is good (khair), or contradicting His commands and thus it is bad (sharr). So when performing actions utilising objects with their characteristics or in responding to the instincts and organic needs, if (these actions) were according to the commands and prohibitions of Allah (swt) they would be termed good actions, and would be termed bad

actions if they were in disagreement to the commands and proscriptions of Allah (swt).

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

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

Though the characteristics in objects, instincts, and organic needs, which Allah (swt) predetermined within them, and also

made them intrinsic, have an affect on the outcome of the action. Their characteristics by themselves do not initiate action, it is man who initiates the action when using them. Hence, the sexual inclination in the instinct of reproduction has the potential for good and bad; and the hunger present in the organic need has the potential for good and bad. However, the one who performs actions that are good or bad is man, and not the instinct or the organic need. This is because Allah (swt) created for man the mind that distinguishes and He made in the nature of the mind the quality of perceiving and distinguishing. He also guided man to know the path of good and bad.

﴿وَهَدَيْنَاهُ النَّجْدَيْنِ﴾

**“And we showed him (the man) the two paths (of good and bad).”** [TMQ 90:10] Allah (swt) also created in man the ability to comprehend wickedness and piousness.

﴿فَأَهَمَّهَا فُجُورَهَا وَتَقْوَاهَا﴾

**“And He inspired it its wickedness (fujooraha) and its piousness (taqwaha).”** [TMQ 91:8]. When man responds to his instincts and organic needs in a manner agreeing with the commands and proscriptions of Allah (swt), then he performs the good action and proceeds in the path of piousness. When he responds to the instincts and organic needs deviating from the commands and proscriptions of Allah (swt), then he performs the bad action and proceeds in the path of wickedness. Therefore, in all of that, the good and bad occur from and on man. He responds to the needs according to the commands and prohibitions of Allah (swt) and thus does good, or responds to them deviating from Allah’s (swt) commands and prohibitions and thus does bad. Consequently, man is reckoned on his actions, which occur in the sphere that he dominates, thus he is either rewarded or punished because he has undertaken those actions freely without any coercion. Although the characteristic

of the instincts and organic needs are from Allah (swt), and their ability for good and bad is also from Allah (swt), Allah (swt) didn't fashion the characteristic in a manner that forces man to use it, whether in a way that pleases or displeases Allah (swt), i.e. in good or bad. Likewise, the characteristic of burning was not fashioned in a manner that compels man to burn anything, whether this pleases or displeases Allah (swt), i.e. in good or bad. Instead, these characteristics are fashioned to fulfil the action when the man uses them in the required way.

When Allah (swt) created man with his instincts, organic needs, and the mind with its ability to differentiate, He (swt) endowed him with the choice to carry out or abstain from an action. Allah (swt) did not compel him to carry out or to abstain from the action. Furthermore, He (swt) made nothing in the characteristics of the objects, instincts and organic needs that compels man to carry out or abstain from an action. Man is therefore free, to perform or abstain from an action by the use of what He endowed him of the distinguishing mind, and He made it the condition for legal responsibility (*Manat Al-taklif*). Accordingly, Allah (swt) will reward man for performing the good because his mind chose to perform actions according to the commands of Allah (swt) and abstain from His proscriptions. He would also punish him for performing the bad actions because his mind chose to disobey the commands of Allah (swt) and do what He prohibited by responding to his instincts and organic needs in a way contrary to the orders of Allah (swt). Therefore, man's recompense is right and just, because he has choice to carry out his action and is not compelled. In this question, the QaDaa and Qadar has no bearing. It is rather to do with man carrying out his actions freely and therefore he is responsible for his actions. Allah (swt) says:

﴿كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ﴾

**“Every soul is a pledge for what it earned” [TMQ 74:38]**

As for the Omniscience of Allah (swt) ('ilmullah), this does not force man to carry out an action. Allah (swt) knows that man is going to freely undertake an action. To carry out this action is not based on the Omniscience of Allah (swt), rather, the pre-existent Omniscience of Allah (swt) means that He knows that man is going to carry out the action. With regards to the writing in the Preserved Tablet (Al Lawh Al MaHfooZH), it is nothing but an expression of the encompassing of the Knowledge of Allah (swt) over everything.

With regards to the Will of Allah (swt) (iraadatullah), this does not compel man to carry out any action. Its meaning, however, is that nothing can take place in His Dominion without His Will, i.e. nothing takes place in this existence against His Will. Thus, if man carried out an action and Allah (swt) did not prevent or compel him from doing so, and instead left him to act freely, without any compulsion, then man has acted by the Will of Allah (swt) and not contrary to His (swt) Will. Man's action was undertaken by himself and by his choice, and the Will of Allah (swt) did not compel him to carry out the action.

This is the issue of al qaDaa wal qadar which will drive man to do good and avoid bad when he realises that Allah (swt) is watching him and will account him (for his actions); and that He has endowed him with the choice to act or abstain; and if he does not choose the right actions, he will be harshly reprimanded and punished severely. Therefore, we find the truthful believer, who perceives the reality of al qaDaa wal qadar and who is fully acquainted with the mental faculties and choice that Allah (swt) has endowed him with, is very conscious in observing Allah (swt) and being afraid of Him. He endeavours to comply with the commands of Allah (swt) and to avoid the proscriptions, because of his fear of the torment from Allah (swt), his desire to be in His Jannah, and his yearning in attaining that which is greater than all of this, namely the pleasure of Allah (swt) (RiDwaan Allah).

## **The Intellectual Leadership in Islam (Al-Qiyadatul Fikriyyah fil Islam)**

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

Moreover, when the thinking level is narrow, a nationalistic bond (raabiTah qawmiyyah) arises. It is a familial bond though in a broader sense. This is because when the survival instinct becomes deeply rooted in the individual, love of dominance appears in him. This love of dominance is individualistic in the man of low intellect. However, as the awareness of an individual broadens his love of dominance widens, thus he considers the dominance of his family. Once his awareness has broadened and widened, he considers the dominance of his people in his homeland. Once this is achieved he considers their dominance over all other peoples. Therefore, due to this aspect local feuds arise amongst the members of the family. Hence, once the dominance within the family is settled, then the feud transfers to a feud between his family and other families until the dominance is settled in favour of one family, or a group of people from different families. In the end, the conflict arises between his people and others for sovereignty and achieving a high standard of living. Therefore, tribalism ('aSabiyyah)

prevails amongst the adherents of this bond. As a result of this, whims and supporting one another against others, prevail amongst them. Consequently, it is an inhuman bond and it remains exposed to domestic feuds, if they are not preoccupied instead with foreign conflicts.

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

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

The other invalid bonds, which are mistakenly taken as bonds between people are: the bonds of self-interest (raabiTah maSlaHiyyah) and the spiritual bond (raabiTah rooHiyyah) from which no system emanates.

The bond of self-interest is a temporary bond and it is not suitable to bind humankind, for it is subject to compromise in the pursuit of greater interests; so it ceases to exist when the interests are outweighed. It also comes to an end and separates people from each other when the interests conflict. Furthermore,

when the interests are fulfilled this bond ceases to exist. Therefore, it is a dangerous bond for its adherents.

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

Consequently, all the aforementioned bonds are not suitable to bind man with man in his quest for revival. The only correct bond, which binds humankind in life, is the bond of rational creed ('Aqeedah) from which a system emanates; that is the ideological bond (raabiTah mabda'iyyah).

The ideology (mabda`) is a rational creed from which a system emanates. The 'Aqeedah (creed) is a universal idea about the universe, man and life, what preceded this worldly life, what is to follow it, and the relationship of this worldly life with what preceded it and what is to follow it. As for the system that emanates from this 'Aqeedah, it is the treatments (mu'alijaat) for man's problems, the howness (kayfeeyah) of implementing those treatments, preserving the creed and conveying the ideology to others. The howness of implementing the treatments, preserving the creed and conveying the ideology constitutes the Tareeqah (Method), while anything else, which is the 'Aqeedah and the treatments, is the fikrah (Idea). Consequently, the ideology is composed of an Idea (fikrah) and a method (Tareeqah).

The ideology (mabda`) must arise in the mind of a person either by revelation (waHi) from Allah (swt) with a command for him to convey it or through a quality of genius that shines in that person. As for the ideology that arise in the mind of a man by revelation from Allah (swt), it is the correct ideology since it



is from Allah (swt) who is the Creator of universe, man and life. Therefore, it is a definite ideology. Whereas, the ideology, which arises in the mind of a person through a spark of genius in him is false, since it arises from a limited mind, which is incapable of comprehending everything in the universe. Furthermore, man's ability in organisation is liable to disparity, differences, contradictions and being influenced by the environment in which he lives. This consequently produces a contradictory system that leads to man's misery. Therefore, the ideology, which originates in a man's mind, is false in its 'Aqeedah and the system that emanates from this 'Aqeedah.

Consequently, the foundation of the ideology is the universal idea (al-fikrah al-kulliyyah) about universe, man and life, and the method, which brings the ideology into existence and implementation in all the walks of life is indispensable to ensure the existence of the ideology. The universal idea is the foundation since it is the creed ('Aqeedah), the intellectual basis and the intellectual leadership. On the basis of this universal idea the intellectual direction of man and his viewpoint towards life is defined. Moreover, all thoughts are built upon it and the treatments for the worldly life's problems emanate from it. The fact that the Tareeqah (method) is essential, is because if the system that emanates from the 'aqeedah (creed) does not include a clarification of the howness of implementing the treatments, preserving the 'Aqeedah and carrying the invitation to ideology, then the Idea would become a hypothetical and fanciful philosophy that remains recorded in the books without having any effect in this worldly life. Hence, the 'Aqeedah, the treatments for the problems and the Tareeqah (Method) are all necessary for the ideology to come into existence. However, the mere presence of the Idea (fikrah) and the Method (Tareeqah) from which a system emanates does not indicate that the ideology (mabda`) is correct; it simply indicates that it is an ideology (mabda`) and nothing more. The matter that proves the

validity or invalidity of the ideology is the 'Aqeedah of the ideology in terms of whether it is correct or false. This is because the 'Aqeedah is the intellectual basis (al-qaa'idah al-fikriyyah) upon which every thought is built, views are defined and from which every treatment and method emanates. Therefore, if the intellectual basis (al-qaa'idah al-fikrayyah) is correct the ideology (mabda`) will be correct and if it is false the ideology (mabda`) will be false from its basis.

If the intellectual basis agrees with man's innateness (fiTrah) and is built upon the mind it will be correct. However, if it disagrees with man's innateness (fiTrah) and is not built upon the mind it will be false. The compatibility with man's innateness means that the 'Aqeedah recognises the innate weakness of man and his need for the Creator, the Arranger, i.e., it agrees with the instinct of religiousness (tadayyun). Building the 'Aqeedah (creed) on the mind means that it is not built on matter or on compromise solution.

If we examine the ideologies that exist in the world, we will find only three: Capitalism, Socialism and from it the Communism, and the third ideology is Islam. The first two ideologies are adopted by a state or more states, while the third ideology is not adopted by a state, but rather by individuals within different peoples, nevertheless it is present internationally in the whole globe.

Capitalism is based upon the separation of religion from life. This idea is its 'Aqeedah, its intellectual leadership and its intellectual basis. According to this intellectual basis, man himself lays down the system for this worldly life, so it is necessary to preserve for man the following types of freedom: freedom of belief (hurriyat ul-'Aqeedah), freedom of opinion (hurriyat ur-ra`i), freedom of ownership (hurriyat ul-milkiyyah) and personal freedom (al hurriyat ush-shakhSiyyah). The Capitalist economic system resulted from the freedom of ownership, so capitalism has become the most prominent feature

in this ideology and the most prominent matter that resulted from the creed ('Aqeedah) of this ideology. Thus, this ideology is named Capitalism, after its most prominent element.

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

Though democracy is a part of capitalism, it is less prominent than the economic system. Proof of this is the fact that the capitalist economic system in the West influences the governance and makes it subject to capitalists, to the extent that the capitalists are effectively the real rulers in the countries that adopt the capitalist ideology. Moreover, democracy is not limited to this ideology, since the Communists also claim to be democratic and call for giving the ruling to the nation (people). It is therefore more accurate to call this ideology the Capitalist Ideology.

This ideology originally emerged when the emperors and kings of Europe and Russia were using religion as a means to exploit the peoples, transgress against them and suck their blood. They used the clergy as an instrument for this. There arose, as a result of this, a bloody struggle in which some philosophers and thinkers denied religion completely. Others acknowledged religion but called for its separation from life. Eventually, the opinion of the majority of the philosophers and thinkers settled on one idea, which is the separation of religion and life. It naturally resulted in the separation of religion from the state. Thus, the opinion settled on avoiding the discussion of religion, whether in denial or recognition and instead discussion was confined to the necessity of separating religion from life.

This idea is considered a compromise solution between the clergy, on the one hand, who sought to control everything in the name of religion and the philosophers and thinkers, on the other hand, who denied religion and the authority of the clergy. Therefore, this idea did not deny religion nor did it allow it to interfere in the life, instead it just separated it from life. Consequently, the 'aqeedah (creed), which the West embraced is the separation of religion from life. This 'aqeedah (creed) is the intellectual basis upon which all thoughts are built, upon its basis the intellectual direction of man and his viewpoint in life are determined and upon its basis all worldly life problems are solved. It is the intellectual leadership, which the West carries and calls the world to.

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

Socialism that led to Communism views universe, man and life as only matter and that matter is the origin of all things. Through the evolution of this matter all things came into existence and thus there is absolutely nothing beyond this matter. Therefore, this matter is pre-existent and pre-eternal and

it was brought into existence by no one i.e. it is a necessary existent (waajabat-ul-wujood). Communists, therefore, deny that things are created by a Creator. They deny the spiritual aspect of things and view the recognition of the existence of the spiritual aspect as a threat to life. Consequently, they maintain that religion is the opium of the people that sedates and hinders them from action. Except for matter, nothing exists from the communist point of view, even thought is viewed as reflection of matter on the brain. Hence, matter for them, is the origin of thought and the origin of everything, and through its materialistic evolution all things originate. Accordingly, they deny the existence of the Creator and consider matter to be pre-existent, thus, they deny what preceded this life and what is to follow it, so they do not acknowledge anything except this life.

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

Both ideologies differ in their view of the individual and society. Capitalism is an individualistic ideology, which assumes society to be composed of individuals. It pays secondary attention to society and singles out the individual for its attention. Therefore, it considers it necessary to secure freedoms to the individual. Freedom of belief is, therefore, one of the things sanctified by this ideology. Freedom of ownership is also sanctified and not restricted by its philosophy but by the state which intervenes to guarantee the liberties. The government implements these restrictions by the force of

policing and through severity of the law. The state, however, is considered a means and not an end in itself. Sovereignty ultimately belongs to the individuals and not to the state. Accordingly, capitalism carries an intellectual leadership, which is the separation of religion from life; on the basis of this leadership capitalism rules with its systems, calls for it and attempts to apply it everywhere.

Socialism, including Communism, is an ideology, which views society as a general collection consisting of human beings and their relationships with nature. These relationships are determined and fixed to which human beings are inevitably and automatically subjected. This collection as a whole is one single unit, which is nature, man and relationships; and they all constitute one whole and not parts separated from each other. Nature is considered to be a part of man's personality, the part he carries in himself. Man does not evolve without being connected with this part of his personality i.e. nature, because man's correlation with nature is like the correlation of the thing with itself. Thus, society is considered to be one unit that evolves uniformly as a whole and the individual rotates with it accordingly like a spoke in a wheel. Therefore, Communists hold no freedom of belief or economic ownership for the individual; belief and economy are restricted by what the state wants. Consequently, the state is also one of the things sanctified by this ideology. From this materialistic philosophy, worldly life systems have emanated and the economic system was considered the primary basis and the main feature of all the systems.

Hence Socialism, including Communism carries an intellectual leadership, which is materialism and materialistic evolution, on its basis it rules with its systems, calls for it and attempts to apply it everywhere.

As for Islam, it holds that beyond the universe, life and man there is a Creator, who created them all. Therefore, its basis is

the conviction in the existence of Allah (swt). This ‘Aqeedah is the one, which determined the spiritual aspect, that is the fact that man, life and universe, are created by a creator. Therefore, the connection of the universe, as being a creation, with Allah (swt) the creator, is the spiritual aspect in the universe. And the connection of the created life with Allah (swt) the creator, is the spiritual aspect in life. And the connection of the created man with Allah (swt) the creator, is the spiritual aspect in man. The spirit (rooh), therefore, is man’s comprehension of his connection with Allah (swt).

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

Therefore, the ideal aims to protect the society are not laid down by man, but instead by the commands and prohibitions of Allah (swt), which are constant, neither changing nor evolving. Thus the preservation of the humankind, mind, human dignity,

human life, private property, religion, security and the state are all constant high-level goals that aim to protect society; they are not subject to change or development. Islam has laid down harsh punishments i.e. *Hudūd* and *'Uqubaat* to preserve these constant goals. Therefore, the preserving of these goals is considered as an obligation, because they are commands and proscriptions from Allah (swt), not because they achieve some material values. Accordingly, the Muslim and the state undertake all actions according to the commands and prohibitions of Allah (swt), because they are the ones that organise all of man's affairs. Undertaking actions according to the commands and prohibitions of Allah (swt) is the way that provides the Muslim with tranquillity. Hence, happiness is not satisfying and pleasing the body, it is instead attaining the Pleasure of Allah (swt).

In respect to man's organic needs and instincts, Islam has organised them in a way that ensures the satisfaction of them all, such as hunger, the need for procreation, the spiritual need etc. However, this organisation is not done by satisfying some of them at the expense of the others; nor by repressing some of them and unleashing others, or unleashing all of them. Instead, Islam has co-ordinated all of them and satisfied all of them by a precise system which offers man delight and comfort, and prevents him from lapsing to the level of the animal through satisfying the instincts in an anarchic manner.

To maintain this organisation of organic needs and instincts, Islam considers the community to be an indivisible whole and views the individual as an inseparable part of the community. However, being a part of the community, does not mean that the partiality of the individual is like the partiality of a spoke in a wheel; instead it means that he is a part of the whole, like the hand being a part of the body. Therefore, Islam took care of the individual as part of the community and not as an individual separated from it, in such a manner that this care leads to the preservation of the community. At the same time, Islam took



care of the community not as being a whole devoid of parts, but in its capacity as a whole made of parts who are the individuals, such that looking after the community leads to the preservation of these individuals as partials. The Messenger Muhammad (saw) said:

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

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

This view of the community and the individual establishes a particular concept about society. This is because the individuals as partials of the community must have thoughts (afkaar) that bind them together and by which they live. They must also share the same emotions (mashaa’ir) by which they are influenced and they proceed according to them. Additionally, they must have one system that treats all of their life’s problems. Hence, society is composed of humans, thoughts, emotions and systems. And man has to be bonded in this life by these thoughts, emotions and systems. A Muslim is, therefore, restricted in this life in all matters by Islam and he does not have freedoms at all. So the ‘aqeedah for the Muslim is restricted by the limits of Islam and is not left unrestricted. Consequently, the apostasy (*Ridda*) of Muslim from the Islam is considered a capital offence

punishable by death if he does not return to Islam. Similarly, the personal aspect is restricted by the system of Islam. Hence, fornication (*zina*) is a crime for which the fornicator is severely punished without compassion and in public. Allah (swt) says:

﴿وَلْيَشْهَدْ عَذَابُهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ﴾

**“And let a party of the believers witness their punishment.” [TMQ 24:2].**

Drinking alcohol (*khamr*) is a crime that also invokes punishment. Likewise, acts of aggression against others constitute a crime that is treated case by case according to the type of aggression, such as false accusation of *zina*, murder etc. The economic aspect is also restricted by the *shara'*, by the means of ownership that the *shara'* permitted the individual and by the fact that private ownership is the *shara'* authorization to benefit from the material object. Consequently, violating these restrictions is considered a crime, which differs according to the type of this violation, such as theft, robbery etc. Therefore, the state is necessary to protect both the community and the individual and to apply the system in the society. It is also necessary that the ideology influence its adherents so that its protection comes naturally from the people. Accordingly, it is the ideology, which restricts and protects while it is the state that executes. Sovereignty (*siyaadah*), therefore, belongs to the *shara'* and not to the state or the Ummah, though the authority (*sulTaan*) belongs to the Ummah and it is manifested in the state. Hence, the state is the method for implementing the system, although the individual's piety (*taqwa*) of Allah (swt) is relied upon for his adherence to the rules of Islam. Therefore, it is necessary to have legislation implemented by the state, with guidance to the believer so as to comply with Islam, motivated by his *taqwa*. Islam is therefore comprised of an 'Aqeedah and Nizaam (systems) and the Islamic ideology is both a *fikra* (Idea) and a *Tareeqah* (Method), which is of the same nature as the

fikrah. Its system emanates from its 'Aqeedah and its HaDaarah (civilisation) is a unique mode of life. Islam's method in carrying the da'wah (invitation) is by implementing it by the state and carrying it as an intellectual leadership to the world. This must be the basis for understanding and practising Islam. Implementing Islam upon the community, which is governed by its system is considered carrying the Islamic da'wah, because applying Islam on non-Muslims is considered to be the practical method for the da'wah. This implementation had the greatest effect in creating the vast Islamic world.

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

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

As for Islam, it believes that Allah (swt) is the Creator of the existence (wujood) that He sent prophets (anbiyaa') and messengers (Rusul) with His deen to human beings and that man will be accounted for his actions on the Day of Judgement. Therefore, the 'Aqeedah of Islam is the 'iman in Allah (swt), His angels, His books (kutub), His messengers (rusul), the Last

Day (yawm ul aakhir) and the QaDaa and Qadar, the good and bad of which are from Allah (swt).

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

As the criterion for actions, Communism considers materialism i.e. the materialistic order as the criterion in this life. So as matter evolves so does the criterion. Capitalism considers the criterion to be utility; on this basis actions are evaluated and undertaken. Islam considers the Halal and the Haraam as the criterion i.e. the commands and proscriptions of Allah (swt). Accordingly, the Halal is performed and the Haraam shunned. The criterion neither evolves nor changes; it is not influenced by benefit, rather only the Shar’ arbitrates.

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

the society evolves, the individual evolves with it, and thus man revolves with the society like a spoke in a wheel.

