



Khilafah State Constitution The System of Islam

Note:

This document contains the essential building blocks for an Islamic State known as the "Khilafah State". Its sole function will be to reunite the Ummah (Muslim Nation) worldwide under one leader known as the "Khaleefah" acting as the sole Military Commander and shield for the Muslims worldwide.

Muslims are encouraged to learn about the constitution and reject all man-made constitutions that have been implemented by the colonial powers throughout the Muslim lands. Islamic groups and parties worldwide are encouraged to adopt this constitution as their sole source for construction and nation building purposes. May Allah(swt) assist us in this noble cause - Inshallah.

It is not permitted for any organisation whether they be Islamic or non-Islamic group or political party to modify the contents of this document without consulting the Islamic Truth Group (ITG). This is simply a precautionary measure so that any suggestions or additions can be checked against compliance to laws contained in the Qur'an and the Sunnah(saaw).

ITG



The System of Islam - What constitutes the Khilafah State. How will the State Rule?

The System of Islam

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The Way to Belief

Man revives according to what he carries in terms of thought about life, the universe and man, and about their relationship, as a whole, with what preceded life and what comes after it. Hence, in order for man to progress, it is necessary to radically and comprehensively change his current thought and generate another thought for him, because it is the thought that generates the concepts about things and con-

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

centrates them. Man shapes his behaviour in life according to his concepts about it. Hence, mans concepts about a person he likes shapes his behaviour towards that person in contrast with his behaviour towards a person he hates and towards whom he holds the concepts of hate, and also in contrast with his behaviour towards a person he does not

know nor holds any concepts about. So, human behaviour is linked to mans concepts and when we wish to change the behaviour of the declined man and make it a refined behaviour, it is imperative to change his concepts first. Allah (swt) says:

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

The only way to change man's concepts is by establishing the thought about life on earth in order to set up the correct concepts about it. The thoughts about life on earth will not be established in a productive manner in one's mind unless the thought about the universe, man, life, and about the reality before and after life, and the current life's relationship with what is before and after it is set up. This can be achieved by giving a comprehensive thought about the universe, man and life, because this is the intellectual basis upon which all ideas about life are built. Giving this comprehensive thought about these matters is the solution to man's greatest problem. Once this problem is solved all other problems are solved, because all other problems are either partial compared to the main problem or ramifications of it. This solution wouldn't lead to the correct progress, unless it is a sound solution which is compatible with man's innate nature and which convinces the mind and thus fills the heart with tranquillity.

The true solution cannot be reached except through an illuminated thinking process about the universe, man and life. Consequently, those who yearn for progress and ways of intellectual ascension must first solve

this problem in a correct manner by means of illuminated thought. This solution is none other than the *'aqeedah* which serves as the intellectual basis upon which every thought generated about behaviour in life and about its systems is built.

Islam turned to the greatest problem of man and solved it in a manner that agrees with his nature, convinces his mind, and fills his heart with tranquillity. Islam made the intellectual acceptance of this solution a condition for embracing it. Therefore, Islam is built upon one basis, i.e., the *'aqeedah*, which states there is a Creator behind the universe, man, and life on earth, there is a creator who created them all and created everything: He is Allah. And that this Creator created everything out of nothing. His existence is compulsory and He is not created - otherwise, He wouldn't be a Creator. His being a Creator makes it necessary that He is not created and that His existence is imperative because all things depend for their existence on Him and He does not depend on anything.

The things which are comprehensible to the mind, man, life, and the universe, are limited, weak, imperfect, it is imperative for them to have a Creator. Man is limited, because he grows in every aspect (intellectually and physically) to a certain limit that he cannot surpass. Life is limited, because it manifests itself only in individuals and ends with the individual. The universe is limited, because it is the sum of celestial bodies, and each body is limited, and the sum of limited things is irrefutably limited. Thus, man, life, and the universe are definitely limited. When we ponder on the limited things, we see that they are not *azaly* (eternal - having no beginning or end), otherwise they could not be limited, and therefore, they must be created by something else, which is the Creator of man, life and the universe? This Creator, is either created by someone else, created himself, or eternal and self-subsistent. It is absolutely false that he is created by someone else, because if so this entity would be limited and could not be rationally considered as the Creator. As for being self created, the ramification of which would be simultaneously being created by himself and creating himself. This is simply absurd. Hence, the creator whose existence is imperative must be eternal and self-subsistent. He is Allah.

Anyone who has the mental faculty can comprehend from things that can be sensed that they have a creator. Since they are perceived to be imperfect, weak and dependent, they are definitely created. Therefore, it is sufficient to draw one's attention to anything in the universe, life and man to conclude that there is a creator and an organiser. Hence, looking at any celestial body of the universe, contemplating upon any facet of life, or considering any aspect of man, gives definite evidence to the existence of Allah. Therefore, we see that

the Qur'an draws attention to these things and instructs man to ponder upon them, their surroundings, and what is related to them, and to conclude from his pondering the existence of Allah. If man studies and concludes how things are in need of other things, he will definitely comprehend that the Creator exists. There are hundreds of Qur'anic ayat expressing this meaning. In *surah* Aal-Imran, Allah says:

"Behold! In the creation of the heavens and the earth, and the alteration of night and day, these are indeed signs for men of understanding." [TMQ 3:190]

and in *surah* ar-Rum,

"And of His signs is the creation of the heavens and the earth, and the difference of your languages and colours. Lo! herein indeed are signs for men of knowledge."[TMQ 30:22]

and in *surah* al-Ghashiya,

"Will they not look at the camels, how they are created! And the heaven, how it is raised! And the mountains, how they are set up! And the earth, how it is spread!" [TMQ 88:17-20]

and in *surah* al-Tariq,

"So let man reflect from what he is created. He is created from a gushing fluid, that is issued from between the loins and ribs." [TMQ 86:5-7]

and in *surah* al-Baqarah,

"Lo in the creation of the heavens and the earth, and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sends down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and in the ordinance of the winds, and the clouds obedient between heaven and earth are signs (of Allah's sovereignty) for people who have sense." [TMQ 2:164]

In addition, there are so many ayat that call upon man to ponder deeply upon things and their surroundings and that which is related to them, so that his belief in Allah is firmly established through reason and clear evidence.

