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Jihad According to Sharia Texts

Opinion of the Khaleefah Resolves the Disagreement

**Islam's Rulings Regarding Gender, Ambiguous Gender,
Transgender and Transsexual**



**All those Who Desire Independence from
America, Must Work to Re-Establish
Khilafah (Caliphate) on the Method of
Prophethood**

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Editorial

As Muslims, we live at a time of great change, whilst we desire a specific certain change.

Great changes are happening all around us. Conflict between the major powers of the world, Russia, China and the US, has reshaped the international order. Huge concentration of wealth for a few, with severe economic hardship for everyone else, leading to a lack of confidence in Capitalism. Assaults on Muslims and their values, whilst there is significant interest in the Deen of Truth, have made Islam center stage.

Looking around us, we are looking for, hoping for, and even working for, a certain type of change. We are looking for the ruling by all that Allah (swt) has revealed. We are hoping for rulers referring to the Noble Quran and the Prophetic Sunnah. We are even working for the re-establishment of the Khilafah (Caliphate) on the Method of the Prophethood. How exactly do we get there? It seems to be a huge and unclear task. So, let's start from what we know well, and move on to matters we need to consider, perhaps, more.

Anas (ra) reported the Messenger of Allah (saw) as saying, لَا يُؤْمِنُ أَحَدُكُمْ حَتَّىٰ أَكُونَ أَحَبَّ إِلَيْهِ مِنْ وَالِدِهِ وَوَلَدِهِ وَالنَّاسِ أَجْمَعِينَ **“None of you believes till I am dearer to him than his father, his child, and all mankind.”** (Bukhari and Muslim). We do love the Prophet (saw), dearly, as is clear from our speech in Rabi ul Awwal. Now, that love means we obey him (saw), as Allah (swt) sent Revelation to him (saw). So, how did the Prophet (saw) act when he (saw) saw Rome and Persia, the world powers in his era, collide? What did he (saw) do when he saw the leaders of Quraysh cheat in the markets, whilst pushing away the orphans? What course did he (saw) pursue, when Bilal (ra) was placed under a rock, in the blazing sun, and Khabaab (ra) was branded with hot metal?

Let us be clear, love for the Prophet (saw) means obedience. That has been understood by the classical Ulema, over the centuries of the Ummah of the Prophet (saw). Al-Azhari said, محبة العبد لله ورسوله تعني طاعته لهما، واتباعه أمرهما **“A servant's love for Allah and His Messenger means obeying them and following their command.”** Al-Baydaawi said، المحبة إرادة الطاعة **“Love is the will to obey.”** Ibn 'Arafah said، المحبة، عند العرب، إرادة الشيء على قصد له **“Love in the**

language of Arabs means willing a thing uprightly.” Az-Zajjaaj said، ومحببة الإنسان لله “Man’s love for Allah and His Messenger is to obey them، and to accept what Allah (swt) has commanded، and the Messenger of Allah (saw) has brought.” So let’s understand that، accept that and implement that. Today. Now.

So how do we obey the Prophet (saw)، whom we love، in our situation? The Prophet (saw) is the best of all examples. His (swt) speech، his actions and his consenting silence. We look at these for charting our course، for change، real change. He (saw) gathered the Companions (ra)، the young and the older، in Dar ul Arqam and taught them the Deen، giving them Companionship until they become beacons of guidance. Are we doing that? He (saw) stood in front of the Kaabah and addressed the society publicly، fearing none but Allah (swt). Did we take that as our example? He (saw) approached the men of influence، who became strong pillars for the Dawah to Islam، such as Umar al-Farooq. How often do we do that? And he (saw) met the people of power، the people of Nussrah، to demand the strength for the implementation of Islam. Have we ever addressed this fact with the military officers، that many of us know?

It’s a time for great change and we want a specific change. Let’s not be observers. Let’s be instruments of change. Yes، of course، we make Tuwakkul (dependence) on Allah (swt)، but that does not allow us to neglect our actions. Let’s make Dua for the Nasr of Allah (swt) but let’s not stop at making Dua. Let’s act، contribute، participate and share in the reward. Let’s not leave it to others to do، or wait for others، let’s do it ourselves. For the love of the Prophet (saw). For the Companionship of the Prophet (saw) in the Aakhirah.

Anas b. Malik reported that a person came to Allah’s Messenger (saw) and said to Allah’s Messenger، يَا رَسُولَ اللَّهِ مَتَى السَّاعَةُ قَالَ وَمَا أَعَدَدْتَ لِلْسَّاعَةِ. قَالَ حُبُّ اللَّهِ وَرَسُولِهِ قَالَ فَإِنَّكَ مَعَ مَنْ أَحْبَبْتِ. قَالَ أَنَسٌ فَمَا فَرِحْنَا بَعْدَ الْإِسْلَامِ فَرِحًا أَشَدَّ مِنْ قَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنَّكَ مَعَ مَنْ أَحْبَبْتِ. قَالَ أَنَسٌ فَإِنَّا أَحْبَبْنَا اللَّهَ وَرَسُولَهُ وَأَبَا بَكْرٍ وَعُمَرَ فَأَرْجُو أَنْ أَكُونَ مَعَهُمْ وَإِنْ لَمْ أَعْمَلْ بِأَعْمَالِهِمْ “O Messenger of Allah (saw)، when would be the Last Hour? Thereupon he (saw) said، ‘What preparation have you made for the Last Hour?’ He said، ‘The love of Allah and of His Messenger is my only preparation.’ Thereupon he (the Holy Prophet) said، ‘You would be along with one whom you love.’ Anas said، ‘Nothing pleased us more after accepting Islam than the words of Allah’s Prophet (saw)، ‘You would be along with one whom you love.’ And Anas said، ‘I love Allah and His Messenger (saw) and

Abu Bakr (ra) and Umar (ra), and I hope that I would be along with them although I have not acted like them.” [Muslim]

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Tafseer Al-Baqarah (2: 233-235)

From the book, Introduction to the Tafseer of the Quran, by the Ameer of Hizb ut Tahrir, the eminent jurist and statesman, Ata Bin Khalil Abu Al-Rashtah

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارُّ وَالِدَةٌ بَوْلِدَهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِّنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۚ وَإِنْ أَرَدْتُمْ أَنْ تَسْرِضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ ۚ وَاتَّقُوا اللَّهَ ۚ وَعَلِمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ (233) وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ۚ فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ ۚ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ (234) وَلَا جُنَاحَ عَلَيْكُمْ فِي مَا عَرَضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْنُتُمْ فِي أَنْفُسِكُمْ ۚ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَّعْرُوفًا ۚ وَلَا تَعْرَمُوا عُقْدَةَ النِّكَاحِ حَتَّىٰ يَبْلُغَ الْكِتَابُ أَجَلَهُ ۚ وَعَلِمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ ۚ وَعَلِمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ (235)﴾

“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mothers' provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable. And fear Allah and know that Allah is Seeing of what you do.” (233). And those who are taken in death amongst you and leave wives behind - they, [the wives, shall] wait four months and ten [nights]. And when they have fulfilled their term, then there is no blame upon you (guardians) for what they do with themselves in an acceptable manner. And Allah is [fully] Acquainted with what you do. (234). There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women or for what you conceal within yourselves. Allah knows that you will have them in mind. But do not promise them secretly except for saying a proper saying. And do not determine to undertake a marriage contract until the decreed period reaches its end. And know that Allah knows what is within yourselves, so beware of Him. And know that Allah is Forgiving and Forbearing. (235)”

Allah (swt) clarifies the following in these verses:

1-When a woman is divorced, whilst she has an infant at the age of breastfeeding, the father of the infant must provide maintenance for breastfeeding the infant, by providing food and clothing to the mother, during the breastfeeding period. That is, he must provide her wages during the breastfeeding period, which is two complete years, if the father wants to complete the breastfeeding period.

The father has to provide maintenance to the mother of the child in proportion to his ability. If the father becomes absent, i.e. deceased, his heirs take over the maintenance for the breastfeeding.

It is not appropriate to harm the mother, regarding her child, by preventing her from breastfeeding the child if she wants to, or by preventing her from seeing the child. Similarly, it is prohibited to harm the father, over his child, just as it is prohibited to prevent the mother of the child from breastfeeding, particularly when the child is in need of her.

Also, there is no sin for the parents to stop breastfeeding, by weaning, the child before two years, if both the parents mutually consult and agree on that.

Similarly, there is no sin for the father to seek another woman for breastfeeding his child, if there is a legitimate excuse for not continuing feeding with the mother of his child. And in such a situation, the father can receive his child from the mother, after paying her the wage for breastfeeding his child, and then he can handover his child to another woman to breastfeed him, after the new wet-nurses have received the wage of breastfeeding.

Then, Allah (swt) concludes the verse by reminding the two parents about piety, so that they would be compassionate with their child, without causing harm to the child's upbringing or causing harm to one another. Nothing is concealed from Allah (swt) in terms of what they do. Allah (swt) will reward both of them with what they deserve, **“وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ”** **“And know that Allah is Seeing of what you do.”**

The saying **(وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ)** **“Mothers may breastfeed their children.”** It is information (khabr) in the sense of request, i.e. it is a request (Talab) for divorced mothers to breastfeed their children. This request is in the sense of recommendation, i.e. mandub, as there is no indication (qareena) to oblige mothers over that. Nevertheless, a mother is the most entitled person

for custodianship (hadana) of her child, as long as she does not marry another man. This is because the verse addresses mothers to breastfeed from the beginning.

The word (وَالْوَالِدَاتُ) **“And Mothers”** is a general word that includes all mothers. However, this word is particular for the divorced mothers alone, excluding the wives, i.e. the non-divorced mothers. This is due to the following two reasons:

a) This verse comes after the verses of Talaq (divorce) and thus the context indicates that: what is intended by the word ‘mothers (الوالدات)’ is the divorced, breastfeeding women. Thus the father, the ex-husband, must pay them wages.

b) The verse stipulates to provide sustenance and clothing for the sake of breastfeeding: as He (swt) says (وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ) (بِالْمَعْرُوفِ) **“Upon the father is the mothers' provision and their clothing according to what is acceptable.”** This is mentioned after the saying, (وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ) **“Mothers may breastfeed their children.”** This means that what is intended is the divorced, breastfeeding women, as providing sustenance and clothing to wives is obliged upon the husband, for the sake of marriage and not for the sake of breastfeeding. Since the nature of the verse links the sustenance and clothing to the breastfeeding, this means that the mother is not under the guardianship of the husband, as a married wife.

Accordingly, the verse clarifies that it is amongst the rights of divorced, breastfeeding women to receive wages, for breastfeeding their children.

As for the saying, (وَعَلَى الْمَوْلُودِ لَهُ) **“Upon the father (mawlud) is (the mothers' provision and their clothing),”** it indicates that the lineage of a child belongs to the father and not to the mother.

Also, the utterance of the words, (الْوَالِدَاتُ) **“mothers”** and (الْمَوْلُودِ لَهُ) **“the father”** implies the reconciliation of the parents and the arousal of their sympathies, to take care of and have concern about the child, without harming each other.

The saying (وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ) **“And upon the [father's] heir is [a duty] like that [of the father].”** i.e. it is upon the heir to pay the wages of breastfeeding, if the father dies, whilst he does not have enough wealth

sufficient for the known needs of the child, and to pay his mother. Here, the word heir is a general word, that includes all the heirs.

The saying, (لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهَا) **“No mother should be harmed through her child, and no father through his child.”** Here the word المضارة “harming one another” is of the verb form مفاعلة (Mufa’ala), with the meaning of harm. Thus, the father must not cause harm to the mother because of the child, by reducing the sustenance and clothing for her, or taking the infant from her, whilst she wants to breastfeed the infant. The mother must not cause harm to the father because of the child, by demanding more clothing and sustenance than he could not bear or by saying, “I need the child to be breastfed by another woman,” in order to cause harm to the father, after the child has bonded with her.

This prohibition is decisive as the word (المضارة) “causing harm to one another” is an understood description, that bestows decisiveness. That is, the verse provides the prohibition of harming one another. The letter (ب) in the word ‘يُولَدِهَا’ **“through her child”**, and in the word ‘يُولَدِهِ’ **“through his child,”** is a causative (سببية / sababiyya) morpheme i.e. for the reason of the child.

The saying: (فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا) **“And if they both desire weaning, through mutual consent, from both of them and consultation, there is no blame upon either of them”**. i.e. if both the parents want to wean the child, before two years, as mentioned previously in the verse, (حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ) **“two complete years for whoever wishes to complete the nursing [period]”**. It is an indication that neither parent can resolve to wean the child, without the consent of the other.

The saying, (فَلَا جُنَاحَ عَلَيْهِمَا) **“there is no blame upon either of them”** i.e. There is no sin upon them. In other, it is permissible (mubah) for them to do that.

The saying: (وَأِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْتُمْ) (بِالْمَعْرُوفِ) **“And if you wish to have your children nursed by a substitute, there is no blame upon you, as long as you give payment according to what is acceptable.”**. After clarifying the complete breastfeeding period, which is two years, He (swt) says: (وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ) **“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period].”** Allah (swt) clarifies the consultation

of the spouses about weaning the child, as He (swt) says (فَإِنْ آرَادَا فِصَالًا عَنْ تَرَاضٍ) **“And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them.”** Here, the mother may refuse to complete the breastfeeding, for two years. So there may not be a mutual consent between the spouses, where the father wants to complete the breastfeeding of the child for two years, whilst the mother refuses that for some reason. In such a situation, Allah (swt) mentions that there is no sin upon the father to seek breastfeeding of his child, from another breastfeeding woman.

The saying: (إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ) **“as long as you gave according to what is acceptable”** i.e. as long as you give what you have agreed to give to the breastfeeding women as a wage, in proportion to what is acceptable to other breastfeeding women. The word (آتَيْتُمْ) **“You gave”** is in the past tense, indicating two matters:

First: this wage is attached to them from the first day of breastfeeding.

Second: The implicit meaning indicates the preference of paying the wages of a breastfeeding woman, at the beginning.

So, give wages to the mothers for the first period of breastfeeding, which they have breastfed to the children. Be kind to them, and to the like of them, in terms of giving wages, then give the same wages to the new breastfeeding woman, according to what is acceptable, in such a situation.

The saying: (تَسْتَرْضِعُوا أَوْلَادَكُمْ) **“(if you wish) to seek breastfeeding for your children”** i.e. (تَسْتَرْضِعُوا لِأَوْلَادِكُمْ) **“if you seek breastfeeding to your children”** i.e. the preposition ‘لِ’ added to the word ‘your children’ in Arabic, where the Preposition (Jaar) is removed, just as the saying of Allah (swt): (وَإِذَا كَالُوهُمْ) **“But if they give by measure to them”** [TMQ 83:3] i.e. كَالُوا لَهُمْ **“if they give by measure to them.”** Again, the Jaar is removed here.

2. In the second verse, Allah (swt) clarifies that the waiting period (iddah) of a woman, whose husband is deceased, is four months and ten days. During that period, it is prohibited for a woman to prepare for marriage, by having beautiful dresses or perfumes or similar. Instead, she should live a mourning life in her home, as the Prophet (saw) said, لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، تُحَدُّ عَلَى **“It is not lawful for a woman who believes in Allah and the Day of Judgment to mourn for the deceased for more**

than three days, except for her husband whose mourning period is four months and ten days.” [Bukhari: 1201, 4918, Muslim: 273]. If the waiting period is over, then there is no sin upon her or upon her guardians, if she lives a regular life, just as any woman lives in her private and public with kindness, leading a life within the bounds of Shariah.

Then, Allah (swt) concludes the noble verse by saying that He (swt) is acquainted with what we do, being aware of that and rewarding for that, as He (swt) says: (وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ) “And Allah is [fully] Acquainted with what you do.”

The saying, (وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ) “And those who are taken in death amongst you” i.e. the ones whose souls were taken. The word التوفي “al-Tawaffa” in Arabic means ‘holding.’ It is said, توفيت مالي من فلان واستوفيته منه which means ‘someone took my money and grabbed it’ i.e. ‘he grabbed it and took away from me.’ It means the word can be understood only by its indication, whether it means the soul is taken away, or wealth is taken away, or taken away during the sleep, without the soul, as Allah (swt) says, وَهُوَ الَّذِي يَتَوَفَّاكُم بِاللَّيْلِ وَيَعْلَمُ مَا فِي قُلُوبِكُمْ وَاللَّهُ بِهِ شَهِيدٌ مَا يَجْعَلُ اللَّهُ لَكُمْ فِي دِينِكُمْ يُسْرًا وَمَا يُخْفَى عَلَيْكُمْ وَاللَّهُ عَلِيمٌ خَبِيرٌ “And it is He who takes your souls by night and knows what you have committed by day. Then He revives you therein that a specified term may be fulfilled.” [TMQ 6:60]. The soul can be taken away from the alive body, regardless of whether the person is awake or sleeping, as happened with Isa (as), as Allah (swt) says, إِذْ قَالَ اللَّهُ يَا عِيسَى ابْنُ مَرْيَمَ خذْ هَذَا فَخُذْهُ وَإِنِّي مُتَوَفِّيكَ وَرَافِعُكَ إِلَيَّ وَمُطَهِّرُكَ مِنَ الَّذِينَ كَفَرُوا وَجَاعِلُكَ فِي سَكَنٍ مَرْضُوقٍ يُسَبِّحُكَ حَمِيدًا “I will take you and raise you to Myself and purify you from those who disbelieve...” [TMQ 3:55] Thus, Allah (swt) saved him from them the people of Isra’il) who tried to kill him. He (swt) raised Isa (as) alive. He (swt) will send him back to the world, at a particular time, as mentioned in the sahih hadiths.

The saying, (يَتَرَبَّصْنَ بَأَنْفُسِهِنَّ) “They shall await (themselves)”, i.e. they wait without marrying i.e. their idda period is (أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا) “four months and ten (days).” The number is made in the masculine form (تذكير masculinization), which includes the counts of nights. Arabs used to include nights, when count is in the masculine form, as the day begins with the occurrence of the night. Accordingly, they don’t make feminine (تأنيث feminization) in the like of it, for the counts that include the days. Instead they include nights, such that they would say, (أصبحنا عشراً من شهر رمضان) “we have attained the tenth of Ramadan month” as said by Al-Fa’ra, although fasting occurs only during the days. This is

in most of their sayings, as Allah (swt) says, (إِنَّ لَبِئْتُمْ إِلَّا عَشْرًا) **“You remained not but ten.”** [TMQ 20:103] i.e. ten nights.

All the women, who lost their husbands, make Idda for a period of four months and ten nights, except those who are pregnant. Their iddah period is until they give birth, as Allah (swt) says: (وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ) **“And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [nights].”** This verse is general. And the verse (وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ) **“And for those who are pregnant, their term (waiting period) is until they give birth.”** [TMQ 65:4], it is a specific verse that particularizes (khaas) the general verse.

The saying, (فَإِذَا بَلَغْنَ أَجَلَهُنَّ) **“And when they have reached their term”**, i.e. when they complete their iddah period.

The saying, (فَلَا جُنَاحَ عَلَيْكُمْ) **“There is no sin upon you”** i.e. upon you, O guardians!.

The saying, (فِيْمَا فَعَلْنَ فِيْ أَنْفُسِهِنَّ بِالْمَعْرُوفِ) **“for what they do with themselves in an acceptable manner”** i.e. for what they do, in terms of what have been prevented from doing, during the iddah period. They can live a normal life like any other woman, living in the midst of the Sharia limits, in terms of wearing beautiful garments or scents and other matters, after the completion of the Iddah period.

3. In the third verse, Allah (swt) clarifies another ruling related to the deceased husband of a wife, which is the permissibility of allusion (التعريض / Ta'reed), during the iddah period, with a desire to marry her, after the completion of the Iddah period. Likewise, there is no sin upon the one who keeps in his mind to propose to the woman, whose husband has died, so that he may marry her after the waiting period.

Allusion is to say a word that suggest, from a clear statement to the implicit statement. Thus allusion is originally an inclination to speak about his approach or to allude. On the other hand, it is when you mention in front of the woman during her iddah period, who lost her husband, that you want to marry her, by saying that ‘you are looking for a righteous woman to marry’ or like you mention your best character that ‘you do not oppress, if you would marry her and others’. What you have mentioned here is correct, however, it is a means

of conveying the concept i.e. conveying what you are silent about, which is your desire to marry her. Likewise, it is prohibited to explicitly mention marrying a woman, whose husband has died. However, it is permissible to allude, as we have clarified above, or to keep it to himself until the Iddah period ends.

Then Allah (swt) clarifies that He (swt) knows that the one who seeks marriage will not remain patient, by not disclosing his desire to marry her. So Allah (swt) chastens them on how they should mention their desire, by alluding, and He (swt) prohibits them (men) from giving explicit promises of marrying the women. Also, He (swt) prohibits them from taking explicit actions to contract the marriage, in advance to conclude the marriage, after the completion of the waiting period. Instead, it is permissible for him only to allude as clarified by Allah (swt).

Then Allah (swt) concludes the noble verse by warning of violating the commands of Allah in that. Allah (swt) knows the treachery of the eyes, and what the breasts conceal. Allah (swt) says (وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ) **“And know that Allah knows what is within yourselves, so beware of Him.”** There is a threat in this for those who expose what they do not conceal, whilst thinking that Allah (swt) does not know their secrets, and their secret counsels.

Despite that, Allah (swt) is forgiving the one who retreats from his mistake, and He (swt) is All-Forbearing, Who does not rush to punish the one who deserves it, as long as he retreats and repents and does the righteous deeds. (وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ) **“And know that Allah is Forgiving and Forbearing.”**

The saying, (وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا) **“But do not promise them secretly”** i.e. do not promise them during the Iddah period, about your determination to marry them. The word (السر) “secret” here is the desire of marriage, i.e. intercourse, as Ibn Abbas (ra) narrates, (إِلَّا أَنْ تَقُولُوا قَوْلًا مَّعْرُوفًا) **“Except for saying a proper saying,”** it is an (Istisna’ Munqati’). It is a munqati’ type of exceptive expression, where exception is not amongst the same kind. That is, except what you say as a proper saying, is a saying mentioned, at the beginning of the verse, which is the allusion for marriage, without explicitly announcing it, as we have explained above.

The saying, (وَلَا تَغْرِمُوا عُقْدَةَ النِّكَاحِ) **“And do not determine to undertake a marriage contract”** i.e. do not take decisive actions to marry them, such as declared advancements (مقدمات معلنة), such as buying marriage items or

preparing for marriage, once the Iddah period ends. This is because the determination of action, precedes it.

Accordingly, Alllah (swt) has prohibited two matters upon men,

a) Explicit declaration of marrying them, during the iddah period.

b) Also, advance preparations to contract the marriage, explicitly during the Iddah period.

It is clear that prohibition of the advancement of a thing, is a prohibition of the thing itself, in an eloquent manner, which indicates that contracting a marriage, during the Iddah period is a major sin, in Islam, and its contract is invalid.

The saying, (حَتَّىٰ يَبْلُغَ الْكِتَابُ أَجَلَهُ) “**until the decreed period reaches its end**” i.e. until the Iddah period ends.

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Islam's Rulings Regarding Gender, Ambiguous Gender, Transgender and Transsexual

Musab Umair, Pakistan

Introduction: Debate over Transgender Protection in the Muslim World

On 5 September 2022, Pakistan's Senator Mushtaq Ahmad presented the bill for amendments in the Transgender Protection Act, 2018, to the Senate Standing Committee on Human Rights. During the meeting, Senator Mushtaq Ahmad, said that, "Transgender is an American term, it has no place in Islam, and the legislation regarding the transgender community is against Quran and Sunnah and it will promote homosexuality." The wide debate regarding the protection of transgender individuals, has become the subject of confusion within Muslim World. It has even led a few to doubt the validity of Islam in the modern age.

So that Muslims speak and act according to that which pleases Allah (swt), it is essential to put matters regarding gender, in their proper place. Islam demands that Muslims study the issue (*mas'alah*) and then act according to the Shariah legal rulings related to the issue. So let Muslims study gender determination based on biological characteristics, both anatomical and emotional, with consideration of genetics, the gender assignment of the ambiguous gender and the view towards the effeminate man or the manly woman, as well as hormonal and surgical gender alteration.

Genderism is a Western Concept to Define Gender by Self-Perception

The West has adopted a new approach to the matter of gender in recent decades. In order to treat centuries of cruel discrimination against women, due to the Christian Church and its oppressive doctrines, the West turned to "genderism" to define gender. The West turned away from the concept of gender, according to the measure of biological duality, i.e. male and female, turning instead to the concept of genderism. Under genderism, gender is defined according to the cultural and social formation of an individual. Under genderism, the gender is assigned by the thoughts of an individual, by self-perception, and not by biology. As the French existentialist philosopher, Simone de Beauvoir, said, "One is not born, but rather becomes, a woman (French: On

ne naît pas femme, on le devient)” in her book *The Second Sex* (French: *Le Deuxième Sexe*).

Genderism, originally, arose as part of second wave feminism, in an effort to eliminate gender discrimination, based on male-female duality. So, genderism sought to eliminate biological determination of gender. By doing so, genderism also sought to eliminate its consequences, gender stereotyping and gender roles, which were deemed oppressive.

Genderism is Adopted by the Homosexual Movement

Originally, genderism was adopted to prevent the discrimination against women, by men. However, genderism became extended from support of women’s rights, to the support of gay rights. Genderism was supported heavily by advocates of homosexuality, to end discrimination, against those who declare themselves gay. Thus, the objective of genderism was no longer confined to ending discrimination against women. Genderism was extended to end discrimination against those who chose a gender for themselves, by self-perception, irrespective of biological characteristics.

Through its concept of personal freedom, the West allowed individuals to assign genders to themselves, through self-perception. So, according to genderism, a man can decide that he is a woman, despite the fact that he possesses the biological features of a man. He can undergo surgery and hormone therapy to transition to the gender he has chosen for himself. The transgender can thus conceal the male biological features and acquire female biological features. Transgender people who use medical assistance to alter their gender, in this way, are called transsexual. Similarly, a woman may self-perceive that she is a man. A famous case is that of the woman, Ellen Paige, who become Elliot Page, after surgical and hormonal alterations. So, now in the Western view there are transgender people, who have a gender identity, differing from their biological gender at birth.

In the case of Pakistan’s Transgender Protection Act, after amendment, it is based on Western genderism. It asserts, “A transgender person shall have a right to be recognized as per his or her self-perceived gender identity.” So according to Pakistan’s rulers, gender is to be determined by self-perception, as the West advocates, rather than biological considerations alone, as Islam demands.

Islam's Treatment of Gender and Gender Role

Allah (swt) says, ﴿وَلَيْسَ الذَّكَرُ كَالْأُنثَى﴾ **“And the male is not like the female.”** [TMQ Surah Aali Imran 3:36]. In Islam, there are two genders in origin. The two genders are determined by biological considerations alone. Gender is not determined by the decision of the individual or self-perception. The ambiguous gender is determined by experts, as being one of the two genders. Then, gender roles are determined by the divinely revealed Shariah Law. In Islam, there are Shariah rulings for all humans, men and women, whilst there are also Shariah rulings that are gender specific. So, Islam gave duties to both man and woman regarding Salah, Fasting, Hajj and Zakah. Then, Islam gave Shariah rulings for the woman alone, regarding menstruation, pregnancy and child birth. Islam also gave woman the right of the custodianship of children, to the exclusion of man. Islam gave woman the right to earn, where her husband has no right on her property, whilst it obliged man to provide for his wife and children. Fighting is not obliged upon women, whilst it is obliged upon men.

Far from creating oppression upon the woman, or the man, the Shariah law ensures that the men and women co-operate, to produce a strong family unit and a stable society based on that unit. Even without the Khilafah (Caliphate) to prevent oppression and corruption, the family life in the Muslim World remains a beacon of light, for those in the West, who are suffering the severe consequences, of the destruction of family life.

Islam's Assigns the Ambiguous Gender (خُنْثَى *Khuntha*) a Gender from the Two Genders

The word '*khuntha*' applies to a person who cannot be easily characterized, as male or female, on biological considerations. It is the human-being who has both male and female anatomy, or one who has neither. In Islam, the expert assigns the ambiguous gender one of the two genders, male or female, after study of the biological reality. The classical jurist Ibn Qudamah said in his book Al-Mughni, regarding the ambiguous: “It is not excluded from being male or female. Allah (swt) said, ﴿وَأَنَّهُ خَلَقَ الرِّجَالِ الذَّكَرَ وَالْأُنثَى﴾ **“And He created the spouses, males and females”** [Surah An-Najm 53:45]. And He (swt) said, ﴿وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً﴾ **“and through both He spread countless men and women”** [Surah An-Nisaa 4:1] and so there is not a third creation.”

Thus, Islam does not assign a third gender. A trustworthy Muslim doctor who specializes in the matters of congenital malformations, gender anatomy, genetics and gender behavior, confirms the gender. So he, compassionately and sensitively, examines in detail the biological, anatomical, physical characteristics, first, to see what is preponderant, of male or female characteristics. He examines physical matters, such as genitalia, as well as considering the X and Y sex chromosomes, that constitute the gender. If, in the very rare cases, that anatomical and genetic characteristics alone do not resolve the ambiguity, the matter of male and female biological, sexual inclinations and urges are also considered, before determining the gender. Thereafter, the Islamic rulings apply according to the determined gender, including marriage, gender roles and responsibilities.

Once the gender determination has been made, it is endorsed by the order of the Khaleefah, as the authority of the Muslims, who must be obeyed. Thereafter, the individual is dealt with by the wider community, according to the assigned gender, without discrimination. The man or woman is integrated as a valued member of the Islamic society, so that all the Shariah duties can be undertaken, whilst all the Shariah rights are granted.