Capitalism views society as composed of individuals. Hence, if the individual's affairs are managed, the society's affairs will be managed. Consideration is therefore only given to the individual. Thus the state works only for the individual and consequently, this ideology is individualistic. Islam views the 'Aqeedah, with the thoughts and emotions (mashaa'ir) it carries, and the systems that emanate from it, as the basis on which is society established. Thus, the Islamic society is brought into being when the Islamic thoughts and emotions dominate and the Islamic system is implemented on the people. Society is therefore comprised of man, thoughts, emotions and the systems. Man alone, together with another man, constitutes only a group, but not a society. Society is formed only by the thoughts that man carries, the emotions that prevail within him and the systems that apply upon him. This is because the matter that generates a relationship between a man and other man is only the interest (maSlaHah). However, if thoughts are unify over this interest, and if emotions are unified towards it, thus unifying satisfaction (riDa) and anger (ghaDab), and if the system that treats is unified, then the relationship between man and man exists. If the thoughts or emotions towards the interest (maSlaHah) differed i.e. the satisfaction (riDa) and anger (ghaDab) were not unified, or if the system that is implemented upon the people differed then the relationship between man and man would not exist, and consequently the society would not exist. Therefore, society consists of man, thoughts, emotions and systems, because these are the matters, which originate the relationship and make a group of people a specific society.

Thus if all people are Muslims, but the thoughts they carry were democratic and Capitalistic, their emotions were priestly-spiritual or patriotic, the system applied upon them was

democratic Capitalism, then the society would be a non-Islamic society, even if the majority of the people were Muslims.

Concerning the implementation of the system, Communism considers that the state alone implements the system through the force of policing and the severity of the law. The state develops the system and acts on behalf of the individual and community. Capitalism sees that the state only supervises the liberties. So if someone infringed upon the freedom of another person, then the state will act to prevent the infringement, because it exists to secure the liberties. However, if someone did not infringe upon the freedom of another person even if he exploited him and took away his rights, but with his consent, then there would be no infringement upon freedoms and the state would not then interfere. Therefore, the state exists to secure the liberties.

Islam considers that the system is implemented by the individual believer motivated by his piety (taqwa) of Allah (swt), by the state through the appreciation of the community of its justice, by the co-operation of the nation (Ummah) with the ruler through al-amr bil maruf wa nahiyy anil munkar (enjoining the good and forbidding the evil) and by the authority of the state. The state takes care of the community's affairs but not the individual's affairs unless he was unable to do so. The system does not evolve at all. The state has the authority to adopt the rules (AHkaam Shar'iyah) when there is more than one opinion of ijtihaad on an issue.

The intellectual leadership of Islam agrees with man's innateness (fiTrah). In spite of its depth, it is comprehensible and easily accessible. Man quickly opens his mind and heart to it, devotes himself to it in order to understand it, and to become deep in its details with passion and appreciation. This is because religiousness is innate in man. Every man is religious by his nature and no power can remove from him this innateness (FiTrah), because it is deeply rooted in him. Man, by nature, feels that he is deficient and that there is a power more perfect

than him that deserves to be sanctified. Religiousness is the need for the Creator, the Arranger, that arises from the natural inability in the human form. It is a constant instinct that has a specific reaction, which is the sanctification (taqdees). Accordingly, humankind is religious and has always worshipped something throughout the ages. Humanity has worshipped man, planets, stones, animals, fire and other things. Islam, however, with its creed came to lead humanity away from worshipping of creatures to the worship of Allah (swt) who created everything. When the materialistic ideology, which denies the existence of Allah (swt) and the spirit (rooh) appeared, it could not put an end to this natural religiousness. However, it shifted man's conception of a power greater than himself, and of his sanctification of this power, to perceiving this power in the ideology and its propagandists, and made his sanctification for them alone. It is as if it went backward, and shifted people's sanctification from worshipping Allah (swt) to worshipping men, and from worshipping the verses (aayaat) of Allah (swt) to worshipping the words of the creatures. So it was reactionist in that regard. It could not eliminate the innateness (FiTraah) of religiousness. Instead, it transformed it deceitfully with a reactionist transformation. Therefore, the materialistic ideology is a negative leadership, which disagrees with man's nature. Therefore, from the aspect of innateness, the intellectual leadership in communism is failed. It only manipulates the people through appealing to their stomach. It attracts the starving people, the scared and the miserable ones. Those who adhere to it are those low in their thinking, the failures in life and resentful of it, and those mentally devious who aspire to be known as intellectuals, when they chatter about the theory of dialectics, whose falsehood and corruption are so obvious by both the sense and intellect. It resorts to force to subjugate people to its ideology. Hence, oppression, suppression, revolutions, turmoil, destruction and instability are its most important instruments.

The Capitalistic intellectual leadership likewise disagrees with man's innateness (fiTrah) i.e. the innateness of religiousness. This is because the innateness of religiousness manifests itself in sanctification as well as in management of man's affairs in life. The inconsistency and contradictions appear when man undertakes this management; thus testifying to man's inability. Consequently, it must be the religion (deen) that manages man's affairs in life. Thus the separation of the religion (deen) from life controverts man's innateness (fiTrah). The presence of the religion in life does not mean making the functions of worldly life religious rites. Instead, the presence of the deen in life means making the system that Allah (swt) ordained, solve man's problems in life. This system emanates from a creed ('Aqeedah), which affirms man's innateness (fiTrah). Removing this system, and replacing it with a system which emanates from a creed that is incompatible with the instinct of religiousness, disagrees with man's innateness (fiTrah). Therefore, from the aspect of innateness the intellectual leadership of Capitalism is failed because it is a negative one, for it separates the deen from life, banishes religiousness from life and makes it an individualistic issue and removes Allah's (swt) system which He ordained, from solving man's problems.

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

The Communist intellectual leadership is built upon materialism and not the intellect, even though they arrived at it through the mind. It considers that matter exists before thought,



and matter is the origin of all things, hence it is materialistic. The Capitalist intellectual leadership however, is based upon a compromise solution reached after a bloody struggle between the clergy and the intellectuals, which had lasted for many centuries and it resulted with the idea of separation of the religion (deen) from the state.

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

In conclusion, only the Islamic intellectual leadership is the correct intellectual leadership, while all other leaderships are false. This is because the Islamic intellectual leadership is built upon the mind, while the other intellectual leaderships are not built upon the mind. And the Islamic intellectual leadership agrees with man's innateness (fiTrah), thus man positively responds to it, while the other intellectual leaderships disagree with man's innateness (fiTrah). That is, the communist intellectual leadership is built on materialism and not on the mind. This is because it maintains that matter precedes thought i.e. it precedes the mind. Thus when matter is reflected onto the brain it initiates thought within it, so it (the brain) thinks over the matter that was reflected upon it. Prior to the reflection of the matter onto the brain there was no thought, and accordingly everything is built upon matter. Consequently, the origin of the Communist creed i.e. the Communist intellectual leadership is matter and not thought.

This perspective is wrong for two reasons: The first reason: There is no reflection between matter and brain; neither the brain is reflected upon matter, nor matter is reflected upon the brain. This is because reflection requires the existence of the disposition of reflection in the object that reflects things, such as a mirror, it requires disposition of reflection for reflection to happen. This disposition does not exist in the brain or in the material reality. Therefore, there is absolutely no reflection

between matter and the brain, because matter does not reflect on the brain, nor does it transfer to it. Instead, the sensation of the matter is transferred to the brain through the senses. The transfer of matter to the brain is not a reflection of matter on the brain, nor a reflection of the brain on matter; it is only a sensation of matter. In this regard there is no difference between sight and the other senses in the sensing of matter. Thus sensation occurs by touching, smelling, tasting and hearing, as it occurs by seeing. Therefore, what happens is not reflection on the brain. Instead, it is sensation of the things. Accordingly, man senses things through his five senses and things are not reflected upon the brain.

The second reason: Sensation alone does not produce thought, but merely produces sensation i.e. a sensation of reality. Sensation, plus sensation, plus a million sensations, whatever the kind of sensation is, will still only produce a sensation and absolutely no thought. In order for man to think, he must have prior information through which he can explain the sensed reality. For example, if a book in Syriac language was given to someone who has no prior information about the Syriac language, and all his senses were made to fall on the book, by sight and touch, and this was repeated a million times, he still would not be able to understand a single word of the book, unless he is given the relevant prior information about the Syriac language. Thereafter, he will start thinking about it and understanding it. Let us take another example of a child with sound senses but with no prior information. If we were to place in front of the child a piece of gold, brass and a stone and make all his senses sense these things the child would not be able to comprehend them, no matter how much this sensation was diversified and repeated. However, if the child was given information about them, and sensed them, he would use this information to comprehend them. Were the child to grow up to be twenty years of age without any information he would remain

as his first day; he only senses things, but does not comprehend them regardless of the biological growth in his brain. It is not the brain alone that enables man to comprehend. Instead, it is the prior information together with the brain and the sensed reality. As for the emotional perception, in contrast to the intellectual perception in man, it results as a mere response to the instincts and organic needs, a matter, which occurs with animals as well as man. A man recognises through giving him an apple and stone repeatedly, that the apple can be eaten while the stone cannot. Likewise, the donkey recognises that barley is edible but soil is not. This distinction is neither a thought nor a perception. Instead, it occurs due to the instincts and the organic needs, which are present in animals and man. Thus thought cannot be produced unless prior information is coupled with the transfer of the sensed reality through the senses to the brain.

Accordingly, the mind, intellect, or perception is the transfer of a sensed reality through the senses to the brain and the existence of prior information by which this reality is explained.

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

The Capitalist intellectual leadership is built on a compromise solution agreed upon by the clergy and the intellectuals after their bloody conflict that lasted for many centuries. This compromise solution is the separation of the religion (deen) from life i.e., the implicit acknowledgement of the religion while separating it from life. Thus, the Capitalist intellectual leadership is not built on the mind. Instead, it is a conciliatory solution or a compromise solution. Therefore, we see that the idea of a compromise solution is deeply rooted among the adherents of this ideology who draw the truth (Haqq) near to the falsehood (baaTil), belief (iman) near to disbelief (Kufr) and the light (noor) near the darkness (ZHalaam) by

means of a compromise. This is despite the fact that the compromise solution does not exist because the matter is either Haqq or baaTil, iman or Kufr and noor or ZHalaam. But the compromise on which they have built their creed and intellectual leadership has made them swerve from the truth, iman and noor. Therefore, their intellectual leadership is false because it is not built on the mind.

However, the Islamic intellectual leadership is built upon the mind, because it obliges the Muslim to believe in the existence of Allah (swt), in the Prophethood of Muhammad (saw) and the Qur'an, through the way of the mind. It obliges the Muslim to believe in the unseen matters (Moghaibat), on the condition that they are mentioned in a source that was confirmed rationally like the Qur'an or Hadeeth mutawaatir (Mass-transmitted). Thus, it is an intellectual leadership based upon the mind.

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

This differs from the Communist and the Capitalistic intellectual leaderships, each of which disagrees with the innateness (fiTrah). The Communist intellectual leadership denies the existence of religion absolutely and opposes its recognition. Accordingly, it contradicts the innateness (fiTrah). The Capitalist intellectual leadership neither recognises nor

denies religion. It does not make the recognition or denial of religion an issue for discussion. However, it insists on the separation of religion from life and advocates that life has to be managed according to benefit, with no relation to religion. This contradicts the innateness (fiTrah) and is far away from it. Therefore, the Capitalist intellectual leadership contradicts man's innateness.

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

One question remains: Did the Muslims implement Islam, or did they only embrace its creed while implementing other systems and laws? The answer to this question is that Muslims implemented Islam alone through all the ages from the arrival of Rasool Allah (saw) to Madinah until 1336 A.H i.e. 1918 C.E when the last Islamic State collapsed at the hands of colonialism. Its application was so comprehensive that it brought with it the greatest possible success.

With regard to the practical implementation of Islam by Muslims it can be confirmed as follows: it is the state that implements the system. In the state, this system is implemented by two persons: The judge (Qadi) who is responsible for settling disputes between people, and the ruler (Hakim) who governs the people. It has been narrated through Mass-transmission (tawatur) that the judges, who settled the disputes between people from the time of the Messenger (saw) till the demise of the Khilafah in Istanbul, settled the disputes in all affairs with the laws of the Sharee'ah. This is whether the disputes were between Muslims, or between Muslims and non-Muslims. The court that settled disputes related to rights, sanctions, personal status, and etc. was one single court based on the Islamic Law (Sharee'ah) only. No one ever reported that even one case had

been settled according to other than the Islamic Sharee'ah rulings or even one court in the Islamic countries has ever judged with other than Islam before the courts were divided into Shar'i and nizami (civil) under the influence of colonialism. The clearest evidence of this is contained in the records of the Shar'i courts preserved in the old cities of Jerusalem, Baghdad, Damascus, Cairo and Istanbul etc. These records are a conclusive evidence that only the Sharee'ah was implemented by the judges. Even non-Muslims, Christians and Jews used to study Islamic jurisprudence (fiqh) and to write books about it, like Salīm al- Bāz who wrote a commentary on the *Mejelle* and others who wrote books on Islamic jurisprudence in the late epochs. As for the Laws that were introduced, were introduced on the basis of the fatwas of 'ulema that such laws do not contradict the AHkaam (rulings) of Islam. Consequently, the 'Uthmani penal code was introduced in 1275 A.H (1857 C.E.) and the Law of Rights and Trade was introduced in 1276 A.H (1858 C.E). This was followed in 1288 A.H (1870 C.E) by dividing of the courts into two: Sharee'ah courts and civil courts and a legal orde was imposed to arrange this division. In 1295 A.H (1877 C.E) a formation regulation of civil courts was issued. In 1296 A.H (1878 C.E) the Rights and Penalties Procedure was issued. Since the 'ulema did not find any justification to use the civil law, the 'Mejelle' was enacted as a law applicable in transactions and the civil law was postponed in 1286 AD. All these canons were issued as rulings permitted by Islam and were not enacted except for that, as clearly spelled out in the decrees introducing the canons, after a fatwa was given to allow them, and after being permitted by the Sheikh al-Islam. The colonialist authorities since 1918 C.E. have occupied some Islamic lands and were settling disputes over the civil cases according to non-Islamic laws. Whereas, those countries which were not physically occupied by colonialist armies, although they were under its influence, continued to rule judicially according to Islam until recently, such as Hijaz, Najd, Yemen

and Afghanistan, though the rulers in these countries no longer implement Islam. Accordingly, we observe that Islam was implemented judicially and no other law was applied in the judiciary throughout all the ages of the Islamic State.

The implementation of Islam by the ruler is represented in AHkaam Shar'iyyah related to five areas: social system, economics, education, foreign affairs and ruling. The AHkaam Shar'iyyah relating to these matters were all implemented by the Islamic state. The social system defines the relationship between men and women and the matters that arise as a result of this relationship i.e. personal status. Alone the Sharee'ah is still applied in the social system in spite of the presence of the colonial powers in the Islamic lands and the presence of Kufr ruling; definitely no other system has been implemented till now. Concerning the economic system, it is represented in two ways, firstly the way in which the state collects public revenue in order to look after the peoples' affairs, secondly, the way in which this revenue is spent. As far as collecting revenue is concerned, the State collects the Zakah due on money, land and livestock as an obligatory worship and is exclusively distributed amongst the eight categories mentioned in the Qur'an. The State never used the Zakah fund for managing its expenditures. The State collected the necessary funds for its expenditures according to the Sharee'ah. Thus, it collected kharaaj (land tax) over the land, jizyah (tribute) from non-Muslims, and customs duties in its capacity as the supervisor over internal and external trade. The State did not collect funds except according to the Islamic Sharee'ah. As for funds distribution, the state had a nafaqah system (financial support) for the disabled, placed the safeeh (prodigal) and mubaZH-ZHir (spendthrift) under guardianship and established lodgings in every city and along the roads to Hajj to assist the poor, destitute and the travellers. These relics can still be seen in major Muslim cities. In general, the State's expenditure was solely governed by the Sharee'ah

and by no other system. Any deficiency that may be noticed in this field was due to negligence and misapplication and not due to the absence of (shar') implementation.

The foundation of the educational policy was Islamic and the Islamic culture constituted the basis of the curriculum. Care was exercised to ensure that foreign culture was not adopted if it contradicted Islam. The neglect in opening schools occurred towards the end of the Ottoman state and, as was the case in all Islamic countries, this was due to the intellectual decline which reached its lowest level in that period. Yet in all the other ages, it was well known that only the Islamic lands was at the focus of attention of the scholars and students. The universities in Cordoba, Baghdad, Damascus, Alexandria and Cairo had a tremendous effect on the course of education throughout the world.

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

With regards to the ruling apparatuses and administration in Islam is established upon thirteen apparatuses: the Khaleefah, i.e., the head of State, the Delegated Assistants (Mu'aawin tafweD), the Executing Assistants (Mu'aawin tanfeeZH), the Governors (Wulaah), the Ameer of Jihad (department of war - the army), the Internal Security, the Foreign Affairs, Industry, the Judiciary (QaDaah), Departments of state, the Treasury (Bayt al-Mal), Media and the Council of Ummah. These apparatuses had existed:

As for the Khaleefah, Muslims have never been without a Khaleefah until at the hands of Mustapha Kemal, the



disbelieving (Kaafir) colonial powers abolished the Khilafah in 1342 A.H (1924 C.E). The existence of a Khaleefah for the Muslims, prior to its removal, had been continuous. Whenever a Khaleefah left, another followed him, even during the worst era of decline. Since the Islamic State is the Khaleefah, it means that when a Khaleefah exists, the Islamic State exists.

As for his assistants in ruling and execution they were present in all ages and were assistants and not ministers (wazeers). Although, they were named wazeers during the 'Abbassid era they were assistants and did not possess the capacity as ministers (wazeers) present in the democratic system at all. Instead, they were assistants in ruling and execution by delegation from the Khaleefah, while all the authority were in the hands of the Khaleefah.

The existence of the governors (wulah), judges (quDah) and state departments was obvious. When the kuffar occupied the lands, all their affairs had been running and there were therein governors, judges and state departments that managed the affairs of people, such as education, medicine, agriculture and others.

As for the ameer of jihad, he used to run the affairs of the army in its capacity as an Islamic army all over the world, it was known to be undefeated. Internal security, on the other hand, was maintained by the police. As for the foreign affairs, it was in charge of foreign relations and the sending of messengers by arrangement of the Khaleefah. As for the Department of Industry, it was responsible for industrialization in the state on the basis of the military industry. The treasury (Bayt al-Mal) is responsible for financial affairs such as zakat, state ownership and public ownership. As for the media, it is an apparatus concerned with the carrying of Da'wa and the word of truth.

With regards to the Majlis ul-Ummah (Council of Ummah), after the era of the Khulafaa ar-Rashidun, its existence was not given much attention. The reason for that is that it is one of the

ruling apparatuses, but not one of its rules. Shoora (consultation) is one of the rights of the people upon the Khaleefah. Thus, if he neglects it he would be negligent, but the ruling system would still remain Islamic. This is because the shoora in Islam is for seeking the opinion and not for ruling. This is contrary to the parliament in democracy, which represent the sovereignty of the people; a matter which is considered a fundamental basis of ruling system in the Capitalist ideology. This is in contrast to Islam where sovereignty is for shar'. Therefore, it is clear that the Islamic ruling system was applied.

A question may arise concerning the bai'ah (pledge) to the Khaleefah. It is an established fact that there was no hereditary system in the Khilafah. In other words, the hereditary was not a fixed rule in the state, by which ruling i.e. the state leadership was acquired, as is the case in a monarchy. Instead, the fixed rule for taking power in the State was through receiving the bai'ah from the Muslims in some eras, from the people of power and influence (ahl-ul-Halli wal 'aqd) in later eras or as what occurred at the end of the age of decadence from the Sheikh al-Islam. According to which has been done in all ages of the Islamic State, the procedure was that no Khaleefah was appointed without receiving bai'ah. Never was a single incident reported that the Khaleefah was appointed through inheritance without receiving bai'ah. However, notwithstanding this, the manner of attaining bai'ah was misapplied. Thus, a Khaleefah would take a bai'ah from the people before his death for his son, brother, cousin, or any other individual of the family. After the death of the Khaleefah the bai'ah was renewed for that person. This is a misapplication of the bai'ah but it neither constitutes hereditary rule or succession to the throne (Wilayat ul'Ahd). Likewise, the misapplication of the elections in a parliamentary or a democratic system is still called elections, and not an appointment, even if the government-backed candidates succeed in the elections. Consequently, one must acknowledge that the Islamic system was applied throughout all periods of the Islamic State.

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

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

Al-FatH (the conquests), however were to remove force by force, and to break the physical obstacles, to give the people free access towards what their minds and their innateness (FiTrah) guides them to. In this manner people entered Islam in masses. On the other hand, oppressive conquests alienate the conquerors from the conquered and the victor from the defeated. For example, the colonisation of the East by Western imperialism lasted for decades without gaining any result. If it was not for a trace of the deceptive Western culture which will soon be erased, and the oppression of its agents, which will soon

vanish, then the return to the domain of Islam in its ideology and system would be quicker than the blink of an eye. Accordingly, we reiterate that the success of the Islamic intellectual leadership in forging all the various peoples into one Islamic Ummah is without parallel. These peoples have remained as Muslims to this day, in spite of the colonialist afflictions, its wickedness and its plotting to corrupt the creeds and poison the thoughts. These people will remain one Islamic Ummah until the Last Hour. It has never happened that a people, from the numerous peoples who had embraced Islam, have apostatised from it.

As for the Muslims of Andalusia, they were exterminated by the courts of the Inquisition through incineration and guillotine. The Muslims of Bukhara, the Caucasus and Turkistan met with the same disastrous fate as those before them. The fact that these people embraced Islam and became one Ummah that was concerned to protect her 'Aqeedah, illustrates, as evidence, the degree of success of this intellectual leadership and the Islamic State in the application of Islamic system.

The second matter, which denotes the success of this leadership, is the fact that the Islamic Ummah was the leading Ummah in the world in respect to civilisation, material advancement, culture and science. For twelve centuries, dating from the seventh century C.E to the middle of the eighteenth century C.E, the Islamic State remained as the leading and most powerful state in the world. Throughout this period, it was the beacon of the globe and the rising sun amongst the nations, a fact that confirms the success of this leadership and the success of Islam in implementing its system and 'Aqeedah upon the people. When the Islamic State and Ummah abandoned carrying its intellectual leadership after falling short in understanding and applying Islam, it lapsed among other nations.