Indeed, belief in the Creator, is innate in every man, but such innate belief comes through his emotions, a path which neither leads to trustworthy results nor to accuracy if left alone. The emotions often add mythical and unfounded ideas to the original belief. These unwarranted elements of belief causes one to further stray from the correct belief and catapults one into *Kufr* and infidelity. Idolatry, superstitions, and mythology are the outcome of

mistakes of the emotional faith. Therefore, Islam does not leave the emotions as the only way to belief, so as not to ascribe certain attributes contradictory to divinity, or to consider Allah incarnated in material substances, or to perceive the possibility of approaching him through worshipping material substances whether they are icons or idols, thus, leading to *Kufr* or *shirk*, or to fantasies and superstitions all of which are renounced by true faith. That is why Islam compels the use of a conscious mind with the emotions and obliges the Muslim to use his mind to believe in Allah and forbids imitation in '*aqeedah*. Therefore, Islam assigned the mind as the arbitrator in belief in Allah and forbids imitation in '*aqeedah*. Allah, says:

"Behold! In the creation of the heavens and the earth, and the alteration of night and day, these are indeed signs for men of understanding."
[TMQ 3:190]

Every Muslim must have his conviction and belief based on reasoning, thinking, and pondering, and to assign his and her intellect the role of absolute arbitration in the conviction in Allah (swt). The call to look deeply in the universe to understand its law and to be guided to the belief in the Creator is repeated in the Qur'an hundreds of times in many surahs, all of which are directed to man's faculty, inviting him to think deeply and to ponder so as to base his belief upon reason and clear evidence, and warning him not to imitate his forefathers without investigating, scrutinising, and being ensured in its correctness. This is the belief which Islam called for and not the so called faith of the elders and ancestors. It is the faith of the illuminated and absolutely assured person who searched and contemplated until he came through contemplation and thinking to the assured existence of Allah.

Despite the mandatory use of the mind to arrive at the correct belief in Allah (swt), man is unable to comprehend things beyond the boundaries of his senses and mental faculty because man's mind is limited regardless of how much it develops and grows. Hence, its ability to comprehend is limited, and consequently falls short of comprehending the essence of Allah (swt), because He is beyond the universe, man and life, and the human mind cannot comprehend what is beyond man. Thus, the human mind is unable to comprehend what Allah is. It shouldn't be said how does man believe in Allah with his mind while his mind cannot comprehend what Allah (swt) is? Because belief entails possessing a conviction in the existence of Allah, Who is comprehensible through the existence of His creation, i.e., universe, man and life. These are within the limits of what the mind can conceive and thus, man comprehends them, and from this he can comprehend the existence of a creator who is Allah

(swt). Therefore, the belief in the existence of Allah is rational and within the limits of man's fixed mental capacity. Comprehending Allah's essence is impossible since He is beyond the universe, man and life, and hence He is beyond the capability of any mind. The mind is unable to comprehend what is beyond its bounds because of its inherent limitation to do so. This limitation itself should be one of the factors which strengthens the belief and not a source of suspicion and doubt. Moreover, since our belief in Allah is reached through our mind, our comprehension of His existence is complete. And since our sensing of His existence is linked with the mind this sensing is absolutely sure. Thus, this initiates in us a complete comprehension and assured feeling of all the divine attributes associated with the Creator. All of this convinces us that we will be unable to comprehend the essence of Allah, despite our firm belief in Him. Therefore, we have to submit to all that He has informed us about, which the mind is powerless to conceive or to arrive at its comprehension due to the natural inability of the human mind by its relative and limited standards to comprehend what is beyond it for this comprehension would need absolute and unlimited standards which man neither possesses nor can afford to possess.

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

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

As for proving that the Qur'an is revealed by Allah, it is well known that the Qur'an is an Arabic book conveyed by Muhammad (saw). Thus, it is either from the Arabs, from Muhammad, or from Allah, and it is not possible that it be from any other except these three since it is Arabic in language and style.

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

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

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

And they tried to bring the like of what they were challenged with but they failed to do so. Hence, this book is not their speech because they were unable to bring the like, though it challenged them, and they tried to do so. It is also false to say that it is from Muhammad, since Muhammad is one of the Arabs, and whatever the height of his genius, he was still a human being and a part of his community and nation. Since the Arabs themselves had failed to bring the like, this also applies to Muhammad, the Arab, that he could not bring the like of it. Thus, it is not from him. Moreover, Muhammad (saw) has left hadith *sahih* and hadith *mutawatir*, whose authenticity is beyond refute that speaks to this issue. If any of these ahadeeth were to be compared with any verse of the Qur’an, there would be no similarity between them in style, even though he (peace be upon him) used to utter the revealed verse and say the hadith at the same time. Whenever any man attempts to disguise his words, he will remain similar in style, because his words are a part of him. Since there is no similarity between the hadith and the verse in style, the Qur’an is absolutely not Muhammad’s words. Besides this, none of the Arabs, who were the most acquainted with the styles of the Arabic speech, alleged that the Qur’an is Muhammad’s words, or that it is similar to his words. The only thing that they claimed was that Muhammad had brought it from a Christian youth called Jabber. Allah (swt) refuted what they’d said and responded:

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

Since it is proved that the Qur’an is neither the words of the Arabs nor the words of Muhammad, it is definitely the words of Allah, and consequently it is a miracle for the one who brought it. And because Muhammad brought the Qur’an, and the Qur’an is the words of Allah and His divine law, and because no one brings Allah’s Shari’ah (law) except the prophets and the messengers, then accordingly Muhammad must definitely be a prophet and messenger, by intellectual proof.

This is an intellectual proof for the belief in Allah and in the message of Muhammad, and that the Qur’an is the speech of Allah.

Consequently, the belief in Allah comes through the rational way and this Iman must be by ra-

tional way. And because of it being so it becomes the basis for the belief in all matters beyond our senses and of all that Allah informed us. Because we believe in Allah, Who has divine attributes, we must definitely believe in everything that He (swt) has informed us of, whether it is mentally comprehended or beyond the minds capability. Henceforth, we must believe in the Day of Judgement, in paradise and hell, in reward and punishment, in angels, in *jinn*, in *Shaytan* and all others that the Qur’an or the hadith *mutawatir* has mentioned. This belief, though it is through narration and hearing it is originally rational, since its origin is confirmed in an intellectual manner. Therefore, the Muslim’s ‘*aqeedah* must depend on reason or on that whose origin is confirmed through the reason. Thus, Muslims must believe only in what is proven intellectually through the rational way or the definite narration, that is, what is confirmed by the Qur’an and the hadith *mutawatir*. Belief in anything not deduced through these two methods (i.e. the mind and the text of the book and of the definite hadith) is prohibited, because ‘*aqeedah* should be based on certainty and assurance.

Therefore, there must be *Iman* in what is before this life, Allah (swt), and in what is after it, the Day of Resurrection. Since the commands of Allah constitute the relationship of this life with what is before it, besides the relationship of creation, and the reckoning of one’s deeds in the life of this world is the relationship of the Hereafter with the life of this world, in addition to the relationship of Day of Judgement, there should be a relationship between the life of this world with that which is before it and what will be after it. Man’s situation in this life must be constrained by this relationship. In other words, man must proceed in his life in accordance with Allah’s system, and must believe that all his deeds herein will be reckoned with on the Day of Judgement.

By this discussion, the illuminated thought has been established concerning what is beyond the universe, man and life, and about what is before the life on earth and what is after it, and that there is a relationship with what is before and after it. Hence, the greatest problem has been completely solved by the Islamic ‘*aqeedah*.

Once man has achieved this solution, he can move to the thought about life on earth and to establish sound and productive concepts about it. This solution itself becomes the basis upon which the ideology is built, which serves as the method of intellectual progress (*nahda*) as well as the basis upon which the civilisation of this ideology rests, the basis from which its systems emanate, and the basis upon which the state is established. Thus, the basis upon which Islam is established, both in thought and method, is the Islamic belief or ‘*aqeedah*.