Islam's Ruling Regarding the Effeminate (مُخَنَّثٌ Mukhannath) Man and the Manly (مُتَرَجِّلَةٌ Mutarajillah) Women

Ibn Abbas (ra) narrated, لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ وَالْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ «Allah's Messenger ﷺ cursed those men who assume the mannerisms of women and those women assume the mannerisms of men.» [Bukhari]. Ibn Abbas (ra) narrated that, لَعَنَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُخَنَّثِينَ مِنَ الرِّجَالِ، وَالْمُتَرَجِّلَاتِ مِنَ النِّسَاءِ وَقَالَ أَخْرِجُوهُمْ مِنْ بُيُوتِكُمْ «The Prophet (saw) cursed the effeminate men and the manly women, saying, «Put them out of your houses.» [Bukhari]. The Messenger of Allah (saw) said, «ثَلَاثَةٌ لَا يَنْظُرُ اللَّهُ عَزَّ وَجَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ الْعَاقُ لِوَالِدَيْهِ وَالْمَرْأَةُ الْمُتَرَجِّلَةُ وَالذَّيُّوتُ» «There are three at whom Allah will not look on the Day of Resurrection: The one who disobeys his parents, the manly woman and the cuckold.» [An-Nisaa]

Resembling a gender comes in a general sense, in terms of identity, character, clothing and behavior. It comes in an absolute sense, without any restriction and differentiation. The sin extends to intimate relations, with the same gender, and all that leads to that. Thus, in Islam, desires and lusts are not

Having ensured destruction of the family and family values in its homelands, the West is working through the rulers of Muslims to wage a cultural war on Islam and Muslims. In the West, Western governments are able to easily steer and control their people, due to the disintegration of the family and the resulting lack of cohesion, community and collective action. The Western ruling elite now also wants the same for Muslims, having failed to confront Islam intellectually and doctrinally. It now spreads genderism among Muslims in order to corrupt them, seeking to destroy the social system and strong family bonding among Muslims. This is so that the West can control Muslims, preventing, or at least delaying, the Ummah's revival through the Khilafah (Caliphate) on the Method of Prophethood. It is upon the Muslims to confront this wave of corruption by culturing themselves strongly from Islam, whilst working to re-establish their protective shield, the Khilafah.

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It is Time for the Islamic Khilafah to Resolve the Civilizational Conflict with the West, Ending the Affliction Upon Mankind - (Part-2)

Manaji Muhammad - Morocco

Modernist secular Western thinking began as a reaction to the oppression of the Church, clergymen, tsars and monarchs, a reaction of so-called humanism and humanitarian thinking against theological thinking. This humanism marginalized every religious matter attributed to God, placing Man as the center of the universe. It was upon the flimsy claim that his “mighty” intellect can solve all discernable problems related to his happiness, thereby manufacturing his own worldly paradise. It was a claim that human intellect, through experience, analysis and deduction, can drive out and enlighten all discernable darkness, such that every ignorant will become sane. They termed this stage, of the early Eighteenth Century, as the era of “Enlightenment” and “Renaissance.” One of the philosophers of that period, in his essay “What is Enlightenment?” Immanuel Kant, says about the concept of enlightenment, “Enlightenment is man’s emergence from his self-imposed nonage. Nonage is the inability to use one’s own understanding without another’s guidance. This nonage is self-imposed if its cause lies not in lack of understanding but in indecision and lack of courage to use one’s own mind without another’s guidance. Dare to know! (Sapere aude). “Have the courage to use your own understanding,” is therefore the motto of the enlightenment.” The concept of enlightenment in the Western thinking is linked to the birth of such thinking, stating that what is found inside the world is sufficient to explain it. It asserts that human intellect alone is capable of arriving at the knowledge that enlightens everything. It maintains that this knowledge is what gives man the centrality of the universe. It claims that human knowledge is responsible for change in the world and controlling it. According to the Italian philosopher, Giovanni Pico della Mirandola, a proponent of enlightenment and humanism, “To [man] it is granted to have whatever he chooses, to be whatever he wills.” He held that the tool of knowledge is the material experience that is responsible to provide a man with knowledge of material laws, thereby

controlling and using those laws for his interest so that his happiness and individuality increase.

However, this illusion is like any other illusion that would disappear with the presence of facts of reality. It was evidently apparent to the Western thinkers that modern secular man is more brutal and filthy than the religious man. The cursed priest is replaced by the accursed Shaytan. Engagement and enquiry are replaced by brutal, racist, murderous predatory behavior and tyranny. It is embodied as colonialist beasts who wiped out indigenous Native Americans of America, enslaved and humiliated the Black Africans, looting, pillaging and murdering. There is hardly a land to be found that is free from exploitation, other than those lands of the modern secular West itself. By the end of the Eighteenth Century and the beginning of the Nineteenth Century, the Enlightenment era ended with pitch-black darkness. The philosophy of the West became incapable and lost. It was unable to evade tragedy for humanity or resolve its predicament and crisis in purpose. It failed to address appropriately the greatest questions of humanity about the objectives, values, ideals, happiness, destiny, meaning, standards and moral standards. It became apparent to Western thinkers that human reality is not that simple, defying reductionist, materialistic explanations. The defect in materialistic explanation based on empirical experience has become clear. It also became clear to them that empirical sciences, whose knowledge is confined to material essence, is incapable and deficient with regards to goals, values, ideals, standards of good and evil (khair and shar), prettiness and ugliness (hasan and qabeeh), happiness, destiny and purpose...

The West has come to know that laboratory experiments do not produce creeds, values, ideals, morals and legislation. Accordingly, the illusion resulting from oversimplification through secular reductionism disappeared. With it the dream of complete domination and control over the universe through human reason also evaporated. Along with that evaporates the false belief that materialistic progression is the way to secure happiness. Indeed, Western philosophy is incapable before the impossibility of universal comprehension. The concept of relativism, denial of absolute truth, colored Western philosophical thinking, leading to a proliferation of philosophical theories to explain away the inability of universal comprehension. The situation ended up in with a complete loss in intellectual purity. With the absence of any creedal and moral certainty, all things became relative and equated. Nihilism, the denial

of purpose, value, standards, objective and meaning, became the philosophy of life, affirming absolute doubt. The Nineteenth Century Western philosophers and thinkers became perturbed at the disappearance of the illusion of the philosophy of so-called enlightenment and human centralism.

The dissection of man began by reducing him into purely materialistic elements, reducing him to a beast through Darwin's theory in his 1859 book, *On the Origin of Species*, asserting that humans are like any other animals. Accordingly, the meaning of human life and ideals deserved no more appreciation than the existence of worms or bacteria. Materialistic survival was maintained as the only standard for evolutionary success. Modern Darwinism became the philosophy of the German philosopher, Friedrich Wilhelm Nietzsche, whose philosophical outlook is centered around "der Wille zur Macht" ("will to power"). He asserted that power is the first and last standard and measure. Survival is for the strongest, as are determination, domination and control are for the strongest. Strength is the natural materialistic way for the decisive resolution of conflict. There is no room for conceptions of values, ideals, morals, sanctified and reviled, halal and haram, khair and shar, hasan and qabeeh. There is no meaning and purpose. This is what Nietzsche expressed philosophically in his call to remove the darkness of God that would always suffocate modern secular thought. According to Nietzsche, consciousness must be liberated from absolute cognitive constructs in order to be liberated from metaphysics. There is no value for absolute justice or absolute goodness. There is no value for moral values. The "will to power" is the alternative to absolute values. There is no goal of values or absolutes, whether by religious or materialistic standards or through the teleological interpretation of the universe. Thus, the Western thinking terminated into nothingness and nihilism.

With the beginning of the Twentieth Century, in a deep rooted colonialist conflict, unprecedented brutality was unleashed upon humanity by the Western civilization, wherein it turned the world into a human slaughterhouse in the two World Wars. The losses of the First World War were between 16 and 20 million fatalities, whilst the losses of the Second World War were between 62 and 78 million fatalities. This exposed the horrific failure of the human intellect. It exposed the disorientation and intellectual bankruptcy of the Western thinking. It generated the mother of disasters, such that human tragedies embodied its civilization. Its philosophy about life broke down. Its

course was dominated by philosophizing its losses and disorientation. Thus, the Western thought produced today's so called postmodernism.

Jürgen Habermas, the German critic of postmodernism, saw the prefix "post" as a representation of the desire within the advocates of postmodernism to move away from a particular past. He asserted that at the same time resorting to "post" represents their inability to characterize the present. In "the Philosophical Discourse of Modernity," he claims that Nietzsche, Heidegger, Jacques Derrida and Foucault commit a performative contradiction in their critiques of modernism by employing concepts and methods that only modern reason can provide. He criticizes Nietzsche's Dionysianism as a compensatory gesture toward the loss of unity in Western culture that, in pre-modern times, was provided by religion. This is a pure transition from nihilism to absurdity and sophistry, which is what expressed by the opinions and ideas of Foucault, Derrida and other philosophers. Derrida expressed it by citing the evidence for intellect of Man as being the act of defecation. In fact, his book "L'écriture et la différence" ("Writing and Difference") is intellectual filth that presents intellectual absurdity that has no goal or objective or reference. Though modernism is itself nihilistic and absurd, postmodernism is even more nihilistic and deeply absurd. The Western thinking ended up with a final conclusion and analysis that is purely dark, without a ray of light. The sayings of Michel Foucault about the death of man sums up the Western thinking philosophically, claiming that all persons who always want to speak about man, his possession and freedom could not afford to face the philosophical laughter.

Western literary works expressed with complete honesty and sincerity about the civilizational catastrophe of the West, as well as the feelings of loss and despaired within the hearts of the modern, secular Western men. The poem "The Waste Land," by TS Eliot published in the year 1922, truthfully expressed the disgust, disdain and shame of the Western world and its civilization burdened with tragedies, fears, panic and sterile desire proclaiming, "What are the roots that clutch, what branches grow Out of this stony rubbish?" It is lamenting the decline of all the old certainties that had previously held Western society together, resulting in its fragmentation.

Then the German speaking, Bohemian novelist, Franz Kafka, wrote "Die Verwandlung" "The Metamorphosis," in which he reveals the nightmare of Western life, its misery and hardships where suicide becomes the salvation.

Kafka wrote in "Letters to Milena," "I've spent my whole life resisting the desire to end life'. Life as a whole is a war, said Franz Kafka, "a war with yourself, a war with your circumstances, a war with the fools who created these conditions ..."

In an accurate explanation of Kafka's literary works, Roger Garaudy described how Kafka created a dark world with materials of the real world by rearranging them.

Amongst the truest of expressions about the tragedy of Western civilization is the expression of Mexican poet, Octavio Paz, who won the 1990 Nobel Prize in Literature, described the current global scene by describing a destructive era, with a prevailing absurdity and an unfillable void, with a lack of meaning. This fact is illustrated by Roger Garaudy, who was the author of *Literature of the Graveyard: Jean Paul Sartre, Francois Mauriac, Andre Malraux, Arthur Koestler*. He observed that modernism asserts that science and technology are the only standards for progress. He observed that individualism detaches people from humanity.

Thus the West defiled the world with its intellectual filth for a quite long period of time. The human catastrophe became inflated to a complete nightmare, by the refusal of the Western thinking to confront the catastrophic intellectual and moral consequences, resulting from its materialistic secular view. The materialistic civilization of the West merely observes the tragic reality that it created. However, it is incapable of changing the reality in a way that revives it. Western thinking does not possess the values, ideals and morals to confront the catastrophic reality it has created. It only confronts with calculators, computers and tracts of exploited lands laid barren, that herald death and not life, causing devastation through its materialistic drive, rather than constructive urbanization.

This materialistic idol that rides upon decay and decomposition must now confront the great Islam, the Deen revealed of the Lord of all humanity. It found itself exposed as a civilization in front of the superior thought of the Deen of Truth. The knowledge tools of this Deen is decisive purely coming from the All-Knowing Creator who created the universe, man and life. This Deen does not lack argument or evidence to affirm its answers, perceptions, standards and rulings. Thus, the superior knowledge of this Deen is the greatest manifest challenge to Western thinking.

Superior Knowledge of the Great Deen of Islam:

Islam has a specific model of life that is civilized and highly distinct from all others and its intellectual fabric is unique whose foundation is the revelation, knowledge from The All-Knowing, All-Aware. Allah (swt) says: ﴿وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾ **“For He is Knower of every creation,”** [TMQ Surah Ya Sin 36:79]. ﴿وَهُوَ الْبَاقِيُ الَّذِي يَخْلُقُ مَا يَشَاءُ وَيَخْتَارُ﴾ **“For He is the All-Wise Creator,”** [TMQ Surah Ya Sin 36:81] ﴿أَلَمْ يَخْلُقْكُمْ أَلَآءًا﴾ **“Does He who created not know, while He is the Subtle, the Acquainted?”** [TMQ Surah Al-Mulk 67:14]

Its intellectual foundation is its intellectual basis upon which every sub-thought about life, behavior and systems of life are built. This intellectual basis is decisively certain of the existence of Allah. It is decisively certain that the Noble Quran is the Word of Allah (swt). It is decisively certain that Muhammed (saw) is the Messenger of Allah (saw). All the beliefs and rulings of Islam stem from this decisive certainty.

This intellectual basis of great Islam is the Islamic Aqeedah which is compatible to the innate nature (fitra) i.e. it conforms to the human needs and incapability, the inherent human feeling of inability and shortcomings. Limitations are the feelings of the need for a Creator who manages the affairs. It is this natural phenomenon in humans, due to his spiritual instinct of reverence.

Islamic Aqeedah is the intellectual Aqeedah that depends on rational thinking to affirm its answers to the greatest questions related to existence, in terms of explanation, objective and destiny i.e. the greatest quest of mankind. The Islamic Aqeedah is built on the basis of thinking. Its answers are decisive and certain that is convincing to human intellect.

This solid intellectual foundation constitutes an intellectual basis upon which concepts and life systems are built. This intellectual basis leads those who believe it into the specific, defined and unique viewpoint, specific and distinct way of life, making them judge concepts, facts and events from a definitive and certain perspective, that has no suspicion or doubt. This intellectual basis is certain and decisive, determinately.

The reality of Islamic Aqeedah is from the decisive belief that Allah (swt) is the One Who created the universe, man and Life. He (swt) is the One Who manages the affairs of the universe. Life is limited and the destiny of a man is

paradise or hellfire. Provision is in the Hands of Allah (swt) alone. Termination of lifespan is in the Hands of Allah (swt) Alone. Quran is from Allah (swt) sent to humankind as a guidance to establish a contented human life which, brought by Sayyidina Muhammed (saw) through Revelation from Allah (swt) and that the creation of world is a test for humankind. Allah (swt) says: ﴿الَّذِي خَلَقَ الْمَوْتَ﴾ [He] who created death and life to test you [as to] which of you is best in deed - and He is the Exalted in Might, the Forgiving -” [TMQ Surah Al-Mulk 67:2]. Man will then enter into either paradise or hellfire. Paradise is the established place that has a beginning, but no ending. ﴿وَإِنَّ الدَّارَ الْآخِرَةَ لَهِيَ الْحَيَوَانُ لَوْ كَانُوا يَعْلَمُونَ﴾ “And indeed, the home of the Hereafter - that is the [eternal] life, if only they knew.” [TMQ Surah Al-Ankabut 29:64]. This Paradise is what the soul desires as it will delight the eyes, which no human mind can comprehend. It is prepared for the righteous. ﴿وَالْعَاقِبَةُ لِلْمُتَّقِينَ﴾ “And the [best] outcome is for the righteous.” [TMQ Surah Al-Qasas 28:83]. The hellfire is the punishment that has maces of Iron, whose food is Zaqqum and drink is scalding water that would wound the intestines. And the punishment in the hellfire will not end. ﴿كَلَّمَا نَضِجَتْ جُلُودُهُمْ بَدَّلْنَاهُمْ جُلُودًا غَيْرَهَا﴾ “Every time their skins are roasted through We will replace them with other skins so they may taste the punishment.” [TMQ Surah An-Nisa’a 4:56]. The punishment will not cease or be reduced from them. Death will not be destined for them. ﴿وَالَّذِينَ كَفَرُوا لَهُمْ نَارُ جَهَنَّمَ لَا يُقْضَىٰ عَلَيْهِمْ فَيَمُوتُوا وَلَا﴾ “And for those who disbelieve will be the fire of Hell. [Death] is not decreed for them so they may die, nor will its torment be lightened for them. Thus do we recompense every ungrateful one?” [TMQ Surah Fatir 35:36]. This whole horror is from the Mighty, the Sublime, the Subduer, and the Compeller in order for them to taste the punishment. ﴿لِيَذُوقُوا الْعَذَابَ﴾ “So that they may taste the Punishment” [TMQ Surah An-Nisa’a 4:56]. If this is the description of tasting the hellfire, think of the nature of punishment therein! ﴿قَتَلَ الْإِنْسَانَ مَا أَكْفَرَهُ﴾ “Cursed is man; how disbelieving is he.” [TMQ Surah Abasa 80:17]

This is the Aqeedah of Islam with compelling answers and mighty effect upon the actions of humankind. Its decisive certainty brings belief that made Abdullah bin Masood, a man whose legs were shaken by winds, being a man with great legs in front of Allah that are more firm than Mount Uhud. This belief is the source and secret of ascending to that divine honor entitling the prostration of angels.

This great Islam made firm standards for humans regarding their actions that neither change nor become subjected to reality or the whims of manmade laws. So a Muslim man knows the ugliness (qabeeh) of actions from the prettiness (Hasan). Thus he refrains from Qabeeh actions and performs Hasan actions. This standard is from Allah (swt) the All-Knower and All-Aware who legislated guidance to His creations. ﴿وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾ **“And Allah knows and you do not know.”** [TMQ Surah An-Nur 24:19]. This standard is always fixed whose validity is certain. Thus Hasan will not become qabeeh and qabeeh will not transform into Hasan. Matters are comprehended according to their reality so the man proceeds steadily in the path of guidance from Allah (swt). ﴿أَفَمَنْ يَمْشِي مُكَبِّئًا عَلَىٰ وَجْهِهِ ۚ أَهْدَىٰ أَمَّنْ يَمْشِي سَوِيًّا عَلَىٰ صِرَاطٍ مُسْتَقِيمٍ﴾ **“Then is one who walks fallen on his face better guided or one who walks erect on a straight path?”** [TMQ Surah Al-Mulk 67:22]

As for the happiness in Islam, it is the attainment of the pleasure of Allah and realising His abode of blessings and everlasting paradise that is prepared for righteous. It is an abode whose width is equal to that of heavens and earth. It is the ultimate goal and desire for everyone who believes in the Aqeedah of Islam. Thus happiness in Islam stems from Iman whose basis is decisive and certain. This Iman necessitates definitely into permanent tranquility. The happiness in Islam is real and stems from certainty. It is not illusory or hope in a delusory mirage.

Islam has honored man in strength, intellect, works and purpose. ﴿وَلَقَدْ كَرَّمْنَا ۙ بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا﴾ **“And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference.”** [TMQ Surah Al-Isra'a 17:70]. Allah (swt) has perfected His blessings upon man by his great Islam. It treats mankind with a complete treatment that makes him an unparalleled, distinct personality amongst humans. His thoughts are treated with the Islamic Aqeedah which was made for him to be the decisive intellectual basis, according to which he thinks. It is so that he would refrain from corruption, being safe from lapses in thinking, whilst remaining in the sound and correct thought of comprehension. Actions of a man emanating from his organic needs and instincts are treated rightfully with Shariah legal rulings which emanates from the Islamic Aqeedah. It is such that his instincts are organized and not suppressed. They are coordinated and not released. The

Shariah legal rulings provides him the harmonious satisfaction of all his hungers/needs, which lead to peace and stability. Thus Islamic system is the only system that organises human life with perfect harmony and coordination with the whole system of the universe as it is from the creator of the universe, man and life. ﴿إِنَّا كُلَّ شَيْءٍ خَلَقْنَاهُ بِقَدَرٍ﴾ **“Indeed, all things We created with predestination.”** [TMQ Surah al-Qamar 54:49] ﴿وَخَلَقَ كُلَّ شَيْءٍ فَقَدَرَهُ تَقْدِيرًا﴾ **“And He has created each thing and determined it with [precise] determination.”** [TMQ Surah Al-Furqan 25:2] ﴿وَكُلُّ شَيْءٍ عِنْدَهُ بِمِقْدَارٍ﴾ **“And everything with Him is by due measure.”** [TMQ Surah Ar-Ra’ad 13:8]

The basis of this system is the Noble Quran and Blessed Sunnah and they give rise to the Islamic Shariah. Rational decisive proof has affirmed that both the Noble Quran and the Blessed Sunnah are the Revelation from Allah (swt). So, Shariah is the Revelation from Allah (swt). These are not man-made theories of legislation that are defective, incapable and corrupt, such that when applied to the events and realities, their defects and corruption would come to light. Instead, the Islamic Shariah is the Revelation from Allah (swt), the All-Knowing, the All-Aware and its Shariah rulings are the actual, required treatment.

Amongst the perfection of the Deen and the completion of its Shariah in its intellectual challenge against the human system, is that it transcends over time and space. Thus its general meanings are applied and implemented on changing reality for which practical solutions, the Shariah rulings, related to that reality are derived from the Shariah. Thus the Islamic Shariah comprises of comprehensive Shariah texts that is applicable to all the realities of mankind. The nature of Shariah texts is general and comprehensive such that it is possible to make generalization over reality and events. The Shariah texts, whether it is from Quran or Sunnah, are the most eloquent texts, where generalization is absolutely possible. They are the most fertile ground to affirm the general principles, which would be the pinnacle of giving legislation.

In addition, to the expansiveness of Shariah and its encompassing of all relations between all people, whether the relation is between individuals, or between the state and the citizens, or between the nations and peoples, it is the most correct and comprehensive legislative text ever. This is the ultimate challenge. Its comprehensiveness comes from its scope of generalization that includes all relationships. This is what is expressed by the sentences, expressions and styles of its texts and its shaping in terms of its inclusiveness

for literal meanings (mantooq), inferred meanings (mafhoom), evidencing (dalalah), divine reasoning (illah) and analogy (Qiyas). This makes deduction of legislations easy, continuous and comprehensive for every action of man making Shariah to be complete and general. Its unique and distinct ability includes all the realities and events both in past and future, by the formation of the texts in broader context. That makes the texts the most fertile for affirming the general principles and general meanings, to encompass both the whole and parts.

Islam's biggest challenge to the Western thinking is that it treats humans as human beings. Islam focuses on the needs and instincts of man by considering him as an indivisible human being, clarifying the rulings for human actions and not as a treatment for specific individuals. Accordingly, this treats the problems of all the peoples, nations regardless of their different races and environments, transcending the limits of time and place. ﴿الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ﴾ **“This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as your Deen.”** [TMQ Surah Al-Maida 5:3] This Deen could never have been so great, superior and intellectual challenge in terms of belief and systems of life, except that it is from Allah (swt), the All-Knowing, the All-Aware, who is superior and none can transcend him. ﴿ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾ **“That is the correct Deen, but most of the people do not know”** [TMQ Surah Ar-Rum 30:30]. ﴿لَا يَأْتِيهِ الْبَطْلُ مِنْ بَيْنِ يَدَيْهِ وَلَا مِنْ خَلْفِهِ تَنْزِيلٌ مِّنْ حَكِيمٍ حَمِيدٍ﴾ **“Falsehood cannot approach it from before it or from behind it; [it is] a Revelation from a [Lord who is] Wise and Praiseworthy”** [TMQ Surah Fussilat 41:42]

Resolving the Civilizational Conflict:

The unsurmountable challenge is mounted by Islam in terms of knowledge and thought and it is superior to all else. The Islamic civilization prevailed and then it perished, but now it is in the process of reviving in terms of knowledge and thinking. Islam is a Deen that will be dominant and cannot be dominated. In front of this mighty giant, the reality of the Western dwarf has been exposed. The Western thinking's intellectual inability and its destructive intellectual tragedy have been revealed. The West has been exposed, without having a cover or any cosmetics. Its face is revealed to be the ugliest. Its most extreme styles and tools to confront the great Islam are brutality, bloodshed, a

miserable attempt to demonize Islam, distorting its basis and legislations. In front of a deep grave dug by the Western civilization for humanity, humanity stands on its edge. As a result of the Western model of life alone, futility in existence is one of the symptoms of disease alone. The malicious incurable disease itself is the Western civilization. It crushes the humanity of the humans through its corrupting of thoughts and emotions. It creates a jungle of Capitalism, where the strong brutally hunt down the weak, in an unprecedented manner in the human history of the world. This is the tragic reality of humankind. It has become imperative for the great Deen of Islam to take initiatives to save humankind, leading it again into the safety in the most critical, perplexing and chaotic times of humankind. It is the time for Islam to return to direct humankind towards their Lord, His Deen with which He is pleased for them and into the elevated noble life that conforms with the nobility of humankind, which Allah (swt) has prescribed upon mankind. It is the time for Islam to restore to humankind its nobility, purity, dignity and honor, as well as its being deserving of the words of the Creator, Allah (swt), when He (swt) said, ﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً﴾ **“And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a vicegerent.”** [TMQ Surah Al-Baqarah 2:30]. It is the time for Islam and its Ummah to drive mankind out from the darkness of the murderous western civilization into the light and justice of Islam. It is time for the Ummah to drive humanity out of the narrowness, misery and hardship of this world, under the dark shadow of Western civilization, into the broadness of this world and hereafter, under the comforting shade of Islam... It is a time for the Islamic Ummah to regain its benevolent role in guardianship and leadership to achieve what Allah (swt) wanted it to do. ﴿كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ﴾ **“You are the best Ummah produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah.”** [TMQ Surah Aali Imran 3:110]. ﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا﴾ **“And thus we have made you a just community that you will be witnesses over the people and the Messenger will be a witness over you.”** [TMQ Surah Al-Baqarah 2:143]

However, the great Islam could only perform its role with the resumption of Islamic way of life where all the concepts of life, its conditions, its atmosphere, its systems, its values, its criteria and its standards would be purely Islamic. This can be done only with the practical implementation of Islam

through its political entity, the Khilafah (Caliphate) on the Method of Prophethood, as it is the legal implementer of the Shariah of noble Islam, its justice, its mercy and its might. Such an Islamic revival of the Ummah, after being absent from the world to steer its wheel over a century, can only occur with the uprooting of the criminal Western leadership. It can only occur through an international conflict in which the Khilafah State snatches the reins of affairs from Western nations by right and by force. There the civilizational conflict will get resolved with the termination of the miserable and desperate record of the Western civilization.

Re-establishing the Khilafah Rashidah (Rightly Guided Caliphate) on the Method of Prophethood is the cornerstone in the conflict between Islam and the west. It is naive, with a lack of knowledge of Islamic jurisprudence and lack of political awareness, to engage in the conflict without its tool, the existence of the practical entity, the Khilafah state which embodies justice, glory, human happiness and all goodness, such that it covers from amongst Muslims and kafireen, both near and far. At that time people will enter the Deen of Allah (swt) in multitudes and the final civilizational conflict of the noble Islam will be resolved. Allah (swt) and His Messenger (saw) has promised this to us as decisive information, **﴿وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَىٰ لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ خَوْفِهِمْ أَمْنًا﴾** Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and that He will surely establish for them [therein] their religion which He has preferred for them and that He will surely substitute for them, after their fear, security, [for] they worship Me, not associating anything with Me. **But whoever disbelieves after that - then those are the defiantly disobedient.**" [TMQ An-Nur 24:55]. The Messenger of Allah (saw) said: **«نُتْمُ تَكُونُ خِلَافَةٌ عَلَىٰ مِنْهَا جِ النَّبُوءَةِ»** "Then there will be Khilafah on the Method of Prophethood."

O Muslims: It is time for the Khilafah of the great Deem of Islam to settle the conflict and end the human tragedy, by burying the miserable and distressful Western civilization in the grave it dug for humanity. Trust in the beautiful promises of Allah (swt) to you and work with the activists to appoint your Khaleefah. Establish your community behind the Khaleefah from amongst you, who will work with you according to the seerah of the righteous. It is the

Khaleefah who will establish your matter of Deen for the sake of pleasing your Lord, prepare the capabilities, gather your Ummah and unify you from your divisions, terrify your enemy, protect your territory, judge between you, divide your rights fairly and protect all humans from the evil West and its crimes. And Allah will make this Deen dominant by His Hands, even though the mushrikeen may hate it.

O Allah! Guide this Ummah of Muhammed (saw) to what pleases you and make it a people who support You O The Most Merciful! It is to You we call and in You we seek refuge. We are weak at your door and we plead at your court, seeking your help and relief. So help your Deen O Allah! And fulfill your promise O Allah! Send down your support O Allah! Allahumma Ameen. All Praise to Allah (swt) Alone, in all the cases and all the times.

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It is said in Tafsir Nisaburi: **والصحيح أنّ الجهاد: بذل المجهود في حصول المقصود** “The correct opinion is that the word ‘Jihad’ means: exerting efforts to achieve the goal.”

By looking at the linguistic meaning of the word ‘Jihad’ from these excerpts, we can define the word linguistically. So, we say the real linguistic meaning for the word ‘jihad’ is as follows: **الجهاد: هو استفراغ الوسع في المُدافعة بين طرفين ولو تقديراً** “Jihad means the exertion of ability in defense between the two parties, even if it is hidden (تقديراً).” What we mean by hidden is jihad of a man against himself, whereby what is hidden is that the man has two parties within himself, when there is a struggle between two contradicting desires and each of them fights to dominate the other. This is the definition we have combined from what comes in ‘Lisan Al-Arab’ and in the commentary of Qasatalani, wherein we have included the phrase **ولو تقديراً** ‘even if it is hidden’ to add more clarity.

Based on this linguistic meaning, the exerted effort may be a physical act, with or without a weapon, or with or without spending wealth. The exerted effort may be through words. It may be by abstaining from an act and speech. This is like the one who refrains from obeying the parents, in what they command him of sins (ma’siya). It his patient uprightness, despite their insistence in asking him to do the sins. It is like the one who overlooks the desire to satiate from the prohibited act, as he disputes with himself in this regard. It is what mentioned in the ‘Hashiya Jamal’ (scholium) for the book ‘Jalalayn’ as: **الجهاد: هو الصبر على الشدة، وقد يكون في الحرب، وقد يكون في النفس**: “Jihad is the patience upon the hardship, and it may be in war or it may be against the soul.”

Also based on this linguistic definition: **قد يكون الطرف الآخر الذي يجاهده المسلم هو النفس، أو الشيطان، أو الفساق، أو الكفار** “The party whom a Muslim fights against may be his soul, or Shaytan or sinner or disbeliever.”

Within this linguistic definition, it includes Jihad in the Path of Allah, such as the Jihad of a Muslim seeking the pleasure of Allah (swt). Or it includes Jihad in the Path of Shaytan such as Jihad of a disbeliever against others. This is because, Jihad is, as Nisaburi says, an exerted effort to achieve the goal, regardless of the nature of the goal which a person who exerts aims for.