Therefore, we say that only the Islamic intellectual leadership is correct and it alone should be carried to the world. When the Islamic State, which carries this leadership, is

established, the success of this leadership will be realised today as it was before.

We have confirmed that Islam with its systems, which emanates from it, agrees with man's innateness (fiTrah). Consequently, Islam does not view man as a mechanical entity that lives according to the ruler, and applies the system on the basis of fine mathematical measures without disparity. On the contrary, from the Islamic perspective, man is a social being who applies the system with varying capabilities and qualities. Thus, it is natural, on the one hand, to narrow the gap between people without making everyone equal, while guaranteeing tranquillity for all. On the other hand, and this is now the subject of the investigation, it is also natural to find some individuals who deviate from the system and thus don't comply with it, whilst there are others who do not respond or who turn away from the system. Inevitably, there will be in the society evildoers (fussaaq), people who indulge in vices (fujjaar), disbelievers (kuffaar), hypocrites (munafiqoon), apostates (murtuddoon) and atheists (mulHidoon). The important thing is that the society as a whole, from the point of view of its thoughts, emotions, systems and people, is considered as an Islamic society, which applies Islam when these elements manifest themselves as Islamic.

The evidence for this is that it is impossible for anyone to apply a system at the level of the application of Muhammad (saw). In spite of this, at his (saw) time there were also disbelievers, hypocrites, evildoers, people who indulged in vices, apostates and atheists. However, no one can come to any other conclusion other than that Islam was applied completely and that the society was an Islamic society. Yet this application was on man as a social being, not a mechanical being.

Islam alone continued to be applied on the entire Islamic Ummah, Arab and non-Arabs, from the time the Messenger (saw) settled down in Madinah, until the colonialist powers

occupied the Islamic lands and replaced Islam with the Capitalist system.

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

Although the Muslims translated books of philosophy, science and different foreign cultures into Arabic, they never translated any legislation, canon or system of other nations, neither for research nor for application. Considering Islam to be a system, some people applied it well and others misapplied it. This depended on the strength or weakness of the state, and on the degree of its comprehension of Islam or lack of understanding, and according to whether it was strong or complacent in carrying its intellectual leadership. Consequently, the misapplication of Islam in some ages has sometimes led the Islamic society to a certain decadence, but this is something, which no system can avoid, because the application of the system depends on human beings. However, the misapplication does not mean that Islam was not implemented. Surely Islam was implemented and no other system or ideology was applied. This is because the crucial point is in the applying of canons and systems enacted by the state. In this respect the state did not adopt any canon or system alien to Islam. What occurred was the misapplication of some of its Shariah rulings by some rulers. However, notwithstanding this, one must observe two points when examining the implementation of Islam throughout the history.

The first point is that history must not be taken from the enemies of Islam who harbour hatred towards it. Instead history must be taken from Muslims after extensive research so as not to adopt a distorted image. The second point is that sweeping generalizations should not be used on judging society, neither in the history of individuals nor in the history of one aspect of society. Thus, it is wrong, to take the history of the Umayyads from the history of Yazid, for example, or the history of the

Abbasid era from some of the events surrounding its caliphs. Likewise, we must not pass judgment on the society of the Abbasid era from *Kitaab al-Aghaani* (book of songs) which was written to narrate the stories of obscene drunkards, poets and authors, or from reading the books of sufism (*at-taşawwuf*) and the like, and thus start concluding that it was an era of sinfulness and wickedness or an era of asceticism and abstention. Instead, we have to study the whole society. We have to acknowledge however that the whole history of the Islamic society as a society in any era was never written. What has been written are reports about the rulers and some influential people. Most of those who wrote such history were not trustworthy, they were either slanderers or adulators, and whatever they wrote can't be accepted without investigation.

When we study the Islamic society on this basis i.e. from all its aspects and through thorough investigation, we realise that this is the best society. Since, it was so for the first, second and third centuries, in fact, right up to the middle of the twelfth century hijrah. One finds that the society applied Islam throughout all its ages right up to the end of the Ottoman State as an Islamic state. However, history should not be taken as the source of the system and fiqh. Instead, the system should be taken from the sources of fiqh (jurisprudence) and not from history, since history is not its source. Accordingly, to understand the Communist system, one does not draw conclusions from the history of Russia, but from the books of the Communist ideology itself. Likewise; to understand the English jurisprudence one should not take it from the history of England, but rather from the books of English jurisprudence. This applies to any system or canon.

Islam is an ideology with its own 'Aqeedah and system. Consequently, if we want to study it and embrace it, it is absolutely inadmissible to use history as a source, neither for knowledge nor for deducing Shariah rulings.

The source of knowledge of Islam is the books of Islamic Fiqh, and the source for deducing its rulings is the detailed evidences. Thus, history is not the correct source of the Islamic system, neither for its knowledge nor for its inference (istidlaal). It is therefore incorrect to take the history of Omar bin al-Khattab or Umar bin 'Abdul-'Aziz or Haroun ar-Rasheed or any other, whether from the historical events ascribed to them, or from the books written about their history, as a source for the legal rulings (aHkaam shar'iyyah). If an opinion of Umar (ra) is followed in an event, it is followed in its capacity as a Hukm Shar'i deduced and applied by Umar, as is the case with the Hukm Shar'i deduced by Abu Hanifah, Shafi'i, Ja'far and others. It is not adopted as an historical event. History, accordingly, has nothing to do with adopting or knowing the system. Moreover, ascertaining whether or not the system was applied, fiqh, rather than history, is the reference for determining that. This is because every era has its own problems, which were tackled by a system. So in order to find the system used to solve problems, we must go back to the system that was applied i.e. the Islamic fiqh, and not to the events of history, because it only reports to us the news as it was. When reference is made to the Islamic Fiqh, one neither finds in it any system taken by the Muslims from others, nor any system chosen by the Muslims from themselves. Instead, one finds it completely as legal rulings (aHkaam shar'iyyah) deduced from the Shar'i evidences. Muslims were very careful to sift through the jurisprudence by removing any weak (Da'eef) opinions i.e. weak deduction. They even prohibited others from acting according to the weak opinion, even if it was ascribed to a mujtahid muTlaq (absolute mujtahid).

As a result, there is not one legislative text other than the Islamic Fiqh throughout all the Islamic world. Only Islamic Fiqh can be found. The fact that only one body of jurisprudence exists in an Ummah, without any other accompanying text, signifies that the Ummah did not use any other text fit for its legislation.



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

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

As for the third source i.e. narration, it is a correct source, which can be relied on if the narration was correct and the way followed in collecting the narration was the same as the way followed in collecting the aHaadeeth. This is the manner in which history should be recorded. The Muslims followed this method of narration when they commenced writing. The classical books of history, such as the Tareekh (History) of at-

Tabari, Seerah (Biography) of Ibn Hisham etc. were written according to this style. Muslims should not teach their children from the books of history whose sources are other books of history. An overview of the application of the Islamic system should not be taken from those books of history either. In conclusion, it is evident that Islam alone was implemented and nothing else was applied throughout all the ages.

However, since the end of the First World War, which ended with the Allies victory culminating with the announcement of Lord Allenby, the commander of the campaign when occupying Jerusalem (al-Quds), stated: "Now the Crusades are over." The Kafir colonialists have applied upon us since then the Capitalist system in all life's affairs, to perpetuate the victory they achieved over us. We must therefore get rid of this rotten and corrupted system by which the colonialists control our countries. We have to completely uproot it, once and for all, so that we can resume the Islamic way of life.

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

It is dangerous to adopt nationalism in conjunction with Socialism. Socialism cannot be separated from its materialist idea, because it will not be productive or influential. Neither can Socialism be adopted together with its materialistic idea, since it is a negative thought, which contradicts with man's innateness (fiTrah). Furthermore, its adoption would mean that the Islamic Ummah would have to abandon the Islamic 'Aqeedah. We cannot adopt Socialism and simultaneously retain the spiritual aspect of Islam. This would result in adopting neither Islam nor Socialism, by virtue of the fact that they contradict each other and whatever was adopted would be incomplete. Similarly, we cannot adopt the system of Islam devoid of its 'Aqeedah from which its system emanates as this means the adoption of an imperious system devoid of spirit. Instead, we must adopt Islam wholly with its creed ('Aqeedah) and systems and convey its intellectual leadership when we carry the da'wah for it.

Accordingly, there is only one way to achieve our revival that is by the resumption of the Islamic way of life and there is no way to resume the Islamic way of life except through establishing the Islamic State. This cannot be achieved unless we totally adopt Islam both as an 'Aqeedah, which solves the biggest knot and upon which man's viewpoint in this life is concentrated, and as a system, which emanates from this creed ('Aqeedah). The basis of such a system is the Book of Allah (swt) and the Sunnah of His Messenger (saw). Its cultural treasure is the Islamic culture that includes: fiqh, hadeeth, tafseer, Arabic language and others. No method can achieve this except by carrying the Islamic intellectual leadership completely through the da'wah to Islam and establishing Islam completely everywhere. Once the intellectual leadership has been transmitted to the Ummah as a whole and to the Islamic State, we embark upon carrying the intellectual leadership to the world.

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

## **The howness of Carrying the Islamic Da'wah**

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

It should be noted that carrying the intellectual leadership by carrying the Islamic da'wah in order to realise the revival of the Muslims, is undertaken because Islam alone can reform the world, and the true revival can only be achieved with Islam, whether for the Muslims or others. It is on this basis that the da'wah should be carried.

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

The Islamic da'wah should be carried today as it was delivered in the past and should proceed following the example of the Messenger (saw), without the slightest deviation from that method in its universals and particulars. No regard should be given to the difference between the epochs, because what has changed is the means and forms, while the essence and the

meaning have not, and will not, change, regardless of the passing of ages and changing of peoples and places.

Thus, carrying the da'wah demands frankness, courage, strength, thought and to challenge all that contradicts the Idea and Method (fikrah and Tareeqah) of Islam by facing it and exposing its falsehood, irrespective of the consequences and situations.

Carrying the Islamic da'wah necessitates that the ultimate sovereignty (siyaadah) belongs to the Islamic ideology, regardless of whether it agrees or disagrees with the masses and whether it is in accordance with the people's customs or not, or whether they accept it or reject it and oppose it. The da'wah carrier (Haamil-ud-da'wah) does not flatter the people nor seek compromise with them, and does not dissemble nor pay compliments to the authorities. He does not care for the people's customs and traditions, and does not give any attention to whether the people will accept him or not. Instead, he must adhere to the ideology alone and solely express it paying no regard to anything except the ideology. The followers of other ideologies are not told: 'Hold on to your ideologies,' but instead they are invited without compulsion to embrace the ideology (of Islam) because the da'wah requires that there be no other ideology alongside Islam and that the sovereignty be for Islam alone.

﴿هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظَاهِرَهُ عَلَىٰ الدِّينِ كُلِّهِ وَلَوْ كَرِهَ

الْمُشْرِكُونَ﴾

**“It is He who has sent His Messenger with the guidance and deen of Haqq, to prevail over all other religions even though the idolaters may abhor it.” [TMQ 9:33]**

The Messenger of Allah (saw) carried his message challengingly and openly to the world, convinced of the truth to

which he was calling. He (saw) challenged the entire world and declared war on people of all races and tribes, irrespective of their traditions, customs, religions, creeds, rulers and masses. He (saw) paid no attention to anything other than the message of Islam. He (saw) commenced the da'wah by discrediting the false deities of Quraysh. He (saw) challenged them in their creeds, discredited them while he was alone, isolated, with no helper and no weapon except his deeply rooted believe in Islam to which he was inviting. He (saw) did not care for the Arab customs, traditions, religions, or creeds. In this respect, he (saw) was neither courteous nor gave them any regard.

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

Delivering the da'wah requires a concern for the complete implementation of the rules of Islam without the slightest concession. The da'wah carrier does not accept any truce or concession, negligence or postponement. Instead, he maintains the matter as a whole and definitively settles it immediately. He does not accept any intercession which would obstruct the truth. The Messenger of Allah (saw) did not accept the request of Tha'qif's delegation to be allowed to retain their idol, '*Allat*', for three years before it was demolished, neither did he exempt them from Salah (prayer), as pre-conditions for embracing Islam. He refused also to leave the '*Allat*' idol for two years or for one month as they had demanded. He refused this request firmly, and decisively, without any hesitation or leniency. This is simply because man has to either believe or not. After all, the result is either Paradise or Hell. However, the Messenger of Allah (saw) did accept their request not to have them demolish

their idol by their hands. Instead, he asked Abu Sufyan and al-Mughirah ibn Shu'bah to demolish it. He definitely did not accept anything less than the complete 'Aqeedah and what it requires of implementation. As for the means and forms of carrying this implementation, the Messenger of Allah (saw) accepted them because they are not connected with the nature of the Islamic 'Aqeedah. Therefore, care must be taken in delivering the Islamic da'wah to preserve the completeness of the Idea and the completeness of its implementation without any compromise in the Idea and Method. There is no harm in using any means it demands.

Carrying of the Islamic da'wah necessitates that every one of its actions has to be carried out for a specific goal (ghayah). The carrier should always be aware of this goal and work towards achieving it, exerting himself relentlessly to fulfil it. Therefore, the carrier would not be satisfied by thought without action and would deem it to be a hypnotic and fanciful philosophy. Likewise, he would not be satisfied by thought and action devoid of any goal, considering this to be a spiral motion which ultimately ends in apathy and despair. Instead, the da'wah carrier has to insist upon connecting the thought with action and uniting the two in working for a specific goal which will be fulfilled in a practical manner and be brought into existence. The Messenger of Allah (saw) carried the intellectual leadership of Islam in Makkah. When he realised that the society there would not make Islam the system of society, he began preparing the society of Madinah. In Madinah, he established the State, thereby implemented Islam, carried its message, and prepared the Ummah to convey it after him and to proceed in the same way he had traced. Therefore, carrying the Islamic da'wah in the situation where there is no Khaleefah must include the call for Islam and the resumption of the Islamic way of life, by working to establish the Islamic State which implements Islam and carries its message to the world. Thus, the da'wah is transferred

then from a call within the Ummah to resume the Islamic way of life, to a call to the world carried out by the Islamic State, and from a local da'wah within the Islamic world to a global da'wah.

In the call (da'wah) to Islam, the correction of creeds and the strengthening of the relation to Allah should be emphasised. It should provide solutions for the problems of the people, so that the da'wah becomes vivid in all fields of life. The Messenger (saw) would recite to the people of Makkah the following verses:

﴿تَبَّتْ يَدَا أَبِي لَهَبٍ﴾

**“Perish the hands of Abu Lahab.”** [TMQ 111:1] At the same time also the Àya:

﴿إِنَّهُ لَقَوْلُ رَسُولٍ كَرِيمٍ ﴿١﴾ وَمَا هُوَ بِقَوْلِ شَاعِرٍ قَلِيلًا مَّا تُوْمِنُونَ﴾

**“This is verily the word of an honourable messenger. It is not the words of a poet. Little it is that you believe.”** [TMQ 69:40-41] Likewise, he recited in Mecca the Àya:

﴿وَيْلٌ لِّلْمُطَفِّفِينَ ﴿١﴾ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ ﴿٢﴾ وَإِذَا كَالُوهُمْ أَوْ

وَزَنُوهُمْ يُخْسِرُونَ﴾

**“Woe to those who deal in fraud, those who when they have to receive by measure from men, exact full measure, but when they have to give by measure or weight to men, give less than due.”** [TMQ 83:1-3] And:

﴿إِنَّ الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ هُمْ جَنَّاتُ نَجْرِى مِنْ تَحْتِهَا الْأَنْهَارُ ذَٰلِكَ الْفَوْزُ

الْكَبِيرُ﴾

**“For those who believe and do righteous deeds, there will be gardens beneath which rivers flow; that is the great**



salvation (the fulfilment of all desires).” [TMQ 85:11] In Madinah, he (saw) recited:

﴿وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ﴾

“Establish Salah (prayer) and practice Zakat.” [TMQ 2:110] He (saw) also recited:

﴿انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ﴾

“Go forth (whether equipped) lightly or heavily, and strive and struggle with your property and yourselves in the cause of Allah.” [TMQ 9:41] And he (saw) would recite:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ﴾

“O you who believe, when you deal with each other in a debt for a fixed period of time, reduce it to writing.” [TMQ Surah al-Baqarah 2:282]

﴿كَى لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ﴾

“(This is) in order that it does not become (merely) a circuit between the wealthy among you.” [TMQ 59:7] And:

﴿لَا يَسْتَوِي أَصْحَابُ النَّارِ وَأَصْحَابُ الْجَنَّةِ أَصْحَابُ الْجَنَّةِ هُمُ الْفَائِزُونَ﴾

“Not equal are the Companions of the Fire and the Companions of the Garden. The Companions of the Garden are the victorious.” [TMQ al-Hashr 59:20]

Accordingly, the Islamic da’wah should carry to the people the system by which they treat the problems of their daily living. This is because the secret to the success of the Islamic da’wah is that it is vivid and addresses man in a comprehensive manner as a human being, thereby bringing about a complete change in him.

It is impossible for the da’wah carriers to carry out the responsibility, and to effectively discharge their duties, unless

they rooted within themselves the striving for perfection. They should constantly search for the truth, continuously scrutinize all that they know in order to purify it from any foreign element, and remove away from it anything close to it that might incorrectly be associated to them. This will keep the ideas they carry, pure and clear. The purity and clarity of the ideas is the only guarantee for success and the continuity of this success.

The da'wah carriers have to carry this duty as an obligation, that Allah (swt) has commanded them to do. They have to embark upon it enthusiastically and delightedly expecting the Pleasure of Allah (swt). They must not seek for their work any worldly reward or expect praises from people. They must acknowledge nothing except the pursuit of the Pleasure of Allah (swt).

## **The Islamic Civilisation (al-HaDaarah al Islamiyyah)**

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

This distinction between civilisation and *madaniyyah* must always be noted. One must also note the distinction between the *madaniyyah* forms resulting from civilization, and the *madaniyyah* forms resulting from science and industry. This is necessary, so that when taking *madaniyyah*, a distinction between its forms and differentiation between it and civilisation must be clear. There is no objection in acquiring the Western *madaniyyah* (material progress) resulting from science and industry. However, Western *madaniyyah* resulting from the Western civilisation, absolutely must not be taken, because we are not allowed to take the Western civilisation, for it contradicts the Islamic civilisation from the very basis upon which it is established, its depiction of worldly life, and its understanding of the meaning of human happiness.

The Western civilisation is established upon the separation of religion (*deen*) from life and it denies religion from having any influence on life. This resulted in the idea of separating religion from the State. Hence, this separation is natural for those who separate religion from life and deny its existence in life. It was on

this basis that life and the system of life were built. As for the depiction of worldly life, it is the utility\benefit, because it represents the criterion of action. Thus, it is the utilitarianism upon which the system and civilisation are established. Accordingly, utilitarianism is the most prominent and apparent concept in the system and in the civilisation, because it depicts life as the utility/benefit. Happiness, in their view, is providing man with the maximum share of physical pleasure and furnishing him with its means. As a result, Western civilisation is a pure utilitarian civilisation that gives no consideration, or even recognition, to anything except utility, thus rendering it the criterion of actions. As regards the spiritual side, it is of an individual nature and has nothing to do with the community. So, it is limited to the church and the clergy. Consequently, there are no ethical, spiritual or humanitarian values in the Western civilization. Instead, there are only materialistic and utilitarian ones. Owing to this, humanitarian actions became affiliated to organisations separated from the State, such as the Red Cross and missionaries. Every value, apart from the materialistic value of benefit, was excluded from life. The Western civilisation thus is this set of concepts about life.

As for the Islamic civilisation, it is established upon a basis contradicting the basis of the Western civilisation. Its depiction of life and its concept of happiness are entirely different from the Western civilisation. The Islamic civilisation is built upon the belief in Allah (swt) and that He has made for the universe, man and life a system determined by Him to function. He (swt) sent Muhammad (saw) with the religion of Islam. This means that the Islamic civilisation is established on the Islamic creed ('Aqeedah), comprising the belief in Allah (swt), His Angels, His Books, His Messengers, the Hereafter, and al-QaDaa'a wal Qadar originated from Him (swt) in good and bad. Thus, the creed is the foundation of the civilisation and consequently it is established upon a spiritual foundation.

The depiction of life in the Islamic civilisation is represented in the philosophy of Islam which emanates from the Islamic creed, upon which life and actions in life are both established. This philosophy which is mixing the matter with the spirit (rooh), i.e. making man's actions conducted by the divine commands and proscriptions, is the foundation of the depiction of life. While man's actions are material, his perception of his connection with Allah (swt) when he undertakes the action as Halal (permitted) or Haram (prohibited) constitutes the spirit. This means that the mixing of matter with spirit has taken place. Accordingly, the commands and proscriptions of Allah (swt) regulate the actions of a Muslim. The Muslim's ultimate objective in carrying out his actions in accordance with the commands and proscriptions of Allah (swt) is the attainment of Allah's (swt) pleasure and absolutely not the benefit. However, the purpose of undertaking the action itself is the value that is realized when performing the action. This value, differs according to the type of action. It may be a materialistic value for the person who engages in commerce or trade to make a profit. So his trade is a materialistic action, and he is directed in that by his perception of his connection with Allah (swt) through His commands and proscriptions, for the sake of attaining His (swt) pleasure. While the value that he aims to achieve from undertaking the action is the profit, which is a materialistic value.

The value may be spiritual, such as in Salah, Zakah, Sawm or Hajj. The value may be moral, such as upholding the truth, being honest, or exhibiting loyalty. The value could be humanitarian, such as rescuing a drowning person or helping someone in need. These values are noticed by man when he undertakes the action so that to achieve them. However, these values do not guide man's actions, and do not represent the highest ideal he aims at. They are merely the value of an action, which differs according to the type of action.