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

After this has been confirmed and the *Iman* in it is an inevitable matter, every Muslim is obliged to believe in the

Islamic Shari'ah as a whole, because it is included in the glorious Qur'an and the Messenger (prayer and peace be upon him) conveyed it. Otherwise, he would be a *Kafir*. Therefore, it is *Kufr* to deny any of the *Ahkam* Shari'ah, whether these *ahkam* (judgements) are connected with *ibadat*, transactions, punishments, food, etc. Like rejection of the verse

"So establish regular prayer" [TMQ 2:43]

is the same as rejecting the verse

"But Allah has permitted trade and forbidden usury," [TMQ 2:275]

and is the same as rejecting the following verses:

"As to the thief, male or female, cut off his or her hands," [TMQ 5:38]

"Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which has been invoked the name of any other than Allah." [TMQ 5:3]

The adherence to the Shari'ah is not only based on the mind. Instead, one must surrender completely to all that was revealed from Allah, whether it seems reasonable or not.

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

Al-Qadaa wal Qadar

In surah A'al-Imran, Allah (swt), says:

"Nor shall a soul die except by Allah's leave, the term being fixed by writing." [TMQ 3:145]

In surah al-A'raf, He (swt) says:

"To every people is a term appointed. When their term is reached, not an hour can they delay it, nor (by an hour) can they advance it (in anticipation)." [TMQ 7:34]

In surah al-Hadeed, He (swt) says:

"No misfortune can happen on earth nor in your souls but it is recorded in a decree before We bring it into existence. That is truly easy for Allah." [TMQ 57 :22]

In surah al-Tawbah, He (swt) says:

"Say: Nothing will happen to us except what Allah has decreed for us. He is our Protector and in Allah, let the Believers place their trust."

[TMQ 9:51]

In surah Sabah, He (swt) says:

"From Whom is not hidden the least little atom in the heavens or on earth, nor is there anything less than that, or greater, but it is in the Clear Record." [TMQ 34 :3]

In surah al-An'am, He (swt) says:

"He it is Who gathers you at night and knows that which you commit by day. Then He raises you again to life, that the term appointed (for you) may be fulfilled. And afterward unto Him is your return and He will show you the truth of all that you did." [TMQ 6:60]

In surah al-Nisa'a, He (swt) says:

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

These *ayat* of the Qur'an, and other *ayat* similar in meaning, are used by many as evidences in the question of *Qada'a* and *Qadar*. They derive the following understanding from these *ayat*: Man is compelled to undertake his actions; Man undertakes his actions under compulsion through the will of Allah (swt); and that Allah (swt), Himself, created man and his actions. They try to support their opinion by the saying of the Supreme:

"But Allah has created you and your handiwork!" [TMQ 37:96]

They also support their point with the hadith of the Prophet (saw), such as: **"The Holy Spirit inspired in my soul that no body will pass away until he accomplishes his livelihood, term of life (ajal), and decree."**

The question of *Qada'a* and *Qadar* has constituted much vital discussion amongst the Islamic schools of thought. In sum, those schools held the following views:

Ahle al-Sunnah: man had *Kasb Ikhtiari* in carrying out his actions. The *Kasb Ikhtiari* means man shifts his power and will towards performing the action by his choice. However, Allah (swt) subsequently brings the action into existence. Thus, man is reckoned on the outcome of this choice.

Al-Mu'tazila were of the opinion that it is man himself who creates his deed and therefore since he initiates the action, he is judged based upon them.

Al-Jabriya held the opinion that Allah (swt), the Supreme, creates man and his work and thus man is not free but compelled to carry out his actions like the feather which floats in the air according to the direction of the wind.

However, when studying this question thoroughly one needs to know the basis upon which the argument is built. This basis should not be whether the actions of man are created by himself or by Allah (swt); It shouldn't be the knowledge of Allah (swt), i.e., that He (swt) knows that man will perform an action and that His (swt) knowledge covers man's actions; It's also not over the will of Allah (swt) related to man's actions, i.e., that these deeds must happen because of this will; It shouldn't be whether or not man's actions are recorded in the *Al Lauh Al Mafouh* (Protected Decree or Register), and thus having to carry out his actions in accordance with what is re-

corded.

Indeed, the basis of this question should not be any of these things, since they have no relationship to the subject of Reward and Punishment. It is merely related to the question of creation, the knowledge covering everything and the will of the Creator relative to all possible matters, and the *Al Lauh Al Mafouh* including everything. This relationship is different from the subject of Reward and Punishment for the action. In other words, is man obliged to perform an action, good or bad, or does he have a choice? And does man have the choice to perform an action or give it up, or doesn't he have the choice?

Any individual who observes the actions of man can conclude that He lives within two spheres:

A. The sphere which man dominates. This sphere is in his performance domain and includes actions performed by man by his choice.

B. The sphere which dominates him and in which he is involved. Actions which occur within this sphere occur without his choice, whether they originate from him or fall upon him.

In regards to the actions that materialise within the sphere that dominates man, man has no choice in them or in their existence. They can be divided into two kinds:

A. The part mandatory by the law of the universe.

B. The second being actions which occur beyond man's control (but are not part of the universal law).

As far as the actions which are part of the law of the universe are concerned, man is in complete and involuntary submission to them. He is obliged to act in accordance with a specific and unchangeable system. Subsequently, man's actions in this sphere occurs without his will and he is obliged and has no choice. Consequently, man came to this life without his will and he will leave it without his will. He cannot fly in the air with his body, walk in his natural being on water, nor choose the colour of his eyes. Man did not produce the shape of his head nor the size of his body. Indeed, it was Allah (swt) who created all of this without any input from man. Allah (swt) created the laws of the Universe, regulated the Universe by this law, and had the Universe run according to these laws without the possibility of change.

Actions which are beyond man's control and yet are not part of the universal law, but cannot be avoided are deterministic. Either he is the subject or the object (unintentionally) of these actions. Examples of such actions are if someone on a wall accidentally falls on a person and thus kills that person, or if someone shoots at a bird and without any intent

hits a person and kills him, or if a car goes off the way, train derails, or plane should crash, without any ability on the part of the pilot or the driver to avoid the accident, the passengers die. All of these examples which emanated from man or involved him materialised without his will and were beyond his ability to control them. Those actions are within the sphere which dominates man, yet they are not part of universal law. They occur from him or affect him without his will and beyond his control sphere. All of the actions which occur within the sphere that dominates man are termed *Qada*, since Allah (swt) has predetermined them. Therefore, man is not reckoned about these actions, whether they are classified as beneficial, harmful, liked or disliked - although Allah (swt) alone knows the good and bad consequences of these actions - because man has no influence on them. Man does not have enough information about them nor the manner in which they are brought into existence. Additionally, man is unable to initiate or to avoid them at all. Man must believe in this *Qada* and that this *Qada* is from Allah (swt).