The Noble Quran has used the verb of ‘Jihad’ in describing the activities of the disbelievers from amongst parents, who divert their believing children from their Iman. Allah (swt) says, **وَإِنْ جَاهَدَاكَ لِتُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا ۗ إِلَيَّ مَرْجِعُكُمْ** “But if they endeavor (jaahadaaka/جاهداك) to make you associate with Me that of which you have no knowledge, do not obey them. To Me is your return,” [TMQ 29:8]. And Allah (swt) says, **وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا ۗ وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا** “But if they endeavor (jaahadaaka/جاهداك) to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness.” [TMQ Surah Luqman 31:15]

B- Jihad in the Sense of Shariah

The word ‘Al-jihad’ is conveyed by the Shariah in the Noble Quran and Prophetic Sunnah in the sense of general linguistic meaning as mentioned above. The Shariah has confined it to specific meaning which is, **بَدَلُ الْوُسْعِ فِي الْقِتَالِ** “exertion of efforts in fighting in the path of Allah directly or aiding it through wealth or opinion or increasing the numbers (of fighters) or others...” It seems that this specific meaning of Jihad was only during the Madinah period and was not during the Makkah period, as the legislation of Jihad was not yet revealed during the Makkah period. The word ‘Al-Jihad’ used in the Makkah period verses indicates its general linguistic meaning. There are three such verses of Surah Al-Ankabuth, **وَمَنْ جَاهَدَ فَإِنَّمَا يُجَاهِدُ لِنَفْسِهِ** “And whoever strives (Jaahada) only strives for [the benefit of] himself...” [TMQ Surah Al-Ankabuth 29:6]. Allah (swt) said, **وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا ۗ وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا** “But if they endeavor (jaahadaaka/جاهداك) to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness.” [TMQ Surah Al-Ankabuth 29:8] Allah (swt) said, **وَالَّذِينَ جَاهَدُوا فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا** “And those who strive for Us - We will surely guide them to Our ways.” [TMQ 29:69].

And there is a verse in the Makkah period Surah Luqman, which is, **وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا** (jaahadaaka/جاهداك) to make you associate with Me.” [TMQ Surah Luqman 31:15]. As for the verse of Jihad in the Makkah period surah An-Nahl, the following verse includes mentioning of Hijrah, which indicates that the verse is a Madinah period verse within the Makkah period surah. This is what is

mentioned by the mufasssirs and the verse is, **ثُمَّ إِنَّ رَبَّكَ لِلَّذِينَ هَاجَرُوا مِنْ بَعْدِ مَا فُتِنُوا** “Then, indeed your Lord, to those who emigrated after they had been compelled [to renounce their religion] and thereafter fought [for the cause of Allah] and were patient - indeed, your Lord, after that, is Forgiving and Merciful.” [TMQ Surah an-Nahl 16:110]

As for the word “al-Jihad” used in the Madinah period verses, there are twenty-six, with wording which clearly indicate the meaning of fighting. Amongst them is in Surah an-Nisa, **لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ**, **وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ ۖ فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً ۗ وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَىٰ ۗ وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ أَجْرًا عَظِيمًا** “Not equal are those believers remaining [at home] - other than the disabled - and the mujahideen, [who strive and fight] in the cause of Allah with their wealth and their lives. Allah has preferred the mujahideen through their wealth and their lives over those who remain [behind], by degrees. And to both Allah has promised the best [reward]. But Allah has preferred the mujahideen over those who remain [behind] with a great reward.” [TMQ Surah an-Nisa’a 4:95]. It is clear in this verse that the word ‘jihad’ means setting out for fighting and its preference against those who sit back without leaving out for Jihad. Amongst them also is the verse in Surah at-Tawbah, **انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ ۗ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ** **Go forth, whether light or heavy, and strive with your wealth and your lives in the cause of Allah. That is better for you, if you only knew.**” [TMQ Surah at-Tawbah 9: 41]. The command of Jihad after the command to go forth i.e. leaving out means that the word ‘Jihad’ is fighting. And the verse, **وَإِذَا أَنْزَلْتُمْ سُورَةَ أَنْ آمَنُوا بِاللَّهِ وَجَاهِدُوا مَعَ رَسُولِهِ اسْتَأْذَنَكَ أُولُو الطَّوْلِ مِنْهُمْ وَقَالُوا ذَرْنَا نَكُنْ مَعَ الْقَاعِدِينَ** “And when a surah was revealed [enjoining them] to believe in Allah and to fight with His Messenger, those of wealth among them asked your permission [to stay back] and said, ‘Leave us to be with them who sit [at home].’” [TMQ Surah At-Tawba 9:86]. Allah (swt) said, **لَكِنِ الرَّسُولُ وَالَّذِينَ آمَنُوا مَعَهُ جَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ ۗ وَأُولَٰئِكَ لَهُمُ الْخَيْرَاتُ ۗ وَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ** “But the Messenger and those who believed with him fought with their wealth and their lives. Those will have [all that is] good, and it is those who are the successful.” [TMQ Surah At-Tawba 9:88]. Amongst them is what comes in Surah as-Saff after the mentioning of Qital (fighting) at the beginning of the surah as Allah (swt) says, **إِنَّ اللَّهَ يُحِبُّ الَّذِينَ يُقَاتِلُونَ فِي سَبِيلِهِ صَفًّا كَأَنَّهُمْ بُنْيَانٌ مَرْصُوعٌ** “Indeed, Allah loves those who fight in His cause in a row as though they are a [single] structure joined firmly.” [TMQ Surah as-Saff 61:4]. After

that, the following two verses (verse 10 and 11) come to encourage this fighting by naming it as jihad as He (swt) says, **يَا أَيُّهَا الَّذِينَ آمَنُوا هَلْ أَدُلُّكُمْ عَلَىٰ تِجَارَةٍ تُنْجِيكُمْ مِّنْ عَذَابِ أَلِيمٍ (10) تُوْمِنُونَ بِاللَّهِ وَرَسُولِهِ وَتُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِكُمْ وَأَنفُسِكُمْ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ** “O you who have believed, shall I guide you to a transaction that will save you from a painful punishment? (10) [It is that] you believe in Allah and His Messenger and strive in the cause of Allah with your wealth and your lives. That is best for you, if you should know.” [TMQ Surah as-Saff 61:10, 11].

This is what related to the word ‘Jihad’ in Madinah period verses, in which we can clearly see that these verses indicate the specific fighting. It also includes what is necessitated for fighting in its natural condition, in terms of exerting with wealth that which is necessary to prepare the apparatus for fighting, or to proceed in the fighting itself and to present the condition for its legitimacy, which is to convey the Dawah to the disbelievers. As mentioned in the book مغني المحتاج ‘Mughni Al-Muhtaj’, it is not allowed to initiate fighting without calling them to Islam.

Similarly, the word ‘Jihad’ has come in the Prophetic Sunnah with this Shariah meaning also, which is fighting and what it constitutes. Abu Huraira (ra) said: they asked: ‘O Messenger of Allah! Inform us of the deed that equates jihad in the Path of Allah?’. The Messenger of Allah (saw) said, لا تطيقونه **“You will not be able to do that”**. They asked: ‘O Messenger of Allah! Inform us so that we may be able to do.’ The Prophet (saw) said, **مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ كَمَثَلِ الصَّائِمِ الْقَائِمِ الْقَانِتِ بِآيَاتِ اللَّهِ لَا يَفْتُرُ مِنْ صِيَامٍ وَلَا صَلَاةٍ حَتَّىٰ يَرْجِعَ الْمُجَاهِدُ فِي سَبِيلِ اللَّهِ** **“He who engages in Jihad in the Path of Allah is like him who fasts and spends the night in prayer, who assiduously recites God’s verses and does not slacken from fasting and charity until he who is engaged in jihad in the Path of Allah returns (to his family.)”** It is clear from the context of the hadith that the question was about the one who engages in Jihad, meaning the one who fights in the path of Allah in particular, and the answer also indicates that meaning as the Prophet (saw) says, **“حَتَّىٰ يَرْجِعَ الْمُجَاهِدُ”** **“Until the one who engages in jihad returns (to his family.)”** Jabir (ral) narrates: They asked: “O Messenger of Allah! Which Jihad is best?” He (sal) said, **“من عُقِرَ جَوَادُهُ وَأُهْرِقَ دَمُهُ! (That of a man) whose blood is shed and his horse is wounded.”** Abdullah ibn Abbas Narrated: The Prophet (saw) said, **لَمَّا أُصِيبَ إِخْوَانُكُمْ بِأُحُدٍ جَعَلَ اللَّهُ أَرْوَاحَهُمْ فِي جَوْفِ طَيْرٍ خُضِرَ تَرْدُ أَنْهَارِ الْجَنَّةِ، تَأْكُلُ مِنْ ثِمَارِهَا، وَتَأْوِي إِلَىٰ قِنَادِيلٍ مِنْ ذَهَبٍ مُّعَلَّقَةٍ فِي ظِلِّ الْعَرْشِ، فَلَمَّا وَجَدُوا طَيْبَ مَا كُلُّهُمْ وَمَشْرَبِهِمْ وَمَقِيلَهُمْ قَالُوا: مَنْ يُبَلِّغُ إِخْوَانَنَا عَنَّا أَنَا أَحْيَاءُ فِي الْجَنَّةِ نَزَرْنَا لِنَلَّا يَرْهَدُوا فِي الْجِهَادِ وَلَا يَنْكَلُوا عِنْدَ الْحَرْبِ فَقَالَ اللَّهُ سُبْحَانَهُ: أَنَا أَبْلَغُهُمْ عَنْكُمْ. قَالَ: فَانزَلَ اللَّهُ } وَلَا تَحْسَبَنَّ الَّذِينَ**

“When your brethren were smitten at the battle of Uhud, Allah put their spirits in the crops of green birds which go down to the rivers of Paradise, eat its fruit and nestle in lamps of gold in the shade of the Throne. Then when they experienced the sweetness of their food, drink and rest, they asked: Who will tell our brethren about us that we are alive in Paradise provided with provision, in order that they might not be disinterested in jihad and recoil in war? Allah Most High said: I shall tell them about you; so Allah sent down; وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا ” (till the end of the verse)” [End Quote].

Thus it is clear from these divine legal texts and many other divine texts that Shariah has transferred the word Jihad from its general linguistic meaning, into a specific meaning, which is to fight in the Path of Allah (swt). This specific meaning constitutes, as mentioned above, apart from the other expressions that revolve around the meaning of Jihad, war, conquest and fighting. Here the Shariah sources come one after another to define Jihad with the meaning of fighting in the Path of Allah (swt). The following are some of the excerpts from the books of jurisprudence that deal with the Shariah meaning of Jihad and its related ahkaam.

It has been mentioned in the Hanifi book of jurisprudence, Bada’i’ as-Sana’i’ fi Tartib al-Shara’i’ (Creative Artistry in the Arrangement of Legalities), أما الجهاد في اللغة فعبرة عن بذل الجهد وفي عرف الشرع يستعمل “As for jihad, it linguistically means the exertion of efforts. In the Shariah definition, the word is used for exertion of capacity and energy for fighting in the Path of Allah (swt), azza wa jall with the body, the wealth, the speech and other than that.”

In the Maliki book of jurisprudence, Manh Al-Jaleel (منح الجليل), it says: الجهاد: أي، قتال مسلم كافراً غير ذي عهد، لإعلاء كلمة الله تعالى أو حُصُورَه له [أي: للقتال] أو دُخُولَه أرضه [أي أرض الكافر] له [أي: للقتال] قاله ابن عرفة “Jihad is a fighting of a Muslim against an uncovenanted disbeliever in order to raise the word of Allah ta’ala or participating in the fighting or entering the land of disbeliever for fighting. This is what said by Ibn Arafah.”

It has come in Shafi’ book of jurisprudence ‘Al-Iqna’a’ (الإقناع) about the definition of Jihad, أي: القتال في سبيل الله “It is a fighting in the path of Allah”.

Shirazi affirms in his book 'Al-Muhdib' (المهذب) that: "أن الجهاد هو القتال "Jihad is fighting."

As for what comes in the Hanbali book of jurisprudence, 'Al-Mughni' (المغني) the author of the book Ibn Qudama did not discuss in the 'Chapter of Jihad' any other meaning, other than what is related to war and fighting the disbelievers. He discusses whether it is collective obligation or individual obligation, whether it is in the sense of guarding the believers from the enemy or guarding (Ribaat) the borders and gaps. He says "الرباط أصل الجهاد وفرعه Ribaat (border protection) is the root and branch of jihad." And he says, "إذا جاء العدو صار الجهاد عليهم فَرَضَ عين... فإذا ثبت هذا فإنهم لا يخرجون إلا بإذن الأمير لأن أمر الحرب موكل إليه If an enemy comes, Jihad upon them becomes individual obligation... It is affirmed that they will march forth only with the permission of the leader as the matter of war is entrusted upon him."

Thus, the word 'Jihad' has transferred from its linguistic meaning into the Shariah meaning such that when the word is mentioned, it is understood only in the sense of fighting.

What we regret is the state of this defeated Ummah, for whom the word 'Jihad' has become a great embarrassment. The Ummah does not want to discuss it with its opponents, particularly with those who try to add false and wrong interpretations to this concept. This is because the concept is no longer as pure and clear, as what is mentioned in the Shariah texts, as explained by the majority of the 'ulema. Instead, the intellectual and material weakness of the Ummah enabled it to introduce strange interpretations against its Shariah meaning. This in turn led to the division of Muslims between extremes. Some of them have declined in their thinking, making Jihad merely defensive, to protect oneself and identity. Consequently, it was made a defensive war and not an offensive war. Others say that jihad is a struggle against the soul, to resist the whims. They call it 'major Jihad' (al-Jihad al-Akbar) which is preferred over the 'minor Jihad' i.e. fighting. Some groups have turned to extremism and harshness, by portraying every fighting that occurs between people, as a legitimate Jihad, as mentioned in the Quran and Sunnah.

Jihad was once used to represent distinct creedal reality and concept deeply rooted in the minds of the Ummah, who viewed Jihad as a practical method to embody the Islamic thought on the ground reality. However, Jihad has now turned into vulgar and confused idea amongst the current generation.

Only the few are concerned to discuss Jihad. The Ummah was overcome by negligence and slackness, which removed fear from the hearts of the enemy. So the zeal of Deen and hatred against the disbelievers waned. They were replaced by the zeal of ignorance, racism and nationalism, such that the Muslims began to hate one another.

These misconceptions have widely spread amongst Muslims. Most of them have missed the pure and distinct understanding of the thought of Jihad, such that the motivation is lost. So, I thought it is necessary to present this intellectual discussion to our shebaab, with the intent of removing suspicions, refuting the slanders and consolidating the importance.

With my exposure to the thought of Jihad and every case of the fighting in its appropriate place, I chose to summarize, as I said, in order not to overburden the listener or reader, with the hardship of following up. I will not spend my time debating and exploring what comes in the books of jurisprudence, knowledge and thinking. In order to get clarify what is right and wrong, we must refer to what we have from amongst the strong evidences and detailed explanations, that have no doubt or ambiguity around them.

Let us first look at what people in these days say about the subject:

Many of them today divide Jihad into two types: First is a type related to ‘major jihad (jihad al-akbar)’ which is striving against the soul, whims and shaytan and the like. The second is a type related to ‘minor Jihad (jihad al-asghar),’ which is fighting against disbelievers. They cite several evidences for it, amongst them are: the saying of Allah (swt), **“فَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ”** **“Fight those adjacent to you of the disbelievers.”** [TMQ Surah At-Tawba 9:123], and the saying of Allah (swt), **“وَجَاهِدْهُمْ بِهِ جِهَادًا كَبِيرًا”** **“And strive against them with the Qur'an a great striving.”** [TMQ Surah al-Furqan 25:52], and His saying, **والذين جاهدوا فينا لنهدينهم سبلنا** **“And those who strive for Us - We will surely guide them to Our ways.”** [TMQ Surah al-Ankabut 29:69]. The Prophet (saw) said, **عدنا من الجهاد الأصغر إلى الجهاد الأكبر، قالوا وما الجهاد الأكبر؟ قال جهاد النفس** **“We have returned from minor jihad to the major jihad.”** They asked: “What is major jihad.” The Prophet (saw) replied, **“Jihad against the soul”**. In another narration, the Prophet (saw) said, **قدمتم خير مقدمٍ وقدمتم من الجهاد الأصغر إلى الجهاد** **“You have marched into a good march from minor jihad to the major jihad, which is a struggle of a servant against his whims.”**

I say: it is true that, here, Jihad means struggling against the soul and other than soul, such as struggling against shaytan and corrupters. Nevertheless, such Jihad is not better than Jihad against the disbelievers, nor greater than that in front of Allah (swt). Such struggles do not nullify the Jihad against the disbelievers, nor do they annul it. Instead, Jihad against the disbelievers remains existent until the Day of Judgment. Also Jihad against the soul remains existent until the Day of Judgment.

One must know that the evidence for Jihad against the soul is other than the evidence for Jihad against the disbelievers. Both of them are different from each other. Thus Jihad against the soul is other than Jihad against the disbelievers. It is neither permissible to combine both of them nor to infer evidence for the one to another or to replace one subject over the other. Both of them are indispensable in their place. Both of them are obligatory in their subjects.

Thus, the saying, 'Jihad against the soul is better and greater amongst Allah than Jihad against disbelievers' is an incorrect statement. It is the dangerous statement that contradicts the concept of Jihad in the path of Allah, nullifying it. This statement is rejected for reasons:

Firstly: Jihad has two meanings. One of them is a linguistic meaning and the other one is a Sharia meaning, as we have clarified above. Jihad against the soul takes the linguistic meaning and not the Shariah meaning.

Secondly: The evidence which they infer for Jihad against the soul to be greater and better than Jihad against the disbelievers, is not an appropriate evidence for the subject. This is based on the reality of the evidence itself.

As for the hadith which they infer as an evidence for their claim that Jihad is a struggle against the soul and nothing else, being greater and better than Jihad against the disbelievers, it has two considerations:

Firstly: the hadith is rejected by narration (mardood riwayat).

Secondly: the hadith is rejected by meaning (درایة dirayah). As for the hadith being rejected by narration, it is because the hadith is weak.

As for it being rejected by meaning, it is because it contradicts with definitive texts that oblige Jihad in the Path of Allah (swt), establishing it as the greatest amongst the deeds. Definitive texts consist of three categories:

Firstly: the verses that talk about the precedence of Jihad in the path of Allah, saying that it is of the greatest deeds such as the saying of Allah (swt), لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً "Not equal are those believers remaining [at home] - other than the disabled - and the mujahideen, [who strive and fight] in the cause of Allah with their wealth and their lives. Allah has preferred the mujahideen through their wealth and their lives over those who remain [behind], by degrees." [TMQ Surah an-Nisa'a 4:95]. And the saying of Allah (swt), الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ أَعْظَمُ دَرَجَةً عِنْدَ اللَّهِ "The ones who have believed, emigrated and striven in the cause of Allah with their wealth and their lives are greater in rank in the sight of Allah. And it is those who attain [success]." [TMQ Surah At-Tawab 9:20]

Secondly: the verses that praise Jihad and Mujahideen in the path of Allah. Allah (swt) says, إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةُ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ "Indeed, Allah has purchased from the believers their lives and their properties [in exchange] for that they will have Paradise. They fight in the cause of Allah, so they kill and are killed " [TMQ Surah at-Tawba 9:111]. And He (swt) says, إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ آمَنُوا بِاللَّهِ وَرَسُولِهِ ثُمَّ لَمْ يَزْتَابُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ أُولَئِكَ هُمُ الصَّادِقُونَ "The believers are only the ones who have believed in Allah and His Messenger and then doubt not but strive with their properties and their lives in the cause of Allah. It is those who are truthful." [TMQ Surah al-Hoojarat 49:15]

Thirdly: Verses that condemn and threaten the one who abandons jihad, abandons it, and fails to do so. Allah (swt) says, يَا أَيُّهَا الَّذِينَ آمَنُوا مَا لَكُمْ إِذَا قِيلَ لَكُمْ انْفِرُوا فِي سَبِيلِ اللَّهِ إِذَا قُلْتُمْ إِلَى الْأَرْضِ أَرْضَيْتُمْ بِالْحَيَاةِ الدُّنْيَا مِنَ الْآخِرَةِ فَمَا مَتَاعُ الْحَيَاةِ الدُّنْيَا فِي الْأَخِرَةِ إِلَّا قَلِيلٌ (38) إِلَّا تَنْفِرُوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا وَيَسْتَبْدِلَ قَوْمًا غَيْرَكُمْ وَلَا تَضُرُّهُ شَيْئًا "O you who have believed, what is [the matter] with you that, when you are told to go forth in the cause of Allah, you adhere heavily to the earth? Are you satisfied with the life of this world rather than the Hereafter? But what is the enjoyment of worldly life compared to the Hereafter except a [very] little (38). If you do not go forth, He will punish you with a painful punishment and will replace you with another people, and you will not harm Him at all." [TMQ Surah At-Tawba 9:38, 39]. Allah (swt) says, يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا لَقِيتُمْ الَّذِينَ كَفَرُوا زَحَفًا فَلَا تُولُوهُمْ الْأَدْبَارَ (15) وَمَنْ يُولِهِمْ يُؤَمِّدِ دُبْرَهُ إِلَّا مُتَحَرِّفًا لِقِتَالٍ أَوْ مُتَحَيِّرًا إِلَى فِتْنَةٍ فَقَدْ بَاءَ بِغَضَبٍ فَلَا تُولُوهُمْ الْأَدْبَارَ (15) "O you who have believed, when you meet those

who disbelieve advancing [for battle], do not turn to them your backs [in flight]. And whoever turns his back to them on such a day, unless swerving [as a strategy] for war or joining [another] company, has certainly returned with anger [upon him] from Allah, and his refuge is Hell - and wretched is the destination.” [TMQ Surah al-Anfaal 8:15, 16]

This is in addition to the sayings of the Messenger of Allah (saw) that indicate that Jihad and fighting in the Path of Allah (swt) against the disbeliever is the greatest deed to Allah (swt). The Prophet (saw) said, لَعْدُوَّةٌ أَوْ رُوحَةٌ فِي سَبِيلِ اللَّهِ “Verily! Setting out in the early morning or in the evening in order to fight in Allah's way is better than the world and what it contains.” [Bukhari]. The Messenger of Allah (saw) said, رَبَاطُ يَوْمٍ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنَ الدُّنْيَا وَمَا فِيهَا “Observing Ribat (e.g., guarding the Islamic frontier for the sake of Allah) for a single day is far better than the world and all that it contains.” [Tirmidhi] He (saw) said, لَا تَفْعَلْ فَإِنَّ مَقَامَ أَحَدِكُمْ فِي سَبِيلِ اللَّهِ أَفْضَلُ مِنْ صَلَاتِهِ فِي بَيْتِهِ سَبْعِينَ عَامًا أَلَّا تُجِبُونَ أَنْ يُغْفِرَ اللَّهُ لَكُمْ وَيُدْخِلَكُمُ الْجَنَّةَ؟ اغزوا في سبيلِ اللَّهِ مَنْ قَاتَلَ فِي سَبِيلِ اللَّهِ فُوقَ نَاقَةٍ وَجَبَتْ لَهُ الْجَنَّةُ “For when any of you remains in God's path it is more excellent than prayer in his house during seventy years. Do you not want Allah to forgive you and bring you into paradise? Fight in Allah's path. He who fights in Allah's path,” and many more.

Thus what is mentioned in the divine texts indicates clearly that Jihad in the Path of Allah is of the greatest deeds and has the highest degree. All these indications (qareenas) indicate that. Praise for performing Jihad, condemnation for abandoning it and the order of reward and punishment all indicate that Jihad in the Path of Allah (swt) is of the greatest and best deeds, not the Jihad against the soul. Accordingly, the hadith is rejected by meaning, due to its contradiction with the definitive texts. It is invalid to claim, with the cited narration, that Jihad against the soul is greater than Jihad against the disbelievers.

It is also falsely promoted that Jihad in Islam is a defensive Jihad and not offensive. The evidences cited include the saying of Allah (swt), وَإِنْ جَنَحُوا لِلسَّلَامِ “And if they incline to peace, then incline to it [also]” [TMQ Surah Al-Anfaal 8:61], and the His saying, وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا. إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ “Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors.” [TMQ Surah al-Baqarah 2:190] and His saying, اذِنَ لِلَّذِينَ يُقَاتِلُونَ بِأَنَّهُمْ ظَلِمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ

“Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory.” [TMQ Surah Al-Hajj 22:39].

I say that such stances against Jihad are also false, rejected and misplaced arguments for the following,

Firstly: the evidence for Jihad is a general evidence and it is absolute, including defensive and offensive wars i.e. it includes the enemy’s initiative in fighting, preventive wars and others. It includes all types of fighting against the enemy due to its generality and absoluteness. Thus specifying Jihad or restricting it to defensive war, excluding offensive war, requires divine text for its specification or restriction. There are no divine texts to specify or restrict it, neither in the Quran nor in the Sunnah. So Jihad remains in its general sense that includes all the wars and fighting against the enemy.

Their inference of the evidence from the verse, **وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا** **“And if they incline to peace, then incline to it [also]”** [TMQ Surah al-Anfaal 8:61] is an invalid inference. Verses that are similar to this verse are neither appropriate to specify the generality of the verses in Surah Tawba, nor are they to restrict its absoluteness. This is because they are the verses revealed later about Jihad. What preceded them in revelation cannot specify or restrict what was revealed later. There must be a later revealed divine text to specify the general or restrict the absolute of the divine text, or it must be accompanied at the same time, such that there will be differences over one another. As for His saying, **وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا** **“And If they inline to peace”** [TMQ Surah Al-Anfaal 8:61], it is during the time of peace. As for His (swt) saying, **قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ** **“Fight those who do not believe”** [TMQ Surah At-Tawba 9:29], it is during the time of war and fighting. Peace and fighting are the two existing situations and one situation does not nullify the other.

Secondly: in addition, all these, the sayings and actions of the Messenger of Allah (saw) conclusively indicate that Jihad is the initialization of fighting against the disbelievers to raise the Word of Allah and to spread His Dawah. The Prophet (saw) said, **أَمَرْتُ أَنْ أَقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ** **وَيَقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ فَإِذَا فَعَلُوا ذَلِكَ عَصَمُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّ الْإِسْلَامِ وَحِسَابُهُمْ عَلَى اللَّهِ** **“I have been commanded (by Allah) to fight people until they testify that there is no true god except Allah and that Muhammad is the Messenger of Allah, and perform Salat and pay Zakat. If they do so, they will**

have protection of their blood and property from me, except when justified by Islam, and then account is left to Allah.” [Bukhari].

When the Prophet (saw) appointed a leader to the army or detachment, he (saw) would instruct him to fear Allah (swt) himself and consider the welfare of the Muslims who were with him. He (saw) would say, **اغْرُوا بِسْمِ اللَّهِ قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ اغْرُوا فَلَا تَغْلُوا وَلَا تَغْدِرُوا وَلَا تَمْتَلُوا وَلَا تَقْتُلُوا وَلِيدًا وَإِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى ثَلَاثِ خِصَالٍ أَوْ خِلَالَ فَاتَّبَتَهُنَّ مَا أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ثُمَّ ادْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ثُمَّ ادْعُهُمْ إِلَى التَّحْوِيلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ فَإِنْ أَبَوْا أَنْ يَتَحَوَّلُوا مِنْهَا فَأَخْبِرْهُمْ أَنَّهُمْ يَكُونُونَ كَأَعْرَابِ الْمُسْلِمِينَ يُجْزَى عَلَيْهِمْ حُكْمُ اللَّهِ الَّذِي يُجْزَى عَلَيْهِمْ حُكْمُ اللَّهِ الَّذِي يُجْزَى عَلَى الْمُؤْمِنِينَ وَلَا يَكُونُ لَهُمْ فِي الْعَنِيمَةِ وَالنِّعَى شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا مَعَ الْمُسْلِمِينَ فَإِنْ هُمْ أَبَوْا فَعَلِمُوا الْجِزْيَةَ فَإِنْ هُمْ أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ فَإِنْ هُمْ أَبَوْا فَاسْتَعِنَ بِاللَّهِ وَقَاتِلْهُمْ** “Go forth in Allah’s name in Allah’s path and fight with those who disbelieve in Allah. Go forth and do not be unfaithful regarding booty, or treacherous, or mutilate anyone, or kill a child. When you meet the polytheists who are your enemy summon them to three things, and accept whichever of them they are willing to agree to, and refrain from them. Then summon them to Islam, and if they agree accept it from them and refrain from them. Then summon them to leave their abodes and transfer to the abode of the Emigrants, and tell them that if they do so they will have the same rights and responsibilities as the Emigrants; but if they refuse to transfer from them tell them they will be like the desert Arabs who are Muslims, subject to Allah’s jurisdiction which applies to the believers, but will have no spoil or booty unless they strive with the Muslims. If they refuse demand the jizya from them, and if they agree accept it from them and refrain from them; but if they refuse seek Allah’s help and fight with them.” [Muslim]

As for the actions of the Prophet (saw), plenty of his actions indicate that. Thus his departure to Badr to take the Caravan of Quraish is a departure for fighting. It was his initiative to fight without Quraish who did not initiate fighting the Messenger of Allah (saw) and Muslims or to assault Madinah so that Muslims defend it. His invasion of Hawaizin in the place of Hunain, his siege of Taif, the Battle of Mut’a battle to fight the Romans and the Battle of Tabuk are enough to establish that Jihad is an initiation of fighting against disbelievers. Thus the claim that Jihad is a defensive war is rejected.

Thirdly: it is a Consensus of the Companions of the Prophet (saw) that Jihad is fighting in the Path of Allah to spread Islam and that it is the initiation of fighting. The sufficient evidence for that is the opening of Iraq, Persia, ash-Sham, Egypt and North Africa. All there were opened during the reign of the Companions with their Consensus.

Thus all what we have mentioned from the evidences are sufficient to silence those who claim that Jihad is a defensive war.

Here we cannot fail to record the feelings of some Muslims when they discuss with their opponents about the subject of Jihad. You would see them incapable to respond to their accusation or to respond against their defamation of Islam, particularly about what is said in the subject of Shariah Jihad. These attackers, including the Orientalists, consider Jihad as a brutal and barbaric idea, that involves aggressive and flagrant acts, targeting weak people with the intent of dominating them and converting them to Islam by the sword and coercion!!!