Happiness is attaining Allah's (swt) Pleasure and not the fulfilment of man's needs. Satisfying all such needs - organic needs and instinctual desires- is a necessary means for human to self-preservation, but does not necessarily mean the existence of happiness. In summary, this is the Islamic depiction about life, and this is the foundation upon which this depiction is built. This depiction is the foundation of the Islamic civilisation. It is obvious that the Islamic civilisation contradicts the Western civilisation in every sense. Also, the madaniyyah objects resulting from civilisation which is specific to the Islamic civilisation contradict the madaniyyah objects which results from the Western civilisation. For example, a photograph by itself is an object of madaniyyah. The Western civilisation considers the picture of a naked woman, that reveals all of her beauties, a madaniyyah form consistent with its concepts in life about women. Thus, an individual from the West, views the picture to be a piece of art, which he could take pride in and a piece of art when it accomplishes artistic conditions. However, this form of madaniyyah contradicts with the Islamic civilisation and the Islamic concepts about women, who are considered as an honour that must be protected. Consequently, such pictures are to be prevented, because they provoke the sexual drive that triggers moral laxity in the society. Likewise, if a Muslim was to build a house, another form of madaniyyah, he would have to take into consideration that women inside it should not be seen by those outside. Accordingly, the Muslim builds around the house a wall, but the Westerner pays no attention to this. This applies to all forms of madaniyyah that result from the Western civilisation, such as statues and the like. Likewise, if clothes are specific to the disbelievers as being disbelievers, the Muslims are then forbidden to wear them because they carry a specific viewpoint about life. However, if the clothes are otherwise, such as if they are used to wearing certain clothes to fulfil a certain requirement, or are fashionable and not because of their kufr,

then they are considered to be of the general madaniyyah, which is permissible for Muslims to use.

Forms of madaniyyah which are products of science and industry such as laboratory equipment, medical and industrial tools, furniture, carpet, etc. are all global forms of madaniyyah. The use of such objects which neither result from the civilization, nor are related to it, is permissible.

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

A survey of the Islamic civilisation which dominated the world from the Seventh Century C.E until the end of the Eighteenth Century C.E reveals that it never had a colonialist

policy. Indeed, colonialism is alien to Islam's nature, since it did not differentiate between the Muslims and other peoples. Thus it secured justice for all peoples who submitted to it throughout its reign. This is because it is a civilisation established upon a spiritual foundation which fulfils all the values: materialistic, spiritual, moral, and humanitarian. It gives the creed ('Aqeedah) the utmost importance in life. It depicts life as being guided by the commands and proscriptions of Allah (swt). And, it views happiness solely as the attainment of Allah's (swt) Pleasure. When this Islamic civilisation dominates again, as it did before, it will guarantee resolving the crises confronting the world, and secure the welfare of humanity as a whole.



## **The System of Islam**

Islam is the religion (Deen) revealed by Allah (swt) upon Muhammad (saw) to organise the relationship of man with his Creator, with himself, and with other human beings. Man's relationship with his Creator includes the 'aqa'id (creeds) and the acts of worship. Man's relationship with himself includes morals, food, and clothing. Man's relationship with other humans involves societal transactions and the penal code. Hence, Islam is an ideology addresses all of life's affairs. It is not a theological religion and has nothing to do with priesthood, whatsoever. It eliminates religious autocracy (religious tyranny), because in Islam there are no groups that call themselves representatives of religion (clergymen), whilst others call themselves representatives of worldly affairs (secular men). All those who embrace Islam are called Muslims and all are equal before the Islam. Hence, there is no dichotomy called spiritual man and secular man. In Islam, the spiritual aspect means that all things are created by a Creator and organised by His order. A profound view of universe, man and life, and what surrounds them and what is related to them, and the inference reasoning from that, shows that all of these are deficient, unable and dependent on the other. This confirms with certainty that all these are created by a Creator, governed by His commands and that man, so when he proceeds in this life, he needs a system to organise his instincts and organic needs. This system cannot emanate from man because of his inability and lack of omniscience. Furthermore, man's ability to determine such a system is subject to differences, inconsistency, and contradiction. This will produce a system full of contradiction that will lead to man's misery. The system must, therefore, come from Allah (swt). Thus it is obligatory that man conduct his actions according to a system from Allah (swt). However, if man's conduct with this system was based on its benefit and not

because it is from Allah (swt), it will be devoid of a spiritual aspect. Therefore, man must organise his actions in life by the commands and proscriptions of Allah (swt) based upon his comprehension of his relationship with Allah (swt) so that the spirit would exist in actions. This is because spirit is man's perception of his relationship with Allah (swt). The mixing of matter with spirit is the presence of the perception of the relationship with Allah (swt) the moment that the action is performed, so he (man) proceeds according to the commands and proscriptions of Allah, based on comprehending this relationship with Allah. An action is a matter; but man's perception of his relationship with Allah when performing this action is spirit (rooH). Thus directing one's actions according to the commands and proscriptions of Allah (swt) based on the perception of this relationship - is mixing matter with spirit (rooH). Accordingly, when non-Muslim acts according to the aHkaam shar'iyyah, which are derived from the Qur'an and Sunnah, this does not represent a performance directed by spirit, nor does it realise the significance of mixing of matter and spirit. This is due to the fact that he did not believe in Islam and did not comprehend the relationship with Allah (swt). He simply appreciated the system and thus organised his actions accordingly. This is in contrast to a Muslim who undertakes his actions according to Allah's (swt) commands and proscriptions based upon his perception of his relationship with Allah (swt) and whose goal in complying with the commands and proscriptions of Allah (swt) is attaining Allah's (swt) Pleasure and not just the benefit the system provides. Therefore, it is necessary that the spiritual aspect exists in things, and that the spirit (rooH) exists when undertaking actions. It must be clear for all that the spiritual aspect means that things and objects are created by a Creator i.e. the relationship of the created (thing) with the Creator. Also the spirit is the perception of this relationship, i.e. man's perception of his relationship with Allah (swt). This is the correct concept (of the spiritual aspect and of

the spirit) and all other concepts are absolutely false. It is the profound and enlightened view of man, of universe, life and man that has led to the true results and to this correct concept.

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

This separation between religion and life is the creed of the Capitalist ideology. It is the basis of the Western civilization, the intellectual leadership, which the Western colonialism call for and subsequently convey to the world and it is the main pillar of its culture. Based on this creed they shake the Muslims belief in Islam. They measure Islam, by a holistic analogy, with Christianity, as being both religions. Thus, anyone who carries this notion, the separation of religion from life or the separation of religion from state is an indirect or direct underling directed

by the Western intellectual leadership. He works intentionally or ignorantly as an agent of Western colonialism. He is either ignorant of Islam or its enemy.

Islam views that things perceived by our senses as being matter, and that the fact that a Creator has created such things determines the spiritual aspect in them. The spirit (rooH) is man's perception of his relationship with Allah (swt). Thus, there does not exist a spiritual aspect separated from the materialistic aspect. Neither is there in man spiritual yearnings and carnal tendencies. Instead, he has organic needs and instincts that must be satisfied. One of the instincts in man is the instinct of religiousness, which means the need for the Creator, the Arranger, which results from the natural inability intrinsic in man. The satisfaction of the instincts cannot be labelled as materialistic or spiritual. Instead, it should be viewed only as a fulfilment. If man satisfied these organic needs and instincts in accordance with the system revealed from Allah (swt), and in accordance with his relationship with Allah (swt), this satisfaction would be directed by the spirit. If the satisfaction was not based on a system or a system not revealed by Allah (swt), then the satisfaction will be purely materialistic and will lead to man's misery. If the instinct of reproduction (ghareezat an-nau') is satisfied without a system, or with a system not from Allah (swt), it would lead to misery. However; if it were satisfied through the system of marriage, which is revealed by Allah (swt) according to the aHkaam of Islam, it would be a marriage resulting in tranquillity. If the instinct of religiousness (ghareezat at-tadayyun) is satisfied without a system, or with a system not coming from Allah (swt), such as by worshipping other human beings or idols, this would be polytheism (shirk) and disbelief (kufr). If it were to be satisfied with the aHkaam of Islam, it would be 'ibaadah (worship). It is therefore necessary to observe the spiritual aspect in all things and to perform all actions by following Allah's (swt) commands and prohibitions, based on man's comprehension of his relationship with Allah

(swt). In other words, the actions are directed by the spirit. Therefore, there are no two parts in the action. The fact is that there is only one thing which is the action. Describing the action as purely material, or directed by spirit (rooH), does not derive from the action as such, but from either being directed according to the rules (aHkaam) of Islam or not. So, for example, when a Muslim kills his enemy in the battlefield, his action is considered Jihaad for which he will be rewarded, since it is directed by the aHkaam of Islam. When the same person kills an innocent person, Muslim or otherwise, his action is considered a murder, for which he will be punished, because it is against the commands and prohibitions of Allah's (swt). Both actions are the same, which is killing, and they stem from man. However, the killing would be worship when it is directed by the spirit and murder when it is not. A Muslim is thus obliged to direct his actions according to the spirit (rooH). Mixing of matter with spirit is not only possible; it is Waajib (obligatory). It is not permissible to separate matter from spirit. In other words, it is not allowed to separate any action from being carried out according to the commands and proscriptions of Allah (swt) on the basis of perceiving the relationship with Allah. Accordingly, everything that implies the separation of the spiritual aspect from the material aspect should be removed. Thus, there is no clergy in Islam, no spiritual authority in the priestly sense, and no temporal authority that is separated from the Deen. Instead, Islam is a deen of which the State is an integral part. The State is a body of Shariah rulings in the same manner as the Shariah rulings of Salah. It is the method to implement the rules of Islam and to carry the Islamic da'wah. Therefore, anything that confines Deen to the spiritual sense, separating it from politics and ruling should be abolished. Thus all institutions established to exclusively oversee the spiritual aspects have to be abolished. So the department of mosques (masajid) has to be dissolved and masajid should follow the department of education. The Shariah courts and the civil courts must also be dissolved making the

court system one and based upon Islam. After all, the authority of Islam is one.

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

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

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

## Legal Ruling (Hukm Shar'i)

Hukm Shar'i is the address of the Legislator related to the actions of the servants ('ibaad). It is either definitely authentic (qat'iy uthuboot), such as the Qur'an and hadeeth mutawaatir (*Mass-transmitted*) or probably authentic (ZHanniy uthuboot) such as the non-mutawaatir hadeeth. If it is qat'iy uthuboot and its signification is definitive (qat'iy ud-dalaalah), the Hukm will be definitive. An example of this is the all prescribed raka'aat in Salaah, as they are mentioned in the hadeeth mutawaatir. Likewise, the prohibition of riba, the amputation of the hand of the thief, and the lashing of the Zaani (fornicator) are definitive rules whose correctness is definite, where there is only one single definitive opinion.

If the address of the Legislator is qat'iy uthuboot, but probable in signification (ZHanniy ud-dalaalah), then the included Hukm is probable (Zhanniy). For example, the aayah related to jizyah in the Qur'an. The aayah is qat'iy uthuboot, but probable in signification (ZHanniy ud-dalaalah) in details. The Hanafi school stipulated that it be called jizyah and those who are required to pay it must be in a state of humiliation when rendering payment. However, the Shafi'i school did not stipulate calling it jizyah and permitted that jizyah be taken in the name of double Zakah. They did not require for the one paying it to be humiliated, but it is enough to submit to the Islamic rules.

If the address of the Legislator is ZHanniy uthuboot, such as the non-mutawaatir hadeeth, then the Hukm included will be probable. This regardless of whether the signification is definitive like fasting of six days in Shawwaal, which is established by the Sunnah, or the signification is probably like the prohibition of leasing agricultural land which is also established by the Sunnah.

The Hukm Shar'i is understood from the address of the Legislator (KhiTaab ash-Shaari') through a correct ijtihaad (Diligent inquiry). Thus, the ijtihaad of mujtahideen (the 'ulema who are qualified to deduce legal rulings from the sources) reveals the Hukm Shar'i. Accordingly, Allah (swt)'s Hukm with respect to every mujtahid is whatever his ijtihaad led him to and what he most probably thinks to be correct.

If the mukallaf (legally eligible person) achieves the complete capacity in ijtihaad, within one of the issues (masaa'il) or all the issues, and he makes ijtihaad in one issue or more, so that his ijtihaad led him to a Hukm; all the scholars ('ulema) agree that it is not allowed for him to imitate (taqleed) other mujtahideen in disagreement with what he most probably thinks to be correct. He may not abandon his probable opinion except in four cases:

Firstly, if he realises that the evidence on which he has based his ijtihaad is weak and the evidence of another mujtahid is stronger than his evidence. In such a case, he must immediately abandon the hukm, which his ijtihaad led him to, and take the the Hukm that is stronger in evidence.

Secondly, when he realises that another mujtahid is more capable than him in linkage, knows the reality better, understands the evidences better or has a more extensive knowledge of the auditive evidences (al-adillah as-sam'iyyah). In this case, it is permissible for him to abandon the hukm, which his ijtihaad led him to, and to imitate that mujtahid, whose ijtihaad he trusts more than his own.

Thirdly: If there is an opinion that it is intended to gather Muslims words on it for their interest. In this case, it is permissible for the mujtahid to abandon what his ijtihaad led him to, and to take that hukm that it is intended to gather Muslims words on it, as it happened during the Bai'ah of Uthman (ra).



Fourth: If the Khaleefah adopts a Shar'i ruling, that opposes the ruling that his ijtihaad led him to. In this case, he must quit acting upon what his ijtihaad led him to, and he must apply the ruling that the Imam adopted. This is because the Unanimity of sahaba (the companions of the Prophet) establishes that "the command of the Imam ends the dispute" and his command is executed on all Muslims.

However, if the one who possesses the ability of ijtihaad, does not perform ijtihaad, it is permissible for him to imitate other mujtahideen. This is because the Unanimity of sahaba establishes that it is permissible for the mujtahid to imitate other mujtahideen.

As for the one who does not have the ability of ijtihaad is a Muqallid (imitator). There are two types of Muqallid: the muttabi' (follower) and the 'aammi (blind follower). The muttabi' is a person who has acquired some considerable sciences related to ijtihaad and consequently he imitates the mujtahid after knowing his evidence. Accordingly, Allah's (swt) Hukm with respect to this muttabi' is the saying of the mujtahid whom he follows. The 'aammi is the person who has not acquired some considered sciences related to ijtihaad, so he imitates the mujtahid without knowing his evidence. This 'aammi must imitate the saying of the mujtahideen and take the aHkaam they have deduced. The Hukm Shar'i for him is the one deduced by the mujtahid whom he imitates. Therefore, the Hukm Shara'i is the Hukm deduced by the mujtahid who is qualified to practise ijtihaad. It is Allah's (swt) Hukm for him, and he is not allowed to contravene it and to follow another Hukm, except in the cases mentioned previously. It is also Allah's (swt) Hukm for those who imitate this mujtahid and they are not permitted to contravene it.

If the muqallid has imitated one of the mujtahideen in a Hukm regarding any occurrence and has already acted in accordance to his saying in this occurrence, there is no

possibility for him to turn away from this Hukm for another, except with Daleel (evidence). However, in another Hukm, it is permissible for the muqallid to imitate another mujtahid, because the Unanimity of as-Sahabah permitted that a muqallid may seek fatwa from a different 'aalim (Shariah scholar) on a different issue (mas'alah). If the muqallid assigned a certain School of jurisprudence (maZHab), such as the Shafi'i and he says 'I follow his school of jurisprudence and am committed to it', then the following applies upon him: The muqallid is absolutely not allowed to imitate another one on an issue he has already practised according to the maZHab he is imitating. As for the issues that he has not practised yet, he is allowed to imitate another one.

## **The Types of Legal Rulings (anwaa' al-aHkaam ash-Shar'iyyah)**

The AHkaam Shar'iyyah are: the Obligatory (al-farD), the Prohibited (al-Haram), the Recommended (al-mandub), the Disliked (al-makruh) and the Permissible (al-mubaH). The Hukm Shar'i is either an address demanding action or an address demanding abstention. As for the address demanding action, if the demand to commit an act is decisive (jaazim) then it is a Fard or Wajib; both have the same meaning. If the address demanding action is indecisive, then it is the Recommended. As for the address demanding abstention, if the address demanding abstention is decisive then it is Haraam or Mahdhur; both have the same meaning. If the address demanding abstention is indecisive, then it is the Disliked. Thus, the Fard or Wajib, is that which its doer is praised and its abstainer is blamed, or it is that which its abstainer deserves to be punished for his abstention from it. As for the Haram, it is that which its abstainer is praised and its doer is blamed, or it is that which its doer deserves to be punished for doing of it. As for the Recommended (al-mandub), it is that which its doer is praised and its abstainer not blamed, or it is that which its doer is rewarded and its abstainer is not punished. As for the Disliked (al-makruh), it is that which its abstainer is praised or it is that which abstaining from it is better than doing it. As for the Permissible (al-mubaH), it is that which the auditive evidence implies that the address of the Legislator concerning this act gave the choice (at-takhyeer) between performing it and abstaining from it.

## **The Sunnah**

Linguistically Sunnah means the well trodden path. However, in terms of the Shariah, it denotes the naafilah (supererogatory act) that has been narrated from the Messenger (saw), such as the raka'aat as-Sunnan, are called Sunnah as an antonym for farD (Obligatory). Calling them Sunnah does not mean that they are from the Messenger (saw) and that the farD is from Allah (swt). The Sunnah and the farD are both from Allah (swt); and Rasool Allah (swt) is nothing but a conveyor from Allah (swt), because the Rasool (swt) uttered not out of whims but only that which was revealed to him. Thus, although Sunnah is narrated from the Messenger (saw), nevertheless it is narrated as a supererogatory action (naafilah) that is why it is called Sunnah; in the same way that the farD has been narrated as an Obligatory action that is why called farD. Hence, the two Obligatory raka'at of the Salah of Fajr have been narrated from the Messenger (saw) through Mass-transmission (tawaatur), as being farD; and the Sunnah of two raka'aat of the Salah of Fajr have also been narrated through Mass-transmission (tawaatur) as being supererogatory action (naafilah); and both are from Allah (swt) and not from the person of the Messenger (saw). Thus the command (amr) is either farD or naafilah in actions of worship ('ibaadaat), and farD, mandoob or mubaaH in other actions. In other words, naafilah is the same as mandoob (Recommended), but it is called naafilah, and termed as Sunnah.

The Sunnah also is used to mean all that was issued from the Messenger (saw) of Shar'i evidences (al-adillah as-shar'iyah) other than the Qur'an. This includes his sayings (aqwaal), actions (af'aal) and tacit approvals (taqareer) - his Sukoot (silence) -.

## **Emulating the Actions of the Messenger (saw) (At-ta`assi bi af`aal ar-rasool (saw))**

The actions issued by the Messenger (saw) are divided into two categories; some of which are the natural human actions (al-af`aal ul-jibilliyah) and some of which are not. As for the the natural human actions (al-af`aal ul-jibilliyah), such as standing, sitting, drinking, eating and similar, there is no dispute in respect to these being Mubaah for him (saw) and for his Ummah. Consequently, they do not fall within the mandoob (Recommended).

As for those actions that are non-natural human actions, they are either actions that are confirmed to be specific to him that no one shares with him, or they are not specific to him. As for the actions which are confirmed to be specific to the Messenger (saw), such as the specific permission for him to fast continually, i.e the continuation of fasting through the day and night, or to marry more than four wives, amongst other actions specific to him; it is not allowed for us to undertake them. This is because, it has been proven by Ijmaa' that they are only specific to him (saw), and thus we are not allowed to emulate him in these actions.

As for an action known to be a clarification (bayaan) for us, it is indisputably an evidence (daleel). This can be by explicit (SareeH) statement, such as his saying:

«صَلُّوا كَمَا رَأَيْتُمُونِي أُصَلِّي»

**“Pray the same as you have seen me pray,” and**

«خُذُوا عَنِّي مَنَاسِكَكُمْ»

**“Take from me all your rituals.”** The explicit statement confirms that his action (fi'l) is a clarification (bayaan) for us to

follow. It may also be by circumstantial indication (qaraain aHwaal), such as the cutting of the thief's hand at the wrist bone, which is a clarification of Allah's (swt) saying,

﴿فَأَقْطَعُوا أَيْدِيَهُمَا﴾

**“Cut off their hands”** [TMQ 5:38] This clarification of his action, either by statement or circumstantial indication, is concomitant to the clarified in respect to obligation (Wujoob), recommendation (Nadb) or permissibility (Ibaahah) according to the signification of the evidence.

As for those actions that are not accompanied by anything indicating that they are a clarification, whether by negation or affirmation, they either exhibit the purpose of nearness to Allah (swt) (qurbah), or not. If they exhibit the purpose of qurbah, they fall under the mandoob, where the performer is rewarded for performing it and the abstainer is not punished, such as the Sunnah of duHa (Morning bright prayer). However, if the purpose to qurbah is not exhibited, then they fall within the permissible (mubaaH).

## **Adopting Legal Rulings (tabanni al-aHkaam ash-shar'iyyah)**

During the era of the SaHaabah (ra), the Muslims used to take the AHkaam shar'iyyah from the Book and the Sunnah by themselves. The judges, when adjudging the disputes among people, would deduce by themselves the Hukm shar'i for every occurrence that they were faced with. The rulers, starting with the Ameer al-Mu'mineen to the Wulat (governors) and others, would themselves deduce the AHkaam shar'iyyah to treat every problem that arose during their ruling. Abu-Musa al Ash'ari and ShuraiH were two judges (qaadi) who deduced the rulings (AHkaam) and judged by their own ijtihaad. Mu'adh ibn Jabal was a governor (waali) at the time of the Messenger (saw) and used to deduce aHkaam and ruled in his wilayah by his own ijtihaad. Abu Bakr and Omar both deduced aHkaam by themselves during their ruling and both ruled the people with the ijtihaad each of them had deduced. Amr ibn al 'Aas and Muawiya were two governors who deduced aHkaam for themselves by their own ijtihaad and ruled people in accordance with it in their governorates. Along with the ijtihaad undertaken by the judges and governors, the Khaleefah used to adopt a particular legal ruling and commanded people to act upon it. So, the people used to commit themselves to act upon it and abandon the action according to their own opinions and ijtihaad. This is because the Hukm shar'i states that the Imam's command must be, outwardly and inwardly, executed. Thereupon, Abu Bakr adopted that a threefold divorce in one pronouncement counts as one and that funds are equally distributed amongst Muslims, regardless of their precedence in Islam or otherwise. So, the Muslims followed him in that and the judges and governors adhered to it. When Omar came, he adopted an opinion on these two occurrences that differed from Abu Bakr's opinion. So, he made compulsory to count a

threefold divorce in one pronouncement as three, and he distributed the funds preferentially, not equally, according to precedence in Islam and according to need. The Muslims followed him in that and the judges and governors adjudged by his adoption. Omar also adopted that land acquired in war was a ghaneemah (spoils of war) owned by the Bait ul Maal (House of Funds), that must remain in the hands of its owners and not to be distributed to either the Muslim warriors or the Muslims in general. So, The governors and judges followed him in that and adhered to his adoption. Accordingly, the Unanimity (i.e. ijmaa' as-SaHaabah) confirms that the Imam has the authority to adopt certain rulings and command their implementation, and the Muslims must obey them, even if they are different to their ijtihaad. Among the well-known legal Maxims (Al-Qawa'id Al-Shariah) are: "The Sultan has the right to engender verdicts commensurate with what arises of problems" (Lis-sulTaan an yuHditha minal aqDiyah bi qadari maa yaHduthu mim mushkilaat), "the command of the Imam ends the dispute" (amrul imaami yarfa'ul khilaaf); and "The Imam's command is executed outwardly and inwardly" (amrul imaami naafidhun Zaahiran wa baaTina naafizhun). Therefore, the Khaleefahs began to adopt certain rulings thereafter. So, Haroon ar-Rasheed, adopted the book of Al- Kharāj in the economic aspect, and he made compulsory for the people to act upon the rulings mentioned within it.