As for *Qadar*, it is evident that the actions which occur, either in the sphere dominating man or in the sphere that man dominates, emanate from or upon things in the universe, man and life. Allah (swt) created certain attributes in these objects. For example, He (swt) created in fire the attribute of burning, in wood the attribute of catching fire, and in the blade the attribute of cutting. He (swt) made the attributes an integral and perpetual part of the objects according to the laws of the universe. When it happens that the attributes are no longer present, it means Allah has eliminated them and such an event would be unnatural. These are miracles and only happen to the. Likewise, in the manner that Allah (swt) created attributes in the objects, He created in man instincts and organic needs. He (swt) created in the instincts and organic needs specific attributes. Hence, He (swt) created in the instinct of reproduction the attribute of sexual inclination and worship, and survival. He (swt) created the organic needs the attributes of hunger/thirst, and He (swt) made these attributes accompany those instincts and organic needs according to the necessity of existence. The particular attributes that Allah (swt) has created in objects, instincts and organic needs are collectively termed as *Qadar*. This is because Allah (swt) alone created the objects, instincts, organic needs and pre-characterised (*Qaddara*) them with particular attributes. These attributes are not produced by the objects nor does man have any input or influence on their existence. Therefore, man must believe that it is Allah (swt) who has decreed these attributes in objects. However, these attributes can be used as means for an action by man. Thus actions will either be according to the commands of Allah and is thus good, or contradicting his commands and therefore bad (using objects with attributes or responding to his instincts and organic needs). Man's action can conform or run counter with the commands of Allah (swt), thus doing good if it is in conformance with Islam and bad if it is not.

Accordingly, all actions - good or bad - that occur within the sphere that dominates man are from Allah (swt). Also, all the attributes of objects and the instincts and organic needs - whether resulting in good or bad - are from Allah (swt). Consequently, a Muslim must believe

that *Qada'a* - good or bad - is from Allah (swt) i.e. that actions beyond his sphere of influence are from Allah. He (swt) must also believe that *Qadar* - good or bad - is from Allah (swt) i.e. he must believe that attributes of things found in their nature are from Allah whether those resulting in good or in bad effects and unto which man has no influence. Thus man's lifespan (*ajal*), provision (*rizq*), and himself (*ruh*) are all from Allah (swt). On the same token, the sexual inclination, and tendency towards ownership found in the instincts or reproduction and survival, and thirst and hunger, of the organic needs, are all established in man by Allah (swt).

This is in respect to the actions that occur within the sphere that dominates man and the attributes of all things. As for the sphere that man dominates, it is the sphere in which he proceeds freely according to the system he chooses, whether it is Allah's law (*Shari'ah*) or any other. In this sphere, actions carried out by man or involving him occur by his free will. For example, he walks, eats, drinks and travels at anytime, wherever or whatever he likes. Likewise, he refrains from doing any of these things when he likes. He also uses fire and cuts with a knife when he chooses. He satisfies the instincts of reproduction and ownership and hunger of his stomach as he likes. He freely performs or abstains from any action. Therefore, man is reckoned on these acts which occur within this sphere.

The attributes in objects, instincts, and organic needs are ordained and are an integral part of creation established by Allah (swt). They influence the outcome of the actions but do not in themselves initiate the action. It is man himself who initiates the action when using them. Hence, the sexual inclination in the instinct of reproduction has the potential for good and bad, and the hunger present in the organic need has the potential for good and bad. The one who acts good or bad is man and not the instinct or the organic need. This is because Allah (swt) created for man the mind which has the ability to comprehend, distinguish, and decide. He also guides man to the awareness of the path of good and bad.

"And we showed him (the man) the two paths (of good and bad)." [TMQ 90:10]

Allah also creates in man the comprehension of vice and righteousness.

"And inspired it (with conscience of) what is wrong for it and what is right for it." [TMQ 91:8]

When man responds to his instincts and organic needs in a manner agreeing with the commands of Allah (swt), he performs the good and proceeds in the way of righteousness. When he responds to the instincts and organic needs deviating from the commands of Allah (swt), then he performs the bad and proceeds in the way of vice. Therefore, the good and bad emanates from man. He responds to

the needs according to the commands of Allah and thus acts in a good way or responds in a way deviating from Allah's (swt) commands and then acts badly. Consequently man is reckoned on this basis about his actions which occur in the sphere that he dominates, thus he is either rewarded or punished because he has undertaken those actions freely without any coercion.

Although the attributes of the instincts and organic needs are from Allah (swt), and their potential for good and bad is also from Allah (swt), Allah (swt) didn't establish them in a way forcing man to use them, whether in a way that satisfies or angers Allah (swt) i.e. in good or bad. This is similar to the attribute of burning which does not compel one to burn neither in the burning which satisfies Allah (swt) or in the burning which angers Him (swt) i.e. in good and bad. However, these attributes that are inherent in the objects, instincts, and organic needs are created in a specific manner and will manifest themselves whenever man fulfils the instincts and organic needs in the afforded way.

When Allah (swt) created man with his instincts, organic needs, and the mind, He (swt) endowed him with the choice to carry out or abstain from an action. Allah (swt) did not compel him to carry out or to abstain from the action. Furthermore, He did not make the attributes of the objects, instincts and organic needs as compelling factors that make man carry out or abstain from an action. Man is therefore free, to perform or abstain from an action by the use of his mind. Allah (swt) made man accountable because of the latter having a discerning mind. Accordingly, Allah (swt) will reward man for performing the good because his mind chose to obey the commands of Allah (swt) and Allah (swt) would punish for performing the bad because his mind chose to disobey the commands of Allah (swt) by responding to his instincts and organic needs in a way contrary to the commands of Allah (swt). Therefore, man's accountability is righteous and just, because he is free to carry out his action without compulsion. In this question, the *Qada'a* and *Qadar* is irrelevant. It's rather to do with man carrying out his actions freely and therefore he is responsible for what he receives. Allah (swt), the Supreme, says: *"Every soul is a pledge for its deed"* [TMQ 74:38]

As for the knowledge of Allah (swt) (*'Ilmu Allah*), it does not force man to carry out an action. Allah knows that man is going to freely undertake an action. To carry out this action is not based on the knowledge of Allah (swt), rather, the knowledge of Allah (swt) implies He knows what action man is going to carry out. With regards to "the writing in the *Al-Lauh al-Mahfouh*", it is an expression for the knowledge of Allah of everything.

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

This is the issue of *al qada'a wal qadar* which will stimulate man to do good and avoid evil when realising that Allah (swt) is watching him and will account him for his actions and that he has endowed him with the choice to act or abstain. If man does not choose the right actions, he will be severely reprimanded and punished. Therefore, we find the true believer, who understands the concept of *al qada'a wal qadar* and who is fully acquainted with the mental faculties and decision making capabilities that Allah (swt) has endowed him with, very careful in observing Allah's (swt) orders and being afraid of Him (swt). He endeavours to comply with the commands of Allah (swt) and to abstain from what is forbidden, because of his fear of the punishment of Allah (swt) and his yearning for Paradise. Ultimately, the believer yearns to attain that which is greater than all of this, namely the pleasure of Allah (swt) (*Ridwan Allah*).