Yes, Muslims are embarrassed about this issue. They are afraid to discuss the matter with their opponents. If they do speak with the intention to respond, they negate and contradict the original idea, as they claim that Allah (swt) has legislated Jihad only for defending oneself and the identity. This is what we have explained above.

As for refuting the slanders from the biased disbelievers and those who favor them, we say: bearing the sword to fight against the disbelievers and their ideologies does not mean to coerce them, by force, to adopt Islam, as they claim. In fact, Allah (swt) prevented such coercion and He (swt) did not permit it, as He (swt) says, **لَا إِكْرَاهَ فِي الدِّينِ ۗ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ** **“There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.”** [TMQ Surah Al-Baqarah 2:256].

This divine text clarifies that bearing the sword against disbelievers is not for the sake of coercing them to adopt Islam by force. Instead, it is to purify the earth from their disbelieving systems and their tyranny against the people. Thus, sword is for the sake of application and implementation of Islam and not

to coerce people to adopt Islam. In other words, it is for the sake of ruling the people with the Shariah of Allah (swt), liberating them from the ruling of humans. After that, people have a choice to choose between Iman and disbelief.

Here, I do not want to expand much in responding to the accusation of coercion and compelling. It is a flimsy accusation and does not require much care and attention from us. It is sufficient to respond to the slanders and false claims of these foolish people that we refute them with the facts and testimonies brought by history written in the honest books. The greatest evidence for that is the reality of Christians and Jews, who lived under the shade of Islamic State. They lived there as a people of Dhimmah. They acknowledge that they were not oppressed for the sake of their religions. No one claimed that they were coerced to adopt Islam by force. Instead, most of them are on the religions of their forefathers since the Islamic Khilafah until now. So where is this compulsion and coercion to leave their religion and what they believe? Where is the oppressive inquisition stance like what we have heard from the Christian world?

We say to our brothers that we see no rationale for this embarrassment, particularly Islam declares it openly without hiding it from the people as Allah (swt) says, **يَا أَيُّهَا النَّبِيُّ حَرِّضِ الْمُؤْمِنِينَ عَلَى الْقِتَالِ** “**O Prophet, urge the believers to battle.**” [TMQ Surah Al-Anfaal 8:65].

Then, why is there an embarrassment, whilst the capitalist ideology openly discusses colonization and considers it as a positive method to spread its ideology? It is sufficient for you to bear witness of what was inflicted upon the Muslims from the disbelieving colonial states in terms of raids and attacks which they committed upon the peoples of Islamic world. For instance, the people of Libya, Sudan, Iraq, Kashmir, Bosnia, Kosovo, Chechnya and others. The same applies to the socialist ideology, including the communist ideology, which sees revolutions, unrest and civil wars as a positive method to spread its ideology and to accelerate the paradigm shift amongst the peoples of the world. The people of these two ideologies see no embarrassment to proclaim it and they claim that they are rendering a great service to mankind. On the other hand, we as Muslims exclude Islam from this circle and we leave Islam imprisoned within the Islam regions and we do not work to spread it to the world because it embarrasses others!

We do not see any justification for this rejected avoidance except the negligence to carry the Dawah, to raise the word of Allah and the abandoning to liberate mankind from servitude just as Rubay bin Aamir (ra) clarified in his discussion with Rustom, in which he said, *إن الله ابتعثنا لنخرج من شاء من عبادة العباد إلى عبادة الله ومن ضيق الدنيا إلى سعتها، ومن جور الأديان إلى عدل الإسلام، فأرسلنا بدينه إلى خلقه لندعوهم إليه، فمن قبل ذلك قبلنا منه ورجعنا عنه ومن أبى قاتلناه أبداً حتى نقضي إلى موعود الله* “Allah (swt) has sent us to deliver you from worshipping the creation to worshipping the Creator of the creation and to deliver you from the constriction of this world to the vastness of this world and the afterlife and from the oppression of the religions to the justice of Islam. Allah (swt) has sent us with His religion to His creations to invite them to it. If they accept, we will accept them and we will leave; and if they refuse we fight them until we get the promise of Allah.”

However, what can we say to those defeatists who want to desecrate the honor of this honorable Ummah, which was raised upon the teachings and guidance of Islam, with what they foolishly claim of tolerance and dialogue with the disbelieving enemy? This stance is itself a stance of hypocrites, who abstained from Jihad, as Allah (swt) says, *وَيَقُولُ الَّذِينَ آمَنُوا لَوْلَا نَزَلَتْ سُورَةٌ فَإِذَا أُنزِلَتْ سُورَةٌ مُحْكَمَةٌ وَذُكِرَ فِيهَا الْقِتَالُ رَأَيْتَ الَّذِينَ فِي قُلُوبِهِمْ مَرَضٌ يَنْظُرُونَ إِلَيْكَ نَظَرَ الْمَغْشِيِّ عَلَيْهِ مِنَ الْمَوْتِ فَأَوْلَى لَهُمْ* “Those who believe say, "Why has a surah not been sent down? But when a precise surah is revealed and fighting is mentioned therein, you see those in whose hearts is hypocrisy looking at you with a look of one overcome by death.” [TMQ Surah Muhamad 47:20]. They are those who wish to buy the wrath of Allah upon them, in exchange of the pleasure of disbelievers with them. Allah (swt) says, *ذَلِكَ بِأَنَّهُمْ اتَّبَعُوا مَا أَشْحَطَ اللَّهُ وَكَرَهُوا رِضْوَانَهُ فَأَحْبَطَ أَعْمَالَهُمْ* “That is because they followed what angered Allah and disliked [what earns] His pleasure, so He rendered worthless their deeds.” [TMQ Surah Muhammad 47:28].

The vileness of the rulers and their aides has gone to the extent of exaggerating and flattering the disbelievers, by claiming that the disbelievers are brothers in the religion! I wish the matter would stop at the treacherous rulers and their followers, without spread more than that. Instead, some of those who are affiliated with Muslims from amongst the suspicious movements follow them in this malicious conspiracy. For example, we, regarding the Islamic community in the place of Hijrah, the disbelieving West seeks to contain us through such movements that are active in the arena. Meetings, conferences

and lectures are constantly being held here and there to convince Muslims to remove the idea of opposing the disbelievers from their minds, whilst accepting the idea of lower-level dialogue. We have seen a magazine issued by the Swiss Muslim League, in which its authors claimed that the Jihad carried out by the Muslims in the past against the disbelievers was nothing but an unfortunate clash. The author of the article, Dr. Ezz El-Din Ibrahim, says in his article entitled, "Islamic view on Muslim-Christian dialogue," in which he says, "...Muslims continued this dialogue verbally and in writing, hardly inventing about it except during the periods of unfortunate clash between followers of the two religions..." What this means is that these negligent people see themselves as more civilized than the righteous predecessors, who used to understand Jihad as the initiation of fighting against the disbelievers. With this negative logic, they want to neglect the saying of Allah (swt), **يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَأْمَأْوَاهُمْ جَهَنَّمُ وَبئسَ الْمَصِيرُ يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَأْمَأْوَاهُمْ جَهَنَّمُ وَبئسَ الْمَصِيرُ** "O Prophet, fight against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination." [TMQ Surah at-Tawba 9:73]. Moreover, Allah (swt) sent Muhammad (saw) to the whole world as He (swt) says, **وَلَقَدْ كَتَبْنَا فِي الزَّبُورِ مِنْ بَعْدِ الذِّكْرِ أَنَّ الْأَرْضَ يَرِثُهَا عِبَادِيَ الصَّالِحُونَ (105) إِنَّ فِي هَذَا لَبَلَاغًا لِقَوْمٍ غَافِلِينَ وَأَمْزَجْنَاكَ لِلْعَالَمِينَ لِقَوْمٍ غَافِلِينَ (106) وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ** "And We have already written in the book [of Psalms] after the [previous] mention that the land [of Paradise] is inherited by My righteous servants. [105] Indeed, in this [Qur'an] is notification for a worshipping people. [106] And We have not sent you, [O Muhammad], except as a mercy to the worlds." [TMQ Surah Al-Anbiyyah 21:105,106,107] i.e. Allah (swt) sent his Prophet (saw) as a mercy to the worlds, such that he liberates them from the darkness of ignorance and from the dominant of Taghut. This is what every Mujahideen clarifies to different rulers upon the earth, when they march forth towards them to liberate humanity from the shackles of enslavement. So is there any mercy after this to guide mankind that equates with it? How come these ignorant people want to neglect it?

O Muslims! Know that Jihad remains existent until the Day of Judgment. Neither the justice of a just man nor the oppression of the oppressor can nullify it. If we, the generation of this current time, fail in this, then Allah (swt) will send men after us who would love Allah (swt) and Allah (swt) will love them. They will fulfill the covenant given to Allah (swt) by marching out for Jihad in the Path of Allah (swt). With the permission of Allah (swt), the armies of Islam

will set out again to march on the ground in the direction of Rome and France, as well as Britain, the head of unbelief, and they will reach the White House just as Sa'ad bin Abi Waqqas reached the court of Khusrov. Allah (swt) says, **يَا أَيُّهَا الَّذِينَ آمَنُوا مَنْ يَرْتَدَّ مِنْكُمْ عَنْ دِينِهِ فَسَوْفَ يَأْتِي اللَّهَ بِقَوْمٍ يُحِبُّهُمْ وَيُحِبُّونَهُ أَذِلَّةٌ عَلَى الْمُؤْمِنِينَ أَعِزَّةٌ عَلَى الْكَافِرِينَ يُجَاهِدُونَ فِي سَبِيلِ اللَّهِ وَلَا يَخَافُونَ لَوْمَةَ لَائِمٍ ۚ ذَٰلِكُمْ فَضْلُ اللَّهِ يُؤْتِيهِ مَن يَشَاءُ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ** "O you who have believed, whoever of you should revert from his religion – Allah will bring forth [in place of them] a people He will love and who will love Him humble toward the believers, powerful against the disbelievers; they strive in the cause of Allah and do not fear the blame of a critic. That is the favor of Allah; He bestows it upon whom He wills. And Allah is all-Encompassing and Knowing." [TMQ Surah al-Ma'ida 5:54]

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International Rivalry in the Middle East in the Twentieth Century

Abdullah Ali - Pakistan

The Middle East is a geopolitical term often used to collectively refer to a number of regions including the Levant, Arabian Peninsula, Anatolia, Egypt, Iran and Iraq. Some definitions also include regions in northern Africa from Tunisia to Morocco. The term Middle East was originally used by the British to refer to the region between Near East - the area immediately to the east of Europe - and the Far East - consisting of areas such as China, Japan and Indochina.

The geo-strategic and economic importance of the Middle East cannot be emphasised enough. Historically, either great powers have emerged from this region such as the Persian empire or the Khilafah, or great powers have fought amongst themselves for control over this area. There are numerous reasons for this. For example, since most of the major land and sea trade routes pass through the Middle East, controlling this region has, historically, meant controlling the world economy. In fact a recent blockade of the Suez Canal in Egypt brought international trade to a halt and cost the world economy up to 10 billion dollars a week. Furthermore, the discovery of natural resources such as oil and gas in the Middle East in the previous century added to the region's value.

At the start of the twentieth century most of the Middle Eastern region was still under the control of the Ottoman Khilafah, though in some cases like Egypt only nominally. However, by this time, the Khilafah was clearly in decline and was constantly referred to as the 'sick man of Europe'. For the preceding two centuries, European powers had been searching for an answer to the so-called Eastern Question, by which they meant a way to divide the territories under the Khilafah amongst themselves. By the end of World War I there were really only two great powers in Europe: Britain and France. Germany had lost in the War and Russia was too preoccupied with internal problems as a result of the Bolshevik Revolution led by Lenin in 1917.

The first half of the twentieth century was therefore dominated by British and French attempts to take control over the Middle Eastern regions under the

Khilafah. Each wanted the entire region for itself, and so they often fought between themselves, sometimes directly but often through their respective agents in different areas. By the end of World War II, Britain had more-or-less managed to expel the French almost entirely from the Middle East. However, their victory was short lived since after World War II the United States (U.S.) refused to go back into the isolationist mode that it had been in for centuries - contrary to what Winston Churchill had hoped for. As all great powers before it, the United States too set its sight on the Middle East. But to dominate this region it needed to displace the British first. This is what drove Middle East politics in the second half of the twentieth century.

A dominant narrative throughout the world today, and specifically within the Muslim Ummah, is that the main reason why Muslim regions are in a turmoil is because of the Muslims themselves. While it is true that Muslims are at their weakest point fundamentally because they have stopped embracing Islam as an ideology and complete code of life, it is essential that we understand that the present situation in which we find ourselves in is neither something that emerged naturally nor is it something that was inevitable. Nor is it just a consequence of an intellectual decline amongst Muslims. While an intellectual decline did mean that Muslims would ultimately no longer be the leading world power as it had been for over a thousand years, it did not, however, imply the *specific* set of conditions that we find ourselves in today. Rather, the state we find ourselves in is one that was imposed upon us by Western colonial powers to advance their own interests. While doing so, they often fought and competed amongst themselves. This is what this article will strive to demonstrate through the example of the Middle East region.

Modern Middle East politics is primarily shaped by the events in the preceding century, in which Western powers, namely Britain, France and the United States, divided these regions into small countries and installed their agents as their rulers, so as to further their own interests. In fact, conflicts in the Middle East to this day are driven primarily by the friction between the different agents of these powers who strive to serve their respective foreign masters. Understanding international rivalry in the Middle East in the previous century is thus the key to understanding the political conflicts that this region is plagued with today. This article first looks at the Anglo-French rivalry in the first half of the twentieth century and then the Anglo-American rivalry in the second half.

Anglo-French Rivalry in the Middle East

As discussed above, the first half of the twentieth century was mainly dominated by British and French attempts to dominate the Middle East. One of the early signs of this was the Sykes-Picot agreement ratified in 1916 and named after the British and French diplomats Mark Sykes and François Georges-Picot who were the primary negotiators. Under this agreement, Britain and France agreed that after the strongly anticipated imminent defeat of the Ottoman Khilafah, they would partition the Middle East region amongst themselves. The northern part comprising roughly of the modern areas of Syria, Lebanon, southeastern Turkey and northern Iraq was to remain under French influence. The southern part that included the areas of Jordan and southern Iraq was to be under British influence. However, since neither side wanted to give up Palestine, it was decided that it would remain a neutral zone, with no one power dominating it. Interestingly, the Sykes-Picot agreement did not call for direct rule over the Middle East by the two powers. Implicit in it was the arrangement that either power would rule indirectly through its agents installed in these different regions.

The Sykes-Picot agreement was kept a secret from the rest of the world - except for Russia whose approval was sought beforehand. The reason for this was the British had earlier lured Sharif Hussein of Mecca by giving written assurances into believing that they would support Arab independence under his rule after the war was over if he rebelled against the Ottoman Khilafah. The Sykes-Picot agreement on the other hand dismissed the notion of Arab independence by partitioning the region into British and French spheres of influence.

Neither the British nor the French were particularly happy about Palestine remaining under international control. The French felt that this could lead to instability in the region in future. The British, on the other hand, wanted Palestine for their imperial ambitions. Mark Sykes had, for example, earlier proposed constructing a railway from Basra with the Suez Canal via Haifa - a port city in the north of Palestine. However, in the interest of reaching a deal, the British and French eventually compromised on international control in Palestine.

However, once the agreement had been reached, the British started looking for ways in which they could bring Palestine exclusively under their control.

During that time, Herbert Samuel, a Jewish Zionist minister, began arguing for a Kingdom of Israel - a country where Jews could seek refuge from the persecution they were facing elsewhere, such as in Eastern Europe and Russia. At the same time, President Woodrow Wilson of the United States began advocating for the right to self-determination, that 'no nation should seek to extend its polity over any other nation or people.' While the United States was eventually pulled into the war because of Germany's attack on American ships, Wilson tried to draw a distinction between the intentions of the United States and those of other states by asserting that '[we would] fight for the things we have always carried nearest our hearts - for democracy ... for the rights and liberties of small nations.' These statements were seen as a direct attack on British imperial ambitions and its plans to colonise other regions once the war was over. To silence Wilson and to bring Palestine under their exclusive control, the British felt that their best course of action would be to advocate for a Jewish state in Palestine in the form of a British protectorate. Since by that time there were over two million Jews living in the United States, such a move would make the British popular there and put pressure on Wilson to abstain from criticising British imperial ambitions. Simultaneously, a British protectorate in Palestine would essentially mean exclusive control over the region. This then became the basis of the British policy for Palestine and was made public in the Balfour declaration of 1917 which said: 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object.'

Within weeks of the Balfour declaration, the British were able to capture Jerusalem and other areas of Palestine. At the same time, Arab forces led by Sharif Hussein's son Faisal and the famous British officer T.E. Lawrence were able to capture Damascus and most of the territory around it in what is now modern Syria. As a temporary arrangement until the War ended, and contrary to the Sykes-Picot treaty, the British left Damascus and regions to the east of it under Arab control and only gave the French a shallow strip of coastal Lebanon.

Under the Sykes-Picot agreement, the city of Mosul - now in modern Iraq - was to be in the French sphere of influence. However, by now the British had been informed of the possibility of huge reserves of oil in that region. Not only was oil four times as efficient as coal, it was also poised to take over as the major marine fuel. But the British had no oil reserves of their own and were dependent on the United States for it. And given that the U.S. was already

hostile to their imperial ambitions, the British felt that they needed Mosul to reduce their dependency and retain their status as the world's most powerful naval force. During the War, Germany had occupied Alsace-Lorraine - a region on the border of France and Germany. The British knew that the French would require their help in retaking this region - since it was not obvious if the people living there would opt to rejoin France if given the choice. With this in mind, the British decided to withdraw their support for France's claim to Alsace-Lorraine. When the then French Prime Minister Clemenceau visited London shortly thereafter and asked his counterpart Lloyd George on what the British wanted, he asked for Jerusalem and Mosul. Clemenceau conceded.

With the French having conceded Jerusalem and Mosul, the British now began looking for ways to force the French to give up their ambitions regarding Syria. One of the ways on which they eventually decided upon was to use Wilson's idea of self-determination to advocate for Arab self-determination in Syria. The idea was to use pro-British Arab nationalists to force the French out of Syria. The man they chose to lead was Faisal - Sharif Hussein's son. They began promoting Faisal internationally and even invited him to address the peace conference in Paris. The French reacted strongly to this and initially tried to exclude him from the conference but failed to do so. Later on they also launched a public campaign of slander against him but it merely backfired. In one famous incident, while Faisal was delivering a speech promoting Arab nationalism and praising the British for their help, the French foreign minister interrupted by saying that they too had helped the Arabs against the Turks. Faisal, in turn, thanked the French for sending 'a small contingent with four antiquated guns and two new ones to join his forces!' Ultimately, the French even tried to bribe him to switch sides but failed in that too.

To solve the Syrian question, Wilson proposed sending a commission to the region to seek the opinion of the people there on whether they wanted French rule or not. Both the British and French knew that the conclusions that the commission would reach upon would be against French interests. However, the French initially decided to support the commission on the condition that it would also visit Mesopotamia and Palestine and assess whether the public opinion there supported British rule or not. But later on the French decided to boycott the commission until the British removed their troops from Syria - since they feared that the British would try and bias the commission against them. The British who were already looking for a chance to boycott the commission -

because they felt that it might trigger demands for independence in Mesopotamia and Palestine - rejected the French demands, and asserted that they would only support the commission if the French did.

Even though both the British and the French boycotted the commission, they knew its results would carry weight. Hence, British and French officials on ground tried to bias the commission against each other by spreading false propaganda. When the commission finally reported back it recommended a united Palestine and Syria under American mandate with Faisal as its head. Furthermore, it also recommended that Mesopotamia should remain under the British mandate. However, by this time there were growing calls for an 'anti-waste' campaign and austerity measures within Britain. As pressure mounted, the British government finally decided to withdraw its troops from Syria and leave the French and Faisal to figure things out on their own.

The British began withdrawing from Syria by the end of 1919. They left most of the region including Damascus and Aleppo in the hands of the Arabs. This angered the French who then began demanding that the British uphold their end of Sykes-Picot treaty by agreeing to a French mandate in Syria. At first, the British refused. However, shortly afterwards several riots broke out in Jerusalem between the Muslims and the Jews that lasted several days. While the British were eventually able to control these, the Jews nevertheless accused them of deliberately allowing the riots to continue for so long and attributed this to anti-Semitic feelings within the British administration. The British tried to address these concerns but the incident led to an increase in anti-British sentiments among the Jews - especially those who supported Zionism. The British felt that it was the French who were actually behind the Zionists and fanning anti-British sentiments. By this time, the Syrian National Congress had proclaimed Faisal as the king of united Syria and Palestine. Since this also had implications for the British, the French approached them seeking to coordinate their efforts against Faisal. However, the British refused to help. The French retaliated by threatening to call for international rule in Palestine as per the original Sykes-Picot agreement. Fearing that this could further aggravate their situation, especially if the French also further exploited anti-British sentiments amongst the Zionists, the British finally relented and agreed to a French mandate over Syria. Shortly afterwards, the French launched an attack on Faisal's forces and defeated him outside Damascus. Faisal was expelled from Syria and he fled to Palestine. The next year, in a bid to calm down Arab

nationalists in Mesopotamia who demanded independence from them, the British - in spite of French efforts against it - installed Faisal as the king of Mesopotamia, and changed its name to Iraq.

For the next twenty years, the British and French tried to undermine each other's authority over their mandates. For example, the British supported the Druze revolution against the French in Syria. The French, on the other hand, provided logistical support to the Turks to help the Kurds who were leading a separatist movement against the British in the oil-rich region of Mosul. The French even provided sanctuary to some of the insurgents who rebelled against British rule in Palestine. When the British approached them to arrest these insurgents, the French refused.

In 1939 World War II broke out. By 1940 the Germans had conquered almost two thirds of France. The French government - which then came to be known as the Vichy - decided to adopt a policy of collaboration with the Germans. Against the Vichy was the Free French movement, led by Charles de Gaulle. De Gaulle had escaped from France with Winston Churchill's help, who then declared him as the leader of the Free French movement. Most of the French empire, including its colonies in Syria and Lebanon, decided to accept the legitimacy of the Vichy government. By promoting de Gaulle, Churchill's goal was to use the Free French movement to expel France from the Middle East.

In 1941 there was a coup in Iraq that overthrew the pro-British regime of Abd al-Ilah and instead installed a pro-German government. The British feared that this could result in the Germans using Syria as a base to influence events in Iraq, which in turn could threaten British presence in other areas of the Middle East also. To preempt such a situation, the British decided to launch an invasion of Syria and ended up conquering it with the help of the Free French forces. Initially, the British and Free French agreed to divide responsibilities of Syria between themselves. The British would provide the military to guard against external threats while the Free French would take care of the internal matters. However, by this time there was a growing resentment in Palestine among the Arabs against the British, which was creating additional troubles for them. The British felt that one way of calming the Arabs down would be by guaranteeing independence in Syria and Lebanon. They forced the Free French to comply, but the Arab government that the Free French formed for Syria mainly consisted of

agents that were loyal to them. This was not acceptable to the British, who then called for elections and fielded their own agents against the French ones. Because of severe mismanagement by the pro-French government, the region had witnessed several economic crises including wheat shortage. So both the British and the Free French knew that the pro-French candidates would lose if an election did happen. Hence, the French resisted. To force the French to accept early elections, the British cutoff the subsidy that they provided them with. Furthermore, Churchill called de Gaulle to London for talks and then cut off his telegraphic links with the rest of the world. The Free French thus had no option but to accept elections.

While the French did accept the demand to hold elections, they tried their utmost to make sure the outcome was in their favour by promoting pro-French politicians and leaders. However, the British were able to foil their attempts both in Syria and Lebanon. In Lebanon, the French reacted aggressively and abducted the newly elected pro-British Prime Minister and most of the cabinet. The British, who still controlled the military, in turn, threatened to impose martial law in Lebanon unless these people were not released. The French had no choice but to comply.

By this time, the British had begun to actively support the Greater Syria project that would unite Syria, Transjordan and parts of Lebanon and Palestine under one leadership. The British hoped that by giving the Arabs some independence they would begin accepting a Jewish entity in Palestine. However, the Greater Syria project could not materialise - mainly because the Arabs continued to object to a Zionist entity and also because they could not agree on a single leadership (the British wanted Abdullah, the son of Sharif Hussien, as the leader). However, the Arabs did form an Arab League in 1945 which had the expulsion of France from the Levant as one of its major aims.

In 1945, World War II ended. To celebrate the French organised rallies in Levant in support of the French presence there. In response, Arab nationalists, who were generally pro-British, took out their own rallies calling for Arab nationalism. While peaceful at first, these rallies ultimately turned violent. To control the situation, the French sent in their troops. Hundreds of people were massacred in the ensuing violence. The French even began bombing Damascus. When it became clear that the French were using this opportunity to not only control the situation but to also force the Syrian and Lebanese governments

into signing deals with them, the British decided to intervene by sending their own troops in and forcing the French to rein in theirs. All French officials were put under curfew. By this time, the public opinion in Levant had also turned anti-French. No French official could dare travel without a military escort for fear of being murdered. Finally, the British and French agreed to withdraw from the Levant region simultaneously, ending the twenty-six year French mandate. Since almost none of the pro-French leaders had been elected in the previous elections, this withdrawal effectively meant an end to the French presence in the Levant.

While the British were successful in expelling them from Levant, the French, as revenge, continued to meddle in Palestine by supporting different Zionist groups and leaders against the British. The United States too had decided by this time to take an active role in the Middle East and to expel the British from there. One of the ways in which they began this project was also by supporting the establishment of a Jewish entity. With the support of France and the United States, the Zionists were able to launch violent campaigns against the British. Finally, on May 14, 1948, unable to control the situation any longer, the British decided to abandon Palestine. The Zionists immediately declared the state of Israel. On the same day, countries in the Arab League declared war and the first Arab-Israeli war began.

Anglo-American Rivalry in the Middle East

Enoch Powell, a prominent British politician who spent several years in the Middle East, once remarked to Anthony Eden, one of Britain's prime ministers and celebrated foreign secretaries, 'I want to tell you that in the Middle East our great enemies are the Americans.' Eden, recalling this discussion several years later in retirement said, 'You know, I had no idea what he meant. I do now.' Throughout the last five or six decades of the previous century, the Americans and the British battled and competed amongst themselves for influence over regions in the Middle East. During the Cold War, the two sides tried to play down their differences, so as not to attract too much attention and distract focus from the Soviet Union. However, to this day, the British keep documents worth millions on its 'ally' from that time period that it refuses to declassify.

During World War II, it became clear that after the war the United States was not willing to go back into the isolationist mode that it had been before. In

fact, the U.S. President Franklin Roosevelt had already started laying down the foundations for a post-War U.S. led global order. Roosevelt forced Churchill to sign the Atlantic Charter that called for the right of self-determination for people around the world. The document was meant - and the British read it that way - as an attack on British colonial institutions. Given that the Americans were already providing major funding and equipment, the British could hardly do anything to resist and stop this.

Two major considerations led to the United States actively entering the Middle East region. The first was oil. In 1932, Ibn-e-Saud established Saudi Arabia after having conquered the region from Sharif Hussein earlier and a few years later granted the Californian Arabian Standard Oil Company (Casoc) the right to explore for oil. The British supported this initiative after having excluded American oil companies from the Middle East. In fact, the British helped in introducing the Americans to Ibn-e-Saud and his inner circle of advisors. Casco was initially a private venture. However, the Americans soon found out that the British were funnelling American aid meant to help the war effort to Ibn-e-Saud in order to retain their influence with him. Meanwhile there was also an increasing pressure within the U.S. to conserve domestic oil stocks. As a result the American government decided to make the control of global oil supplies one of their major foreign policy objectives.

The second consideration was the issue of Palestine and the establishment of a Jewish state. In response to terrorist attacks from Zionist militant organisations, the British had launched massive crackdowns on these organisations. Furthermore, they also put a limit on Jewish immigration. These actions did not go down well with the highly influential Jewish community in America which began pressuring its government to take action against the British. The British wanted a federal state in Palestine with two provinces under the trust of the United Nations but with the British ruling. The United States however insisted on partitioning the region into an Arab and a Jewish entity. A draft proposal for partition was presented at the United Nations. The British threatened to withdraw unilaterally if the proposal went ahead. However, the United States pressed along and even coerced France to vote in its favour by threatening to block the aid that it had promised after the War. As a result, the resolution was passed. The British, who by then had also come to the conclusion that Palestine was no longer a viable base, subsequently followed

through their threat and unilaterally retreated from Palestine on May 14, 1948, resulting in the first Arab-Israeli war.

While the British were withdrawing from Palestine, the Americans began looking for a way to expel the British from Jordan, which was being ruled by King Abdullah, Sharif Hussein's son, who had been installed there by the British. The Americans approached Abdullah and asked him to turn away from the British and strike a deal with Israel. In return, they promised to support his ambitions for Greater Syria. Abdullah agreed and approached the regent of Iraq - who was his nephew - to begin his Greater Syria project. The regent, also named Abdullah, passed on the information to the British, who asked him to not support the project. Abdullah, the regent, subsequently made a statement of neutrality on the issue. Since this was the first time the regent had publicly disagreed with King Abdullah, the statement carried enormous political implications. As a result, a few days later, at the insistence of his British adviser Alec Kirkbride, Abdullah publicly announced that he would no longer pursue the Greater Syria project.