## **Constitution and Canon (Ad-dustoor wal-Qaanoon)**

The word Canon is a foreign technical term which means, to them, the decree issued by the ruler for people to enact. It has been defined as “the body of principles which the ruler compels the people to enact in their relationships”. The fundamental law for every government was called a constitution; whereas the law resulting from the system stipulated by the constitution was called a canon. The term constitution has been defined as “the fundamental laws that determine the form of the state and its ruling system, and clarifies the limits and jurisdiction of every authority within it”, or “the fundamental laws that organise the public authority, i.e. the government, determine its relationship with its subjects, and clarify both the government’s rights and duties towards the subjects and the subject’s duties and rights towards the government”.

Constitutions have different provenances. Some have been issued in the form of a canon, and some have arisen through custom and traditions, such as the British constitution. Yet other constitutions have been imposed by a committee of a national assembly - vested with authority in the nation at that time - which passed the constitution, defined the procedure for revising it and then dissolved itself so as to be replaced by the authority established by the constitution, as happened in America and France.

Constitutions and canons are taken from two sources.

The first refers to the origin from which the constitution and canon have arisen directly, such as customs, religion, the opinions of jurists, judicial precedents and the principles of justice and equity. This is called the legislative source. Examples of this type of constitution are some of the Western states like Britain and America. The second refers to the origin

from which the constitution and canon are derived or taken, such as the French Constitution and the constitutions of some states existing in the Islamic world, like Turkey, Egypt, Iraq and Syria. This is called the historical source.

This is a summary of the terminology that defines constitution and canon, which in sum means, that the State takes from diverse sources, either legislative or historical, certain rulings which it adopts and enacts. These rulings become a constitution after being adopted by the State, if they are general rulings, and canon if they are specific rulings.

The question that now faces the Muslims is whether or not it is allowed to use these terms? The answer to this question is that foreign words with a terminological meaning, which differs from Muslims terminology, are not allowed to be used. For example, the word “social justice”, which implies a specific system that is summarised in guaranteeing education, medical care for the poor and guaranteeing the rights of workers and employees. This terminology differs from Muslims terminology, because justice (‘adl) for the Muslims is the opposite of injustice (Dhulm). As for guaranteeing education and medical care it is for all the people, both the rich and the poor. And guaranteeing the rights of the needy and weak is a right for all those who hold the Islamic fellowship (tabi’ieya), whether they are employees, labourers, farmers or others. However, if the word means a term that has an existing meaning for the Muslims, it is permissible to use it, such as the term tax (Dareebah), which means the funds collected from the people for the management of the state. The Muslims do have funds collected by the State for the management of their affairs. Thus, it is correct to use the word taxes. Similarly, the words constitution and canon mean that the state adopts certain rulings, announces them, compels the people to comply with them and it governs them in accordance with it. The Muslims do have this meaning. Accordingly, we do not find anything to prevent the use of the terms constitution and canons,

which means the rules adopted by the Khaleefah from the aHkaam shar'iyyah. However, there is a difference between the Islamic constitution and canons, on the one hand, and other constitutions and canons, on the other. The source of the other constitutions and canons is the customs, judicial precedents... etc. Their provenance is a constituent assembly which lays down the constitution, and councils elected by the people to enact canons, because for them, sovereignty resides in the people and all authority emanates from them. As for the Islamic constitution and canons, their source is the Qur'an and Sunnah and nothing else, and their provenance is the ijtihaad of the mujtahideen from which the Khaleefah adopts certain rulings; then he commands them and compels the people to comply with them. This is because sovereignty belongs to the shar' (Shariah Law) and ijtihaad to deduce legal rulings is a right for all Muslims and a farD kifaayah (obligation of sufficiency) upon them. And the Khaleefah alone has the right to adopt the legal rulings (aHkaam shar'iyyah).

This is with respect to the permissibility of using the terms constitution and canon. As for the necessity of adopting rulings, what Muslims have adhered to from the time of Abu Bakr up to the time of the last Muslim Khaleefah, is the necessity of adopting certain rulings that people are commanded to comply with them. But this adoption was for specific rulings, and it was not a general adoption of all the rulings by which the state is governed. The State did not adopt a general adoption except in certain eras, namely, when the Ayyubids adopted Ash-Shafi'i madh-hab and when the Uthmani State adopted Al-Hanafi madh-hab.

The question that arises is whether or not it is in the interest of the Muslims to lay down a comprehensive constitution and general canons? The answer to this question is that the presence of a comprehensive constitution and general canons for all rulings is not conducive to creativity and ijtihaad. Therefore,

Muslims in early ages, the age of the Companions (SaHaabah), the followers of the Companions (tabi'een), and the followers of the followers (taabi' at- tabi'een), avoided adopting all rulings by the Khaleefah. They merely restricted adoption to certain rulings that were necessary to maintain the unity of ruling, legislation and administration. Therefore, for the sake of arising creativity and ijtihaad, it is preferable for the State not to have a comprehensive constitution which includes all the rulings; rather a constitution that includes general rulings which define the form of the State and which guarantees the maintenance of its unity, whilst leaving ijtihaad and deduction (istinbaat) to the governors and judges. However, this only happens if ijtihaad is feasible and people are mujtahideen as in the time of the Sahabah, tabe'een, and tab'ii et-tabe'een. But if all the people are imitators (muqallideen), and mujtahideen among them are rare, it is imperative for the State to adopt rulings by which it governs the people, whether through the Khaleefah, wulah (governors) or qudaah (judges). This is because, governing by what Allah has revealed would be difficult for judges and governors, except through a different, contradictory imitation due to their lack of ijtihaad, whereas adoption should come after study, knowledge of the occurrence and evidence (daleel). In addition, allowing the governors and judges to rule by what they know leads to differences and contradictions in the rulings within the same state, even in the same land, and it could even lead to a ruling with other than what Allah has revealed. Therefore, it is imperative for the Islamic State, given the current state of ignorance of Islam, to adopt certain rulings. This adoption should be in the transactions (mu'aamalaat) and punishments ('uqoobaat), but not in beliefs ('aqaa'id) and ritual worships ('ibaadaat). And this adoption should also be within rulings generally so that the affairs of the state are regulated and all matters of the Muslims are conducted in accordance with the rulings of Allah. When the state adopts the rulings and establishes the constitution and canons, it must restrict itself

solely to the aHkaam shar'iiyah. It must absolutely not take, or even study, anything other than the aHkaam shar'iiyah, regardless whether it complies with Islam or not. For example, it must not take the nationalisation of property. Instead, it must lay down the ruling (Hukm) of public property. The state has to restrict itself by the aHkaam shar'iiyah in every matter connected with the Idea (fikrah) and the method (Tareeqah). But, as for the canons and systems that are not connected with the fikrah and Tareeqah, and thus do not express a certain view point of life, such as the administrative canons and departmental arrangement and their like; they are considered to be a mean (waseelah) and a manner (usloob). This includes the sciences, industries and technology, which the state may adopt to manage its affairs, as happened with Umar ibn al-Khattab when he established the registers (dawaween) which were taken over from the Persians. These administrative and technical matters are not part of the constitution or the Shar'i canons and, therefore, are not included in the constitution. Thus, the duty of the Islamic State is that its constitution must be aHkaam shar'iiyah i.e. that its constitution and canon must be Islamic. When it adopts any ruling it has to adopt it based on the strength of the Shar'i evidence (daleel) with the correct understanding of the standing problem. Hence, first it has to study the problem in order to understand it - because understanding the problem is essential. It must then understand the Hukm shar'i that applies to this problem. Then it has to study daleel of the Hukm shar'i. The state then adopts this ruling, based on the strength of daleel. It takes these legal rulings on condition that they are either from the opinion of one of the mujtahids - after looking through the daleel and assured of its strength - or from the Qur'an and Sunnah, ijmaa' (Unanimity) or qiyaas (analogy), but with ijtihaad shar'i, even if it was a particular ijtihaad i.e. in a single issue (mas'alah). Thus, for example, if the State wanted to adopt forbidding insurance on goods, it has first to study what insurance on goods is to know it and study the means of

possession. Then, it applies Allah's ruling regarding property to insurance and then adopts the legal ruling in this matter. Accordingly, there should be an introduction for the constitution, and for each law, that clearly explains the school of jurisprudence (madh-hab) from which each article has been taken, as well as the daleel relied upon. If the article was deduced by a correct ijtihaad, an explanation of the daleel from which the article has been deduced has to be provided, so that the Muslims know that the ruling which the state has adopted in the constitution and canons are AHkaam shar'iyyah deduced by correct ijtihaad. This is because the Muslims are not compelled to obey the State in its rulings unless they are AHkaam shar'iyyah adopted by the State. According to this basis, the State adopts AHkaam shar'iyyah in the form of a constitution and canons in order to govern the people who hold its followship (tabi'ieya).

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



## **A Draft Constitution for the Khilafah State**

This is a draft constitution for the Khilafah State, which we put in the hands of the Muslims - whilst are working to establish the Khilafah State, and re-establish ruling by all that Allah (swt) has revealed - to envision the reality of the Islamic State, its form and systems and what it will implement from the systems and legal rulings of Islam.

This constitution is an Islamic constitution, emanated from the Islamic creed ('aqeedah), and taken from the legal rulings, based on the strength of evidence.

To take this constitution, we relied on the Book of Allah, the Sunnah of His Messenger, and on which they both led, namely the Unanimity of the Companions and the Qiyas.

It is an Islamic constitution and nothing other than that. There is nothing in it that is un-Islamic. It is a constitution that is not restricted to a specific region, or a specific country. Instead, it is for the Khilafah State in the Islamic World, in fact, in the whole world, considering that the Khilafah State will carry Islam as a message of light and guidance to the whole world, and it works to take care of its affairs, to annex it and to apply the legal rulings of Islam upon it.

It is “**Hizb ut Tahrir**” that presents this draft to the Muslims and asks Allah (swt) to honor them and to accelerate the achievement of the goal of the believers, endeavoring to establish a Khilafah Rashidah and to restore the ruling by all that Allah (swt) has revealed, so that this draft is instituted as a constitution for the Khilafah State. And that is not difficult for Allah.

## **General Rulings**

**Article 1:** The Islamic creed is the foundation of the state, so that nothing can exist in its entity or apparatus or accountability or anything related to it, except by making the Islamic creed the foundation of it. At the same time, it is the foundation of the Constitution and the Shariah laws, so that nothing related to any of them is allowed to exist unless it emanates from the Islamic creed.

**Article 2:** The Abode of Islam (Daar ul-Islam) is that land in which applies the rulings of Islam and whose security is maintained by Muslims. The Abode of disbelief (Daar ul-Kufr) is that land in which applies the rulings of kufr and whose security is maintained by other than Muslims.

**Article 3:** The Khaleefah adopts certain legal rulings (aHkaam shar'iyyah) and enacts them as constitution and canons. Once the Khaleefah has adopted a legal ruling, that ruling alone becomes the legal ruling that must be applied. It then becomes an enforced law that must be obeyed, outwardly and inwardly, by every individual of the citizenry.

**Article 4:** The Khaleefah does not adopt any specific legal ruling in ritual worships ('ibaadaat), except Zakah and jihaad, and that which is necessary to maintain the unity of Muslims. Also, he does not adopt any of the thoughts connected with the Islamic 'Aqeedah.

**Article 5:** All those who carry the Islamic followship (tabi'ieya) enjoy the legal rights and must commit to the legal duties.

**Article 6:** The State should not have any discrimination against the individuals of the citizenry, be it in ruling, judiciary or looking after the affairs, or anything else that resembles these.



Instead, it is obligatory for it to view everyone with one view, regardless of race, religion, colour or any other matter.

**Article 7:** The State implements the Islamic legislation on all those who carry the Islamic followship (tabi'ieya), whether they are Muslims or not, as follows:

a. All the Islamic rulings have to be executed on Muslims, without any exception.

b. Non-Muslims are left to whatever they believe in and however they worship, within the public order.

c. the ruling of apostate from Islam (murtadd) have to be implemented on the apostates, if they have by themselves apostasized. If they are the offspring of apostates, and were born as non-Muslims, they are treated as non-Muslims, according to their situation, as being either polytheists (mushriks) or People of the Book.

d. In matters of food and clothing the non-Muslims are treated according to their religions within what is allowed by the legal rulings.

e. The matters of marriage and divorce amongst non-Muslims are adjudicated according to their religions, but between non-Muslims and Muslims they are adjudicated according to the rulings of Islam.

f. The state executes all the remaining legal rulings and the other matters of Islamic Shariah, in transactions, punishments, evidentiary rules, systems of governance and economics and others, on everyone. The execution of these rulings shall be on both Muslims and non-Muslims alike. They are also executed on the mu'aahidoon (people of treaties), the musta'minoon (protected people) and everyone who is under the authority of Islam, just as they are executed on the individuals of the citizenry, except ambassadors, envoys and their like, for they have diplomatic immunity.

**Article 8:** Arabic alone is the language of Islam and the sole language used by the State.

**Article 9:** Ijtihaad is farD kifaayah (obligation of sufficiency). Every Muslim has the right to exercise ijtihaad if he has fulfilled its conditions.

**Article 10:** There is no such thing as a clergy in Islam as all Muslims bear the responsibility for Islam. The State must prevent anything that indicates the existence of a clergy among Muslims.

**Article 11:** The primary function of the State is the carrying of the da'wah (invitation) to Islam.

**Article 12:** The Kitaab (Quran), the Sunnah, the Unanimity of the Companions and Qiyaas (Analogy) are alone the considered evidences for legal (Shariah) rulings.

**Article 13:** Being innocent is the rule. No one shall be punished without a court sentence. Torturing is absolutely forbidden and whoever inflicts torture on anyone shall be punished.

**Article 14:** The origin of actions is restriction to the Shar'i ruling. No action shall be undertaken until its ruling (Hukm) is known. The origin of objects is permissibility, as long as there is no evidence of prohibition.

**Article 15:** The means to the Haraam is prohibited, if it is most probably that it will lead to Haram; otherwise, if it is only feared that it could lead to it, it is not Haram.

## **The Ruling System**

**Article 16:** The ruling system is that of a unitary system and not federal.

**Article 17:** Ruling is centralised and administration is de-centralised.

**Article 18:** The rulers are four persons: the Khaleefah, the delegated assistant (mu'aawin at-tafweeD), the governor (waali) and the prefect (a'mil). All others are not considered rulers, and are only employees.

**Article 19:** No one is allowed to take charge of ruling, or any action considered to be of the nature of ruling, except a free (Hurr) male, adult (baaligh), sane ('aaqil), trustworthy ('adl), capable from the people of competence and he cannot be other than a Muslim.

**Article 20:** Accounting (muHaasabah) of the rulers by the Muslims is both their right, as well as a farD kifaayah upon them. Non-Muslims, amongst the individuals of citizenry, have the right to raise a complaint about any oppression of a ruler against them, as well as any misimplementation of the rulings of Islam upon them.

**Article 21:** Muslims have the right to establish political parties to account the rulers, or to reach ruling through the Ummah. This is on the condition that the parties are based on the 'aqeedah of Islam and the rulings that they adopt are aHkaam shar'iyyah. The establishment of a party does not need any official license. Any structuring established on other than the basis of Islam is forbidden.

**Article 22:** The ruling system is founded upon four bases. They are:

1. Sovereignty belongs to the Shar', and not the people.

2. Authority belongs to the Ummah.
3. The appointment of a single Khaleefah is an obligation upon the Muslims.
4. The Khaleefah alone has the right to adopt the legal rulings and so he enacts the constitution and the various canons.

**Article 23:** The state apparatuses of Khilafah are thirteen apparatus, which are:

1. The Khaleefah (the head of the State)
2. Mu'awinoon (the delegated wazirs)
3. Executive wazirs
4. The Governors
5. The Amir of Jihad
6. The Internal Security
7. The Foreign Affairs
8. Industry
9. The Judiciary
10. Welfare of the People (administrative apparatus)
11. The Treasury (Bayt al-Mal)
12. Media
13. Majlis (Council) of the Ummah (Consultation and Accounting)

## **The Khaleefah**

**Article 24:** The Khaleefah is the one who is deputised by the Ummah with authority and with the implementation of the shar'.

**Article 25:** The Khilafah is a contract based upon choice and consent, so no one is coerced to accept it, and no one is coerced to choose the one who would undertake it.

**Article 26:** Every adult, sane Muslim, man or woman, has the right to elect the Khaleefah (the head of the state) and to pledge the oath of allegiance to him (Bay'ah). Non-Muslims have no right in this regard.

**Article 27:** Once the contract of the Khilafah is concluded upon a person, by pledging the oath of allegiance (Mubay'ah) from those who conclude the contracting (in'iqaad) of the Bay'ah, the Bay'ah of the remaining people is a Bay'ah of obedience (Taa'ah) and not of contracting. Anyone who shows signs of a possibility for rebellion and dividing the Muslims will be coerced to give the Bay'ah of obedience.

**Article 28:** Nobody can become Khaleefah without being appointed by the Muslims. Nobody can possess the power of the Khilafah unless the contract with him is concluded as its legally due, as is the case with any contract in Islam.

**Article 29:** It is required for any region or country that pledges to Khaleefah the contracting Bay'ah (in'iqaad), to have its own autonomous authority (sulTaan), depending upon Muslims alone and not on any kaafir state. The security (amaan) of the Muslims in that region, both domestically and externally, must be maintained by the security of Islam and not the security of kufr. As for the ba'iah of obedience only from any other country, it can be taken without such conditions.

**Article 30:** There is no condition upon the one who is given the Bay'ah of the Khilafah, except that he fulfills the conditions of contracting (in'iqaad) alone. This is even if he did not fulfill the conditions of preferability, because what is essential are the conditions of contracting.

**Article 31:** There are seven required conditions in the Khaleefah so that the Khilafah can be legally assigned to him. They are being a male, Muslim, free (Hurr), adult (baaligh), sane ('aaqil), trustworthy ('adl) and able (qaadir) amongst the people of competency (ahl ul-kifayyah).

**Article 32:** If the post of the Khaleefah becomes vacant, due to death, resignation or dismissal, the appointment of a Khaleefah in his place is obliged within three days, which includes their nights, from the date that the post of the Khilafah became vacant.

**Article 33:** A Temporary Amir is appointed to take charge of the affairs of the Muslims, and to undertake the proceedings for the appointment of the new Khaleefah, after the vacation of the post of the Khilafah, in the following manner:

- a. The previous Khaleefah, when he feels the ending of his lifespan, or had decided to resign, has the power to appoint a Temporary Amir.
- b. If the Khaleefah dies or resigns before appointing the Temporary Amir, or the position of the Khilafah becomes vacant for a reason other than death or resignation, then the eldest of the Assistants (mu'awinoon) becomes the Temporary Amir unless he wanted to be a candidate for the Khilafah. In this case, the next most senior assistant becomes the Temporary Amir, and so on.
- c. If all of the assistants want to be candidates, then the eldest of the executive wazeers will become the temporary Amir

or the one after him in seniority if he wants to be a candidate, and so on.

d. If all of the executive wazeers want to be candidates for the Khilafah, then the position of the Temporary Amir is restrictively given to the youngest executive wazeers.

e. The Temporary Amir does not have the power to adopt rulings.

f. The Temporary Amir makes all efforts to complete the proceedings of the appointment of a new Khaleefah within three days. It is not allowed for this to be extended, except for reason of overwhelming circumstances that the Court of Injustices (maHkamatul Madhalim) confirms.

**Article 34:** The method of appointing the Khaleefah is the pledge of allegiance (Bay'a). The practical steps to appoint the Khaleefah and his Bay'a are:

a. The Madhalim court announces the vacancy of the post of the Khilafah.

b. The Temporary Amir takes control of his tasks and announces the opening of candidacy immediately.

c. Applications of the candidates fulfilling the conditions of contracting (in'iqaad) are accepted, and other applications are excluded by the Madhalim court decision.

d. The candidates who have been accepted by the Madhalim court, are then selected by the Muslim members of the Ummah council in two steps: In the first, they choose six from them, with the majority of votes. In the second, they choose two from these six, with the majority of votes.

e. The names of the two candidates are announced and the Muslims are requested to elect one of them

f. The result of the elections is announced and the Muslims are informed about who received the most electoral votes.

g. The Muslims promptly pledge the oath of allegiance (Bay'ah) to whoever received the most votes, as the Khaleefah of the Muslims, upon acting according to the Book of Allah (swt) and the Sunnah of His Messenger (saw).

h. Once the completion of the Bay'ah, the one who became Khaleefah of the Muslims is announced to the public, so that the news of his appointment reaches the entire Ummah, with mention of his name and that he possesses the qualities that qualify him to assume the contracting of the Khilafah.

i. After completing the procedures to appoint the new Khaleefah the mandate (wilayah) of the Temporary Amir ends.

**Article 35:** It is the Ummah that appoints the Khaleefah. However, the Ummah has no right to dismiss him, after the contracting of his Bay'ah is concluded as its legally due.