The Intellectual Leadership of Islam (*Al-Qiyadatul Fikriyatul fil Islam*)

Whenever the level of thinking declines, the *wataniyah* (patriotic bond) amongst people arises. It arises in a land to which they are attached. The survival instinct pushes them to defend themselves and the land they live on and automatically leads to the patriotic bond. This patriotic bond is the weakest and lowest level of bond, it is present amongst animals and birds as well as human beings.

It manifests itself in an emotional manner and is necessary in the event of a foreign aggression against the land, either when attacked or occupied. The patriotic bond never arises when the land is safe from aggression. It ceases when the foreigner is repelled or banished from the homeland. Therefore, this bond is primitive.

Moreover, when the thinking level is narrow, the *qawmiyah* (nationalism) arises. It is similar to a family bond though in a broader sense. Once the survival instinct is deeply rooted in the individual it manifests towards the inclination to dominate others. The inclination to dominate is individualistic in a man of low intellect. However, as the individuals horizon broadens his inclination to dominate widens, thus his attempts to dominate increases from his family, then to his people in the homeland and once that is achieved the dominance of his people over all other people becomes

the objective. The struggle for dominance creates internal feuds amongst the members of the family. Hence, when the dominance within the family is settled then the feud transfers to a feud between his family and other families until the dominance is settled in favour of one family or a group of people from different families. In the end, the conflict arises between his people and others for dominance and achieving a high standard of living.

Racialism prevails amongst the people sharing this bond who are subject to whims and selfishness. Consequently, it is an inhumane bond and it remains exposed to internal feuds if it is not preoccupied with external conflicts.

Therefore, the patriotic bond is unsuitable for the following three reasons:

1. It is a primitive bond not serving to bind man with man in his quest for revival.
2. It is an emotional bond arising from the survival instinct of defending oneself. Such an emotional bond is liable to change and does not serve as a perpetual bond binding human beings.
3. It is a temporary bond that exists in the case of threat, but in the state of stability, which is the normal state of man, it does not exist. Therefore, the patriotic bond does not deserve to be a bond amongst mankind.

Whereas, the nationalistic bond is also unsuitable for the following three reasons:

1. It is a tribal bond which does not serve to bind man with man in his way for revival.
2. It is an emotional bond that arises from the survival instinct with its inclination to dominate.
3. It is an inhuman bond which causes conflicts for domination among people. Therefore, it does not deserve to be a bond between mankind.

As for the other invalid bonds which are mistakenly taken as bonds they are:

- Bond of self-interest (*maslaha*)
- Spiritual bond from which no system emanates.

The bond of self interest is a short lived bond and does not serve to bind mankind, since it is vulnerable to compromise in the pursuit of greater interests. Consequently, it ceases to exist when the interests are outweighed and if the interests differ the bond terminates. Additionally, it separates people from each other and when the interests are attained this bond ceases to exist. Therefore, it is a dangerous bond for its adherents.

The spiritual bond from which no system emanates appears in the practical status of religiosity and does not manifest itself in the walks of life. Therefore, the spiritual bond is partial and an impractical bond not suitable to bind people in the affairs of life. Hence, the Christian dogma did not serve as a bond amongst the European nations, though it is embraced by them, because it is a spiritual bond devoid of a system.

Consequently all the aforementioned bonds do not serve to bind man with man in his quest for revival. The only true bond which binds mankind in life is the rational doctrine from which a system emanates. And this is the ideological bond.

The ideology (*mabda*) is a rational doctrine from which a system emanates. The doctrine (*'aqeedah*) is a compre-

hensive idea about the universe, man, life, what preceded this life, what is to follow it, and the relationship of this life with what preceded it and what is to follow it. As for the system that emanates from this doctrine, it is the solution for man's problems, the method for implementing those solutions, preserving the doctrine, and conveying the ideology to others.

The method of implementing the solutions, preserving the doctrine, and conveying the ideology constitutes the *tariqa* (method) while the *'aqeedah* and the solutions constitute the *fikra* (idea). Consequently, the ideology is composed of the idea and the method.

The ideology comes into existence through the mind of a man either through revelation sent to man from Allah (swt) combined with an order to convey it or through a genius capacity acquired by a man.

As to the ideology which comes into existence in the mind of a man revealed from Allah (swt). This is the correct ideology since, it is Allah (swt) who is the Creator of the universe, man and life. Therefore, it is conclusively a definite proven ideology. Whereas, the ideology which sparks in the mind of man because of his genius is false since it is developed by a limited mind which is not all knowing. Furthermore, man's ability to set a system is liable to disparity, differences, contradictions, and influence of the environment in which he lives. A fact which produces a contradictory system leading to man's misery. Therefore, the ideology which arises in a man's mind is false in its *'aqeedah* and system.

Consequently, the basis of the ideology is a comprehensive idea about the universe, man, and life and the method which brings the ideology into existence and implemented in all aspects of life, to ensure the existence of the ideology is mandatory. The comprehensive idea is the basis of the ideology since it constitutes the *'aqeedah* and the ideological leadership. Based on the *'aqeedah*, the ideological direction of man and his viewpoint in life is defined. Moreover, all thoughts are built upon it, and the solutions for life's problems emanate from it. The method is essential, because if the system that emanates from the doctrine does not include the method of implementing such a system, preserving the *'aqeedah*, and conveying *da'wah*, then the idea would turn to be a hypothetical and fanciful philosophy in pages of books without any effect in the life.

Hence, the doctrine, the solutions for the problems, and the method are all necessary for the ideology to come into existence. However, the mere presence of the idea and the method from which a system emanates does not denote that the ideology is correct, it simply denotes that it is an ideology, and nothing more. The matter which determines the validity of the ideology is the *'aqeedah*. Because the *'aqeedah* is the intellectual basis upon which every idea is built, views are defined, and from which every solution and method emanates. Therefore, if the intellectual basis is correct the ideology will be correct, and if

the basis is false the ideology will be false.

If the comprehensive idea (doctrine) is in harmony with man's nature and is built upon the mind it will be correct. However, if it disagrees with man's nature and is not built upon the mind it will be false. The compatibility with man's nature means that the *'aqeedah* recognises the natural weakness and need of man for the Creator, the Sovereign, i.e., it agrees with the instinct of religiosity. Building the doctrine on the mind means that it is not built on materialism or a solution arrived through compromise.

If we examine the ideologies that exist in the world, we will find only three: Capitalism, Communism and Islam. The first two ideologies are implemented by states, while Islam is not carried by a state, but rather by individuals within different peoples, nevertheless it is internationally existent in the whole globe.

Capitalism is based upon the separation of religion from life. This idea constitutes its doctrine, its ideological leadership and its intellectual basis. According to this intellectual basis man lays the system for life and it is necessary to preserve for man the following types of freedom: freedom of belief, freedom of opinion, freedom of ownership and personal freedom. The Capitalist economic system has arisen out of the freedom of ownership and capitalism has become the most prominent feature that has sprung out from the doctrine of this ideology. Thus, this ideology is called Capitalism named after its most prominent aspect.