While this drama was folding out which ultimately resulted in King Abdullah's assassination, the Americans also began concentrating on Egypt and started looking at ways in which to expel the British from there. The British had invaded Egypt in 1882 to take control over the Suez Canal so as to have a more direct, shorter route to India. However, instead of ruling it directly, they decided to let it remain as part of the Ottoman Khilafah but under a ruler - called the *khedive* - whom they controlled. At the outbreak of World War I, however, the *khedive* decided to side with the Ottoman Khilafah against the British. The British, who had troops stationed in Egypt, dismissed the *khedive* and made his uncle the Sultan and changed Egypt's status to a protectorate. However, in 1921 the Sultan declared himself as king and made Egypt an independent state. However, to do so he struck a deal with the British where he allowed them to continue to station troops and control the Suez Canal. The British troops that were stationed at Suez, however, were deeply unpopular with the local population because of their dismissive attitudes towards them. As a result, British troops and bases were frequently ambushed by the locals. The British used to retaliate by cutting off power to nearby areas, since they controlled the Suez oil refinery. This in turn made the situation worse. When the Egyptian government refused to cooperate and help, the British asked the then king, Farouq, to dismiss the government and threatened to march troops

towards Cairo if he refused. Under pressure, Farouq agreed. Meanwhile the Americans were watching the situation in Egypt very closely and looking for a breakthrough. They made contact with Farouq hoping to push him to expel the British completely from Egypt. However, when it became clear the Farouq was too incompetent to implement any serious reform, the Americans decided to push a group of military officers by the name of Free Officers to carry out a coup against the king. Among the leaders of the Free Officer movement were Muhammad Neguib and Gamel Abdul Nasser. The coup succeeded in 1952. Before the coup, the Free Officers had sent a message to the British via the American embassy to not intervene on Farouq's behalf. After the coup, Farouq was exiled and dozens of pro-British leaders were arrested. Subsequently, Neguib became the Prime Minister, and then a year later, when the Kingdom of Egypt was abolished and replaced with the Republic of Egypt, Neguib became its first President. However, his presidency lasted only for a year, since in 1954 a power struggle with Nasser resulted in his defeat and subsequent house arrest. Nasser then became the President of Egypt.

One of Nasser's top most priority was negotiating a speedy exit of British troops from the Suez base. Attacks on British troops by the locals - known as fedayeen - were still continuing, and Nasser used that as an excuse to force the British to leave. The British finally agreed, and a date was set for the departure of British troops - though it was agreed that they would continue to operate the base for next seven years.

With Egypt no longer in their camp, the British began to look for ways to retain their influence in the Middle East. To accomplish this, and simultaneously isolate Egypt, they began efforts for a defence pact with other Middle Eastern countries. The Baghdad Pact, subsequently known as the Central Treaty Organisation (CENTO), was signed in 1955 between Iran, Iraq, Pakistan, Turkey and the British. The Americans, having realised what the British were trying to accomplish, tried to stop the Pact, but failed.

With the Baghdad Pact now signed, it was clear that Egypt would need better military equipment in case of future hostilities. Nasser wanted the Americans to provide military aid to Egypt who agreed. However, under the U.S. law at the time, this would require allowing American military personnel access to Egypt. Since his entire reputation and popularity was based on anti-imperialist rhetoric, Nasser could not accept this offer. To put pressure on the

United States he began to court the Russians for weapons who, aware of his American links, were reluctant at first, but ultimately decided to sell him equipment in return for cotton. The Russian offer was so attractive that the Americans felt that Nasser's refusal might lead to a coup against him. Hence, they decided to not oppose it and instead worked with Nasser to project it as something that was purely commercial rather than political so as not to antagonise other Western states, particularly the British. In any case, the presence of a the highly influential pro-Zionist lobby in the U.S. would have made it difficult for them to provide aid directly to Egypt. The CIA did, however, support the establishment of the Voice of Arabs radio channel to help Nasser spread his propaganda throughout the Middle East, including that directed against the British.

During this period, the Americans continued to push Nasser to solve the Arab-Israeli crisis and to establish cordial relations with Israel. However, because of Nasser's public anti-Zionist stand for which he had massive support, he could not acquiesce. The Americans had also promised to provide a loan in partnership with the British for a dam that Nasser wanted to construct. However, because of Congressional opposition they retracted their offer. Seizing on this moment, Nasser called this as an humiliation of Egypt by the West and declared that he would nationalise the Suez Canal, which was still under British control. This was exactly what the Americans wanted, and to prevent the British from retaliating militarily announced a conference to resolve this issue. The conference, unsurprisingly, reached no conclusion. The British then decided to intervene militarily. However, they knew that any military action was bound to result in American opposition. At that time, presidential elections were about to take place in the United States, and Eisenhower - seeking to be reelected - was relying on the support of the pro-Zionist lobby. The British felt that if they could somehow have Israel attack Egypt instead of them, Eisenhower would have no choice but to support them. To carry out their plan, they decided to bring in the French too. The French, British and Israel met in France and decided that Israel would begin the attack on Egypt. Two days later, under the pretext of mediating, the French and British would join in and take control over the Suez Canal. At the end of October 1956, the Israelis attacked, as planned. The British and French joined in later. However, during this time, the Americans had figured out what the British, French and Israelis had planned on, and raised this issue at the United Nations. In an emergency

security session, a resolution was passed calling for the three countries to withdraw their troops. The British, however, tried to drag the situation on. The Americans responded by imposing sanctions and oil embargos on France and Britain. The two even contemplated invading Kuwait and Bahrain at that time to make up for the lost oil because of embargos and the closure of the Suez canal, but dropped the idea later on. Finally under immense financial pressure, the British and French withdrew their troops from Suez, thus effectively bringing an end to British influence in Egypt. The Suez crisis, and subsequent loss of Jordan and Iraq, were widely seen to mark the end of the British as a superpower.

Thus international rivalry dominated events in the Middle East throughout the twentieth century. For the first half of the century, up until World War II, the French and British fought amongst themselves for mastery of the region. While the British won, and were largely successful in eliminating the French for this region, they too were subsequently displaced by the Americans in the latter half of the twentieth century.

Furthermore, as this article shows through various examples from the preceding century, the rulers who have been governing Muslim lands for the past hundred years are actually simply pawns in the great game between Western powers, who use them to only advance their own interests. Moreover, unlike what they project, the interests of these Western powers are also not aligned with one another, and in fact often in severe conflict with one another. As Allah (SWT) says in the Glorious Quran:

بَأْسُهُمْ بَيْنَهُمْ شَدِيدٌ تَحْسَبُهُمْ جَمِيعًا وَقُلُوبُهُمْ شَتَّىٰ ۚ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْقِلُونَ

“Their violence among themselves is severe. You think they are together, but their hearts are diverse. That is because they are a people who do not reason.” (al-Hasr:14)

The future Khilafah, for which the Prophet (SAW) has given glad tidings for, should surely exploit these differences between these Western powers and use it to weaken them.

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Impact of Islamic View towards Relationship between Men and Women

Excerpt from “Social System in Islam” by “Sheikh Taqiudin al-Nabhani”

When the instinct is aroused it will require satisfaction. If it is not aroused then it will not require satisfaction. When the instinct requires satisfaction, it will drive the human being to acquire that satisfaction. If it is not achieved then the human being will experience anxiety. Once it is pacified the anxiety will cease. The non-satisfaction of the instinct will not result in death or any physical, mental, or psychological harm. Harm will be only limited to frustration. Consequently the satisfaction of this instinct is not indispensable for life such as the fulfilment of the organic needs; rather it brings about tranquillity and comfort.

Two matters arouse the instinct:

1. The tangible reality
2. Thought and association of ideas.

At least one of these must be present for the instinct to be evoked. This means the instinct it is not agitated due to an internal drive, as is the case with the organic need, but rather from an external stimulus, namely the tangible reality or associated thoughts. This is true for all instincts: the instinct of survival, sanctification and procreation without any difference.

Since the procreation instinct, like other instincts, only requires satisfaction when aroused due to a tangible reality or associated thoughts, the human being is able to control this satisfaction. In fact, human beings are able to initiate this satisfaction, or to prevent it from taking place except in such a manner that it is geared towards preserving the human race. Seeing the opposite sex or any tangible reality related to the procreation instinct will arouse the instinct causing it to require satisfaction. Consequently, reading sexual stories and listening to sexual ideas will excite the procreation instinct. Conversely, keeping away from the opposite sex, sexual ideas or anything related to sexual aspect will prevent the instinct from being aroused. This is because the procreation instinct cannot be aroused without a tangible reality or a sexual thought.

If the community's view of the relationship between men and woman is on the relationship with masculinity and femininity, i.e. is focused on the sexual relationship as is the case in Western society, then it will be preoccupied with creating arousing tangible realities and generating sexual thoughts necessary to excite the procreation instinct, so as to require satisfaction. By its satisfaction, the relationship is achieved and comfort is gained. On the other hand, if the view of the community of the relationship between man and woman is focused on the purpose for which this instinct was created, namely preserving the human race, then keeping the tangible realities and sexual thoughts away from men and woman in public life is a necessity. Otherwise, the instinct will be excited and require a satisfaction that is not available, a matter which causes frustration. Also, restricting exciting tangible realities to marriage is necessary to preserve the human race, by producing tranquillity and comfort when satisfaction is demanded within marriage.

This is a clear indication of the extent to which the community's view of man-woman relations affects the direction of public life in the community and in society. The Westerners who adopted the capitalist ideology and those in the East who adopted Communism viewed the male-female relations purely from a sexual viewpoint and not from the perspective of preserving the human race. Hence they deliberately worked to find tangible realities and sexual thoughts for men and women to stimulate this instinct, in order to satisfy it. They claimed that if this instinct is not satisfied, this will lead to suppression, which then leads to physical, psychological and mental harm. That is why in Western and Communist communities and societies sexual thoughts are to be found throughout their writing, poetry, and literature, etc. In these societies unnecessary free mixing is increased between men and women in their homes, parks, roads, and swimming pools, and the likes. This is because they consider these things a necessity which they purposely create. It is a part of organising their life and a part of the lifestyle that they lead.

As for Muslims who believe in the '*Aqeedah* of Islam, and the validity of its rules, carry a different point of view. Islam views the sexual aspect of the relationship to be for the preservation of the human race and does not focus solely on the sexual aspect. It considers the sexual aspect to be an inseparable part of satisfaction though it is not the primary motive. Consequently, Islam

views the presence of sexual ideas and the tangible realities that excite the instinct as a cause of corruption and harm. Hence, it forbade a man from meeting a woman in seclusion (*khalwah*), the woman from showing her charms to non-*mahrms* and men and women from looking at each other from a sexual perspective. Islam has also defined the co-operation between men and women in public life and confined sexual relations between men and women to two situations, namely marriage and possession of what your right hands possess.

Therefore, Islam works to prevent the procreation instinct from being aroused by anything in public life and works to confine sexual relations to specific situations. Contrary to Islam, Capitalism and Communism work to create situations that excite this instinct in order to satisfy it and to set it loose. Also, while Islam views the sexual relationship to be only for the purpose of preserving the human race, Capitalism and Communism view the man-woman relations purely from a sexual perspective. The gulf of difference between what Islam aims to achieve and what the other two ideologies are devoted to achieve is highly evident. This shows the Islamic point of view as being one of purity, righteousness and chastity, bringing about tranquillity of the human being and the continuation of his race.

With regards to the claim of Westerners and Communists, that suppressing the sexual instinct in men and women alike, causes mental, physical and psychological disorders, this claim is a misconception conflicting with reality. This is because there is a difference between the organic needs and the instincts in terms of the need for satisfaction. The former, such as the need for food, drink, and relieving the call of nature, must be satisfied or it will result in harm which may lead to death. As for the instincts of survival, sanctification and procreation, if they are not satisfied they will not lead to any physical, mental or psychological harm, but merely result in discomfort, proven by the fact that a person might spend his entire life without satisfying some of the instincts and no harm befalls him. Also their claim that physical, mental and psychological illnesses occur when the procreation instinct is not satisfied is false, since it is only true for some individuals but not for all human beings at large. This shows that such illnesses do not happen naturally due to non-satisfaction but rather they are due to other factors. If such complications were a result of suppressing the instinct, it would have happened in every case of non-satisfaction according to the laws of nature, a matter which has never occurred and something they

themselves admit. Therefore, such individual complications must be due to factors other than the suppression of the instinct.

This is from one aspect. However from another aspect; an organic need requires satisfaction naturally from within. It does not require an external stimulus, though an external stimulus incites it when the need is present. This is different from the instinct which does not require satisfaction naturally from within without the presence of an external stimulus. It is not stimulated internally unless an external stimulus exists, which results either from an exciting tangible reality or an arousing sexual thought, part of which is the association of arousing thoughts. When the external factor is absent, there will be no stimulation. This is true for all instincts with no difference between the instinct of survival, sanctification or procreation and with all their external manifestations. Therefore, if a stimulus for any one of these instincts is present, the person will be aroused and the instinct will require satisfaction. Once the stimulus is kept at bay or the person becomes occupied in something that is more important, the demand for satisfaction will disappear and he will calm down. This is different from the organic need which if agitated will not go away until satisfied.

This clearly demonstrates that if the procreation instinct is not satisfied then it does not result in physical, mental or psychological illness, since it is merely an instinct and not an organic need. What in fact happens is that once a person is confronted with an exciting tangible reality or sexual thought, which stimulates the procreation instinct, that person will be agitated and demand satisfaction. If the demand is not met with satisfaction, that person will only experience anxiety. However, if the stimulus is kept away or the person is kept occupied with something that dominates the instinct, the anxiety disappears. Therefore, suppressing the procreation instinct once aroused will result in discomfort nothing more, and if not excited, nothing will result, not even discomfort. Therefore, the proper solution is not to stimulate the instinct. This is achieved by preventing anything from stimulating it if satisfaction is not possible.

This shows the fallacy of the Western and Communist point of view, which made the community's view of men-women relations to be focused on the masculinity and femininity aspect. Consequently, it shows the falsehood of the treatment produced by this point of view with its stimulation of the instinct in

men and women should be aroused through means such as free mixing, dancing, games, stories, etc. It also shows the correctness of the Islamic point of view which made the community's view of sexual relations focused on the purpose for which this instinct was created, namely preserving the human race. Accordingly, it shows the correctness of the solution produced by this view of avoiding any kind of stimulating tangible reality or sexual thought when legitimate satisfaction through marriage or what their right hands possess is not available. Therefore, Islam alone is able to completely and correctly treat the corruption caused by the procreation instinct in the society and among the people. Such a treatment will result in righteousness and elevation in the society and the people.

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The Opinion of the Imam (Khaleefah) Resolves the Disagreement (Khilaaf)

Bilal Al-Muhajir - Pakistan

The Qaidah (Principle) "رأي الإمام يرفع الخلاف" "The opinion of the Imam resolves the disagreement," is one of the Shariah Principles related to the rulings of governance. However, in order to project Islam as merely a clerical, individualistic religion, it has been deliberately left out of the cultural and educational curricula of Muslims, after the destruction of Khilafah.

Similarly, many other Shariah principles and rulings (ahkaam) were left out, such as those related to the ruling system and economic system, as well as other principles like, للإمام وحده حق تبني الأحكام "The Imam (Khalifah) alone has the right to adopt Shariah rulings" and فله أن يتبنى من الأحكام بقدر ما يستجد من الحوادث "he adopts ahkam as much as new incidents arise," and أمر الإمام نافذ ظاهراً وباطناً "The order of the Imam is binding explicitly and implicitly."

The importance of these principles and their great impact upon the lives of Muslims can only be realized, by reflecting upon the nature of Ahkaam Shariah and also by reflecting upon the political concept of Islam that govern the collective life.

Upon referring the political concept in Islam, we find that politics is taking care of the affairs of the people, with the Ahkaam Shariah implemented, by a state as an executive entity. The Ummah exercises politics by monitoring and accounting, being the origin of authority. The Ummah is the legally responsible (mukallaf) to implement Shariah in origin, whilst the Imam is delegated by the Ummah within that responsibility.

Allah (swt) says, **﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ لِيُحْكَمَ لَكُمْ بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾** "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing." [TMQ Surah an-Nisa'a 4:58]. Allah (swt) said, **﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾** "And whoever does not judge by what Allah has revealed – then it is those who are the disbelievers." [TMQ Surah al-Maaida 5:44].

Imamah is defined as, حمل الكافة على مقتضى النظر الشرعي “Holding everyone to the requirement of the Shariah considerations.” “Holding everyone to” means making them abide by the ahkam of Shariah, through making ahkam as binding laws that regulate the relationships of the society, domestically and externally. Accordingly, leaving political Islam is a compromise of most of the ahkam of Shariah, including decisive ahkam.

Upon referring to the Ahkam of Shariah, we find them of two categories:

First: Decisive ahkam derived from the evidence that is decisive both in terms of narration (qata’ee thubooth) and meaning (kata’ee dalalaah). There is no disagreement (khilaafah) in these ahkam amongst the Fuqaha.

Second: Indecisive ahkam, which are subject to Ijthihad. Disagreements occur in these ahkam, both in the past and present, which will not cease. It is impossible to unify Muslims upon a single opinion from the aspect of Ijthihad and thought, due to several reasons. Islamic madhabs (schools of thought) will remain and they will multiply.

The state is an executive entity that is obliged to take care of the affairs of people through the Shariah rulings. It is thus mandatory for the state to adopt Shariah rulings, which it enacts in the form of constitution and canons. The Shariah rulings define the structure of the state and the role of each institution therein. They also clarify the rights and obligations of the people, in order to determine their relationships and to resolve their disputes. The state will not be formed simultaneously upon the four schools of thoughts, Shafi, Hanafi, Hanbali and Maliki, otherwise there will be chaos, conflict and fragmentation of the Ummah, as its cohesion dissipates.

Thus, Khilafah as a ruling system gives the right of adopting the ahkam to the Khaleefah. It is the only way to unify the Ummah, gathering the Muslims together and guarding their Deen from the absurdity of those who bring ruin. Thus, the Khilafah is the general leadership of all the Muslims, from the East to the West. Allah (swt) says, ﴿إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ﴾ **“Indeed this, your Ummah, is one Ummah, and I am your Lord, so worship Me.”** [TMQ Surah al-Anbiyya 21:92]. The Messenger of Allah (saw) said, **«إِذَا بُوِيعَ لِخَلِيفَتَيْنِ فَاقْتُلُوا الْآخَرَ مِنْهُمَا»** **“If the pledge of allegiance is given to two Khaleefahs, then kill the latter of them.”** [Muslim]. It is the only way to ensure the unification of the Ummah and the greatness of the Khilafah.

When a dispute occurs between people, the law must intervene in order to resolve the dispute and end the conflict, so that people will not resort to the ijtiḥād of their own fuqāḥa. For instance, there is a dispute between a man and his wife. The wife goes to a Hanbali faqeeh, who judges the occurrence of divorce and her non-return to her husband. The husband goes to a Shafi faqeeh who judges the return of his wife to him. There is no way to resolve the dispute except by the adoption of the Khaleefah. Thus the order of the Imam resolves the disagreement. This applies to all the relationships between the Muslims, domestically and their external relations with other nations.

In the *Introduction to the Constitution* published by Hizb ut Tahrir it is stated, وأما القاعدة الرابعة وهي للخليفة وحده حق تبني الأحكام فقد ثبتت بإجماع الصحابة، على أن للخليفة وحده حق تبني الأحكام، ومن هذا الإجماع أخذت القواعد الشرعية المشهورة. (أمر الإمام يرفع With the “الخلاف)، (أمر الإمام نافذ)، (للسلطان أن يحدث من الأفضية بقدر ما يحدث من مشكلات respect to the fourth principle, which is that للخليفة وحده حق تبني الأحكام” it has been established by the Ijma’ of the Companions (ra) that the Khaleefah alone has the right to adopt the laws, and from this Ijma’ are derived the famous Shari’ah principles, أمر الإمام يرفع “The order of the Imam resolves the difference,” الخلاف “The order of the Imam is executed” and أمر الإمام نافذ “The ruler can issue as many judgments as there are problems that appear.”” In Article 36, it is stated, “The evidence for paragraph “a” is the Ijma’ of the Companions, since the law (Qanun) is a term of convention which means, “The command which is issued by the authority in order to govern the people according to it” and it is also known as “the collection of rules which the authority imposes upon people to adhere to in their relations”.” In other words, if the authority commands specific rulings, these ruling are laws which the people are bound by, whilst if the authority did not order them, then they are not considered laws and the people are not bound by them. The Muslims act according to the rulings of the Shari’ah, therefore, they act according to the orders and prohibitions of Allah (swt) and not the orders and prohibitions of the authority. So, they act according to the rulings of the Shari’ah and not the orders of the authority... However, Shari’ah rulings were differed over by the Companions (ra), so some of them understood something from the Shari’ah texts, whereas others understood something different from them. Each of them (ra) proceeded according to what they had understood, as their understanding would be the ruling of Allah (swt) for them. However, there are Shari’ah rules

that the Muslims would all have to proceed, collectively, according to one opinion in order to facilitate the management of the affairs of the Ummah, as opposed to each one following their own Ijtihad. This actually happened. Abu Bakr as-Siddiq (ra) thought that the wealth should be distributed amongst all the Muslims equally, since it was their right collectively. As for Umar al-Farooq (ra), he thought that it was not correct to give the one who had previously fought against the Messenger of Allah (saw) the same as the ones who had always fought alongside him, or to give the poor the same as the rich. However, Abu Bakr (ra) was the Khalifah and so ordered the implementation of his opinion, in other words, the adoption of the equal distribution of the wealth. The Muslims followed his opinion and the judges and governors acted accordingly. Umar (ra) submitted to the opinion of Abu Bakr (ra) and he acted according to it and implemented it. However, when Umar (ra) then became the Khalifah, he adopted an opinion which contradicted the opinion of Abu Bakr (ra). In other words, he ordered his opinion which was to distribute the wealth according to preference rather than equally. Therefore, he distributed the wealth according to those who embraced Islam earlier and according to need. The Muslims followed his opinion and the judges and governors acted accordingly. So, there was an Ijma' of the Companions (ra) that the Imam could adopt specific rulings and order their enactment. It was upon the Muslims to obey that even if it went against their own Ijtihad. They had to leave acting according to their own opinions and Ijtihad. These adopted rulings are the laws. Consequently, the passing of laws is for the Khalifah alone and no one else possesses that right at all."

Many jurists of the four madhabs and other Muslim Ulema and leaders have agreed in more than one place in their books, particularly in the chapters regarding judiciary, that the judgment of the ruler resolves the dispute. In fact, books of jurisprudence from amongst the well-known references hardly leave this matter without mention. Thus, we can ascertain that the acknowledgement of this principle is amongst the things that have been agreed upon by the Ulema, in word and deed, even though their positions differed sometimes, when implementing certain issues.

Those fuqaha assert the distinction between the issues of worship and the issues of transactions. Some of them did not assert that. Nevertheless, they unanimously agreed that the nature of these issues must not be amongst the issues of ijtihad, on which each one's difference is justified.

Most of their citations for this Qaidah are in the issues of disputes brought to the judiciary, such as issues related to marriage, breastfeeding, divorce and polygamy and other personal situations. They are also within the transaction issues varying from sale, endowment, company structuring and hiring. Sometimes they are within the issues related to worship such as prayer timings, the beginning of the month of Ramadan and matters in Hajj. The elaboration to this is as follows:

Firstly: Hanafi Jurisprudence:

The Hanafi scholars mention this principle in their sayings about the issues related to Yameeni Talaq (Oath of divorce) and ujr al misl (wage compensation), that if a ruler judges upon these two, his judgment will resolve the dispute. Ibn Aabideen says, وَلَيْسَ لَهُ أَنْ يَدُلَّهُ عَلَى مَا يَهْدِيهِ مَذْهَبُهُ، وَلَيْسَ الْمُرَادُ أَنَّهُ لَا يُفْتِيهِ بِفَسْخِ الْيَمِينِ إِذَا فَعَلَ صَاحِبُ الْحَادِثَةِ شَيْئًا مِنْ ذَلِكَ، لِمَا عَلِمْتَ مِنْ أَنَّ الْجَاهِلَ يَلْزِمُهُ اتِّبَاعُ رَأْيِ الْقَاضِي وَالْمُفْتِي. عَلَى أَنَّ قَضَاءَ الْقَاضِي فِي مَحَلِّ الْاجْتِهَادِ يَرْفَعُ الْخِلَافَ”What is meant is that he (the ruler) does not give fatwa to nullify the yameeni (Talaq), if a person involved in the incident did something of that, as you know that ignorant person is obliged to follow the opinion of judge and Mufti, with consideration that judgment given by the judge in the place of ijtihad resolves the dispute” [1]

In the Fatwa of Ibn Najim, it is stated, وَلَا يَمْنَعُ قَبُولُهَا: أَي الرِّيَاذَةِ حُكْمِ الْحَنْبَلِيِّ، لِأَنَّهُ غَيْرُ صَحِيحٍ، قَالَ فِي الْحَامِدِيَّةِ وَفِيهِ نَظَرٌ؛ لِأَنَّ حُكْمَ الْحَاكِمِ يَرْفَعُ الْخِلَافَ “its acceptance is not prevented, i.e. the more validity of Hanbali judgment is not correct. He (Ibn Najim) says in Hameediya: this needs to be reviewed, because judgment of the ruler resolves the disagreement.” [2]

Az-Zaylai says, فَحَاصِلُهُ أَنَّ الَّذِي قَضَى بِهِ الْأَوَّلُ لَا يَخْلُو مِنْ أَرْبَعَةٍ أَوْجُهُ: إِمَّا أَنْ يَكُونَ مُوَافِقًا لِلدَّلِيلِ الشَّرْعِيِّ كَالْكِتَابِ وَالسُّنَّةِ وَالْإِجْمَاعِ ، فَلَا كَلَامَ فِيهِ ، وَإِمَّا أَنْ يَكُونَ مُخْتَلَفًا فِيهِ اخْتِلَافًا يَسْتَدِينُ كُلُّ وَاحِدٍ إِلَى دَلِيلِ شَرْعِيٍّ فَكَذَلِكَ حُكْمُهُ لَا يَتَعَرَّضُ لَهُ بِنَفْضِ بَعْدَ مَا حَكَمَ بِهِ حَاكِمٌ مِثَالُهُ إِذَا رَفَعَ إِلَى حَاكِمٍ مِنْ أَصْحَابِ الشَّافِعِيِّ رَحِمَهُ اللَّهُ الْيَمِينِ بِالطَّلَاقِ الْمُضَافِ فَأَبْطَلَ الْيَمِينِ نَفْدًا ، وَلَا يَقَعُ الطَّلَاقُ بِتَرْوُجِهَا بَعْدَهُ “In summary, what is judged at first is not devoid of four things: Firstly, the judgement agrees with the Shariah evidence such as the Quran, Sunnah and Ijma. There is no argument in this regard. Secondly, the judgement has differences within which everyone relies on the Shariah evidence (of their own). As such its judgement is not subjected to reversal, after it has been judged by the ruler. For instance, if the issue of Yameeni Talaq (oath of divorce) is taken to the ruler, by the people who follow Shafi (rh) and the ruler enacts to revoke the oath, then divorce does not occur by marrying her after that.” [3]

The three following is taken from these sayings of Hanafi Ulema: First: They acknowledge the principle that judgment of the ruler resolves the dispute. Second: They differ between the issues that are agreed upon and the issues that have disagreement. This applies to the issues that are subjected to ijhtihad. Third: This relates to the issues that have valid basis before the judiciary.

All these are indicated by Ibn Abideen by saying: قَضَاءُ الْقَاضِي فِي مَحَلِّ الْاجْتِهَادِ "يَرْفَعُ الْخِلَافَ" judgment of the judge in the area of ijhtihad resolves the disagreement." [4]

Second: Maliki Jurisprudence:

Likewise, the Maliki 'Ulema mention in their sayings about the issue of establishing the prohibition of breastfeeding the adult and the annulment of this ruling by the judgment of the ruler. They also mention the issue of marital intercourse, with a woman who has been absolutely separated by divorce, in that they mention the judgement of the ruler for that. So how is the matter resolved?

It is stated in Sharh Kabir, وَلَيْسَ لَهُ بَعْدَ فَسْخِ النَّكَاحِ الْأَوَّلِ أَنْ يَرْفَعَ الْأَمْرَ لِمَنْ يَرَى أَنْ رَضَاعَ، الْحَاكِمِ يَرْفَعُ الْخِلَافَ كَمَا مَرَّ الْكَبِيرِ لَا يُحَرِّمُ فَيُحْكَمُ بِصِحَّتِهِ؛ لِأَنَّ حُكْمَ الْحَاكِمِ يَرْفَعُ الْخِلَافَ كَمَا مَرَّ "After the annulment of the first marriage, he must not then raise the matter with one who sees that breastfeeding an adult is not haram, so that he judges that the marriage is valid. This is because the judgment of the ruler resolves the disagreement as stated before." [5]

Imam Desooqi says, إِذَا حَكَّمَ الشَّافِعِيُّ بِحُلِّ مَبْنُوتَةِ مَالِكِيٍّ بَوَظَاءِ صَغِيرٍ فَإِنَّ هَذَا الْحُكْمَ رَافِعٌ لِلْخِلَافِ - فَلَيْسَ لِلْقَاضِي الْمَالِكِيِّ نَفْضُهُ وَالْحُكْمُ بَعْدَ الْحِلِّ - وَمُحِلٌّ لِلْحَرَامِ عَلَى مَذْهَبِ الرَّوْجِ "If a Shafi 'aalim judges the permissibility of an absolutely divorced Maliki woman to have marital intercourse with the breast fed, this judgment resolves the disagreement. It is not allowed for the Maliki judge to repeal it and judge it as impermissible, the pretext for prohibition being upon the madhab of the husband."

Some of them quote, whilst others disagree, that this principle is specific to the subject of transactions (Muamalaat) and the subject of Ibadah (worship) is not included within it.

It is mentioned in Sharh Mukhtasir Khaleel authored by Al-Kharashi that, فَحَاصِلُهُ أَنَّ حُكْمَ الْحَاكِمِ يَرْفَعُ الْخِلَافَ وَلَوْ كَانَ الْحُكْمُ بِطَرِيقِ اللُّزُومِ لِحُكْمِ آخَرَ تَبَعًا، وَالْحَاصِلُ أَنَّ حُكْمَ الْحَاكِمِ لَا يُدْخِلُ الْعِبَادَاتِ إِلَّا تَبَعًا وَحَقَّقَهُ الْقَرَأِيُّ وَخَالَفَهُ تَلْمِيزُهُ ابْنُ رَاشِدٍ فَجَوَّزَ دُخُولَهُ فِيهَا " In

summary, the judgment of the ruler resolves the disagreement, even if the judgment is by the way of necessity for another ruling, in accordance. In conclusion, the judgment of the ruler does not interfere with the worship, except regarding the accordance. Al-Qarafi approved of this, whilst his student Ibn Raashid disagreed with him, as he allowed the rulers' intervention in Ibaadah."