**Article 36:** The Khaleefah possesses the following powers:

a. He is the one who adopts the Shari'ah rulings that are necessary to manage the affairs of the Ummah, deduced by a correct ijtihad from the Book of Allah and the Sunnah of his Messenger. So, they become canons (qawanin) that must be obeyed and may not be violated.

b. He is responsible for both the state's domestic and foreign policies, he holds the command of the army, the right to declare war, to conclude peace and truce treaties and all other types of treaties.

c. He is the one who has the right to accept or refuse foreign ambassadors, as well as to appoint and dismiss the Muslim ambassadors.



d. He is the one who appoints and dismisses the assistants and governors. They are all responsible before him as they are responsible before the council of Ummah.

e. He is the one who appoints and dismisses the Chief Judge and judges with the exception of the Madhalim judge in the event of his looking into a case against the Khaleefah, his assistants or his chief judge. He also has the power to appoint and dismiss the directors of departments, the commanders of the army, and the Amirs of the brigades. All of these are responsible before him and not before the council of Ummah.

f. He is the one who adopts the Shariah rulings according to which the state budget is determined. And he is also the one who decides the particulars of the budget and the amounts required to each part, whether it concerns revenue or expenditure.

**Article 37:** The Khaleefah is bounded in adoption by the aHkaam shar'iyyah. It is prohibited for him to adopt any ruling that is not deduced via a correct deduction (istinbaat) from the Shariah evidences. He is bounded by whatever he adopted of rulings and by the methodology of deduction that he has committed to. Accordingly, he is not allowed to adopt a ruling deduced by a methodology that contradicts the one he has adopted, and he is not allowed to issue any command that contradicts the rulings he has adopted.

**Article 38:** The Khaleefah has the absolute power to manage the affairs of the citizenry according to his opinion and ijtihaad. So he has the right to adopt from permissible manners (mubahaat) anything he needs to run the State affairs and to look after the affairs of the citizenry. However, he is not allowed to violate any Hukm Shar'i under the pretext of interest. For example; he cannot prevent a family from having more than one child under the pretext of the shortage in foodstuffs. Nor can he fix prices on the pretext of preventing exploitation; or appoint a

kaafir or a woman as a waali on the pretext of looking after affairs or the interest, nor anything that opposes the shar' rulings. It is neither permitted for the Khaleefah, to prohibit what is allowed nor to allow what is prohibited.

**Article 39:** There is no fixed term of office for the Khaleefah, as long as he adheres to the Shar', implements its rulings and is capable to undertake the affairs of the state, he remains a Khaleefah. This is unless his state changes in a way that takes him out of being a Khaleefah. If such a change occurs in his state, then he must be dismissed immediately.

**Article 40:** The cases in which the state of the Khaleefah changes in a way that disqualifies him from Khilafah are the following three:

a. If one of the conditions of the contracting of the Khilafah is breached. This is the case, for example, when the Khaleefah apostacizes, commits an obvious transgression (fisq), becomes insane, and the like. This is because these are conditions for contracting the Khilafah and conditions for its continuity.

b. His inability to undertake the burdens of the Khilafah post, for any reason.

c. Coerciveness that makes him unable to act in the interests of Muslims, by his own opinion according to the Shar'. If the Khaleefah is coerced by any force to an extent that he becomes unable to manage the interests of the citizenry by his own opinion alone according to the rulings of Shar', he is by judgment deemed to be incapable of carrying out the burdens of the state, and thus ceases to be a Khaleefah. This conceivable in two situations:

The first situation: When one or more individuals of his entourage domineer him and they dominate over the execution of matters. If his deliverance from their domineering is likely, he is given respite for a certain period. Then, if he did not remove

their domineering, he is deposed. If his deliverance is unlikely, he shall be deposed immediately.

The second situation: He becomes captive in the hands of a coercive enemy, either by actually capturing him, or by falling under the domineering of his enemy. In this case, the situation is to be examined: If his deliverance is likely, he is given respite, until there is despair regarding his deliverance, after which he shall be deposed. If his deliverance is unlikely, he shall be deposed immediately.

**Article 41:** The Court of Madhalim alone is the one that decides whether the state of the Khaleefah has altered in such a way that takes him out of the Khilafah, or not. This court is the only one that has the power to dismiss or warn him.

### **The Assistants (Al-Mu'awinoon)**

**Article 42:** The Khaleefah appoints one or more assistants of delegation to bear the responsibility of ruling. He delegates him to manage the affairs with his own opinion and accomplish them based upon his ijtihaad.

Upon the death of the Khaleefah, the term of his assistants' of delegation shall be terminated, and they shall not continue in their work, except for during the period of the Temporary Amir.

**Article 43:** The same conditions for the Khaleefah apply to the Mu'aawin. This means that he should be a free man, a Muslim, an adult, sane, just, and capable amongst the people of competence, in all of the tasks entrusted to him.

**Article 44:** The entrusting (taqleed) of the delegated assistant (mu'aawin ut-tafweeD) is conditional upon the including of two things: one of which is the general authority, and the second is the right of deputation. Therefore, the Khaleefah must say to him, "I have entrusted you with whatever

is being carried out in my name” or whatever expressions carry this meaning, including the general authority and deputation. This entrusting enables the Khaleefah to send assistants to certain places, or transfer them from there to other places, and other tasks, in the manner required by assistance of the Khaleefah. This is without the need for a new entrusting, because all of this is within their original entrusting.

**Article 45:** The mu’aawin ut-tafweeD should keep the Khaleefah informed of any governmental arrangements he has accomplished, and of any appointment and entrusting he has effected. This is so that he does not become in his powers like the Khaleefah. Thus, he must submit his briefing to the Khaleefah and execute what he is ordered to do.

**Article 46:** The Khaleefah has to inspect the actions of mu’aawin ut-tafweeD and his management of the affairs, so that he may approbate what is correct and rectify what is incorrect. This is because the management of the Ummah’s affairs is entrusted to the Khaleefah and is dependent upon his ijtihad.

**Article 47:** Once the mu’aawin ut-tafweeD has planned something and the Khaleefah has confirmed it, then he must execute it as the Khaleefah has confirmed it, without increase or decrease. If the Khaleefah revises the matter and opposes the assistant by annulling what he has executed, the following considerations apply: If it is regarding a ruling which has been properly executed, or a fund which has been spent rightfully, then the opinion of the assistant remains in effect. This is because it is in origin the opinion of the Khaleefah, and he should not undo whatever he has executed of rulings, and whatever he has spent of funds. If the assistant has accomplished something else, such as the entrusting of a waali or the preparing of the army, it is allowed for the Khaleefah to oppose the assistant; so the opinion of the Khaleefah shall be excuted and the action of the assistant shall be canceled. This is because it is

the prerogative of Khaleefah to rectify his own action in these cases, so he has the right to rectify those of his assistant.

**Article 48:** The mu'aawin ut-tafweeD is not assigned to any particular department within the departments of the administrative apparatuses. His supervision is general. This is because those who undertake the administrative matters are employers and not rulers, while the assistant is a ruler. He is not entrusted particularly with any specific work because his mandate (wilayah) is general.

### **Assistant (wazeer) of Execution (Mu'aawin ut-tanfeeDh)**

**Article 49:** The Khaleefah appoints an assistant for execution. His work is a part of administrative work and is not a part of governing. His department is an apparatus to execute whatever is issued from the Khaleefah, to both domestic and foreign fronts. It is also to submit what comes to him from these fronts. The department is the intermediary between the Khaleefah and others. It conveys to and from the Khaleefah, in the following matters:

- a. Relations with the citizenry
- b. International relations
- c. The army or the soldiers
- d. The apparatuses of the State other than the army

**Article 50:** The assistant of execution (Mu'aawin ut-tanfeeZH) must be a Muslim because he is one of the Khaleefah's entourage.

**Article 51:** The assistant of execution is always in direct contact with the Khaleefah, just as the assistants of delegation is. He is considered an assistant, but in execution, rather than in ruling.

## **The Governors (Wulaa)**

**Article 52:** The lands which are ruled by the State are divided into units and each unit is called a Wilayah (province). Each province is divided into units and each unit is called an 'Imalah (prefecture). The one who governs the province is called the Wali (governor) or Amir and the one who governs the prefecture is called the 'Aamil (the prefect) or Hakim (ruler).

**Article 53:** The Khaleefah appoints the governors. The 'Ummal (prefects) are appointed by the Khaleefah and by the governors if this is delegated to them. The conditions of the governors and prefects are the same as the conditions for the assistants. So, it is imperative that they are male, free, Muslim, adult, sane, just and they must be from the people of competence in what they are charged for, and they are chosen from the people of taqwa (piety) and strength.

**Article 54:** The governor has the powers of ruling and supervision over the actions of the departments in his province on behalf of the Khaleefah. So, he has all the powers in his province, apart from the finances, judiciary and Army. He has the rulership over the people of his province and to look after everything that is connected with it. However, the police come under his rulership in terms of execution, but not in terms of administration.

**Article 55:** The governor is not obliged to acquaint the Khaleefah of what he had accomplished in his work as required by his rulership, except by choice. However, in the event of originating something new and unprecedented, he has to abstain from it until informing the Khaleefah, then he does what he is ordered to do. If he fears that things might go badly due to waiting, he carries out the action; and it is then obligatory for him to acquaint the Khaleefah about the matter, as well as the reason for not informing him, before undertaking action.

**Article 56:** In every province (wilayah) shall be a council (majlis) elected from its people and presided over by the waali. The council has the power to participate in opinion regarding the administrative affairs, but not in the affairs of ruling. This would be for two objectives:

Firstly - providing the necessary information about the reality of the province and its needs to the governor, and to express their opinion about that.

Secondly - to express their contentment or complaint about the rule of the governor over them.

The opinion of the council is not binding in the first instance and is binding in the second. If the council complains about the governor, he shall be dismissed.

**Article 57:** The term of any single person's mandate over the province should not be prolonged. Instead, he will be relieved of his mandate over it, whenever he is seen to be consolidated over the land, or people become fascinated by him.

**Article 58:** The governor shall not be transferred from one province to another since his appointment was for a specific place. Therefore, he has to be discharged first and then reappointed.

**Article 59:** The governor is dismissed, if the Khaleefah decides his dismissal, or if the Council of the Ummah expresses dissatisfaction with him, or if the wilayah council expresses displeasure with him. However, the governor can only be dismissed by the Khaleefah.

**Article 60:** The Khaleefah must examine the actions of the governors and he should inspect them strictly. He must appoint one as a deputy for himself to detect their states, investigate them, and periodically gather all or some of them, and listen to the complaints of the citizenry regarding them.

## **The Amir of Jihad: Department of War – the Army**

**Article 61:** The department of war is in charge of all the affairs related to the armed forces of the army and police, as well as the supplies, equipments, ordnances, and similar. It is also in charge of the military colleges, expeditions and everything that is necessary from the Islamic culture and the general culture for the Army, as well as everything connected to war and preparation for it. The head of this department is called the “Amir of Jihad.”

**Article 62:** Jihad is obligatory upon the Muslims and military training is compulsory. So, it is Fard upon every male Muslim who reaches fifteen years of age to undertake military training, as preparation for Jihad. As for military recruitment, it is an obligation of sufficiency.

**Article 63:** The Army has two sections: the reserve section, which is all those Muslims who are capable of carrying arms, and the permanent section of regular soldiers, who get salaries allocated to them from the State budget as the employees.

**Article 64:** The Army is given flags (alwiyaa) and banners (raayat). The Khaleefah confers the flag (liwaa) to whomever he appoints over the Army. As for the banners (raayat), they are given by the commanders of the brigades.

**Article 65:** The Khaleefah is the Commander of the Army. He is the one who appoints the commander-in-chief, an amir for each brigade, and a commander for every division. The remaining ranks of the Army are appointed by his commanders and amirs of the brigades. As for the appointment of a person to the staff, it will be according to the degree of his military culture, and it will be appointed by the commander-in-chief.



**Article 66:** The entire army is made one army, which is stationed in particular encampments. However, some of these military camps must be stationed in various provinces (wilaayaat), and some of them must be in strategic locations. Some of them should be made permanently mobile camps, which are strike forces. These military camps are organized as multiple formations. Each formation is given the name of an army, and assigned a number. For example, they are called the First Army or the Third Army. They are also named after a particular province or prefecture.

**Article 67:** It is obligatory to provide the army with the highest level of military education. It is also obligatory to raise the army's intellectual level as far as possible. Every person in the Army should be formed by Islamic culture in a way that enables him to have an awareness of Islam, even if it is only in a general manner.

**Article 68:** It is obligatory that each military camp should have a sufficient number of staff officers who have a high level of military knowledge and experience, regarding drawing up plans and directing battles. The Army as a whole should provide these staff officers in the largest possible number.

**Article 69:** It is obligatory that the army has the weapons, supplies, equipments, requisites and ordnances that enable it to carry out its mission as an Islamic army.

## **The Internal Security**

**Article 70:** The Department of Internal Security is charged with the management of everything related to security, and preventing everything that threatens the internal security. It protects the security of the land through the police, and does not resort to the Army except by the order of the Khaleefah. The

head of this department is called the “Director of the Internal Security.” This department has branches in the provinces which are called divisions of internal security and the head of the division is called the Police Chief (Sahib al-Shurtah), in the province.

**Article 71:** The police (shurtah) consists of two sections: the military police, who are under the command of the Amir of Jihad, in other words, the war department, and the police who are under the control of the ruler to maintain the security, and they appertain to the Department of Internal Security. The two sections shall be trained a specific training with specific culture in order for them to fulfil their tasks satisfactorily.

**Article 72:** The most prominent of what threatens the internal security, which the Department of Internal Security is charged with addressing are: apostasy, insurrection (Baghy) and banditry (Hirābah), offence against people’s wealth, assault on the lives and honour of the people and dealing with the people of suspicion who spy for the warring disbelievers (muḥāribūn).

## **The Department of Foreign Affairs**

**Article 73:** The Department of Foreign Affairs is in charge of all the affairs connected to the relations of the Khilafah state with the foreign states, whether they are related to the political aspect, or economic, industrial, agricultural and trade aspects, or postal, wire or wireless communications and others of their sort.

## **The Department of Industry**

**Article 74:** The Department of Industry is in charge of all the affairs connected to industry. This is whether it is heavy industry such as the machinery and engine industry, automotive

industry, materials industry and electrical industry, or light industry. Similarly, whether the factories are of the public property type or factories included in the private property and have a relation to the military industry. All types of factories must be established upon the basis of military policy.

### **The Judiciary – QaDaa**

**Article 75:** Judiciary is the informing about the ruling in a binding way. It ceases the disputes among people, prevents that which harms the community's rights and removes the disputes arising between people and any person of the ruling apparatus - rulers and employees - including the Khaleefah and those of lesser rank.

**Article 76:** The Khaleefah appoints a Chief judge for the judiciary from the male, adult, free, Muslim, sane, just people and from the people of jurisprudence (Ahl al-fiqh). If the Khaleefah gave him the power to appoint and dismiss the Madhalim judge, consequently having the power of judgement in the madHalim, then he would have to be a Mujtahid. He would have the power to appoint judges, discipline them, and dismiss them in accord to the administrative systems. As for the remainder of the civil servants of the courts, they are connected to the Department Director that is responsible for the courts' affairs.

**Article 77:** There are three types of judges: The first is the judge who is charged with cessation of the disputes among people in transactions (Mu'aamalaat) and punishments ('Uqoobaat). The second is the muhtasib who is charged with settling the violations which harm the right of the community. The third is the madHalim judge who is charged with removing the conflict occurring between people and the state.

**Article 78:** Being entrusted the judiciary is conditional on being Muslim, free, mature, sane, just, a jurist (faqeeh) and perceptive to how to apply rulings on realities. Being entrusted the judiciary of Madhalim is conditional on those conditions and additionally on being male and a mujtahid.

**Article 79:** The judge, the muhtasib and maDHalim judge may be entrusted with a general entrusting to judge on all cases throughout the entire land, or alternatively they can be entrusted with a specific entrusting to a location or types of cases.

**Article 80:** The courts should not be comprised of more than one presiding judge, who has the power to adjudge. One or more judges are however permitted to accompany him, but they do not have the power of adjudging. Instead, they only have the power to consultancy and giving opinions, and their opinion is not binding on him.

**Article 81:** It is not allowed for the judge to adjudicate except during a judicial session. Evidence and oath are not considered, except during a judicial session as well.

**Article 82:** It is allowed to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades, and cases other than these can be referred to other courts.

**Article 83:** There are neither courts of appeal, nor courts of cassation, because adjudicating, in terms of deciding on a case, is at one level. Thus, once the judge has pronounced the verdict it becomes effective and absolutely no other judge's judgment can overturn it. This is unless he ruled by other than Islam, or he violates a definite (qat'i) text in the Book, Sunnah or the Unanimity of the Companions (ra). This is also unless it becomes clear that he pronounced a ruling contrary to the truth of reality.

**Article 84:** The muḥtasib is the judge who inspects all cases that are public rights, in which there is no plaintiff, provided that they do not fall within the hudood punishments and the jinayaat (felonies).

**Article 85:** The muḥtasib has the authority to judge upon violations, at any place as soon as he gains knowledge of these violations, without the need to hold a judicial session. A number of policemen are put at the muḥtasib's disposal to execute his orders and his verdicts should be executed immediately.

**Article 86:** The muḥtasib has the right to choose deputies on his behalf, that fulfill the conditions of the muḥtasib, and deploy them within various locations. These deputies have the power to carry out the function of the ḥisbah, in the region or locality assigned to them, in the cases for which they have been delegated.

**Article 87:** The judge of maDHalim is a judge installed to remove every Unjust Act, that occurs from the state, against any person living under the authority of the state. This is whether he is one of its citizenry or not, and whether this Unjust Act was perpetrated by the Khaleefah himself, or by the rulers and employees below him.

**Article 88:** The maDHalim judge is appointed by the Khaleefah, or by the Chief Judge. As for his accounting, disciplining and dismissal, this is undertaken by the Khaleefah, or the Chief Justice, if he has been authorised by the Khaleefah to do so. However, it is invalid to dismiss him, during his inspection of an Unjust Act by the Khaleefah, mu'awin ut-tafweeDH or the aforementioned Chief Justice. Instead, the power to dismiss him in these situations lies with the Court of maDHalim alone.

**Article 89:** The post of maDHalim judge is not restricted to one or more persons. The Khaleefah may appoint a number of judges of maDHalim, according to what is needed to remove the

Unjust Acts, regardless of the required number of judges. However, when exercising the judgement, only one judge has the power to judge and no more. It is permissible for a number of maDHalim judges to sit with him during the judicial session. However, they only have the authority to grant consultation, and nothing else, and he is not obligated to take their opinion.

**Article 90:** The Court of Madhalim has the right to dismiss any ruler or employee of the State, in the same way that it has the right to dismiss the Khaleefah, if the elimination of the Unjust Act (Madhlamah) necessitates this dismissal.

**Article 91:** The Court of Madhalim has the power to inspect any Unjust Act (maDHlamah). This is whether it is related to individuals from the state apparatus, or it is related to the violation of the rulings of Shar' by the Khaleefah (head of state). It also whether it is related to the meaning of a text from the legislative texts, both in the constitution and laws, and other Shariah rulings, within the remit of adoption by the head of state, or it is related to imposing a particular tax, or anything else.

**Article 92:** It is not conditional, in adjudicating over Unjust Acts, to have a judicial session. It is also not conditional to summon the defendant to court, nor to have a plaintiff. Instead, the court has the right to look into the Unjust Act, even if no one raised it.

**Article 93:** Every person has the right to delegate on his behalf, in both prosecution and defense, whomever he wishes, whether Muslim or non-Muslim, male or female. There is no difference in this between the agent (wakeel) and the client (muwakkel). It is permitted for the agent (wakeel) to be appointed for a fee. The fee is due from the client (muwakkel) according to their mutual agreement.

**Article 94:** It is permissible for a person who has powers in any specific work, such as a custodian and a guardian, or public

office holder, such as a Khaleefah, ruler, state official, as well as a maDhalim judge or a muhtasib, to appoint an agent (wakeel) in his place, with his powers, restricted to dispute and defence only. This is on the basis of his being a guardian, custodian, Khaleefah (head of state), ruler, state official, maDhalim judge or muhtasib. There is no difference here between being a plaintiff or a defendant.

**Article 95:** The contracts, transactions, and verdicts which were ratified and whose implementation was completed before the establishment of the Khilafah are neither nullified nor reviewed by the judiciary of the Khilafah, unless the case:

- a. Has a continued effect which contradicts Islam, so it is obligatory to review it.
- b. Or if it was connected with harm to Islam and the Muslims which was perpetrated by the previous rulers and their henchmen. So, it is permitted for the Khaleefah to review these cases.
- c. Or if it was connected to wealth which had been usurped, and which still remains in the hands of the usurper.

## **The Administrative Apparatus**

**Article 96:** The administration of state affairs and people's interests is undertaken by offices, departments and administrations, which are responsible for advancing state affairs and serving people's interests.

**Article 97:** The policy of the offices, departments and administrations is built upon the simplicity of the system, speed in accomplishing works and competence of those who are charged with administration.

**Article 98:** Anyone who holds followship (tabi'ieya), and has the competency, whether male or female, Muslim or non-

Muslim, may be appointed as a director of any office, department or administration, and be an employee therein.

**Article 99:** A General Director is appointed for each office, and a Director is appointed for each department and administration, who is in charge of and directly responsible for it. These directors are held responsible, in regard to their work, by whoever is charged with the upper management in their offices, departments or administrations. And they are held responsible by the wali and the ‘aamil, in terms of abiding with the rulings and general regulations.

**Article 100:** The directors of all offices, departments and administrations are to be dismissed only for a reason stipulated within the administrative regulations. However, it is allowed to transfer them from one post to another. It is also allowed to suspend them. Their appointment, dismissal, transfer, suspension and disciplining is by the one charged with the upper management in their offices, department, or administration.

**Article 101:** Employees, other than directors, are appointed, transferred, suspended, disciplined and dismissed by whoever assumes the upper management in their offices, departments or administrations.

### **The Treasury (Bayt al-Mal)**

**Article 102:** The treasury (Bayt ul-Maal) is a department responsible for the revenues and expenditures, in accordance with the Shariah rulings, in terms of their collection, storage and spending. The head of the department of the treasury is called the “Treasurer of the Treasury (Khazin Bayt ul-Maal).” Other administrations in the provinces are affiliated to this department. The head of each provincial administration is called the “Trustee of the Treasury (Sahib Bayt ul-Maal).”