As for democracy, which is ascribed to this ideology, it stems from man laying his own system. The people are therefore, the source of authority. They determine the structure and function of the system, employ the ruler to govern them, and take away the authority from the ruler when they want to and establish for him the laws they like. This is because ruling is a contract between the people and the ruler to rule according to a system people choose to be applied.

Though democracy is a part of capitalism, it is less prominent than the economic system. Because the Capitalist economy in the West influences the government to the extent that the Capitalists are effectively the real rulers in the Capitalist countries which implement Capitalism. Moreover, democracy is not limited to this ideology, since the Communists also claim to be democratic and pretend that governing belongs to the people. It is therefore more accurate to call this ideology the Capitalist Ideology or Capitalism.

This ideology emerged when the emperors and kings of Europe and Russia were using religion as a means to exploit the people, transgress against them and suck their blood. The clergy was used as an instrument for this. There arose, as a result of the oppression, a bloody struggle in which the philosophers and thinkers went as far as denying religion. While, others acknowledged religion but called for its separation from life. Eventually, the opinion of the majority of the philosophers and thinkers settled on one idea, the separation of religion from life. It naturally resulted in the separation of religion from the state. Thus, the opinion settled on avoiding the discussion of religion, whether in denial or recognition, and instead confined discussion to the necessity of separating religion from life. This notion constituted a compro-

mise between the clergy, on the one hand, who sought to control everything in the name of religion, and the philosophers and thinkers, on the other hand, who denied religion and theocracy. Therefore, this idea does not deny religion nor does it allow it to interfere in the life, instead it just separates it from life. Consequently, the doctrine which was embraced by the West is the separation of religion from life, and this doctrine is the intellectual basis upon which all thoughts are built, the basis for the intellectual direction of man and his viewpoint in life. It is the basis for solving all of life's problems. It is the intellectual leadership carried and propagated in the world by the West.

The separation of religion from life implicitly recognises religion, and by doing so, it recognises that there is a Creator of the universe, man and life, and that there will be a Day of Resurrection. Since, these are the origins of religion as a religion. It provides an idea about the universe, man, life, and what preceded this life and what is to follow it because it didn't deny the existence of religion. When it claimed the separation of life from religion it actually confirmed its implicit existence. Therefore it proved the existence of religion and gave the idea that there is no relationship between this life with what preceded it and with what is to follow it, and that religion is a mere relationship between the individual and his Creator. Accordingly, this doctrine (separation of religion from life), by its all inclusive concept, constitutes a comprehensive idea about the universe, man and life. Thus capitalism, by this explanation, is an ideology like any other.

Socialism which led to Communism views the universe, man, and life as only matter and that matter is the origin of all things. The evolving of this matter brought all things into existence and thus there is nothing beyond matter. Therefore, matter has no beginning and no end, is everlasting and self-existing, i.e. not created by anyone. Communists, therefore, deny that matter is created by a Creator. They deny the spiritual aspect of matter and view the recognition of the spiritual aspect as constituting a threat to life. Consequently, they maintain that religion is the opium of the masses which sedates and hinders them from action. They believe in nothing but matter, even thought is claimed to be a reflection of matter on the brain. Hence, matter, for them, is the origin of thought and the origin of everything and through the materialistic evolution all things are brought into existence. Accordingly, they deny the existence of the Creator and consider matter to be eternal, and thus, they deny what preceded this life and what is to follow it and fail to recognise anything except this life.

In spite of the differences between these two ideologies in respect to their view about the universe, man and life, yet both agree that the ideals to be sought by man are the sublime values that man lays down for himself, while happiness is to enjoy the optimum level of sensual gratification which in their opinion are the means to happiness, even happiness itself. The two ideologies also agree

upon preserving the personal freedom of the individual so man can act as he likes, however he desires, as long as he sees his happiness in that action. Therefore, the personal freedom of the individual is a part of what is sanctified by these two ideologies.

Both ideologies differ in their view of the individual and society. Capitalism is an individualistic ideology which assumes society to be composed of individuals. It pays secondary attention to society and concentrates its attention on the individual. Therefore, it considers it necessary to secure the freedoms of the individual. In order to ensure this freedom, every member works for the sake of society. Freedom of belief is, therefore, one of the things sanctified by this ideology. Freedom of ownership is also sanctified and not restricted by its philosophy but by the government which intervenes to guarantee the liberties. The government implements these restrictions by the police and through law enforcement. The state, however, is considered a means and not an end in itself. Sovereignty ultimately belongs to the individuals and not to the state. Accordingly, capitalism carries an ideological leadership, which is the separation of religion from life's affairs, and on the basis of this leadership capitalism implements its laws, calls for, and attempts to be applied everywhere.

Socialism and Communism is an ideology which views society as a collective group consisting of human beings and their relationship with nature. Thus, people will submit to this relationship inevitably and automatically. This collective is one single unit of man, nature, and relationships, and all constitute one whole and not parts separated from each other. Nature is considered to be a part of mans character, the part he carries in himself. man does not evolve without being connected with this part of his personality, i.e., nature, because mans relationship with nature is like the relationship of the thing with its own essence. Accordingly, society is considered to be one unit whose three elements evolve together as a whole. And thus man has to revolve within this group like a spoke in a wheel. Therefore, Communists hold no freedom of belief or economical ownership for the individual; belief and economy are defined by the state. Consequently, the state is also one of the things sanctified by this ideology. From this materialistic philosophy, life's systems have emanated and the economic system was considered the primary basis and the main factor in determining other systems. Hence Socialism and Communism carries an ideological leadership which is materialism and dialectic materialism and on this basis it implements its systems, calls for them and attempts to apply them everywhere.

As for Islam, it holds that beyond the universe, man and life, there is a Creator, who created them all. Therefore, its basis is the conviction in the existence of Allah (swt). This 'aqeedah has defined the spiritual aspect in everything, which means the creation of the universe, man and life by a creator. Likewise, the relationship of the universe with Allah (swt) and the relationship of the life and of man with Allah (swt) is the spiritual aspect of the universe, life and man. The spirit (*ruh*), therefore is man's comprehension of his relationship with Allah (swt).

The belief in Allah (swt) must also be linked to the belief in the Prophethood of Muhammad (saw), his Message, and that the Qur'an is the speech of Allah (swt). Hence, it

is obligatory to accept all that the Qur'an has informed us of.

Accordingly, the Islamic *'aqeedah* makes it compulsory to believe in what had preceded this life (Allah), and to believe in that which is after this life - the Day of Resurrection. It also obliges man to believe that in this life he is restricted by the commands of Allah (swt); which constitutes the relationship with what preceded this life. Man will be reckoned as to whether he obeyed these commands. This accountability constitutes the relationship of this life with what is to follow it. Inevitably, a Muslim must realise his relationship with Allah (swt) when undertaking any action, and direct his actions according to the commands of Allah (swt). This is the meaning of mixing matter and spirit. The ultimate aim of directing Muslims actions according to the commands of Allah (swt) is to attain His (swt) pleasure. While the immediate end sought in undertaking the action is the value the action yields.