The above mentioned Al-Qarafi stated that the judgment of the ruler resolves the disagreement, whether the judgment of the ruler is by conformity or by implication or by commitment. [6]

Also they mentioned terms and conditions for that; It has come in Sharh Sagheer ma'a Haashiya Sawi, وَكَذَا غَيْرُ (الْخِلَافِ) الْوَاقِعِ بَيْنَ الْعُلَمَاءِ. وَكَذَا غَيْرُ: (وَرَفَعَ) حُكْمَ الْعَدْلِ الْعَالِمِ (الْخِلَافِ) الْوَاقِعِ بَيْنَ الْعُلَمَاءِ. وَكَذَا غَيْرُ: (وَرَفَعَ) حُكْمَ الْعَدْلِ الْعَالِمِ إِنْ حَكَمَ صَوَابًا - كَمَا يُعْلَمُ مِمَّا تَقَدَّمَ - فَإِنَّهُ يَرْفَعُ الْخِلَافَ وَلَا يُنْقِضُ، وَكَذَا الْمُحَكَّمُ. وَالْمُرَادُ: "The judgment of the just one of 'Ilm resolves the disagreement that occurs between the 'Ulema. The same applies to the unjust one of 'Ilm if he judges correctly, as it is known from the precedence. This will resolve the disagreement and it will not be revoked. The same applies to the ruler. The intention is to resolve the difference regarding what he judged. It is taken from the saying, "Do not transgress upon what has been agreed upon." [7]

It also says, وَتَقَدَّمَ أَنَّ الْعَدْلَ الْعَالِمَ لَا تُتَعَقَّبُ أَحْكَامُهُ لَكِنْ إِنْ ظَهَرَ مِنْهَا شَيْءٌ مِمَّا تَقَدَّمَ نُقِضَ. وَأَمَّا الْجَائِزُ وَالْجَاهِلُ فَتُتَعَقَّبُ أَحْكَامُهُمَا وَيُنْقِضُ مِنْهَا مَا لَيْسَ بِصَوَابٍ وَيَمِضُ مَا كَانَ صَوَابًا. وَالصَّوَابُ: مَا وَافَقَ قَوْلًا مَشْهُورًا أَوْ مَرَجَحًا وَلَوْ كَانَ الْأَرْجَحُ خِلَافَهُ. (و) إِذَا نُقِضَ (بَيْنَ) النَّاقِضِ (السَّبَبِ) الَّذِي نَقَضَ الْحُكْمَ مِنْ أَجْلِهِ، لِئَلَّا يُنْسَبَ النَّاقِضُ لِلْجَوْرِ وَالْهَوَى بِنُقْضِهِ الْأَحْكَامَ الَّتِي حَكَمَ بِهَا الْفُضَاهُ "It is precedent that judgments of the just of 'Ilm will not be reviewed. However, if any of the aforementioned things appears in it, then they will be revoked. As for unjust and ignorant persons, their judgments will be reviewed and what is wrong amongst them will be revoked, whilst what is correct will be deemed effective. The correct stance is to agree with a well-known or outweighed opinion, even if the most outweighed opinion disagrees with it, when the one who revokes explains the reason for the invalidity, lest the one who revokes indulges in oppression and whims, for his revoking of the judgments issued by the ruler."

He then clarifies that the judgment of the ruler does not depend on his saying alone, "I have judged," saying, "Instead, all that indicates mandatory abidance in his statement, are judgments. These include the statements of the

ruler, 'I have transferred the ownership of these goods to Zaid' or 'you have owned it because of its plaintiffs' and so on. These are all judgments, as well as, 'I have nullified this contract of marriage or sale' or 'I have invalidated it' or 'I have revoked it', or 'I have decreed it' or other words, that indicate his denial or approval after the occurrence of what is obliged, in the matter of judgment in terms of presenting the claim or testimony or establishing one's evidence, excuse and acclamation. This is the meaning of the saying: There must be a valid claim to be presented for a judgment, whose validity is due to its nature of being accepted and listened to, entailing its requirements such as testimony or evidence for renouncement and others. Matters that are considered as judgments, even if he did not say 'I have judged' are also statements such as: 'Take him and Kill him', 'Give him the punishment of Hadd' or 'Give him the punishment of Ta'zeer'. Matters that are not considered as judgments, even if the matter is resolved by him are like, the Marriage of a woman by herself without a guardian and the trade during the time of Jumma Adhan. However, if the ruler merely says, 'I do not permit it', it is not considered as judgment and it does not resolve the disagreement. This is because it is from the subject of fatwa, as opined by Ibn Shash. Other than these are judgments, with what he views from his madhab.

Similar to this is the saying, "I give a Fatwa" for a judgment he was asked about like, in the manner of, 'Is this permissible?' or 'is it correct or not?' So the ruler responded by saying 'it is valid' or 'it is not valid', his Fatwa will not be considered as a binding judgment that resolves the dispute. This is because giving Fatwa is providing the information about the judgment and not for the sake of abidance by it. It is true, however, that the saying of the ruler, 'I do not permit it,' even after presenting the claim, is a judgment that resolves the disagreement. If it is merely giving information, when he is asked about a woman who got married without a guardian, and he responded by saying, 'I do not permit it', then it is a fatwa and not a binding judgement. The statement of al-Karshi indicates that. Ibn Arafā says, مقتضى جعله فتوى أن لمن ولي بعده أن ينقضه, "the requirement for making it a fatwa is that the one who assumes the authority after him can revoke it." (End Quote) [8]

From the statements of the Maliki scholars, we can take the following matters: First: They regard that principle the same as Hanafi 'Ulema do. Second: They differ over the domain of its implementation, whether it includes the subjects of worship, or is it limited and specific to the subjects of transactions

alone. Third: They distinguish between the subject of giving fatwa and the subject of issuing a judgment. Fourth: the judgment includes the saying, action and acknowledgement of the ruler. Fifth: They consider the valid judgment to be issued by the just person alone, and not the unjust person. The judgments of the latter will be reviewed for its revocation, if it opposes the truth, whilst he will be sinful for the judgment made on the specific issue. Sixth: The connection of what they mentioned of implementation in the context of judiciary, as it is clarified by their statements, *لَا بُدَّ لِلْحُكْمِ مِنْ تَقَدُّمِ دَعْوَى صَاحِبِهِ، وَصَحَّتْهَا لِكُونِهَا تُقْبَلُ*، “There must be a valid claim to be presented for a judgment, whose validity is due to its nature of being accepted and listened to, entailing its requirements such as confession or testimony of the just.”

Third: Shafi Jurisprudence:

Similarly, Shafi fuqaha mentions in their sayings about the affirmation of the beginning of Ramadan by the ruler and his ruling for that. They also mention about the bringing forward or delaying the timing of the Jummah prayer and his judgment upon the validity of marriage, along with the wrongdoing (fisq) of a guardian or witnesses.

It is said in Tuhfathul Muhtaj, *مُرَادُهُ حُكْمٌ بِقَرِينَةٍ اسْتِشْهَادِهِ بِكَلَامِ الْمَجْمُوعِ؛ لِأَنَّ الثُّبُوتَ لَيْسَ بِحُكْمٍ وَالْحُكْمُ هُوَ الَّذِي يَرْفَعُ الْخِلَافَ لِكِنْ يَتَرَدَّدُ النَّظَرُ هَلْ يَكْفِي قَوْلُهُ حَكَمْتُ بِأَنَّ أَوَّلَ رَمَضَانَ يَوْمٌ كَذَا وَإِنْ لَمْ يَكُنْ حُكْمًا حَقِيقِيًّا كَمَا تَقَدَّمَ فِي كَلَامِ الشَّارِحِ أَوْ لَا بُدَّ مِنْ حُكْمٍ حَقِيقِيٍّ كَأَنَّ تَرْتَبَ عَلَيْهِ حَقٌّ آدِئِيٍّ مَحَلٌّ تَأْمَلُ ثُمَّ مَحَلٌّ مَا ذَكَرَ حَيْثُ صَدَرَ الْحُكْمُ مِنْ مُتَّاهِلٍ أَوْ غَيْرِ مُتَّاهِلٍ نَصَبَهُ الْإِمَامُ عَالِمًا بِحَالِهِ* “His indication is the judgment by the indication of seeking its witness from the statements of the group. This is because affirming evidence is not the judgment. The judgment is what resolves the dispute. However, the view is uncertain as to whether it is enough for the ruler to say: ‘I have judged that the first day of Ramdhan is so and so.’ This is as to whether it certainly is, or is not, an actual judgment, as mentioned in the saying of the commentator. This is such as when the human right is ordered in the place of judgement, wherein the place where the judgement is issued is mentioned, whilst the judgment is issued from a qualified or unqualified person, whom the Imam appoints as an ‘Aalim in this case.” [9]

It is also said in Tuhfathul Muhtaj, *وَقَوْلُهُمْ حُكْمُ الْحَاكِمِ يَرْفَعُ الْخِلَافَ مَعْنَاهُ أَنَّهُ يَمْنَعُ النَّقْضَ بِشَرْطِهِ اضْطِلَاحًا لَا غَيْرَ وَإِلَّا فَلِسَافِعِيٍّ وَقَفَتْ عَلَى نَفْسِهِ بِنِعْ الْوَقْفِ، وَإِنْ حَكَمَ بِهِ حَتْفِيٍّ* “Regarding their saying about the judgement of the ruler resolves the

disagreement, its meaning is that the judgement prevents its revoking, by its conventional condition and nothing else. Otherwise those who follow Shafi madhab would adhere to their opinion on selling the Waqf, even if it is judged by the Hanafi school of thought.” [10]

It is also said in Tuhfathul Muhtaj, (وَلِصِحَّتِهَا مَعَ شَرْطِ) أَي شُرُوطِ (غَيْرِهَا) مِنْ الْخَمْسِ (شُرُوطِ) خَمْسَةٌ (أَحَدُهَا وَفَتْ الظُّهْرِ) (قَوْلُهُ: وَلَوْ أَمَرَ الْإِمَامُ بِالْمُبَادَرَةِ الْإِخ) كَانَ الْمُرَادُ بِالْمُبَادَرَةِ فِعْلُهَا قَبْلَ الرِّوَالِ وَبِعَدَمِهَا تَأْخِيرُهَا إِلَى وَفَاتِ الْعَصْرِ كَمَا قَالَ بَعْضُ مَنْهُمَا بَعْضُ الْأَيْمَةِ وَلَا بُعْدَ فِيهِ، وَإِنْ لَمْ يُقَلَّدِ الْمُصَلِّي الْقَائِلَ بِدَلِكِ لِمَا سَيَأْتِي أَنَّ حُكْمَ الْحَاكِمِ يَرْفَعُ الْخِلَافَ ظَاهِرًا وَبَاطِنًا... وَلَا بُعْدَ فِيهِ الْإِخ فِيهِ وَفَقَهُ ظَاهِرَةً فَإِنَّهُمْ صَرَّحُوا بِأَنَّهُ لَا يَجُوزُ لِلْإِمَامِ أَنْ يَدْعُو النَّاسَ إِلَى مَذْهَبِهِ وَأَنْ يَتَعَرَّضَ بِأَوْقَاتِ صَلَوَاتِ النَّاسِ “Its (Jumma Prayer for travel) validity is conditional, meaning with conditions. ‘Other conditions’ means the other five conditions, as said “‘One of the conditions is the time of Dhuhr prayer”. As for “If an Imam ordered to take initiative...” what is intended by this is the initiative taken by the Imam before noon, and the not delaying until the time of Asr prayer, as said by some of the ‘Ulema about both initiatives and nothing more. If one who leads the prayer does not follow this saying, then the judgment of the ruler resolves the disagreement, explicitly and implicitly... And his saying: “as said by some of the scholars about both initiatives” and nothing more. This statement has apparent prohibition, as they clearly stated that it is not permissible for an Imam to call people into his Madhab and to oppose the prayer timings of the people. They also clearly stated that it is obligatory to comply with the command of Imam implicitly, if he orders it or not, because the analogy is the obligation to comply with him.” [11]

It says in Scholium (Hashiya) of Jumal وَأَمَّا الْقَاضِي فَيَجِبُ عَلَيْهِ أَنْ يُفَرِّقَ بَيْنَهُمَا إِذَا عَلِمَ بِدَلِكِ، وَالْأَصْلُ فِي الْعُقُودِ الصَّحَّةُ، فَلَا يَجُوزُ الْإِعْتِرَاضُ فِي نِكَاحٍ وَلَا غَيْرِهِ عَلَى مَنْ اسْتَنَّدَ فِي فِعْلِهِ إِلَى عَقْدٍ مَا لَمْ يَنْبُتْ فَسَادُهُ بِطَرِيقِهِ وَهَذَا كُلُّهُ حَيْثُ لَمْ يَحْكَمْ حَاكِمٌ بِصِحَّةِ النِّكَاحِ الْأَوَّلِ مِمَّنْ يَرَى صِحَّتَهُ مَعَ فِسْقِ الْوَلِيِّ وَالشُّهُودِ، أَمَّا إِذَا حَكَمَ بِهِ حَاكِمٌ فَلَا يَجُوزُ لَهُ الْعَمَلُ بِخِلَافِهِ لَا ظَاهِرًا وَلَا بَاطِنًا لِمَا هُوَ مُقَرَّرٌ أَنَّ حُكْمَ الْحَاكِمِ يَرْفَعُ الْخِلَافَ، وَلَا فَرْقَ فِيمَا ذَكَرَ بَيْنَ أَنْ يَسْبِقَ مِنَ الرُّوْجِ تَقْلِيدُ لِعَبْرِ إِمَامِنَا الشَّافِعِيِّ مِمَّنْ يَرَى صِحَّةَ النِّكَاحِ مَعَ فِسْقِ الشَّاهِدِ وَالْوَلِيِّ أَمْ لَا “As for the Judge, it is obligatory upon him to differentiate between both. The contracts in origin are valid and it is not permissible to oppose the one whose action depends on the contract, unless his contract is proven to be fasid (corrupted) in its formation, in the case of marriage or others. All these are applicable, even if the ruler did not judge the validity of the first marriage of the one who views his marriage as valid, despite the wrongdoing (Fisq) of the guardian or witnesses. If a ruler judges that, it is not permissible for him to act opposite to the judgment, either explicitly or

implicitly, as it has been decreed that the judgment of the ruler resolves the disagreement. There is no distinction in what was mentioned between the husbands who follow the Ulema other than our Shafi scholars, who view the validity of marriage, despite the wrongdoing (Fisq) of the witness or guardian and between others.” [12]

It says in Scholium (Hashiya) of Bajeerami, *وَصَرَّحَ الْأَصْحَابُ بِأَنَّ حُكْمَ الْحَاكِمِ فِي الْمَسَائِلِ الْخِلَافِيَّةِ يَرْفَعُ الْخِلَافَ وَيَصِيرُ الْأَمْرَ مُتَّفَقًا عَلَيْهِ. وَقَوْلُهُ: "بِأَنَّ حَكْمَ الْحَاكِمِ" لَوْ حَاكِمَ صُرُورَةٍ،* “The Companions (ra) clearly stated that the judgment of the ruler in the issues of disagreements, resolves the disagreement. The matter becomes agreed upon. And his (Imam Al-Khateeb) saying: “the judgment of the ruler” i.e. if it is necessary for the ruler, all of this is because he issues correct judgment, based on the claim and response” [13]

The following matter can be taken from the statements of the Shafi scholars: First: They acknowledge the principle. Second: They clarify the meaning of this principle and the result of its implementation, which is the resolution of the dispute. The matter becomes agreed upon. And that it is not permissible to act opposite to the issued judgment, either explicitly or implicitly. They also clarify that: it is prohibited to revoke the judgment of the judge by its condition. [14] Third: The implementation of the principle is particular to the disagreement in judicial issues. This is their statement: “all of this is because he issues correct judgment based on the claim and response.” And they say: “Otherwise those who follow Shafi madhab would stand on themselves for selling the Waqf, even if it is judged by the Hanafi school of thought.” Fourth: They differ in the description of the judgement passed, whether it is enough for him to say: ‘I have judged that the first day of Ramadhan is so and so,’ if it is not a real judgment. Or there must be real judgment as a result of human right.” Fifth: they regard passing judgment to be from the people of qualifications, as they say: where the judgment is issued from a qualified or unqualified person, whom Imam appoints as an ‘Aalim in this case. Sixth: Inclusiveness of this principle within the subjects of worship, just like the subjects of contracts, personal situations and transactions. Seventh: They clearly stated that it is not permissible for the Imam to call the people upon his Madhab.

Fourth: Hanbali Jurisprudence:

Similarly, Hanbali Scholars mention in their statements about the issues of marriage without guardian, alimony, intercession, and some of the issues of neighborliness.

Mur'yi bin Yusuf says, وحكم الحاكم يرفع الخلاف؛ لكن لا يزيل الشيء عن صفته باطناً، فمتى حكم له ببينة زور بزوجية امرأة ووطئ مع العلم؛ فكالزنا، وإن باع حنبلي متروك التسمية فحكمه بصحته شافعي نفذ. ومن قلد في صحة نكاح صح، ولم يفارق بتغير اجتهاده كالحاكم بذلك “And the judgment of the ruler resolves the disagreement. However, it does not remove the thing from its intrinsic description, so when it is judged by false evidence of the marriage of a woman and the sexual intercourse with knowledge such as zina, and if the Hanbali did not contract the named and the Shafi judged its validity, then it will be executed. Whoever follows the validity of a valid marriage, and does not differ by changing his opinion, is like the ruler in that.” [16]

Al-Rahibani says in Muthalib, (وَعَقْدِ نِكَاحِ بِلَا وِلِيٍّ) حَيْثُ رَأَاهُ وَفَسَخَ لَعْنَةً وَعَيْبٍ؛ فَهُوَ حُكْمٌ يَرْفَعُ الْخِلَافَ إِنْ كَانَ. قَالَ فِي " الْمَغْنِيِّ " وَعَنْهُ فِي بَيْعِ مَا فُتِحَ عَنْوَةً: إِنْ بَاعَهُ الْإِمَامُ لِمَصْلَحَةٍ رَأَاهَا صَحٌّ؛ لِأَنَّ فِعْلَ الْإِمَامِ كَحُكْمِ الْحَاكِمِ، وَفِيهِ أَيْضًا لَا شُفْعَةَ فِيهَا إِلَّا أَنْ يَحْكُمَ بِبَيْعِهِ حَاكِمٌ أَوْ يَفْعَلَهُ الْإِمَامُ أَوْ نَائِبُهُ، وَفِيهِ أَيْضًا أَنَّ مَا فَعَلَهُ الْأَيْمَةُ لَيْسَ لِأَحَدٍ نَقْضُهُ “The marriage contract without guardian’ which he opined as nullified, blameworthy and deplored. It is the judgment that resolves the disagreement if there is any. He (Ibn Qudama) in ‘Mughni’ and others say about selling the goods that were opened forcefully (through fighting): if the Imam sells it for the benefits he sees, then it is valid. This is because the action of the Imam is like the judgment of the ruler, also it does not have intercession, except what is judged by the ruler or what is done by the Imam or his delegate. Also there is no one to revoke what is done by rulers.” [17]

It is also said, (فَإِطْلَافُهُ) أَيُّ الْمَحْبُوسِ أَوْ إِذْنُهُ أَيُّ: الْقَاضِي (وَلَوْ فِي قَضَاءِ دَيْنٍ وَفِي نَفَقَةٍ لِيَرْجَعَ) قَاضِي الدَّيْنِ وَالْمُنْفِقِ حُكْمٌ، (وَفَزَعْتُهُ) فِي أَيِّ مَوْضِعٍ شُرِعَتْ فِيهِ (حُكْمٌ يَرْفَعُ الْخِلَافَ إِنْ كَانَ) فِي الْمَسْأَلَةِ “its release’ i.e. of the sequestered property or his permit i.e. of the judge. ‘Even if it is the matter of paying off the debt or alimony, he must fulfill’ i.e. the one who pays off the debt and who gives alimony. ‘his liability’ in any matter that is legislate, ‘judgment is the one that resolves the dispute’ i.e. if there is any dispute, the judge would issue judgment according to his view and ijtihaad, just as he stated the judgment.” (18)

إذنه أي: القاضي (ولو في قضاء دين وفي نعمة ليرجع) قاضي Mansour Al-Bahouti says: “his permission” i.e. the judge’s permission. ‘even if it is for paying off the debt” and in ‘alimony, he must fulfill’ i.e. paying the debt and giving the alimony is a judgment.” (19)

Al-Bahouti continues about neighborliness, (و وضع ميزاب و) وضع (بناء) مِنْ جَنَاحٍ وَسَابَاطٍ يَدْرِبُ نَافِذٍ بِلَا صَرَرٍ حُكْمٌ، فَيُمنَعُ الصَّمَانُ ؛ لِأَنَّهُ كَأَذِنِ الْجَمِيعِ، (و) إِذْنُهُ (فِي غَيْرِهِ) كَوَضْعِ حَسَبٍ عَلَى جِدَارٍ جَارٍ بِشَرْطِهِ حُكْمٌ، (وَأَمْرُهُ) أَيُّ الْقَاضِي (بِإِرَاقَةِ نَبِيذٍ) حُكْمٌ ذَكَرَهُ فِي الْأَحْكَامِ السُّلْطَانِيَّةِ فِي الْمُحْتَسِبِ، (وَفُزَعْتُهُ) أَيُّ الْقَاضِي (حُكْمٌ يَزْفَعُ الْخِلَافَ إِنْ كَانَ) ثُمَّ خِلَافٌ، وَذَكَرَ الشَّيْخُ تَقِيُّ الدِّينِ أَنَّهُ لَوْ أُذِنَ أَوْ حُكْمٌ لِأَحَدٍ بِاسْتِحْقَاقِ عَقْدٍ أَوْ فُسْخٍ فَعَقْدٌ أَوْ فُسْخٌ لَمْ يَحْتَجَّ بَعْدَ ذَلِكَ إِلَى حُكْمِهِ “The judge’s permission within “siting a drain” and siting a “building” means with the compartmentalizing and arcaded passaging, implemented without causing any harm, is a judgment. The warrant is denied, this is because it like the permission for all and his permission for others, such as placing the wood on the wall of the neighbor, is a judgment by condition. ‘His command’ means the judge’s command. ‘Wasting of the fermented’ is a judgment mentioned in Ahkam Sultaniyya for the Muhtasib. ‘His liability’ i.e. of the judge. “The judgment resolves the disagreement if any.’ Sheikh Taquiuddin mentions that if the judge permits or judges a person for the entitlement of a contract or its annulment, then it is contracted or annulled. After that, there is no need for his judgement for its validity, without dispute.” (19)

He also states, (وَكَذَا نَوْعٌ مِنْ فِعْلِهِ) أَيُّ الْحَاكِمِ (كَتَرْوِيحِهِ يَتِيمَةً) بِالْوَالِيَّةِ الْعَامَّةِ (وَشِرَاءِ عَيْنٍ) وَمُتَمَنِّعٍ (غَائِبَةٍ) مَوْصُوفَةٍ بِمَا يَكْفِي فِي سَلَمٍ لِقَضَاءِ دَيْنٍ غَائِبٍ وَمُتَمَنِّعٍ ‘Such as marrying him as an orphan’ i.e. with general guardianship. ‘And the purchase of the absent’ described as sufficient in submitting to pay the debt to an absent and abstained. (19)

The following matters can be discerned from the statements of the Hanbali ‘Ulema: First: They acknowledge the principle that the judgment of the ruler resolves the disagreement if it exists, and that the principle applies to the issues of ijtiḥad. Second: Any judgment does not remove its intrinsic description, meaning that the judgment does not change the halal into haram of the real matter and vice versa. Third: The action of the imam (ruler) is like the judgment of the ruler. And no one can revoke what is done by the rulers (20). Fourth: Delegates of the Imam act in the place of Imam.

It is clear from what has been presented above that the saying “The judgment of the ruler resolves the disagreement” is an agreed-upon principle

amongst the Sharia Fuqaha of the four schools of thought and those who follow them. It is also clear that it is specific to the subject of ijihad.

O Muslims! Your affairs will be unified, your state of affairs will be consolidated, the oppressed of you will be supported, your Deen and worship will be protected, your sanctities will be honored, the disputes amongst you will be resolved only by your Khilafah and your Imam. The Messenger of Allah (saw) said, « **وَإِنَّمَا الْإِمَامُ جُنَّةٌ يُقَاتِلُ مِنْ وَرَائِهِ وَيُتَّقَى بِهِ** » “**Only the Imam is a shield, behind whom you fight and you protect yourself with.**” (Bukhari). Thus, the just Imam is the one who straightens all those who incline to wrong, reforms all the corrupters, pursues those who are unjust and supports all those who are oppressed.

So be strong in your resolve to establish the Islamic state, the Second Khilafah Rashidah upon the Method of Prophethood that will protect your Deen, your blood, your honor, uniting your lands, reviving your glory and honor. So for the good actions let those who work, work.

References

- 1) Dur Mukhtar Wa Hashiya Ibn Abideen (Radd Muhtar) (3/347)
- 2) Ibid (6/27)
- 3) Tabyeen Al-Haqa'iq Sharh Kanz ad-daqa'q wa hashiyath Shulabi (4/189)
- 4) Radd Muhtar ala Dur Mukhtar (3/347)
- 5) Sharh Kabeer li Sheik Duraidir wa Hashiya Desuqi (4/158)
- 6) Sharh Mukhtasir Khaleel lil Khurashi (2/75)
- 7) Hashiya Sawi Ala SHarh Shagheer- bi Lughathi Salek li Aqrabil Masalik (4/221)
- 8) Ibid (4/227)
- 9) Tuhfathul Muhtaj fi Sharh al Minhaj wa Hawashi as Shurwani wal Ibadi (3/383)
- 10) Ibid (7/239)
- 11) Ibid (2/419)

12) Hashiyathul Jumal ala Sharh Manhaj (4/142)

13) Hashiyathul Bajeerami alal khatheeb

14) Warning: It came in the jurisprudence of the four schools of thought (1/501): “Is the judgment of the ruler required for fasting? The judgment to affirm the crescent moon and the obligation to fast according to it is not required for the people, but if he judges the affirmation of the crescent based on any way in his madhab, then fasting must be imposed on all Muslims, even if it contradicts the madhab of some of them; Because the judgment of the ruler removes the dispute, and this is agreed upon, except according to the Shafi’is.”

15) This is restricted amongst the scholars with the approval of the right to judge and thus the dispute rises as the judgment is issued by an unqualified person appointed by the imam.

16) Daleel Talib li Daleel Mutalib p 348

17) Mutalib Uli Nuha fi Sharh Ghayathil Munthaha (6/486)

18) Ibid

19) Sharh Mutaha Irada Daqaiq uli Nuha li Sharh Muntaha (3/503)

20) This is also stipulated by the Hanafi jurists. Ibn Abideen says in Hashiya. His saying (The act of the judge is a judgement) this applies to the likes in terms of branch and exception. It is mentioned in Bahrul Muhit, the first book of judiciary: the action of a judge is of two types”. And see: the appointee of the ruler in relation to the hesitation of the two conflicting parties about the Ahkam (1/37).

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All those Who Desire Independence from America, Must Work to Re-Establish Khilafah (Caliphate) on the Method of Prophethood

Hizb ut Tahrir - Wilayah Pakistan

The country wide debate, from the masses to the people of power, has widened from the crash of the Rupee before the US dollar, and the use of Pakistan's air space for American drones, to how Pakistan can become truly independent, whilst we bear grave losses to our economy, education, health and security. The long running excuses and claims of the current political and military leadership of Pakistan, ruling by other than Islam, are now exposed. It has said for decades that we must obey Americans, because we cannot survive, without their dollars. It thus supported the American occupation from 2001, then abandoned Occupied Kashmir from 2003, culminating in the surrender of Occupied Kashmir to Modi, in August 2019. For many years, until now, it has granted the American drones airspace, over our sensitive military installations, whilst they incite instability on the Durand Line. It has thus sided with the Americans for decades, burning us with compromises to our security and our economy. Our situation has worsened continuously, whilst the leadership insists that we have no other choice.

However, in reality, it is Pakistan's leadership that is itself responsible for the dollar dependency, in the first place. It does not establish heavy industry, so that we can make our own machinery and engines, thereby ending the need for expensive imports. It does not establish the Khilafah, to unify the energy rich lands of Muslims, so we do not need expensive oil imports. It ties our currency and trade to the dollar, instead of Islam's gold and silver currency. **Thus, it drops a hammer on our feet and then says that limping is our compulsion!** Is it not time for us to move for, or at least seriously consider, installing a new leadership that rules by the Noble Quran and the Prophetic Sunnah? Indeed, it is known to all of us that Pakistan, like the rest of the Muslim World, has been blessed by Allah ﷻ with all manner of treasures, including energy, minerals, agricultural lands and a youthful population. All that it will take to improve our situation is a leadership that is sincere to us and our great Deen. However, without this, we can only expect ruin.

Indeed, after decades of economic loans from, and agreements with, the colonialist institutions, the IMF and World Bank, what has Pakistan's leadership brought forth for us? It has converted our economy into a cash cow, for those who deal with interest. Most of Pakistan's tax revenues are now spent on interest (riba), whilst Pakistan's debt has soared, due to the injustice of riba. In 1971, Pakistan's debt was 30 billion rupees, but from 2021 it has towered over 40,000 billion rupees. Thus, those who lend on riba, particularly the international colonialist institutions, are bleeding us dry, through the evil of interest. Yet, the current leadership are nothing but agents of America, caring only for its support for their thrones, whilst inviting war from Allah ﷻ and His Messenger ﷺ, through persisting in the huge sin of riba.

Moreover, increasing debt comes with crippling colonialist demands, which Pakistan's leadership implements, regardless of our suffering. It privatizes our energy and mineral resources, diverting large potential revenues from the state treasury, into the pockets of private companies. It increases taxation, and axes subsidies, crippling our industry and agriculture. It oversees the constant weakening of the Rupee, which drowns us in an unrelenting storm of inflation. Economically, clearly, there is a leadership crisis, which will only be resolved by the Islamic economic system, that is to be implemented by the Khilafah Rashidah.

As for military alliance with the US, it has been disastrous for Pakistan. Pakistan's weaponry has a dangerous dependence on American supplies. Agents for the US are identified and recruited through foreign military training. Military secrets are disclosed through close military contact. The entire alliance is skewed towards the major colonialist power, the US, resulting in exploitation of Pakistan's military, intelligence and air space, for US regional objectives. It is not enough to replace the US, a colonialist major power, with another major colonialist power, Russia or China, for a believer must never be stung by the same hole twice! It is also not enough to lament at the repeated betrayal of the US in the war of 1965, the war of 1971 and now, as it raises India as a regional hegemon.