## **The Media**

**Article 103:** The Media apparatus is a department responsible for drawing up and executing the media policy for the state, which serves the interest of Islam and Muslims, internally and externally; Internally, it is to build a strong and cohesive Islamic society. It expels out the impurities, and refines the purities. Externally, it presents Islam during both peace and war, in a way that clarifies the greatness of Islam, its justice and the strength of its troops. And it exposes the corruption and oppression of the current man-made system, and the weakness of its troops.

**Article 104:** The media outlets owned by anyone holding the followship of the state do not require a license. Instead, they are simply required to send an “apprised and notified” statement to the media department, which informs the department of the media outlet that is being established. The owner and the editors of the media outlet are responsible for every mediatic material they publish. They are accounted for every violation of the Islamic legislation, in the same manner as any other individual of the citizenry.

## **Majlis al-Ummah (Consultation and Accountability)**

**Article 105:** The persons who represent the Muslims in their opinion, so that the Khaleefah can refer to them, are the Majlis (Council) ul-Ummah. The persons who represent the people of the provinces (wilayaat) are the Wilayah Councils. As for non-Muslims it is permissible for them to be in the Majlis ul-Ummah so that they can voice their complaints in respect to unjust acts performed by the rulers or the misapplication of the Islamic rulings.

**Article 106:** The members of the Wilayah (Provincial) Councils are directly elected by the people in their own wilayaat, and the number of members of the Wilayah Councils is limited according to their proportion, in relation to the number of inhabitants in each of the provinces of the State. The members of the Ummah Council are elected directly by the Wilayah Councils. The start and end of the terms of the Ummah Council are the same as those of the Wilayah Councils.

**Article 107:** Everyone, who is both adult and sane, holding followship of the State, has the right to become a member of the Majlis al-Ummah, or the Wilayah Council. This is whether they are a man or a woman, Muslim or non-Muslim. However, membership for non-Muslims is confined to their voicing of complaints in respect to oppression of the rulers, or the misapplication of Islam upon them.

**Article 108:** Consultation (Shura or Mashura) is the seeking of opinions in absolute terms. It is not binding in legislation, definition, intellectual matters such as discovering the facts, and in the technical and scientific matters. However, it is binding when the Khaleefah seeks consultation in other practical matters and actions that do not require research and scrutiny.

**Article 109:** Shura (consultation) is a right for the Muslims alone and the non-Muslims do not have a right to it. However, it is permitted for all of the citizenry, whether Muslim or not, to express their opinions.

**Article 110:** All issues that fall under the binding Shura, when the Khaleefah seeks opinion, are decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. As for other matters, that fall under non-binding Shura, the correct opinion should be sought, regardless of the majority or minority opinion.

**Article 111:** The Council of Ummah possesses five powers. They are:

(1) (a) To be consulted by the Khaleefah or to advise him on the practical matters and actions, related to the care of internal political affairs, which do not need deep intellectual research and scrutiny, such as: affairs of governance, education, health, and the economy, trade, industry, agriculture and the like; and the opinion the Council on these matters is binding.

(b) As for intellectual matters that require deep research and scrutiny, matters that require experience and knowledge, technical and scientific matters, as well as financial, military and foreign policy matters, the Khaleefah may refer to the Majlis to seek its consultation and obtain its opinion; however, the opinion of the Majlis in these matters is not binding.

(2) The Khaleefah may refer to the Majlis the rulings and laws that he wants to adopt. The Muslim members of the Council have the right to discuss them, and clarify what is right and wrong in them. If they disagree with the Khaleefah regarding the method of adoption from the Shariah Usool adopted in the state, then the decision is referred to the Court of Injustices, and the opinion of the Court in this regard is binding.

(3). The Majlis has the right to hold the Khaleefah accountable for all actions that actually take place in the state, whether they are domestic, foreign, financial, military, or other matters. The opinion of the Majlis is binding on matters in which the majority opinion is binding. The opinion is non-binding on matters in which the majority opinion is non-binding.

If the Majlis disagrees with the Khaleefah on an action that has actually taken place from a Shariah legal perspective, it shall be referred to the Court of Injustices to decide on its legitimacy or otherwise. The opinion of the Court on it is binding.

(4). The Council has the right to express dissatisfaction with the assistants, governors, and prefects; and its opinion in this matter is binding and the Khaleefah must dismiss them immediately. If the opinion of the Council of the Ummah

conflicts with the opinion of the Provincial Council of the concerned province, regarding the satisfaction or complaint against the governors and prefects, the opinion of the Provincial Council takes precedence in this matter.

(5). The Muslim members have the right to narrow down the candidates for the Khilafah from among those whom the Court of Injustices has decided meet the conditions for contracting. The opinion of their majority on this is binding. Elections are not valid except from among those whom the Council has limited candidacy to.

## **The Social System**

**Article 112:** The primary role of a woman is that of a mother and a homemaker. She is an honour ('ird) that must be protected.

**Article 113:** Separation between men and women is a basic rule, they should not meet together except for a need that the Shar' approves, and thus approves the meeting together for it, such as Hajj and trading.

**Article 114:** Women are given the same rights as men, and are subject to the same duties as men, except for those that Islam has specified to women, or those that are specified to men, based on the evidence of Sharia. Thus, women have the right to engage in trade, agriculture, and industry, to undertake contracts and transactions, to own all types of ownership, to develop their wealth by themselves and through others, and to manage all aspects of life themselves.

**Article 115:** It is allowed for a woman to be appointed to the civil service and positions in the judiciary, apart from the Court of Injustices. She can elect members of the Ummah's council, and be a member herself, and she can participate in the

election of the Khaleefah and in giving him the pledge of allegiance.

**Article 116:** Women are not allowed to take charge of ruling, thus women can neither hold the positions of Khaleefah, mu'aawin, waali, 'aamil nor undertake any job that may be considered of ruling. She is also neither allowed to be a chief judge, nor a judge in maHkaamat ul-MuDHalim nor amir of Jihad.

**Article 117:** Women live within a public and private life. Within their public life, they are allowed to live with other women, maHram males and foreign men on condition that nothing of the women's body is revealed, apart from her face and hands, and that she neither displays her charm (muttabarijah) nor dresses inappropriately (mubtathalah). Within the private life she is not allowed to live except with women or her maHram males and she is not allowed to live together with foreign men. In both situations she has to restrict herself with all the Shariah rulings.

**Article 118:** Private seclusion (khulwah) between non-mahrams is forbidden, as are displaying charms (tabarruj) and exposure of the awrah (the parts of the body that should be covered) in front of foreigners.

**Article 119:** The practice of any act that poses a danger to morals or causes corruption in society is forbidden for both men and women.

**Article 120:** Marital life is a life of tranquility, and the association between spouses is an association of companionship. The husband's guardianship (Qiwamah) over his wife is a guardianship of care, not a guardianship of rule. Obedience has been made obligatory for the wife, whilst the husband is obliged to support the wife financially, according to what is known for someone like her.

**Article 121:** The spouses cooperate fully in doing the housework. The husband must do all the work done outside the house, and the wife must do all the work done inside the house, to the best of her ability. The husband should provide her with domestic staff to the extent that this is sufficient to fulfil the tasks that she cannot carry out herself.

**Article 122:** The custody of children is both a right and duty of the mother, whether Muslim or not so long as the child is in need of this custody. When children are no longer in need of custody, if both the custodian (Hadinah) and the guardian (waali) are Muslim, they are to choose which parent they wish to reside with, whether it is the man or the women. There is no difference in the case of the child, whether it is male or female. However, if one of the parents is not a Muslim, the child does not have a choice between them. Instead, it is joined to the Muslim one.

## **The Economic System**

**Article 123:** Economic policy is the view of what society should be like when looking at the satisfaction of needs, so what society should be like is made the basis for the satisfaction of needs.

**Article 124:** The economic problem is the distribution of money and benefits to all individuals of the citizenry, and enabling them to benefit from them, by enabling them to acquire them and strive for them.

**Article 125:** It must be ensured that all basic needs of every single individual are fully satisfied. And it must be ensured that each individual is enabled to satisfy his/her luxury needs, to the highest possible level.

**Article 126:** Allah Alone is the Owner of wealth (Al-māl) and He has made human beings trustees on it. Through His

general entrusting, humankind has obtained the right to possess wealth. So, as a consequence of Allah's specific authorization for the individual to acquire wealth, it has become his actual possession.

**Article 127:** There are three types of property: private property, public property, and State property.

**Article 128:** Private property is a Shar'iy ruling implied in the material object ('ain) and benefit, requires the enabling of proprietor to benefit from the object and receives a return for it.

**Article 129:** The public property is the Shar'i authorization for the community to have shared partnership obtaining benefite from the material object ('ain).

**Article 130:** State property comprises any wealth (māl) whose expenditure is determined solely by the opinion of the Khaleefah and his ijtiḥad, such as, the funds of taxes, land tax (kharaaj) and head tax for non-Muslim (Jizyah).

**Article 131:** Private property consisting of movable and immovable assets is restricted by the following five shar'iy means (asbaab):

- a. Work.
- b. Inheritance.
- c. Need for wealth to survive.
- d. A grant from State funds to citizenry.
- e. Funds obtained by individuals, by neither purchase nor effort.

**Article 132:** The disposal of property is restricted by the authorization of the Legislator (Shari') whether it is spending or developing of property. Squandering, extravagance and miserliness are forbidden. Also forbidden are the capitalist companies, co-operatives, all other transactions that violate the

Shar', also usury (riba), fraud (ghabn), monopolies, gambling and the like.

**Article 133:** The Ushriyyah land (Tithed or Zakatable land) is the land whose owners had embraced Islam whilst possessing the land, and the land of the Arabian Peninsula. Al-Kharaajiyyah land (Taxable land) is the land that has been conquered by war or peace, except for the Arabian Peninsula. The individuals own the title deed and the benefit of 'Ushr land. As for the Kharaji land, its title deed is the property of the state, whilst its benefit is owned by the individuals. Every individual has the right to exchange 'Ushr land and the benefit of the Kharaji land, through Shariah legal contracts. It is inherited from them like all other property.

**Article 134:** Barren land may be owned by revival and enclosure, while cultivated land may only be owned by a Shariah legal mean, such as inheritance, purchase, or State granting of land.

**Article 135:** Leasing of land for agriculture is absolute forbidden, whether the land is Ushriyyah land or Kharaajiyyah land. Muzāra'ah (sharecropping) is also forbidden, whilst the Musāqāh (irrigation) is absolute permitted.

**Article 136:** Everyone who owns agricultural land is compelled to cultivate, and the needy shall be given funds from the Baytul Maal public treasury to enable him to do so. Whoever neglects the land for three years without exploitation, it shall be taken from him and given to someone else.

**Article 137:** Public property is manifested in the following three things:

- a. Public utilities, such as the town squares.
- b. Vast, non-depleting mineral resources, like oil fields.
- c. Things that, by their nature, cannot be owned by individuals, such as rivers.



**Article 138:** Factory per se is a private property. However, it follows the rule of the material manufactured within it. If the material is from private properties, the factory is considered to be private property, like a textile factory. If the material is from public properties, then the factory is considered to be a public property, such as an iron extraction factory.

**Article 139:** The state may not convert private property into public property, because public property is established by the nature and characteristic of the wealth, not by the opinion of the state.

**Article 140:** Every individual from the Ummah has the right to benefit from what is considered public property. The state is not allowed to grant an individual, to the exclusion of other citizenry, the authorization to possess or use public property.

**Article 141:** The State is allowed to protect parts of the barren land or public property on behalf of any of the citizenry's interests.

**Article 142:** Hoarding funds, is not allowed, even if Zakah is paid on it.

**Article 143:** Zakah is collected from Muslims on their properties that are specified by shar', which is money, trading goods, cattle and grain. It is not taken from anything not specified by the shar'. Zakah is taken from every owner whether legally responsible (mukallaf), like a mature and sane, or not, like an immature and insane. It is recorded in a specific account of the Bayt ul-Maal and is not to be spent except for one or more of the eight categories of people mentioned in the Glorious Qur'an.

**Article 144:** Jizyah is collected from the dhimmis. It is to be taken from the mature men, to the extent they can bear. And it is not taken from women or children.

**Article 145:** Kharaaj (land-tax) is collected on al-Kharaajiyah land according to its potential production. However, in respect of al-Ushriyyah land zakaah is payable on it, on the basis of its actual production.

**Article 146:** The Muslims only pay the tax that shar' has permitted to cover the expenditure of Bayt ul-Maal, on condition that it is levied on that which is surplus to the needs of the owner of money. The sufficiency of the taxation cover the obligations of the state must be considered.

**Article 147:** All the work that the Shariah obligates the Ummah to undertake, whilst the Bayt ul-Maal does not have the money to undertake it, its obligation is transferred to the Ummah. The state then has the right to collect it from the Ummah by imposing taxation on it. As for what the Ummah is not obligated to do by Shar', the state can not impose any taxation on it. It is not allowed for the state to collect fees for the courts or departments, or collect fees to accomplish any service.

**Article 148:** The budget of the State has permanent chapters decided by the AHkaam shar'iyyah. As for the sections of the budget, the amounts included in each section, and the matters for which the funds are allocated are all decided by the view of the Khaleefah and his ijtihaad.

**Article 149:** The permanent sources of revenues for Bayt ul-Maal are: spoils (fai'), jizyah, kharaaj, a fifth of rikaaz (buried treasure) and Zakah. All these funds are collected on a continual basis, whether there is a need for them or not.

**Article 150:** If the revenues derived from the permanent sources of income for Bayt ul-Maal are insufficient to cover the expenditure of the State, it is permitted to collect taxes from the Muslims to cover the expenditure obliged on Bayt ul-Maal. The State should proceed in collecting taxes as follows:

a. To cover the due expenses on the Treasury to the poor, the needy, the wayfarers, and to perform the obligation of jihad.

b. To cover the due remuneration on the Treasury, such as the salaries of the employee, the sustenance of soldier, and the compensation of the ruler.

c. To cover the due expenses on the Treasury for establishing civic interest and infrastructure without compensation, such as constructing roads, extracting water, establishing masjid, schools and hospitals.

d. To cover the due expenses on the Treasury for meeting emergencies, such as incidents that occurred to citizenry, like famine, floods and earthquakes.

**Article 151:** The funds taken from customs at the country's borders, the funds resulting from public property or state property, the funds inherited from someone who has no heirs, and the funds of apostates, are all revenues recorded in the Bayt ul-Maal.

**Article 152:** The expenditure of Bayt ul-Maal is distributed among the following six domains as follows:

a. The eight categories of people entitled to partake of the Zakah funds, are given from the zakaah.

b. The poor, the needy, the wayfarers, the indebted and jihad are funded from the permanent sources of revenues, if there are insufficient Zakah funds. If there are still no funds, nothing is given to the indebted. As for the poor, the needy, the wayfarer, and Jihad, taxation is collected to cover their expenses, and loans are taken for this purpose, in the event of fear of corruption.

c. Persons who perform services to the state, such as employees, soldiers and rulers, are paid from the Bayt ul-Maal. If the Bayt ul-Maal is not sufficient, taxation is collected

immediately to cover these expenses, whilst loans are taken for them, in the event of fear of corruption.

d. Essential services and utilities such as the roads, masajid, hospitals and schools are funded by the Bayt ul-Maal. If there are insufficient funds, taxation must be collected immediately to cover their costs.

e. Non-essential services and utilities are funded by Bayt ul-Maal. When there are insufficient funds available, they are not financed and accordingly delayed.

f. Emergency disasters, such as earthquakes and floods, must be financed by bayt ul-maal; if there are insufficient funds available, loans are to be raised immediately, and will be repaid later from taxes.

**Article 153:** The State should guarantee work for all subjects holding fellowship of the State.

**Article 154:** Employees for an employer or companies have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the sort of the work and worker, is considered an employee. In matters of dispute, between employer and employee over the wage (ujrah), the wage is to be assessed on the basis of equivalency in the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the shar'.

**Article 155:** The wage might be determined according to the benefit of the work, or the benefit of the worker, but not according to the knowledges or diplomas of the employee. There are no mandatory increments for employees. Instead, they are given the full value of the wage they deserve for the benefit of their work or that of their self.

**Article 156:** The state is to guarantee the financial maintenance of the one who has neither wealth, nor work, nor relatives responsible for his financial maintenance. The state is

responsible for housing and maintaining the disabled and handicapped people.

**Article 157:** The State must endeavour to circulate wealth among all the citizenry and prevent the circulation of wealth among only a particular faction of society.

**Article 158:** The State guarantees for every subject of the citizenry the possibility of satisfying his luxuries needs and generates balance in society in accordance with the funds available to her, in the following way:

a. The State donates movable or immovable assets from those owned by Bayt ul-Maal, and from the spoils (fai'), and similar.

b. The state grants from its cultivated land, and barren land, to those who have insufficient land. Those who possess land but do not use it are not given land. Those who are unable to cultivate their land are given financial assistance, to enable them to cultivate their land.

c. The state covers the debts of those that are unable to settle their debts from zakaah funds, and spoils (fai'), and similar.

**Article 159:** The State supervises agricultural affairs and their produces in accordance with the needs of the agricultural policy, which achieves the exploitation of the land, at its highest level of production.

**Article 160:** The State supervises the whole affairs of industry. It directly undertakes those industries related to what is included in the public property.

**Article 161:** Foreign trade is assessed on the basis of the fellowship (tabi'ieya) of the trader and not the origin of the goods. The ḥarbiyyūn traders are prevented from trading in the State, unless given a special permission for the trader or the

goods. The mu'aahidoon (people of treaties) traders are treated according to the terms of the treaties. Traders from amongst the citizenry are prevented from exporting any goods that the land needed or goods that could strengthen the enemy militarily, industrially or economically. However, they are not prevented from importing any property they own. Excluded from these rulings is the country with which we are in active war, like 'Israel.' Such a land is subject to the rulings of the abode of active war (dar ul harb fa'liyya) in all relations, trade or otherwise.

**Article 162:** All individual of the citizenry have the right to establish scientific laboratories connected with all life's affairs. The State should also establish such laboratories.

**Article 163:** Individuals are prevented from possessing laboratories producing materials that could harm the Ummah or the state.

**Article 164:** The State provides free health services for all, but it does not prevent either hiring doctors privately, or the sale of medicine.

**Article 165:** Exploitation and investment by foreign funds within the country is forbidden. It is also prohibited to grant privileges to foreigners.

**Article 166:** The State issues its own currency that should be independent and not pegged by any of foreign currencies.

**Article 167:** The currency of the state is to be restricted to gold and silver, whether minted or not. No other form of currency for the state is permitted. The state can issue coinage not of gold or silver provided that the treasury of the State (Bayt ul-Maal) has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes or other than that, as long as it is covered completely by gold and silver.

**Article 168:** The exchange between the State's currency and other foreign currencies is permissible just like the exchange between its own currencies. It is also permissible for there to be a difference in the exchange rates between them if they are of different kinds, provided that the exchange is conducted hand-to-hand, and not on credit with delay. The exchange rate can be adjusted without restriction as long as the currencies are of different kinds. Every individual from the citizenry is allowed to purchase the currency they want from both domestic and foreign sources and use it without needing any authorization or permission.

**Article 169:** It is strictly prohibited to open banks, and there will only be the State bank. It does not engage in usury (riba) and operates as a department within the treasury (Bayt ul-Maal). It provides loans according to Shariah rulings, and facilitates financial and monetary transactions.

## **Education Policy**

**Article 170:** It is imperative that Islamic 'aqeedah is the basis for the education curriculum. The syllabi and the teaching methods are all drafted in a manner that does not deviate from this basis.

**Article 171:** The educational policy is the constituting of the Islamic mentality (aqliyyah) and the Islamic disposition (nafseeyah). Therefore, all study materials intended for teaching must be based on this policy.

**Article 172:** The goal of education is to generate an Islamic personality and to provide people with sciences and knowledges related to life's affairs. Teaching methods must be designed to achieve this goal, and method that leads to other than this goal is prohibited.

**Article 173:** Islamic sciences and Arabic must be allocated time weekly in the same amount as other sciences, both in terms of number of classes and duration.

**Article 174:** In education, a distinction must be made between empirical sciences and related subjects, such as mathematics, and cultural knowledge. Empirical sciences and related subjects must be taught according to necessity and are not restricted at any educational stage. Cultural knowledge, on the other hand, must be taught in the early stages before the higher level of education, according to a policy that aligns with Islamic thoughts and rulings. In higher education, cultural knowledge is studied like other sciences provided it does not deviate from the stated policy and goal of the education.

**Article 175:** The Islamic culture must be taught at all levels of education. In higher education, branches should be allocated to the various Islamic knowledges as will be done with medicine, engineering, natural sciences and the like.

**Article 176:** Arts and crafts may be related to science in certain ways, such as commercial arts, navigation, and agriculture, and they may be taken without restriction or conditions. However, these fields may be attached to culture if they are influenced by a particular viewpoint of life, such as in painting and sculpture. In such cases, they must be not taken, if they contradict the Islamic viewpoint.

**Article 177:** The educational curriculum must be one. No other curriculum is allowed besides the state curriculum. Private schools are permitted as long as they are adhered to the state curriculum, established on the given educational strategy and both the educational policy and its goal are realised in them. Additionally, education in these schools must be non-mixed between males and females, whether the students or the teachers; and they should not be restricted to any particular sect, religion, doctrine, race, or color.



**Article 178:** Educating what a every human needs in everyday life is a duty that the state must guarantee to every individual, male or female, in primary and secondary education. So, the State should provide this education to everyone freely, and offer free access to higher education for all, to the fullest extent of possible capabilities.

**Article 179:** The state should provide libraries, laboratories, and other means of acquiring knowledge outside of schools and universities. This is to enable those who wish to continue research in various fields, such as jurisprudence (fiqh), fundamentals of jurisprudence (usool ul-fiqh), hadith, and tafsir; as well as in thought, medicine, engineering, chemistry, inventions, discoveries, and more. The goal is to foster a community of mujtahideen, innovators, and inventors within the Ummah.

**Article 180:** Exploitation of authorship for educational purposes at all levels is prohibited. No one, whether an author or otherwise, has copyright over a book once it has been printed and published. However, if an author has ideas that have not been printed or published, he is allowed to receive compensation for sharing these ideas with others, just as he takes a fee for education.