Therefore, the ideal aims to protect the society are not instituted by man, but rather by the commands of Allah (swt) which are consistent, neither adapting, changing, nor evolving. The protection of the human race, mind, human dignity, private property, religion, security and state are all fixed ultimate aims to protect society, and they are not subject to change or development. Islam has assigned a firm penal code to protect these aims. It is obligatory to protect these aims, because they are the commands of Allah (swt) and not because they produce material value. Accordingly, the Muslim and the state undertake all actions according to the commands of Allah (swt), because they and only they (the commands) should govern all of mans affairs. Undertaking actions according to the commands of Allah (swt) provides a Muslim with tranquillity. Hence, happiness is not satisfying the sensual gratification, it is rather attaining the pleasure of Allah (swt).

In respect to mans organic needs and instincts, Islam has organised them in a way that ensures their satisfaction such as the spiritual requirement, along with the dietary and sexual needs. However, this is not done at the expense of some over the others, or by suppressing or setting others loose, or setting all of them loose. Instead, Islam has co-ordinated all of them and satisfied them through a precise system which produces delight and comfort for man and prevents him from lapsing to the level of the animal which satisfies its instincts in a chaotic manner.

To maintain this organisation of organic needs and instincts, Islam considers the community to be an indivisible whole, and rather views the individual as an attached part of the community, and being a part of the community, the individual is not perceived as a spoke in a wheel, rather the individual is viewed as a being a part from a whole like a hand being a part of the body. Thus, Islam took care of the individual as part of a community and not separate from her such care leads to the protection of the community. At the same time, Islam took care of the community not as being a

whole devoid of parts, but in her capacity as a whole comprising parts i.e. individuals. So this given care leads to the protection of these individuals, each as a part of the community. Prophet Muhammad (saw) said: **“The example of those who maintain Allah’s limits and those who surpassed the limit is like the example of those who share a boat. Some would occupy the lower while others the upper deck. The occupants of the lower deck would have to go to the upper deck to have access to the water. They said, why don’t we drill a hole in the lower deck to directly access the water so as not to cause any inconvenience to those above us. If those on the upper deck allowed this to happen then the entire boat with all the passengers would sink. However, if they prevented them from doing so then all would be saved”.**

This outlook of the community and the individual establishes a distinct concept about society. The individuals as part of the community must have thoughts that bind them together by which they live. They must also share the same sentiments which affect and motivate them. Additionally, they must have one system to address all of their life’s problems. Hence, society is composed of individuals, thoughts, sentiments and systems. man has to be bonded in this life by these thoughts, sentiments and systems. A Muslim is, therefore, bonded in all matters of this life by Islam and he does not have freedoms at all, since a Muslim’s *'aqeedah* is restricted by Islam’s commands and is not left unrestricted. Consequently any one who renounces Islam is considered to have committed a capital crime and his apostasy is met with capital punishment if he does not repent. Similarly, personal matters are restricted by the system of Islam. Hence, *zina* is a crime for which the adulterer is severely punished without any pardon and in public. Allah (swt) says:

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

Drinking *khamr* is a crime that also invokes punishment. Likewise, acts of aggression against others constitutes a crime that is treated case by case according to the type of aggression, such as false accusation of *zina*, murder etc. Economic aspects are restricted by the *Shari’ah*, by means of ownership permitted by the *Shari’ah*, and the manner by which Islam defined private property. Private property is defined as the *Shari’ah* permission to derive benefit from the owned property.

Consequently, transgressing these restrictions is considered a crime, which differs according to the type of transgression, such as theft, robbery, etc. Thus, a state which protects both the community and the individual and implements the system in the society is mandatory. It is necessary that the ideology influences its adherents so that its protection is naturally coming from the people themselves. Accordingly, it is the ideology which restricts and protects the entire society while it is the state which implements the legislation set by the ideology. Sovereignty, therefore, belongs to Allah (swt) and His (swt) *Shari’ah* not to the state or the nation, though, the authority belongs to the nation and is practised by the state. Hence, the state is the method for implementing the system, although the individuals piety (*taqwa*) of Allah (swt) can be relied upon for his adherence to the laws of Islam. Therefore, it is necessary to have the legis-

lation implemented by the state and orienting the individual to comply by Islam through his *taqwa*.

Islam is therefore comprised of an '*aqeedah* and systems and the Islamic ideology is both a *fikra* and a method which is an integral part of the *fikra*. Its system emanates from its '*aqeedah* and its *hadarah* (civilisation) constitutes a unique way of life. The Islamic method in carrying the *daw'ah* is by implementation of Islam through the State and carrying it as an intellectual leadership to the world which should be the basis for understanding and practising Islam. Applying Islam on the people who are governed by the system of Islam is considered carrying a *da'wah*, because applying Islam on non-Muslims is considered to be one aspect of the practical method for the *da'wah*. It is through this implementation this vast Muslim world came into existence.

To summarise three ideologies exist in the world, Capitalism, Socialism and the third ideology is Islam. Each of these ideologies has its own doctrine from which a system emanates, a measure for man's actions, a particular view of society, and a method to implement the system.

As for '*aqeedah* the Communist ideology holds that matter is the origin of things and that all things emanate from is by means of materialistic evolving i.e. dialectic materialism.

The Capitalist ideology believes that religion must be separated from life which results in the separation of religion from the state. Hence, the Capitalists don't discuss the issue whether a Creator exists or not, they merely discuss the point which says that the Creator has no right to interfere in the life regardless of whether his existence is acknowledged or not. Consequently, those acknowledging the existence of a Creator and those who deny it are equal in the Capitalist doctrine which is the separation of religion from life.

As for Islam, it believes that Allah (swt) created everything in existence and that He (swt) sent prophets and messengers with His (swt) deen to human beings, and that man will account for his actions on the Day of Judgement. Therefore, Islam's '*aqeedah* is the belief (*Iman*) in Allah (swt), His angels, His books, His messengers, and the *Qada'a* and *Qadar*, the good and bad of which are from Allah (swt). However, regarding the manner in which the system emanates from the doctrine, Communism maintains that the system is taken from the tools of production, thus the feudal system was the product of the dominant mode of production in the feudal society, namely the axe. The evolution of society to Capitalism made machinery become the tool of production, thus the Capitalist system is taken from this mode of production through dialectic materialism. Capitalism in separating religion from life, maintains that it is man who sets the system for this life based upon his situation. Islam considers that Allah (swt) has assigned a system for man to proceed in this life. He (swt) has sent Muhammad (saw) with this system which was revealed to him (saw) and man must follow it. Hence, a Muslim studies the problem and deduces its solution from

the Qur'an and the Sunnah.

As the measure for actions, Communism considers materialism, i.e. the materialistic system, so as matter evolves so does the measure. Capitalism considers the measure to be benefit, and on this basis, actions are evaluated. Islam considers the *halal* and the *haram* as the measure, i.e. the commands of Allah (swt). Accordingly, the *halal* is performed and the *haram* shunned; the measure neither evolves nor changes, nor is it influenced by benefit, and thus it is only the *Shari'ah* which governs.