Whilst Islam gives the wide military vision of liberating our occupied lands and opening new lands to the mercy and justice of Islam, the current leadership has ensured our division and weakening before our enemies, through clinging to nationalism, the nation state and the Western international order.

Our military and intelligence has been denied its true role, reduced to a tool to steady the shaking thrones of the corrupt leadership, in the face of our growing anger. Indeed, it is the Khilafah alone that will have an independent foreign and domestic policy, based on Islam, ending the control of the Americans, once and for all. It is the Khilafah that will strengthen the Muslim World, by unifying it as one state. It will end all alliance with the hostile enemy states, such as the US, dealing with them on a war footing. It will build a substantial heavy industry, to end dependence upon foreign weaponry. The Khilafah will end all co-operation and sensitive communication with the confirmed enemies of Islam and Muslims.

O Muslims of Pakistan! Let us work with Hizb ut Tahrir, from now, to re-establish the Khilafah Rashidah, so we can finally have rulers that rule us, by all that Allah ﷻ has revealed. Allah ﷻ promised, وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ “Allah has promised those among you who believe and do righteous good deeds, that He will certainly grant them succession to (the present rulers) in the land.” [Surah an-Noor 24:55]. Indeed, the re-establishment of the Khilafah (Caliphate) on the Method of the Prophethood will only come through the Nasr of Allah (swt), that is extended to those who believe and work for his Deen. So work with Hizb ut Tahrir for the re-establishment of the Deen of Allah ﷻ, as a constitution and a state. Certainly, there will be no change until the Khilafah (Caliphate) on the Method of Prophethood is re-established, through a movement led by Hizb ut Tahrir.

O Muslim of Pakistan’s Armed Forces! The Messenger of Allah ﷺ personally demanded Nussrah for the Deen from the men of war, asking, فَهَلْ عِنْدَ قَوْمِكَ مِنْ مَنَعَةٍ؟ “Do your people have strength?” So, after the Second Aqabah Pledge of Nussrah, the troubled Yathrib became the powerful Al-Madinah Al-Munawwarah, a state which then extended the Dawah to Islam to the major world powers of the time, as a prelude to Jihad, to remove material obstacles in the way of legions of people, who willingly embraced Islam. Grant your Nussrah now for the re-establishment of the Khilafah (Caliphate) on the Method of Prophethood. Nussrah is your Shariah duty, O Soldiers of Allah ﷻ, so grant it now to Hizb ut Tahrir.

14 Muharram 1444 AH

Hizb ut Tahrir

12 August 2022 CE

Wilayah Pakistan

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The Arabic Language is an Essential and Integral Part of Islam

Muhammad Naadi

The Noble Quran is a book of our Lord, the Almighty, Who revealed it in the Arabic language. Allah (swt) granted happiness to all of mankind, through adherence to His guidance and proceeding along His Path. He (swt) warned of all manner of miseries for the one who afflicts and moves away from that path. Allah (swt) says, **فَأِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَن اتَّبَعَ هُدَايَ فَلَا يَضِلُّ وَلَا يَشْقَى * وَمَنْ أَعْرَضَ عَنِّي فَسَأَلَ لَهُ مَعِيشَةً ضَنْكًا وَنَحْشُرُهُ يَوْمَ الْقِيَامَةِ أَعْمَى * قَالَ رَبِّ لِمَ حَسَرْتَنِي أَعْمَى وَقَدْ كُنْتُ بَصِيرًا** **“And if there should come to you guidance from Me - then whoever follows My guidance will neither go astray [in the world] nor suffer [in the Hereafter]. And whoever turns away from My remembrance - indeed, he will have a depressed life, and We will gather him on the Day of Resurrection blind.” He will say, “My Lord, why have you raised me blind while I was [once] seeing?”** [TMQ 20:123-125]

The rules of Arabic language are regulated by the books of Nahw (Grammar) and Sarf (Morphology). These are the two necessary matters, that are inseparable from one another. Had it not been for the rules of the Arabic language, the Noble Quran could not have been understood. Had it not been for the Noble Quran, the Arabic language could not have been preserved. Thus, the Arabic language is an essential and integral part of Islam. The Islamic call cannot be conveyed without the Arabic language. Islam cannot be understood in terms of sources, deriving the rulings, from the divine texts of the Noble Quran and the pure Prophetic Sunnah, without the Arabic language. Thus urging the Muslims towards the Arabic language is of serious consequence, whilst taking care of that language is of essential importance.

When our forefathers, the Companions (ra) of the Prophet (saw) carried the call to Islam, with its characteristic of being a message of guidance, light and blessings to the world, they carried it with three pillars: the Noble Quran, the pure Prophetic Sunnah and the Arabic language.

Accordingly, our righteous predecessors urged to teach their children and people about Islam, with these three pillars. They used to learn Arabic, just as they used to learn the Noble Quran and the Noble Prophetic Hadiths.

The enemies of Islam had realized that the secret of the power of Muslims lies in their belief of the creed of Islam, and their commitment to implement the Shariah rulings emanating from that creed. It is the creed of the Oneness of Allah (swt), in servitude only to Him alone, which came to the Muslims, through the Noble Quran.

The enemies of Islam realized that. They acknowledged that they could not weaken the Islamic State, as long as Islam remains strong amongst the souls of Muslims, such that its understanding remains strong and its implementation is strong. So the enemies resorted to find ways to weaken the understanding of Muslims regarding Islam, and to weaken their implementation of Islamic rulings.

They targeted the Arabic language as it is the language of Islam. They attempted to separate the Arabic language from Islam. Thus, they supported those who did not know Arabic language, its values and its properties, to assume power in the Muslim Lands. Accordingly, the importance of the Arabic language was neglected, so eventually the Ijtihad ceased. Those who do not know the rulings and knowledge of this language, cannot derive Shariah rulings. So the Arabic language was separated from Islam. The Islamic State was confused over understanding the Shariah rulings. Consequently, it was confused over their implementation. This had a great impact on the state, weakening it and weakening its understanding of the new scenarios. What creates a problem itself, can neither resolve it, nor resolve it in the right manner. This created the escalation of problems in the state, which eventually led the state to lose the ground. Accordingly, the enemies of Islam were able to weaken the backbone of Islam, though it is only for a while... for Allah (swt) refuses except to perfect His Light, and Allah (swt) is dominant over all matters, even though most people do not know this.

When the Arabic language was neglected, the Mujthahids became very few, amongst the Ummah. Generations eventually failed to understand the meanings of the verses of the Quran. The colonialist disbelievers were successful, unfortunately, in distancing us from our Deen. They were successful in dominating us. This is a situation which is not hidden to anyone.

This happened in the absence of the Islamic ruling, under the shade of the oppressive ruling, in the era of Ruwaibida rulers. We ask Allah (swt) to return us to our Deen. We ask Him to guide us to what He loves and is pleased with, and to help us, the shabab of Hizb ut Tahrir to complete our great civilizational project, the project of establishing the Second Righteous Islamic Khilafah (Caliphate) upon the Method of Prophethood. By the grace of Allah, we have prepared, preserved and refined the constitution of the state, that treats all the problems of mankind, according to the noble Shariah rulings of Islam, including all of the ruling system, as well all the affairs of life within the domains of social, economic, domestic and foreign affairs. Also we have prepared a unique curriculum for the coming generations, by the grace and mercy of Allah, a distinguished educational and cultural syllabus.

This leading state will be concerned about knowledge and will honor the Ulema. It will restore the positions and statuses for the ‘Ulema and teachers within society.

This nascent state, that knows the value, importance and status of the Arabic language, will pay greater attention to it. It will make Arabic an official language. It will oblige all the Muslims from the various wilayahs to learn the language from the first grades, from kindergarten onto primary, middle and high schooling, then on to universities. It will impose the style of speaking and communication, as much as possible, in Classical Arabic in the press, in the media, in schools and universities, and in all places.

It is the state whose dawn has emerged, and it is only a matter of time for its emergence. By the grace of Allah, this state of Islam will become the leading state of the world. O Allah! Make us of its soldiers, witnesses and martyrs. Indeed, glory belongs only to You Alone, and You are All-Capable of that. All Glory is to You, the All-hearing, the Nearest one and the One who responds to the supplication.

وَيَقُولُونَ مَتَى هُوَ قُلْ عَسَى أَنْ يَكُونَ قَرِيبًا

“And they say, ‘When is that?’ Say, ‘Perhaps it will be soon.’” [TMQ 17:51]

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Q&A: The Repercussions of the Russian War in Ukraine

(Translated from Arabic)

To: Mohammed Abu Khdair

Question:

France 24 reported on 1 October 2022 that: (A spokesman for the Ukrainian army announced the entry of its forces into the town of Lyman in the east of the country (in the Donetsk region) after besieging Russian forces...). Russian President Putin had ordered on Wednesday “the first mobilization in his country” since the Second World War, after a major setback on the battlefield in Ukraine... (Euronews 21/9/2022). This came after a counter-attack during which Ukraine regained large areas that Russia had occupied: (The Deputy Defense Minister of Ukraine said on Sunday in statements to Al-Hurra Channel that Ukraine regained 10 thousand square kilometers that Russia had occupied in eastern Ukraine... He explained that Kiev received a lot of support from Western countries and they succeeded in the counter-attack in the east... (Al Balad, Sunday 18/9/2022).

The question is: Is Russia actually weak militarily? Or has Western arm supplies doubled dramatically? Will the partial mobilization of reservists in Russia turn things around? And what is the significance of Russia's annexation of the four Ukrainian regions, even though Ukraine recaptured Lyman on the following day, which is part of it? Can Russia withdraw from the annexation plan?

Answer:

In order to crystallize these new facts and realize their dimensions and repercussions, it must first be emphasized that major wars are the fastest and the most guaranteed ways to change the actual balance of power, as they have been throughout history, and by following up on the developments of the war in Ukraine it becomes clear that:

1- Russia did not start the war in Ukraine in order to defend the Russian-speaking people in the Donbas region, even though it was its pretext, but also

ignited it to strengthen Russia's international position. At the verge of igniting the war, Russia demanded security guarantees from Europe, America and NATO, and those guarantees included the non-inclusion of Ukraine to NATO. These Russian aims resulting from what the Russians consider a Western injustice against Russia and an unfairness to its international position as a first-class nuclear power was evident in all statements issued by Moscow before the war. This is also confirmed by Moscow's insistence on those guarantees and that America and the West provide them in written form. Therefore, and this is very important, America, followed by Europe, has dealt with the Russian war as a rebellion against the international system and not just land claims from Ukraine or in defense of the Russians in eastern Ukraine. The position of America and the West was completely different to the similar position in 2014 when Russia annexed Crimea, that is, it was at the level of dealing with a major country that rebelled against the Western international system, which America alone leads.

2- Therefore, the American and European response was severe against Russia, and Russia, which is famous for its political futility, did not expect it... Therefore, America and Europe imposed on it the toughest sanctions in history, and froze its funds abroad, and those countries cut their ties with Russia despite the great need of Europe for Russian oil and gas. Europe, especially Germany, started arming again, and America and Europe started providing massive military support to Ukraine. In the wake of the Russian war in Ukraine, America demonstrated its leadership of the West clearly and unequivocally after it was doubtful during former President Trump's term. America filled many gaps in its relations with its allies. Due to the reality of the Russian power that pushes Moscow forward was unclear at the beginning of the war as it is clear today, more than half a year after its entry into Ukraine, America has begun providing military aid to Ukraine gradually, and was watching Moscow's reaction to it, and with the passage of time, the Russian red lines began to fall one after the other, and America and its allies broke the red lines of Russia. Then crossed it beyond them without Russia being able to deter it, and bringing down these lines was to provide military aid to Ukraine and increase it in quantity and quality, from defense to attack... Thus, after America was not encouraging Ukraine to attack Russia in Crimea, it started to encourage it.

3- With its strategic stupidity, Russia rushed recklessly to occupy the Ukrainian lands, and due to its feeling of superiority over Ukraine, it rushed in

the depth towards the capital, Kiev, and failed to occupy it and retreated to Donbas. But this retreat revealed a great weakness in the Russian army. Russia did not introduce its aircrafts and did not control the airways in Ukraine, and it was not able to provide logistical support to its advanced forces, and was caught by surprise by the size of the Ukrainian resistance, contrary to what its intelligence had expected. Thus, a serious military weakness was revealed in the Russian army, which created great hopes in Washington for its defeat in Ukraine. It turned out that Russian President Putin's statements about Russian power were not compatible with the poor field performance of his army. Due to the impact of this exposed weakness on the ground, foreign embassies returned to Kiev after they were closed, and Western officials flocked to the Ukrainian capital one after the other.

4- America began to announce the goals of the military aid to Ukraine, and the announcement of these American goals had a thunderbolt effect in Moscow. America collected field intelligence information via satellite for Ukraine and provided it with military advice. Even the Chief of Staff of the US Army said that he calls his Ukrainian counterpart seven times in the week (Al-Jazeera, September 2022), and by all accounts, this means that America considers the war in Ukraine its war, but without direct participation in it. Indeed, America announces on a weekly basis that additional military aid is provided to Ukraine in billions of dollars. In the sense that America is determined to defeat Russia in Ukraine and remove it from the list of major countries, and this is what Russia is now realizing, but it is too late!

5- Among the indicators of Russia's strategic weakness that were revealed is that it continued to supply oil and gas to Europe during the six months of the war, even though Europe announced openly that it was on its sure way to give up Russian oil and gas imports, meaning that it did not initiate cutting off oil and gas from countries that declare their hostility to it morning and night. This indicates the severity of Moscow's need for money, despite its bragging that its economy was not affected by Western sanctions and that the ruble is steadfast in the face of sanctions! And if Russia had completely cut off the Nord Stream 1 gas supply line in early September 2022 before the explosions, but that came too late, and it has been declaring that it is a reliable supplier of energy, on the one hand, and on the other hand, other gas supply lines to Europe, such as the Yamal transiting Poland, Progress and Soyuz lines crossing Ukraine, and Turk Stream pipeline transiting Turkey are still operating and feeding Europe with

gas, except for those branches that were cut off by Poland and Ukraine and not by Russia. Russia's need for money has made it lose its dignity in the international arena. This contradicts its efforts prior to the war to enhance its international standing!

6- Moreover, Russia was surprised by the recent Chinese positions that emerged during the Samarkand Summit of the leaders of the Shanghai Organization, which was held in mid-September 2022 i.e., shortly after Russia's defeats in Kharkov. Those positions that the Russian president himself revealed when he expressed his understanding of "China's fears and concerns." from the war in Ukraine, and (Putin said - in his first meeting with his Chinese counterpart since the start of the Russian war in Ukraine - that Russia appreciates China's "balanced" position on the Ukrainian crisis. (Al Jazeera Net, 15/9/2022). Thus, it became clear to Russia that the position of China, with which it signed a cooperation agreement "to the fullest extent" before the war in Ukraine, has become "balanced", that is, it is neither with Russia nor with Ukraine and the West. In fact, China refrained from even mentioning the name "Ukraine" in its joint statements with Russia at the Shanghai Summit and in the statements of its president, but only hinted to that. There is no reasonable doubt that America is showing China the danger of any support for Russia in its war in Ukraine, which is undoubtedly something that China responded to, fearing for its international trade... Therefore, it did not support Russia against the Security Council resolution that denounced the annexation of the four regions in Ukraine. On 1/10/2022, France 24 published the following: (On Friday, Russia has used its veto to prevent the adoption of a draft resolution in the UN Security Council condemning its annexation of four Ukrainian regions... The draft resolution prepared by the United States and Albania was supported by ten member states in contrast to four countries that abstained: China, India, Brazil, Gabon...)

7- In light of all that was mentioned, the Russian attack on Ukraine, which did not succeed in Ukraine's surrender to Russia's conditions, reveals a serious military weakness of Russia, and reveals qualitative and large military support from America and the West to Ukraine, some of which are public and some of which are hidden, and because Russia has seen these new facts which it did not expect before the war, Lavrov reminded on 12/9/2022 that Russia does not refuse negotiations with Ukraine (Al-Jazeera, 12/9/2022), but he realizes that the terms of Russian surrender that were placed on Ukraine's table in the first

days of the war have evaporated. There is no hope to restore those Russian conditions except by Russia's use of nuclear weapons, which is perhaps Russia's last card at all, but it also knows that the use of nuclear weapons will drag America to war in one way or another, and it is unable to achieve victory in its war with the Ukrainian army, which receives American aid, so how can it achieve it if the US army participated in the war. This is why Russia after the Ukrainian attack is in a difficult situation.

8- Russia realized all these dangers, and its president showed his refusal to the defeat (Russian President Vladimir Putin announced the partial mobilization of the army, referring to his country's exposure to nuclear threats. (Al Jazeera Net, 21/9/2022), as well as (representatives of Lugansk, Donetsk, Kherson and Zaporizhzhia provinces supported by Russia, have announced their intention to organize referenda to join Russia from this September 23 to 27. (Turkish Anadolu Agency, 21/9/2022)). Indeed, the referendum took place and the annexation happened. Al Jazeera Net published on 30/9/2022 the following: (Russian President Putin announced that the Ukrainian regions of Lugansk, Donetsk, Zaporizhzhia and Kherson have become Russian. He also condemned in a lengthy speech what he called the West's control of the world order, while Ukrainian President Zelensky confirmed that his country had taken a "decisive step" in response to the Russian action). Despite that, the Ukrainian army continued its military actions inside these four regions... It was stated in the France 24 website on 01/10/2022: (A Ukrainian army spokesman announced the entry of his forces into the eastern town of Lyman after besieging the Russian forces around a very important stronghold of Moscow. While Russia confirmed that thousands of people withdrew from the town amid the continuation of the fighting. This is at the same time as Moscow continues to escalate politically after Russian President Vladimir Putin approved on Friday the annexation of four Ukrainian regions... The Ukrainian Defense Ministry wrote on Twitter (Ukrainian air attack forces enter Lyman in Donetsk region). Shortly before that, the Ukrainian army said that it was besieging thousands of Russian soldiers in this town located in the Donetsk region, which was annexed by Russia on Friday).

9- A closer examination of these Russian positions, after all that happened, reveals the following:

a- As has been the mentality of the Russians throughout history, Russia looks at land gains and wants to preserve them at any cost. Therefore, it conducts referendums in the areas that it controlled in whole or in part to annex to Russia, and make this a fait accompli. In the sense that Russia wants to say that these new regions (Lugansk, Donetsk, Zaporizhzhia and Kherson) have become Russian territories and that an attack on them is an attack on Russia, and that this may require their defense using nuclear weapons according to the requirements of what Russia calls its "military-nuclear doctrine", that is, it wants to terrorize America and European countries and warn them of the danger of supporting the Ukrainian army by attacking Russian lands and intimidating the Ukrainian army itself. All this indicates the weakness of the Russian army and that it resorts to threats of using nuclear weapons after its inability to win in Ukraine, despite what looks like an international agreement prohibiting their use in wars.

b- The announcement of a partial general mobilization to enlist 300,000 soldiers from the reserves, and a much larger number may be recruited, all of which indirectly indicates the weakness of the Russian army and that it is unable to achieve Russia's goals in Ukraine, and that the heavy human losses incurred made it need reserves. Yet Russia still boasts that it is not fighting a war but a special military operation.

10- Most likely war in Ukraine has entered an escalating phase surrounded by great danger. If Russia wants to regain dignity for itself, it will burn everything in Ukraine in the coming days, if it has the ability and will to do so, many indicators indicate a decrease in its ability and that its will has weakened. Russia has realized too late that it is in one way or another facing America and European countries in the Ukrainian arena, even though the European countries keep a small opening of their door for Russia, unlike America that turned its back to Russia. Europe plans to abandon Russian oil by the end of this year, and after that its gas, all of this makes the countries of Europe more aggressive in confronting Russia, and this is apparent from the escalation of the Germans' rhetoric against Russia and the escalation of Germany's armaments. Russia wanted the referendums of the Ukrainian regions to join Russia to make the Russian gains in these regions a fait accompli for everyone, and kept the ambiguity of the use of nuclear weapons to defend these regions, but the West rejected these referendums and announced that it would continue to support Ukraine militarily, and even provided defense systems that is more advanced air

force for Ukraine, and here the Russian predicament became further complicated.

11- As for the issue of declaring mobilization, according to military experts, the issue of mobilizing and bringing in untrained reserve soldiers will not benefit the Russian army much. The issue of the

weakness of the Russian army is much deeper than being aided by an increase in numbers. It is a problem of leadership and a problem of equipment that is not available today in Russia, although Russia is operating its military and dual-production factories for the army with maximum capacity as if it were in a world war, but this will not be decisive because America and the countries of Europe are providing Ukraine with what its army needs as well, and if the heavy losses of the Russian army continue in Ukraine, great pressure will be placed on the Kremlin from inside Russia to stop the war. This pressure will be increased by the explosions of the Russian Nord Stream lines in the Baltic Sea and the resulting interruption of Europe's hopes for cheap Russian natural gas. And all this makes Russia face greater European hostility, which is the increase in support for the Ukrainian army and the weakening of European voices calling for reconciliation with Russia to obtain cheap gas. This is in addition to the decline in Chinese positions, and thus Russia's feeling that it is alone in the field of confrontation with America and the West increases, meaning that China has largely abandoned it. All this raises widespread internal criticism of the Kremlin's leaders that their calculations were wrong, that is, they will be blamed for the new Russian predicament.

12- As for the Russian nuclear threats, they first lack the actual will, as Western intelligence did not notice any new movements of Russia's nuclear forces, which increases the West's belief that these Putin's threats are closer to intimidation than to the actual use of nuclear weapons. And because America and European countries did not show their fear of Russia's nuclear weapons, even though they said that they take these threats seriously, especially since what is often meant is the Ukrainian arena and not the West itself, and although America announced that it will respond to any Russian use of nuclear weapons in Ukraine, even if it retaliated with conventional weapons to prevent a nuclear war between Russia and America, all of this might cause Russia to lose the deterrent power of the last weapon it possesses, and its weapon might lead to these scourges in the post-war settlements.

13- As for Russia's retreat from annexation, as stated in the question, it means removing Russia from the international standing and ending its influence on it, and this is a heavy matter for the Russian leadership. Therefore, it is expected that Russia will stop at these four regions, i.e. at the borders of the regions in which it conducted annexation referendums, and perhaps it will add a little more than that, by trying to regain the areas it lost in Kharkov. This will make the Russian president appears "strong" in front of his people and has brought new ground gains to Russia after reclaiming Crimea in 2014, and if this is achieved, it is a small goal for a country that was appearing as a great power that threaten to swallow Ukraine wholistically within a short time. But on the other hand, America and Western countries are encouraging Ukraine and supporting its army to liberate these areas occupied by Russia, and between increasing Western military support to Ukraine and Russia's mobilization of reserve soldiers, the war zone in Ukraine will most likely witness fierce battles, that it will last for a longer period. While it weakens Russia's guarantee to win the war except by using nuclear weapons. The war in Ukraine remains open to more international dangers... And if Russian Foreign Minister Lavrov reminds that Russia does not refuse negotiations, America and Britain in particular show their determination to make Ukraine the arena in which Russia is written off from the list of major countries. And between this conflict of wills, Ukraine's arena remains full of surprises that can turn things upside down.

14- Finally, the major countries in today's world struggle with each other to achieve their brutal ambitions without paying any attention to any human or moral values. Injustice turns into justice if it achieves what they want, even if it is harmful to others, even if it is all evil. These countries have increased corruption on earth, and the world will not be reformed except by their demise, then the Khilafah (Caliphate) will return on the method of the Prophethood with the work of the workers and the support of the Lord of the worlds.

(وَيَوْمَئِذٍ يَفْرَحُ الْمُؤْمِنُونَ * بِنَصْرِ اللَّهِ يَنْصُرُ مَنْ يَشَاءُ وَهُوَ الْعَزِيزُ الرَّحِيمُ)

“And that day the believers will rejoice * In the victory of Allah. He gives victory to whom He wills, and He is the Exalted in Might, the Merciful” [Ar-Rum: 4-5]

6 Rabi' Al-Awwal 1444 AH

2/10/2022 CE

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Q&A: Definition of the Islamic Aqeedah and the Mutakallimīn [Scholastics]

(Translated from Arabic)

To: Ibn Mansoor

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

May Allah bless you our honorable Sheikh, may Allah Almighty accept your deeds, and reward you best in this world and in the Hereafter.

I have two questions, and pardon me for troubling you with these two questions:

1. It came in the book, The Islamic Personality Volume 1, under the subject of the Islamic Aqeedah:

“The Islamic Aqeedah (creed) is Iman (positive belief) in Allah (saw), His Angels, His Books, His Messengers and the Day of Resurrection and in al-qada wa’l-qadar, the favorable and unfavorable being from Allah (swt)”.

And it came at the end of the chapter:

“The issue of Iman in al-qada wa’l-qadar by this name and with the referent that is a subject of controversy was never mentioned in a definitive text. Yet the referent of the term is part of the aqeedah (creed) and Iman in it is obligatory”.

And it is known that the evidence [dalīl] for the Islamic Aqeedah can be either rational [aqlī] or textual [naqlī: lit. transmitted].

It also came in this chapter: “As for al-qada wa’l-qadar its evidence is rational”, and I understood from what I studied in our culture that nothing can be part of the Aqeedah unless it is definite (qati). And I understood from our culture what is al-qada wa’l-qadar, and I understood that its evidence is definite (qati) and rational (aqli). However, this has posed a question about the groups who were opining on the freedom of the will and its compulsion. So how do we view those who opined about them? And although they were in confusion

regarding the Aqeedah of al-qada wa'l-qadar, no one of their scholars claimed the Kufr of one another.

Please explain how to view them, because Iman in al-qada wa'l-qadar is part of the aqeedah (creed) and Iman in it is obligatory.

2. It came in the book, The Islamic Personality Volume 1 page 68 (Arabic edition):

“The Mu'tazilah's view of the justice of Allah (swt) was one of subliming Him (swt) above injustice.... Thus, they drew analogy between the unseen and the seen, comparing Allah (swt) to man. They subjected the laws of this world to Allah (swt) precisely as a group of the Greek philosophers had done.”

Sheikh Taqiuddin an-Nabhani, Rahimahu Allah, said that among the errors of the Mu'tazilah is that they made analogy between the unseen matters that are not sensorially perceived and the apparent matters that are sensorially perceivable.

After he, Rahimahu Allah, said this in this section, he explained the meaning of "Guidance and Misguidance" in the next section, stating that Allah created the guidance and misguidance (hidāyah and dhalāl) and the servant initiates guidance and misguidance. And he went on showing the legitimate indications (qara'in) that is, the Shari' and the rational indications, and explained the rational indication: (As for the rational indication, Allah (swt) takes people to account: he rewards the one who is guided and punishes the misguided... For if the meaning of ascribing guidance and misguidance to Allah (swt) is that He (swt) initiates it, then His punishing the kāfir, munāfiq and disobedient would constitute injustice; Exalted is Allah far above such).

It seemed to me that this saying contradicts with his above saying about the errors of the Mu'tazilah in drawing analogy of the justice of Allah (swt), which is not sensorially perceived, with the justice of man. How can we rationally sense the justice of Allah (swt) without a Shari' evidence, and then say His punishing the kafir, munafiq and disobedient would constitute injustice?

Your brother,
Abu Zaid

Answer:

Wa Alaikum Assalam wa Rahmatu Allahi wa Barakatuh,

First: The Islamic Aqeedah that was known in the time of the Messenger (saw) and the Khulafaa Ar-Rashdeen is Iman (positive belief) in Allah (swt), His Angels, His Books, His Messengers and the Day of Resurrection and in al-Qada wa'l-Qadar, the favorable and unfavorable being from Allah (swt) as it came in the Noble Ayah:

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

“O you who believe! Believe in Allah and His Messenger and the Book which He has sent to His Messenger and the Book which He sent afore. And whosoever denies Allah, His angels, His books, His messengers, and the Last Day, has gone far, far astray” [An-Nisa: 136].

Also added to these five matters (al-qadar with the meaning of the knowledge of Allah and the writing in the Lawh al-Mahfudh (the Preserved Tablet) ...) And all this was known in the reign of the Messenger of Allah (saw) as we explained in our books and I extract from them about al-Qadar what demonstrate this meaning:

1. From the Book of Allah (swt): The Almighty's saying: (وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ)
“and He is the All-Knower of everything” [Al-An'am: 101]. And His (swt) saying:

(قُلْ لَنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ)

“Say: ‘Nothing shall ever happen to us except what Allah has ordained for us. He is our Mawla.’ Then in Allah let the believers put their trust” [At-Tawba: 51].

2. From the Hadiths of the Messenger of Allah (saw): In addition to the five above mentioned matters, Muslim narrated in his Sahih from Abdullah ibn Umar who said: my father Umar ibn al-Khattab related to me that: While we were sitting one day with the Messenger of Allah (saw) there appeared before us a man dressed in extremely white clothes and with very black hair. No traces of journeying were visible on him, and none of us knew him. He sat down close by the Prophet (saw) rested his knees against the knees of the Prophet (saw) and placed his palms over his thighs, and said: "O Muhammad! Inform me about Islam." He said: "Inform me about Iman (faith)." He (the Prophet) answered,

«أَنْ تُؤْمِنَ بِاللَّهِ، وَمَلَائِكَتِهِ، وَكُتُبِهِ، وَرُسُلِهِ، وَالْيَوْمِ الْآخِرِ، وَتُؤْمِنَ بِالْقَدَرِ خَيْرِهِ وَشَرِّهِ»

“It is that you believe in Allah and His angels and His Books and His Messengers and in the Last Day, and in fate (qadar), both in its good and in its evil aspects.” He said, "You have spoken the truth"....and then he (the Prophet) said:

«يَا عُمَرُ أَتَدْرِي مَنِ السَّائِلُ؟» “O Umar, do you know who that questioner was?” I replied, "Allah and His Messenger know better."

He said: «فَإِنَّهُ جِبْرِيلُ أَتَاكُمْ يُعَلِّمُكُمْ دِينَكُمْ». “That was Jibril. He came to teach you your religion.”