## **Foreign Policy**

**Article 181:** Politics is the taking care of the affairs of the Ummah both internally and externally. Politics is carried out by the State and the Ummah. The State is the one that practically undertakes this taking care, and the Ummah is the one that holds the state accountable.

**Article 182:** No individual, party, structure, or group is allowed to have any relationship with any foreign country whatsoever. Relationships with other States are confined to the state alone, as it alone has the right to take care of the Ummah's

affairs practically. The Ummah and structures must hold the state accountable for this external relationship.

**Article 183:** The end does not justify the means, as the Method is of the same nature as the Idea. Thus, the obligation (wajib) or the permissible (mubaah) cannot be attained through the prohibited (haram). Political means should not contradict the political method.

**Article 184:** Political manoeuvres are necessary in foreign policy, and the effectiveness of these manoeuvres lies in declaring actions, while concealing objectives.

**Article 185:** Boldly exposing the crimes of states, highlighting the dangers of false policies, exposing malicious conspiracies, and undermining misleading personalities, are among the most important political manners.

**Article 186:** Demonstrating the greatness of Islamic thoughts in taking care of the affairs of individuals, nations, and states is one of the greatest political methods.

**Article 187:** The political cause of the Ummah is Islam, in the might of the personality of its state, the perfection in application of its rulings, and the persistence in carrying its Dawah to the world.

**Article 188:** Carrying the Islamic Dawah is the central pivot around which foreign policy revolves, and the fundament upon which the State's relationships with all States is built.

**Article 189:** The relationship of the State with other currently existing States in the world is based on four considerations:

1. The existing States in the Islamic World are considered as if they are existing in a single country. They are not included in foreign relations and their relations are not considered part of foreign policy. All efforts must be made to unify them all into one State.

2. States with which we have economic treaties, trade treaties, good-neighborly treaties, or cultural treaties are to be treated according to the terms of the treaties. Their citizens have the right to enter the country with an identity card, rather than a passport, if the treaty specifies this, provided that there is reciprocal treatment, practically. Economic and trade relations with these countries should be limited to certain things and certain criteria that are deemed necessary, and must not lead to strengthening them.

3. States with which we have no treaties, and colonialist states such as England, America, France, and States that have designs on our lands, such as Russia, are considered to be potentially (hukman) warring (muḥārib) States. All precautions must be taken regarding them. No diplomatic relations can be established with them. Their citizens may enter our lands only with a passport and a special visa for each individual and each trip, unless they become actually (fa'lan) warring.

4. With States that are actually warring (muḥārib), like Israel, a state of war must be taken as the foundation for all actions. They must be treated as if we are in an actual war with them, regardless of whether there is a armistice (Hudnah) or not. All their citizens are forbidden from entering the country.

**Article 190:** Military treaties and those of a similar nature or attached to them, such as political treaties and agreements for leasing bases and airports, are absolutely prohibited. Treaties of good-neighborliness, economic, trade, financial, cultural treaties, and ceasefire treaties are permitted.

**Article 191:** The State is forbidden to join any organisation which is based on something other than Islam or which applies non-Islamic rules. This includes international organisations like the United Nations, the International Court of Justice, the International Monetary Fund and the World Bank, and regional organisations like the Arab League.

## **Morals in Islam** **(al-Akhlaaq fil Islam)**

Islam is defined as the Deen that Allah (swt) has revealed to our Messenger Muhammad (saw) to organise man's relationship with his Creator, himself and with other human beings. Man's relationship with his Creator revolves around the creed ('Aqaa'id) and ritual worships ('Ibaadaat). His relationship with himself includes morals, foodstuffs and clothing, while his relationship with other human beings involves transactions (mu'aamalaat) and punishments ('uqoobaa).

Islam tackles all of man's problems and looks upon man as an indivisible whole. Consequently, it solves man's problems according to one method. Furthermore, Islam has built its system on a spiritual basis, i.e. its creed ('Aqeedah). Accordingly, the spiritual aspect is the foundation of its civilisation, state, and Sharee'ah.

Although the Islamic Shariah explained the various systems in precise details, such as the ritual worships, transactions and punishments, it has not devoted a detailed system for the morals (akhlaaq). Instead, it treated the rulings of morals as commands and proscriptions from Allah (swt), without regard to morals as a detail that should be given special care, distinguished from the others. To the contrary, in terms of detailing of rulings, they are less detailed than others and they are given no particular chapter in jurisprudence (fiqh). Thus, one does not find, in the books of jurisprudence that contain the legal rulings, a chapter titled morals. Furthermore, the Fuqaha'a and Mujtahidoon have not paid much attention, in derivation and study, to the subject area of moral rulings.

Morals do not affect the building of a society, because society is built upon the systems of life and is affected by emotions and thoughts. So, morals have no effect in establishing

the society or determining its ascent or decline. Instead, the effective factor is the general custom (al-urf al-aam) that stems from the concepts about life. Society is not steered by morals, but by the systems applied within it and the thoughts and emotions people carry. Indeed, morals themselves stem from the thoughts, emotions and result from the implementation of the system.

Therefore, it is not allowed to focus the Dawah on morals within a society, as morals are outcomes of divine commands. They arise from the Dawah to the creed and the general application of Islam. Focusing on calling to morals distorts the Islamic concepts about life. It diverts people from understanding the true nature and components of society, and anaesthetises them with individualized virtues, causing the negligence of the true means for life ascending.

Therefore, to turn the Islamic Dawah into a call for morals is dangerous, for it deludes people into thinking the Islamic Dawah is a call for morality and, consequently, obliterates the intellectual image of Islam, prevents people from understanding it, and diverts them away from the only Method that leads to its application, which is the establishment of the Islamic State. When the Islamic Shariah treated man's relationship with himself, with Shariah rulings related to the moral attributes, it did not make that a system as it did with the ritual worships and transactions. Instead, the Islamic Shariah took into account in these rulings the realisation of certain values that Allah (swt) has commanded. Moral attributes, such as truthfulness, honesty, shunning envy and deceit, are realised only by one thing, which is the command of Allah (swt) in respect to moral value, like noble traits and virtues. For instance, honesty is a moral quality commanded by Allah, therefore its moral value must be taken into account, when it is enacted. In this manner, the moral value is realised with honesty, and so it is called a moral. However, when these attributes are produced as a result of actions, like

purity ('iffah) resulted from Salah, or produced as a result of transactions, like honesty resulted from trading, the moral value is not attained. This is because, they were unintended when undertaking the action. Instead, these attributes produced as a result of actions and the obligatory observance, are moral attributes of the believer when he worships Allah (swt) and undertakes transactions. Thus, the believer realised with the first purpose the spiritual value, from Salah, and he realised with the second purpose the materialistic value, from trading, while he is characterised by moral attributes at the same time.

The Shar' has clarified those attributes, which are considered good morals, and those attributes which are considered evil morals. It has encouraged good morals and has forbidden evil morals. It has encouraged truthfulness, honesty, cheerfulness, modesty, honouring parents, good relationships with relatives (silat-ur-raHm), alleviating hardship, and loving for another what one loves for oneself, and considered all these and the like as an exhortation to follow the commands of Allah. Conversely, it condemns their opposites, such as lying, betrayal, envy, immorality, and similar behaviors, considering these and the like as prohibitions from within all that Allah (swt) has forbidden.

Morals are a part of this Sharee'ah and a branch of the commands and proscriptions of Allah. It is inevitable that a Muslim realises these morals within himself to complete his doing according to Islam, and to perfect the performance of the commands of Allah (swt). However, attaining these morals in an entire society, should be done through generating Islamic thoughts and Islamic emotions. By realizing them within the community, they will necessarily be realised in individuals. It is self-evident, that the way to attain them is not through the call to morals, but by the way mentioned above, which is generating the emotions and thoughts. However, the initial step involves preparing a structure built upon all of Islam. It is a structure in

which individuals are parts of a group, rather than independent individuals, in order to carry the complete Islamic Dawah within the society, to generate the Islamic emotions and Islamic thoughts. So, people will enter into morals in multitudes, following their entry into Islam in multitudes. It should be clearly understood that this saying of ours makes morals an absolute necessity for following the commands of Allah and implementing Islam. It confirms the necessity of the Muslim to be characterized by good morals.

Allah (swt) has clarified in many surahs of the noble Qur'an those attributes which man should acquire and endeavour to possess. These attributes are the creeds, ritual worships, transactions, and morals. These four attributes should be present all together. Allah (swt) says in Surah Luqman:

﴿وَإِذْ قَالَ لُقْمَنُ لَبْنِهِ وَهُوَ يَعِظُهُ يَبْنَىٰ لَا تُشْرِكْ بِاللَّهِ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ ﴿١﴾ وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ وَفَصَّلْتُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ ﴿٢﴾ وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبِهُمَا فِي الدُّنْيَا مَعْرُوفًا وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ ثُمَّ إِلَيَّ مَرْجِعُكُمْ فَأُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ ﴿٣﴾ يَبْنَىٰ إِنَّهَا إِنْ تَكُ مِثْقَالَ حَبَّةٍ مِّنْ خَرْدَلٍ فَتَكُنْ فِي صَخْرَةٍ أَوْ فِي السَّمَوَاتِ أَوْ فِي الْأَرْضِ يَأْتِ بِهَا اللَّهُ إِنَّ اللَّهَ لَطِيفٌ خَبِيرٌ ﴿٤﴾ يَبْنَىٰ أَقِمِ الصَّلَاةَ وَامْرَأَ بِالْمَعْرُوفِ وَاتَّقِ الْمُنْكَرَ وَأَصْبِرْ عَلَىٰ مَا أَصَابَكَ إِنَّ ذَٰلِكَ مِنْ عَزَمِ الْأُمُورِ ﴿٥﴾ وَلَا تُصَعِّرْ خَدَّكَ لِلنَّاسِ وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ ﴿٦﴾ وَأَقِصِدْ فِي مَشْيِكَ وَاعْضُضْ مِنْ صَوْتِكَ إِنَّ أَنْكَرَ الْأَصْوَاتِ لَصَوْتُ الْحَمِيرِ﴾

“Behold, Luqman said to his son by way of instruction:  
O my son! Join not in worship (others) with Allah, for false

worship (polytheism) is indeed the highest wrong-doing. (13) And we have enjoined on man (to be good) to his parents, in travail upon travail did his mother bear him, and in two years was his weaning, (hear the command) show gratitude to Me and to your parents, to Me is (your final) Goal. (14) But if they strive to make you join worship with Me things of which you have no knowledge, obey them not, yet bear their company in this life with justice (and consideration), and follow the way of those who turn to Me (in love), in the end the return of you all is to Me, and I will tell you the truth (and meaning) of all that you did. (15) O my son! (said Luqman), if there be (but) the weight of a mustard seed and it were (hidden) in a rock, or (anywhere) in the heavens or on earth, Allah will bring it forth: For Allah understands the finest mysteries, (and) is well acquainted (with them). (16) O my son! establish regular prayer, enjoin what is just, and forbid what is wrong, and bear with patient constancy whatever happens to you, for this is firmness (of purpose) in (the conduct of) affairs. (17) And swell not your cheek (for pride) at men, nor walk in insolence through the earth, for Allah loves not any arrogant boaster. (18) And be moderate in your pace, and lower your voice, for the harshest of sounds without doubt is the braying of the ass. (19)” [TMQ 31:13-19].

Allah (swt) says in Surah al-Furqan:

﴿وَعِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَإِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا ۝ وَالَّذِينَ يَبِيتُونَ لِرَبِّهِمْ سُجَّدًا وَقِيَامًا ۝ وَالَّذِينَ يَقُولُونَ رَبَّنَا اصْرِفْ عَنَّا عَذَابَ جَهَنَّمَ إِنَّ عَذَابَهَا كَانَ غَرَامًا ۝ إِنَّهَا سَاءَتْ مُسْتَقَرًّا وَمُقَامًا ۝ وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا ۝ وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ ۝ وَمَنْ يَفْعَلْ



ذَلِكَ يَلْقَى أَثَامًا ﴿٦٣﴾ يُضَعَّفُ لَهُ الْعَذَابُ يَوْمَ الْقِيَمَةِ وَيَخْلُدُ فِيهِ مُهَانًا ﴿٦٤﴾ إِلَّا مَنْ تَابَ  
 وَآمَنَ وَعَمِلَ عَمَلًا صَالِحًا فَأُولَئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ ۗ وَكَانَ اللَّهُ غَفُورًا  
 رَحِيمًا ﴿٦٥﴾ وَمَنْ تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا ﴿٦٦﴾ وَالَّذِينَ لَا  
 يَشْهَدُونَ الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا ﴿٦٧﴾ وَالَّذِينَ إِذَا ذُكِّرُوا بِآيَاتِ  
 رَبِّهِمْ لَمْ يَخِرُّوا عَلَيْهَا صُمًّا وَعُمْيَانًا ﴿٦٨﴾ وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَرْوَاحِنَا  
 وَذُرِّيَّتِنَا قُرَّةَ أَعْيُنٍ ۖ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا ﴿٦٩﴾ أُولَئِكَ يُجْزَوْنَ الْغُرْفَةَ بِمَا صَبَرُوا  
 وَيُلْقَوْنَ فِيهَا قُرَّةَ نَفْسٍ ۖ وَاسْلَمَ ﴿٧٠﴾ خَلْدِيں فِيهَا حَسَنَتْ مُسْتَقَرًّا وَمُقَامًا ﴿٧١﴾

“And the servants of (Allah) most Gracious are those who walk on the earth in humility, and when the ignorant (people) address them, they say, Peace! (63) Those are who spend the night in adoration of their Lord prostrating and standing. (64) Those who say, Our Lord! Avert from us the Wrath of Hell, for its Wrath is indeed an affliction grievous; (65) Evil indeed is it as an abode, and as a place to rest in; (66) Those who, when they spend, are not extravagant and not niggardly, but hold just (balance) between those (extremes); (67) Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause, nor commit fornication, and any that does this (not only) meets punishment; (68) (But) the Penalty on the Day of Judgment will be doubled to him, and he will dwell therein in disgrace; (69) Unless he repents, believes, and works righteous deeds, for Allah is oft-forgiving, most merciful; (70) And whoever repents and does good has truly turned to Allah with an (acceptable) conversion; (71) Those who witness no falsehood, and, if they pass by futility, they pass by it with honourable (avoidance); (72) Those who, when they are admonished with the Signs of their Lord, droop not down at them as if they were deaf or blind; (73)

And those who pray; Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous; (74) Those are the ones who will be rewarded with the highest place in heaven, because of their patient constancy; therein shall they be met with salutation and peace; (75) Dwelling therein, how beautiful an abode and place of rest! (76)” [TMQ 25: 63-76].

Allah (swt) says in Surah al-Israâa:

﴿وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَنًا ۚ إِنَّمَا يَبْغُنَ عِنْدَكَ الْكِبَرُ أَحَدُهُمَا ۖ أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا ۝ وَأَخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيَانِي صَغِيرًا ۝ رَبُّكُمْ أَعْلَمُ بِمَا فِي نُفُوسِكُمْ ۚ إِن تَكُونُوا صَالِحِينَ فَإِنَّهُ كَانَ لِلْأَوَّابِينَ غَفُورًا ۝ وَءَاتَٰ ذَا الْقُرْبَىٰ حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ وَلَا تَبْذُرْ تَبْذِيرًا ۝ إِنَّ الْمُبْذِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ ۖ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا ۝ وَإِنَّمَا تُعْرَضُونَ عَنْهُمْ أَبْتِغَاءَ رَحْمَةٍ مِّن رَّبِّكَ تَرْجُوهَا فَقُلْ لَهُمْ قَوْلًا مَّيْسُورًا ۝ وَلَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَىٰ عُنُقِكَ وَلَا تَبْسُطْهَا كُلَّ الْبَسْطِ فَتَقْعُدَ مَلُومًا مَّحْسُورًا ۝ إِن رَّبُّكَ يُبْسِطُ الرِّزْقَ لِمَن يَشَاءُ وَيَقْدِرُ ۚ إِنَّهُ كَانَ بِعِبَادِهِ خَبِيرًا بَصِيرًا ۝ وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةً إِمَّا يَكُونُ نَرْزُقُكُمْ وَإِيَّاهُمْ ۖ إِن قَتَلْتُمْ كَانَ خَطِيئًا كَبِيرًا ۝ وَلَا تَقْرَبُوا الزَّوْجَ ۚ إِنَّهُ كَانَ فَجِشَةً وَسَاءَ سَبِيلًا ۝ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ۚ وَمَن قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ ۚ إِنَّهُ كَانَ مَنصُورًا ۝ وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ ۚ وَأَوْفُوا بِالْعَهْدِ ۚ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا ۝ وَأَوْفُوا الْكَيْلَ إِذَا كَلَّمْتُمْ وَزِنُوا بِالْقِسْطَاسِ ۚ أَلَمْ تَسْتَقِيمْ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ۝ وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ ۚ إِنَّ السَّمْعَ

وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا ﴿٢٣﴾ وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا إِنَّكَ لَن  
تَخْرِقَ الْأَرْضَ وَلَن تَبْلُغَ الْجِبَالَ طُولًا ﴿٢٤﴾ كُلُّ ذَٰلِكَ كَانَ سَيِّئُهُ عِنْدَ رَبِّكَ مَكْرُوهًا ﴿٢٥﴾

“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 to them a word of contempt, nor repel them, but address them in terms of honour. (23) And out of kindness, lower to them the wing of humility, and say: My Lord! Bestow on them Your Mercy even as they cherished me in childhood. (24) Your Lord knows best what is in your hearts: If you do deeds of righteousness, verily He is Most Forgiving to those who turn to Him again and again (in true penitence). (25) And render to the kindred their due rights, as (also) to those in want, and to the wayfarer: But squander not (your wealth) in the manner of a spendthrift. (26) Verily spendthrifts are brothers of the Evil Ones, and the Evil One is to his Lord (Himself) ungrateful. (27) And even if you have to turn away from them in pursuit of the Mercy from your Lord which you do expect, yet speak to them a word of easy kindness. (28) Make not your hand tied (like a niggard’s) to your neck, nor stretch it forth to its utmost reach, so that you become blameworthy and destitute. (29) Verily thy Lord does provide sustenance in abundance for that He pleases, and He provides in a just measure. This is because He does know all His servants. (30) Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Indeed, the killing of them is a great sin. (31) Nor come near to adultery, for it is a shameful (deed) and an evil, opening the road (to other evils). (32) Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand Qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law). (33)

**Come not near to the orphan's property except to improve it, until he attains the age of full strength; and fulfils (every) engagement, for (every) engagement will be inquired into (on the Day of Reckoning). (34) Give full measure when you measure, and weigh with a balance that is straight; that is the most fitting and the most advantageous in the final determination. (35) And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned. (36) And do not walk upon the earth exultantly. Indeed, you will never tear the earth [apart], and you will never reach the mountains in height. (37) All that - its evil is ever, in the sight of your Lord, detested. (38)" [TMQ 17:23-38].**

The verses in these three surahs represent one complete whole that elucidates the different attributes, clarifies the Muslim image and demonstrates the Islamic personality in itself, as distinguished from others. It is noticeable that these verses are commands and proscriptions from Allah (swt). Some of which are rulings related to 'Aqeedah (creed); while others are rulings connected to ritual worships, transactions and morals. Furthermore, the verses were not confined to moral attributes, but they also included creeds, ritual worships and transactions, as well as morals. They are the attributes that constitute the Islamic personality. Therefore, confining the attributes to morals alone will not produce the perfect man and the Islamic personality. Moreover, the morals should be built on the spiritual basis, which is the Islamic 'Aqeedah, if they are to realise the goal for which they exist. Thus the characterisation by morals must be built on this 'Aqeedah. The Muslim is not characterised by truthfulness for the sake of truthfulness in itself, but because Allah (swt) has commanded it, although he seeks to realise the moral value in telling the truth. Thus morals are not acquired as such for themselves but because Allah (swt) commanded them.

Accordingly, the Muslim should be characterised by moral virtues and perform them obediently and submissively for they are linked with taqwa. Since morals result from worship:

﴿إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ﴾

**“Indeed Salah forbids lewdness and abomination,”**  
[29:45] and should be observed during transactions,

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**“The Deen is the good transaction with others,”** in addition to their being specific commands and proscriptions, then this reinforces them in the Muslim soul (nafs) and makes them an inherent quality. Therefore, the integration of the morals with the rest of life’s systems - though they are independent attributes - will be able to guarantee the righteous preparation of the Muslim. This is especially because the acquisition of a moral is in response to the commands of Allah (swt) or in avoiding His (swt) prohibitions, and not because such morality benefits or harms in this life. This what makes the acquisition of good morals permanent and constant as long as the Muslim is steadfast in applying Islam. To be characterized by a moral does not revolve around the revolving benefit, because it is not intended to be beneficial. Instead, the benefit must be excluded from it, because what is sought is the moral value alone, not the material, human, or spiritual values. In fact, these values should not be involved in the moral value, lest there be confusion in performing it or in being characterized by it. Moreover, it must be noted that material value must be excluded from the moral, and that it must be excluded from performing it for the sake of benefits and advantages, because that is dangerous for the moral.

In summary, the morals are not a component of society. Instead they are a component of the individual. Therefore, society cannot be reformed by morals. Instead society is

reformed by Islamic thoughts, Islamic emotions, and the application of Islamic systems. Although morals are a component of the individual, they are not the only ones, and they must not be the only ones. Instead, creeds ('Aqaa'id), ritual worships ('ibaadaat) and transactions (mu'aamalaat) must be with them. Therefore, a person whose morals are good but whose creed is not Islamic is not considered as good, because he is then a disbeliever, and there is no sin above the sin of disbelief. The same applies to a person whose morals are good, but who does not perform acts of worship, or does not conduct his transactions according to the rulings of the Shar'. Hence, it is necessary to take into account the existence of creeds, ritual worships and transactions and morals, when reforming an individual. It is not allowed in Shar' to take care of the morals alone, and neglect the rest of the attributes. Indeed, it is not allowed to focus on anything, before being reassured about the 'aqeedah. The fundamental thing in morals is that they must be built on the Islamic 'aqeedah, and the believer must be characterized by them as commands and proscriptions from Allah, the Exalted.