And al-Qadar here means the knowledge of Allah and the writing in the Lawh al-Mahfūdh..., not in the technical [istilāhī] meaning of the word al-qada wa'l-qadar. This word (the term of al-Qada wa'l-Qadar with the meaning of creating and performing the actions and creating the attributes of things and their formation from actions ... as explained in our books), this had not known in the era of the Prophet (saw) or the companions may Allah be pleased with them. Rather it became famous only in the era of the Tabi'een. It became known and became a subject of discussion since that time, and it was the Mutakallimūn who made it the subject of their discussions. Those who introduced it and made it a subject of discussion are the Mutakallimūn [Muslim Scholastics].

As for the evidence of the Aqeedah being qati (definite), this is true for all Muslims, and whoever denies it is considered a Kafir. However, this does not apply to the subject of (al-Qada wa'l-Qadar) in the technical [istilāhī] meaning, which was translated from the Greek philosophy, for it is a subject of controversy over its meaning:

* The one who understands it a true understanding and substantiates it with the definite evidence, he believes in it as we have shown in our books and included it in the subject of the Aqeedah...

* Those who were confused in their understanding, such as the Mu'tazilah and the Jabriyyah, and confused between the creation of acts and performing them and the reward and punishment... as the Mu'tazilah said man creates his acts by his own will, to receive the reward and punishment on them. The Jabriyyah said, indeed, Allah (swt) creates the actions of man, and that man is compelled to perform them, he is just like a feather in the wind. These and

those have confused between performing the act and the creation of the act which is one of the attributes of Allah, for He is the Creator of all things. These and those have misunderstood the Issue, so they came up with wrong opinions, thus we do not they have disbelieved, rather they are Muslims who erred in this Issue.

In summation: it is not said about the Mu'tazilah and the Jabriyyah who disagreed in the understanding of ((al-qada wa'l-qadar in the technical [istilāhī] meaning) is not said that they were Kuffar, but we say that their opinion is wrong, as we see that our opinion is the definite (qati) and thus believe in the subject of al-qada wa'l-qadar as we have explained it in our books. And whoever understands it in a different understanding than which we have mentioned, we say that he erred and not that he disbelieved (Kafar)...

Secondly: As for your question about justice and injustice:

The Mu'tazilah made the intellect the arbitrator for the actions of Allah, by drawing analogy between the acts of Allah Almighty and the acts of man, and this is an utter mistake. This is because the Essence [dhat] of Allah (swt) and His actions are sensorially inaccessible, rather they are taken according to the Shariah texts from the Book of Allah (swt) and the Sunnah of His Messenger (saw). Therefore, when we studied this issue we first established the Shari' evidence regarding the actions of Allah (swt) then we mentioned the rational evidence that agreed with them. That is, the origin in proving or refuting is what the Shariah revealed, and then if there is rational evidence in some of its aspects, there is no objection to mention them due to their agreement with the Shari' evidence ...

Therefore, we said when discussing this issue in Guidance and Misguidance in the Islamic Personality Volume I:

(However, there are ayāt which indicate that hidāyah [guidance] and dhalāl [misguidance] should be imputed to Allah (swt). So, it is understood from them that hidāyah and dhalāl do not emanate from the servant but are from Allah (swt). There are other verses which indicate that hidāyah, dhalāl and idhlāl [causing someone to go astray] are to be ascribed to the servant. From them it is understood that hidāyah and dalāl are from the servant.

These, and other verses, should be understood from a legislative understanding, meaning, that their legislative reality, for which they were

legislated, should be understood. It is apparent, then, that the attribution of guidance and misguidance to Allah (swt) has a meaning other than the meaning of attributing guidance and misguidance to the servant. Each one is focused on an angle different from the angle on which the other is focused. In this manner the legislative meaning becomes most evident.

Indeed, the verses which attribute misguidance and guidance to Allah (swt) are explicit in that it is Allah (swt) who guides and it is He (swt) Who causes someone to go astray. He (swt) says,

(قُلْ إِنَّ اللَّهَ يُضِلُّ مَنْ يَشَاءُ وَيَهْدِي إِلَيْهِ مَنْ أَنْابَ) “Say: ‘Verily, Allah sends astray whom He wills and guides unto Himself those who turn to Him in repentance’” [Ar-Ra’d: 27].

And He (swt) says, (إِنَّكَ لَا تَهْدِي مَنْ أَحْبَبْتَ وَلَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ) “Verily! You guide not whom you like (O Muhammad), but Allah guides whom He wills.” [Al-Qasas: 56]. Thus, in these verses there is a clear indication that the one who does the guiding and misguiding is Allah (swt) and not the servant. This means the servant does not find guidance by himself, rather when Allah (swt) guides him he is guided. And when Allah (swt) sends him astray he goes astray.

However, this wording has come with indications [qarā'in] which divert the meaning from one of considering the initiation of guidance and misguidance as being from Allah (swt), to another meaning, namely, that of the creation of guidance and misguidance as being from Allah (swt) and that the one who initiates the guidance, misguidance and the sending of someone astray is the servant.

As for these indications they are shar'i and rational indications. As for the shar'i indications, many ayāt have come attributing guidance, misguidance and the causing of misguidance to the servant. He (swt) says,

(مَنْ اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّ فَإِنَّمَا يَضِلُّ عَلَيْهَا) “So whosoever receives guidance, he does so for the good of his own self, and whosoever goes astray, he does so to his own loss” [Yunus: 108]. And,

(لَا يَضُرُّكُمْ مَنْ ضَلَّ إِذَا اهْتَدَيْتُمْ) “If you follow the right guidance no hurt can come to you from those who are in error” [Al-Ma'idah: 105]. And, (فَمَنْ اهْتَدَىٰ) (فَلِنَفْسِهِ) “So whosoever accepts the guidance, it is only for his own self” [Az-Zumar: 41]. And,

وَمِنَ النَّاسِ مَنْ يُجَادِلُ فِي اللَّهِ بِغَيْرِ عِلْمٍ وَيَتَّبِعُ كُلَّ شَيْطَانٍ مَرِيدٍ * كَتَبَ عَلَيْهِ أَنَّهُ مَنْ تَوَلَّاهُ فَآنَهُ (يُضِلُّهُ وَيَهْدِيهِ إِلَى عَذَابِ السَّعِيرِ)

“And of the people is he who disputes about Allah without knowledge and follows every rebellious devil.* It has been decreed for every devil that whoever turns to him - he will misguide him and will lead him to the punishment of the Blaze.” [Al-Hajj: 3-4]. And, (وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ) “But Shaytān wishes to lead them astray” [An-Nisa: 60].

So, in the wording of these verses there is a clear indication that the human being is the one who performs the act of guidance and misguidance, thus he sends himself astray and he sends others astray and the Shaytān also sends people astray. So guidance and misguidance has come to be attributed to man and Shaytān and that man guides himself and sends himself astray. This is an indication [qarinah] that the attribution of guidance and misguidance to Allah (swt) is not one of initiation [mubāsharah] but rather it is one of creation [khalq]. If you place the ayāt together and understand them in a legislative manner, then the departure of each verse from the direction of the other becomes clear.

Thus, the ayah says, (فَلِ اللَّهِ يَهْدِي لِلْحَقِّ) “Say: ‘It is Allah Who guides to the truth’” [Yunus: 35]. And the other ayah says,

(فَمَنْ اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ) “So whosoever receives guidance, he does so for the good of his own self” [Yunus: 108].

The first ayah indicates that Allah (swt) is the one who guides and the second indicates that man is the one who guides himself. The guidance of Allah (swt) in the first verse is about creating the guidance in the human being, that is, creating the capacity for guidance. The second ayah indicates that the human being is the one who initiates what Allah has created in terms of the capacity for guidance and so he guides himself. That is why He (swt) says in another ayah,

(وَهَدَيْنَاهُ النَّجْدَيْنِ) “And (have We not) shown him the two ways” [Al-Balad: 10].

That is, the path of good and the path of evil, that is, we have given him the capacity for guidance and we have left him to initiate his own guidance. So, these ayāt which attribute hidāyah and dhalāl to man are a shar’i indication

indicating upon the diverting of the initiation of guidance from Allah (swt) to the servant.

As for the rational indication, Allah (swt) takes people to account: he rewards the one who is guided and punishes the misguided, and He has set the reckoning according to the actions of human beings. He (swt) says,

(مَنْ عَمِلَ صَالِحًا فَلِنَفْسِهِ وَمَنْ أَسَاءَ فَعَلَيْهَا وَمَا رَبُّكَ بِظَلَّامٍ لِلْعَبِيدِ)

“Whosoever does righteous deeds it is for (the benefit of) his own self, and whosoever does evil, it is against his own self, and your Lord is not at all unjust to (His) slaves” [Fussilat: 46];

And,

(فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ * وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ)

“So whosoever does good equal to the weight of an atom, shall see it. And whosoever does evil equal to the weight of an atom, shall see it” [Al-Zalzalah: 7].

And,

(وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ وَهُوَ مُؤْمِنٌ فَلَا يَخَافُ ظُلْمًا وَلَا هَضْمًا)

“And he who works deeds of righteousness, while he is a believer, then he will have no fear of injustice, nor of any curtailment (of his reward)” [TaHa: 112]

And He (swt) says, (مَنْ يَعْمَلْ سُوءًا يُجْزَ بِهِ) “Whosoever works evil, will have the recompense thereof” [An-Nisa: 123]

And, (وَعَدَ اللَّهُ الْمُنَافِقِينَ وَالْمُنَافِقَاتِ وَالْكُفَّارَ نَارَ جَهَنَّمَ خَالِدِينَ فِيهَا) “Allah has promised the hypocrites, men and women, and the disbelievers, the Fire of Hell, therein shall they abide forever” [At-Tawba: 68]

For if the meaning of ascribing guidance and misguidance to Allah (swt) is that He (swt) initiates it, then His punishing the kāfir, munāfiq and disobedient would constitute injustice; Exalted is Allah far above such. Thus, it is necessary to divert its meaning to something other than initiation, namely, (to) the creation of guidance from nothing. Harmony with this is maintained if the one who initiates guidance and misguidance is the servant, and therefore he is accounted for it.

This is with respect to the ayāt in which guidance and misguidance is ascribed to Allah (swt). As regards verses in which guidance and misguidance is linked to His Will, (يُضِلُّ اللَّهُ مَن يَشَاءُ وَيَهْدِي مَن يَشَاءُ) “Verily, Allah sends astray whom He wills, and guides whom He wills” [Fatir: 8]. The meaning of his will here is intention [irādah]. The meaning of these verses is that no one guides himself by force against Allah's Will and nor does anyone forcibly go astray against His Will. Rather the one who finds guidance is the one who finds guidance by the Volition and Will of Allah and the one who goes astray goes astray by the Volition and Will of Allah...)

Whereas the Mu'tazilah have arbitrated the mind as the basic evidence for the issue, and this is what we mentioned in the same book:

(The Mu'tazilah's view of the justice of Allah (swt) was one of subliming Him (swt) above injustice. Regarding the issue of punishment and reward, they took a stance which was consistent with the subliming of Allah (swt) and with his Justice. They postulated that the justice of Allah (swt) would be meaningless without the affirmation of the freedom of the will of man and the affirmation that he creates his actions and that he is capable of doing or refraining from doing; thus, if he does (an action) voluntarily or refrains from doing (it) voluntarily, his punishment or reward will be understandable and just. But if Allah (swt) creates man and compels him to act in a certain way by compelling the obedient toward obedience and the disobedient toward disobedience and then punishes him and rewards him, this would not be just in the least. Thus, they drew analogy between the unseen and the seen, comparing Allah (swt) to man. They subjected the laws of this world to Allah ﷻ precisely as a group of the Greek philosophers had done. Thus, they obligated justice upon Allah ﷻ as it was envisaged by man.

The origin of the discussion is the punishment and reward from Allah (swt) for the servant's action. This is the subject matter of the discussion which was given the name 'al-qadā' wa'l-qadar' or as 'al-jabr wa'l-ikhtiyār' or 'hurriyat al-irādah'....They also said that if Allah (swt) had willed the kufr of the kāfir and the disobedience of the disobedient, he would not have prohibited them from kufr and disobedience, and how can it be thinkable that Allah (swt) willed for Abu Lahab that he be a kāfir and then ordered him to have imān and prohibited him from kufr? If any one of the creations did this, he certainly would be (deemed) foolish; Exalted is Allah (swt) high above such. Further, if the kufr of a

kāfir and the disobedience of the disobedient were willed by Allah (swt), they would not be deserving the punishment...

As for the issue of the creation of acts, the Mu'tazilah said that the acts of the servants are created by them and are of their own doing not of Allah's (swt); it is in their power to do these acts or refrain from them without any intervention of the power of Allah (swt)...

They concluded with the opinion which they held regarding the issue of the creation of acts, namely the view that man creates his own actions by himself and that he is capable of doing an act or refraining from it. In pursuance of the methodology of inquiry of the Mutakallimīn in discussing the issue as well as its offshoots, one of the offshoots of the issue of the creation of acts was the issue of causality. After the Mu'tazilah had determined that the acts of man are created by him, a question arose from this: what about the acts that result from his action? Are they created by him as well? Or are they created by Allah (swt)? For example, the pain felt by a person who has been hit, the taste that a thing comes to have as a result of the action of man, the cutting that occurs from a knife, pleasure, health, lust, heat, cold, humidity, solidity, cowardice, courage, hunger, satisfaction, etc. They said that all these are part of the action of man because it is man who causes them when he performs his acts. Thus, they are ensuing from his act and as a result are created by him...)

Thus, the opinion of Muatazilah is based on the arbitration of mind in the actions of Allah (swt), though they do not comprehend the reality of these actions, for they may see them in other than their reality. And as stated in the same book they: (They missed the point that the sensorially accessible is comprehensible and that the Essence of Allah (swt) is incomprehensible, so it is not possible to draw analogy of one upon the other. They were inattentive to the fact that the Justice of Allah (swt) is incomparable to the justice of man, and that it is invalid to apply the laws of this world to Allah (swt), who is the Creator of this world and the one who regulates it according the laws he set for it. When we do see that the perspective of man is narrow, he understands matters in a given way and that once his perspective widens, his view of justice changes and his judgement changes as well; how then do we compare (to ourselves) the Lord of the worlds (swt) whose knowledge encompasses everything and give His (swt) justice the meaning of justice that we ourselves see to be justice?)

Accordingly, the mind cannot pass judgement on the actions of Allah Almighty, for the actions of Allah (swt) are outside the scope of the mind and its judgment. So, it is wrong to give the mind independent from Shar' the eligibility to pass judgement on the actions of Allah (swt).

This is what we mentioned in our books, we have established Shari' evidence on the actions of Allah Almighty and then mentioned the rational evidence that agree with them...

I hope that this clarification is sufficient, and Allah is the Most Wise and He Knows Best.

**Your brother,
Ata Bin Khalil Abu Al-Rashtah
08th Jumada I 1443 AH
12/12/2021 CE**

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Q&A: The Sale of Gold

(Translated from Arabic)

Question:

Assalaamu Alaikum Wa Rahmatullahi Wa Barakaatuhu, as you are aware my honourable brother an 'Ajal' (delay) is not valid with the sale of gold because it is hand to hand – this for that- as has been mentioned in the Hadeeth... Does this apply to jewelry?

The reality that this question applies to is the following:

The gold that is sold as jewelry is from the 18-carat calibre and not the 24-carat calibre...

The 24-carat calibre is pure gold reaching 99.9% which makes it hard to mould. As for the 18-carat then this represents 75% gold whilst the remainder is made up of metals such as copper and iron which makes it susceptible to being moulded and shaped. Actually, it is possible to colour the gold according to the metal that has been added. Then at the time of the sale of this jewelry the jeweler adds the cost of the moulding on top of the price of the gold based upon its weight.

Would the jewelry in this case then be considered like any other commodity which has gold in it in which it is valid to buy by incurring a debt or through delay or postponement (of the payment)? Or does the ruling of gold still apply upon it due to the gold being predominant at an amount of three quarters or 75%?

Another issue arises when the jeweler sells the jewelry like a bracelet for instance and it has a small piece like a clasp for example which is not made of gold and could be from platinum, zircon or something similar. It is weighed with jewelry and counted in the weight whilst being mixed with the price of the gold i.e. it is sold as if it is gold. So is this valid in the case where this is a very small piece? Or is it obligatory to separate its cost? Or consider it as the wage of the jeweler? Or what is your view?

Barakallahu Bikum Wa Jazakumullahu Kul Al-Khair, and please forgive us for taking your time...

Answer:

Before answering the question I would like draw attention to that the Ahkaam (rulings) of exchange (sarf) for the Riba categories do not pay consideration to the quality of one type or the poor quality of another... The Riba types are those which have come in the Hadeeth collected by An-Nasaa'i from 'Ubaadah Bin As-Saamit that the Messenger of Allah (saw) said:

«الذَّهَبُ بِالذَّهَبِ تَبْرَهُ وَعَيْنُهُ وَرِزًا بِوَرْنِ، وَالْفِضَّةُ بِالْفِضَّةِ تَبْرَهُ وَعَيْنُهُ وَرِزًا بِوَرْنِ، وَالْمِلْحُ بِالْمِلْحِ، وَالنَّمْرُ بِالنَّمْرِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، سَوَاءً بِسَوَاءٍ مِثْلًا بِمِثْلٍ، فَمَنْ زَادَ أَوْ أزدَادَ فَقَدْ أَرَبَى.»

“Gold for gold, ore and coins alike, weight for weight, and silver for silver, ore and coins alike, weight for weight, and salt for salt, dates for dates, wheat for wheat, barley for barley, equally and similarly; so he who was to increase or take an increase, he would fall into usury (Riba).”

Therefore if a Riba based type from amongst these types was sold it would be obligatory to be like for like whatever the quality. As such it is not permissible to exchange a Ratl (measure of weight) of good dates for two Ratls of bad dates and it is not permissible to exchange a Saa'a (measure) of pure good wheat for two Saa'as of bad impure wheat whilst the same applies to barley and salt. The same therefore applies to gold where it is impermissible to exchange a bullion of pure gold for a bullion and a half of impure gold, rather it must be like for like i.e. by equal measure.

These specific Ahkaam (rulings) for exchange differ from the Ahkaam (rulings) of other dealings with gold in other subject areas. So for example in respect to the Zakaah the pure unadulterated gold and the pure unadulterated silver is what is considered. As such the bullion (or nugget) of 24 carat gold differs from the Zakaah of the bullion of 18 carat gold of the same weight. Rather the pure gold is evaluated when calculating the Nisaab. The Nisaab of the 24 carat gold is 85 grams whilst the Nisaab of the 18 carat gold would be more than that because it is mixed with other non-gold materials in respect to the quarter. This means that the 18 carat gold contains pure gold that is equal to three-quarters of the 24 carat gold. Therefore the Nisaab of the 18 carat gold is one and third times the Nisaab of the pure gold i.e. 113.33 grams. As such the one who owns 85 grams of pure 24 carat gold possess the Nisaab and if the

year passes upon it he pays his Zakaah of 2.5% from its weight. However the one who own 85 grams of 18 carat gold does not possess the Nisaab until what he owns reaches 113.33 grams. Then if a year passes upon that he will pay his Zakaah of 2.5% from its weight. It is therefore clear here that the consideration in respect to Zakaah relates to the pure gold.

As for exchange then its Ahkaam (rulings) are specific to it... So whatever the Ribaa (interest based) type is in terms of being pure or impure, good or bad quality, unadulterated or adulterated and mixed with other than it... it is obligatory to be like for like as long as the trade of the Ribaa based type or category is of the same kind. However this is upon the condition that the pure and impure are mixed with each other i.e. not separated from each other whilst the majority in the mix is gold and as such is given the naming and designation of gold.

The Daleel (evidence) for that is what Abu Sa'eed related when he said:

« مِنْ أَيْنَ هَذَا؟ » فَقَالَ بِلَالٌ: « تَمْرٌ كَانَ عِنْدَنَا رَدِيءٌ، فَجَاءَ بِلَالٌ بِتَمْرٍ بَرِيءٍ، فَقَالَ لَهُ رَسُولُ اللَّهِ ، فَقَالَ رَسُولُ اللَّهِ عِنْدَ ذَلِكَ: «أَوْهَ عَيْنُ الرَّبَا، لَا تَفْعَلْ، فَفَبِعْتُ مِنْهُ صَاعَيْنِ بِصَاعٍ لِمَطْعَمِ النَّبِيِّ وَلَكِنْ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ التَّمْرَ فَبِعْهُ بِبَيْعِ آخَرَ، ثُمَّ اشْتَرِ بِهِ»

Bilal approached with some good dates and so the Messenger of Allah (saw) said to him: **“Where did you get these?”** So Bilal said: “I had some bad dates and I sold two Saa’s of them for one Saa’ so that the Prophet (saw) could eat from them”. So the Messenger of Allah (saw) then said: **“It is the essence of Ribaa (interest), do not do that but rather if you had wanted to buy dates then sell them in another sale and then buy (again) with that (i.e. what you receive from the sale).”** (Extracted by Muslim).

Abu Sa'eed and Abu Hurairah (May Allah be pleased with them both) also narrated:

اسْتَعْمَلَ رَجُلًا عَلَى خَيْبَرَ، فَجَاءَهُ وَرَوَى أَيْضًا أَبُو سَعِيدٍ وَأَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ : «أَكُلْ تَمْرَ خَيْبَرَ هَكَذَا؟»، قَالَ: لَا وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا لَنَأْخُذُ الصَّاعَ بِتَمْرٍ جَنِيْبٍ، فَقَالَ رَسُولُ اللَّهِ : «لَا تَفْعَلْ، بَعْ الْجَمْعَ بِالذَّرَاهِمِ، ثُمَّ انْتَعْ مِنْ هَذَا بِالصَّاعَيْنِ، وَالصَّاعَيْنِ بِالثَّلَاثَةِ، فَقَالَ رَسُولُ اللَّهِ بِالذَّرَاهِمِ جَنِيْبًا» متفق عليه

That the Messenger of Allah (saw) employed a man over Khaibar and so he came to him with fine quality dates (Janeeb) and so the Messenger of Allah (saw) said to him: **“Are all of the dates of Khaibar like this?”** He said: “No by Allah O Messenger of Allah, indeed we take a Saa’a of this for two Saa’as and

two Saa'as (of it) for three Saa'as. So the Messenger (saw) then said: **“Don't do that, sell the inferior dates for Dirhams and then purchase the good quality with the Dirhams.”** (Agreed upon).

This applies to all of the Ribaa based types. The following was mentioned in *The Economic System of Islam* (page 254 English edition, page 264 Arabic edition):

*“Also, if a person bought from another a genuine Dinar for two fake Dinars, this would not be allowed. However, if he bought a genuine Dinar for silver Dirhams, then bought with the Dirhams two fake Dinars, this would be allowed whether he bought them from the same person or from another. This is so because Muslim reported on the authority of Abu Sa'id who said: Bilal came to the Messenger of Allah (saw) with some Barni (fine quality) dates, so the Messenger of Allah (saw) enquired: **“Where did this come from?”** Bilal replied: *“These are dates of inferior quality we had for some time, and I exchanged two Sa'as of inferior quality for one Sa'a of fine quality as food for the Messenger of Allah (saw)”*. Upon this the Messenger of Allah (saw) said: **“Woe! this is real Riba so do not do that. If you wish to buy dates (of superior quality) you could sell the dates (of inferior quality) in a separate bargain and then buy the (superior quality dates)”**. Also, Abu Sa'eed and Abu Hurairah reported: That the Messenger of Allah appointed a man as a tax collector over Khaibar, so he came back to him with some fine quality dates called Janeeb. Upon this the Messenger of Allah (saw) said: **“Are all the dates of Khaybar like this?”** He said: *“No, by Allah, O Messenger of Allah! We buy one Sa'a of these fine quality dates for two Sa'as of inferior dates and also two Sa'as of it for three Sa'as”*. Upon this the Messenger of Allah (saw) said: **“Do not do this; rather sell the inferior quality of dates you have for Dirhams and then buy the Janeeb dates with the use of Dirhams”** (Agreed upon).” End of quote.*

It is therefore clear from all of this that the Ribaa based types or categories in the subject area of Sarf (exchange) is like for like whatever its quality as long as what it is named with is that which has come in the Hadeeth. This is the same whether it is gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates or salt for salt.

Based upon that the answer to your question is as follows:

1 – The jewelry that is manufactured from silver or gold, whatever its calibre, must be like for like at the name of exchanging it for its own type. So for example exchanging Rashadi gold for a bracelet or for... etc... whether the calibre is 24 or 18 carat, must be undertaken according to like for like whilst any increase is not valid whether this is for workmanship or profit; it is impermissible. The solution in circumstances like these, if for example the seller and buyer do not wish to do like for like, is for the piece of gold to be sold for currency and then purchase with currency the bracelet or necklace or any other item.

2 – When buying a gold bracelet which includes a clasp (i.e. a part) that is not gold and is not mixed with it but rather it is possible to separate it from it, then in this case it is separated and the gold is weighed alone and is sold alone with its kind in accordance to like for like. This is whilst that (extra) piece is sold by itself in accordance to the price that is agreed upon (between the seller and buyer). This applies in the case when the gold bracelet is being bought with gold.

If however it is desired to buy a gold bracelet which has an extra part attached that is not gold and it is wanted to buy that with currency, then you can agree with the seller any price that you mutually consent to. Then if he weighs it together (i.e. the gold with the non-gold attached part) for a price that he agrees with you then there is no problem in that. This is because the sale and trade here is of two different types where you wish to purchase a gold bracelet with paper currency. In this case he weighs the whole bracelet with what is mixed within it and then sells it to you at a price that you both have agreed upon and this is as long as you are buying the bracelet with a currency which is not gold.

Your brother,
Ata Bin Khalil Abu Al-Rashtah
15 Shawwal 1436 AH
31/07/2015 CE

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The Nuclear Weapons in Pakistan Are a Shield for the Islamic Ummah from Its Enemies

Media Office of Hizb ut-Tahrir in Wilayah Pakistan

Faced with a collapsing economy, a demoralized military, domestic unrest and challenging mid-term elections, the US President, Joe Biden, bared his teeth against the Islamic Ummah, to gain support from his people. On 13 October 2022, Biden said, “And what I think is maybe one of the most dangerous nations in the world: Pakistan. Nuclear weapons without any cohesion.” His brazen comment sparked discussion within Pakistan, which extended to whether the rulers of Pakistan will now abandon nuclear weapons, whilst pleading poverty.

O Muslims of Pakistan! Biden has bared his teeth against you, so answer him in kind. Indeed, the nuclear weapons of Pakistan are not for negotiation or compromise, even if we must tie stones to our bellies. The Islamic Ummah must have effective deterrence against the United States, that indulges in brutal actions, that even animals of the jungle shy from. As for the claim of poverty, that the rulers of Pakistan use to compromise our security, it is caused by the oppressive colonialist economic order, that they themselves implement on Biden’s behalf.

O Armed Forces of Pakistan! Biden has bared his teeth against you, so smash them. Who is Biden to berate you? Biden berates you about hard-earned nuclear weapons, whilst supporting the Hindu State, as it increases its nuclear and conventional capabilities. Biden berates you about nuclear deterrence, whilst demanding that you keep the doors in Afghanistan open for him, after his humiliating military withdrawal. So how dare Biden berate you, when you can, under an Islamic leadership, overturn all of his regional plans, within hours?

O Armed Forces of Pakistan! Who are you, that Biden can berate you, without his teeth being smashed? You are the world’s ninth most powerful armed forces, and its seventh largest. You are located in lands which have been blessed with all manner of material resources by Allah (swt), which flourished under Islamic ruling before, and will flourish again under Islamic ruling. You have been favored by Iman in Allah (swt) and His Messenger (saw), which vastly

multiplies your material capabilities, if you fight in the Path of Allah (swt), seeking victory and martyrdom. So how can you accept for Biden to berate you, as a master berates a slave?

O Armed Forces of Pakistan! It is the ruling by all that Allah (swt) has revealed that will restore dignity, security and prosperity to the Islamic Ummah. It is you that will bring that change, earning the Dua of the Muslims and the Jannah, that Allah (swt) has readied for His (swt) obedient servants. Grant your Nussrah now for the re-establishment of the Khilafah (Caliphate) on the Method of Prophethood. Re-establish the Khilafah that will instill fear within your enemies even before you march, forcing their humiliating retreat and surrender once you mobilize. Allah (swt) said, **وَمَا ذَلِكْ عَلَى اللَّهِ بِعَزِيزٍ** “**And for Allah that is neither hard nor difficult.**” [TMQ Surah Ibrahim 14:20]

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NUSSRAH

Nussrah is the Hukm Shar'i upon which the political future of the Muslim Ummah depends. It is through Nussrah that a state will be established which will end the chain of treacheries faced by the Ummah, beginning ruling by all that Allah (swt) has revealed, unifying the entire Ummah under a single state and spreading the message of Islam to the world through Dawah and Jihad.

The divine evidence of Nussrah is established in the Seerah of RasulAllah (saw). When the society of Makkah became rigid before the message of Islam, Allah (swt) ordered RasulAllah (saw) to present himself to various tribes, to seek their Nussrah. After the death of his (saw) uncle Abu Talib, RasulAllah (saw) started contacting various Arab tribes. The leaders of the tribes of Madinah, the Aus and Khazraj, accepted Islam and gave Nussrah to him (saw).

Through the Nussrah of the Second Pledge of Aqabah, the first Islamic State was established. So, the leaders of Aus and Khazraj were named as Ansar, to be remembered by this honored title until the end of the life of this world.

Today, the need of the hour is that sincere officers in the armed forces of Pakistan follow the footsteps of their Ansaar brothers, granting Nussrah for the re-establishment of the ruling by all that Allah (swt) has revealed. They must uproot the Kufr capitalist democratic system and pledge allegiance to a Khaleefah Rashid for the implementation of the Quran and Sunnah, fulfilling the glad tidings of RasulAllah (saw) when he (saw) said, **ثُمَّ تَكُونُ مُلْكًا جَبْرِيَّةً فَتَكُونُ مَا شَاءَ اللَّهُ أَنْ تَكُونَ ثُمَّ يَرْفَعُهَا إِذَا شَاءَ أَنْ يَرْفَعَهَا ثُمَّ تَكُونُ خِلَافَةً عَلَىٰ مِنْهَاجِ النَّبُوءَةِ ثُمَّ سَكَتَ** "Then there will be a forceful rule and it will remain for as long as Allah wills it to remain. Then He will raise it when He wills to raise it. Then there will be a Khilafah upon the Method of Prophethood." Then he (saw) became silent." (Ahmad).