As for society Communism considers it consisting of a whole unit comprising of earth, modes of production, nature, and man which all are considered to be matter. When nature and its content evolve man evolves with it, thus the society evolves. Consequently, society is subjugated to evolving materialism. Therefore, man has to only bring forth the contradictions to promote this evolutionary process. When the society evolves the individual evolves with it and thus man revolves with the society like a spoke in a wheel.

Capitalism views society as composed of individuals. Hence, if the individual's affairs are managed the society's affairs will be managed. Care is therefore, only given to the individual while the government acts only on the individual's behalf. Consequently, this ideology is individualistic.

Islam views the '*aqeedah* as the basis of society. This '*aqeedah* includes its thoughts, sentiments and the system which emanates from it. Thus, the Islamic society is brought into being when the Islamic thoughts and sentiments dominate and the Islamic system is implemented among the people.

Society is therefore comprised of man, thoughts, sentiments and the system. For a person together with another person constitutes only a group. A society comes into existence when people adopt the same thoughts, share the sentiments, and apply the same system upon them. When people live together there arise common interests which requires. However, if thoughts, sentiments and systems this relationship amongst the people are united. If the thoughts about it or sentiments towards it or systems are different, then the relationship would not exist and consequently the society would not exist.

Therefore, society consists of man, thoughts, sentiments and systems, because these alone establish continuous relationships and make a group of people a distinct society.

If all people in a society were Muslims, but the thoughts they adopted were democratic and Capitalistic, their sentiments were spiritual, patriotic or nationalistic, and the system applied upon them was democratic and Capitalistic then the society would be non Islamic, even if the majority of the people were Muslims.

Concerning the implementation of the system, Communism considers that the state alone implements the system through an iron fist. The state develops the system and takes care of their affair on behalf of the individual and community. The government in capitalism oversees the sanctification of liberties. So if someone violated the freedom of an individual, then the government will act to prevent the violation. However, if someone did not violate

the liberty of others rather, exploited and took away and took the individuals right, with his consent, then there would be no violation of liberty. The state would not interfere because again the state exists to maintain the liberties.

Islam considers that the system is implemented by the individual's consciousness (*taqwa*) and by the state through: the awareness in society about Islam's justice, the co-operation between both the nation and the ruler through *amr bil maruf wa nahiy anil munkar* (enjoining the good and forbidding the evil) and the authority of the state.

The state takes care of the community affairs and the affairs but not the individual unless if he is unable to do so and the system does not evolve at all. The state has the authority to adopt the rules (*Ahkam Shari'ah*) when there is more than one opinion of *ijtihad* on an issue.

The intellectual leadership of Islam is comparable with man's nature and in spite of its depth it is easily understood. One's heart and mind are quickly opened to it, eagerly trying to understand it, and pondering over its details with appreciation. This is because the instinct of religiosity is part of man. Every man is religious by nature and no power can remove from him this innate quality because its deeply rooted in him. Man, by nature, feels incomplete, and that there is a greater power which deserves to be sanctified. Man's instinct of religiosity arises from his natural weakness thus constituting his need for the Creator.

It is a permanent instinct in man with specific manifestation requiring sanctification. Consequently, mankind is religious and has always worshipped something throughout history. Humanity has worshipped man, planets, stones, animals, fire and other things. Islam, however, with its doctrine came to lead man away from worshipping created things to the worship of Allah (swt) who created everything. The advent of the materialistic ideology, which denies the existence of Allah (swt) and our relationship with Him (swt), could not put an end to this innate religiousness. However, it succeeded in shifting man's conception of power greater than himself to its reverence to the ideology and its advocates.

Thus, it shifted people's sanctification of worshipping Allah (swt) to worshipping man, and away from venerating the *ayat* of Allah (swt) to venerating man's words. So it brought backwardness in man's worship. It could not put an end to religion, which is innate. Instead, it distorted and diverted it in a reactionary way.

Therefore, the intellectual leadership of the materialistic ideology (Communism) is a negative leadership incoherent with man's nature and thus it is a failure from this perspective. It manipulates the people through appealing to their stomach. It attracts the deprived, the poor, and the defeated ones. Those who adhere to it are low in their thinking, the failures, anarchists and mentally devious people who aspire to be known as intellectuals when they arrogantly talk about the theory of dia-

lectics whose failure is proved by both the intellect and in reality. It has to resort to force and brutality to subjugate people to its ideology. Hence, oppression, suppression, anarchy, turmoil, destruction and agitation are its most important instruments.

The Capitalistic ideological leadership likewise disagrees with man's nature, i.e., the instinct of religiosity. This instinct of religiosity becomes apparent in sanctification as well as in management of man's affairs in life. The inconsistency and contradictions appear when man undertakes this management, a matter which testifies to man's inability.

Consequently, a *deen* revealed from the Creator must manage man's affairs in life. The separation of religion from life contradicts man's nature. The presence of religion in life does not mean viewing all of life's daily functions as religious rites. Rather, the presence of religion in life means to address all of man's problems with Allah's (swt) system, a system that emanates from the *'aqeedah* which agrees with man's nature. To remove this and replace it with a system which emanates from the idea of separation of religion from life disagrees with man's nature. Therefore, the intellectual leadership of Capitalism is negative since it fails to address man's nature. It separates religion from life, banishes religiousness from life by making it an individualistic affair, and prevents Allah's (swt) system from addressing man's affairs.

The Islamic intellectual leadership is positive since it establishes the mind as the basis for the belief in the existence of Allah (swt). Islam draws man's attention to the elements of the universe, man and life to conclusively and decisively deduce the existence of Allah (swt), the Creator of these things. This defines for man the utmost perfection which he innately searches for and does not exist in him, the life, or the universe and directs man's mind to this utmost Supreme, comprehending His (swt) existence, and believing in Him (swt).

The Communist intellectual leadership is built upon materialism and not the intellect. It considers that matter existed before thought and matter to be the origin of all things, hence it is materialistic. The Capitalist intellectual leadership however, is based upon a compromise reached after a bloody struggle between the clergy and the intellectuals which had lasted for many centuries and it resulted with the idea of separation of religion from the state. Therefore, both the Communist and Capitalist intellectual leaderships failed since they contradict man's nature and are not built upon the intellect.

In conclusion, of the three doctrines, only the Islamic doctrine is correct, because it is built upon the mind and it agrees with man's nature and, thus man positively responds to it, whilst the other doctrines are not built upon the mind and they disagree with man's nature.

The Communist doctrine maintains that matter precedes thought thus it is built on matter and not on the mind. It maintains that thought is the reflection of the matter onto the brain. Prior to the reflection of the matter onto the brain there was no thought, and accordingly everything is built upon matter. Consequently, the origin of the Communist intellectual leadership is matter and not thought.

This perspective is wrong for two reasons:

There is no reflection between the matter and brain. The brain does not reflect upon matter, neither does matter reflect on the brain. Reflection requires that objects be endowed with the characteristic of reflection such as a mirror. This characteristic is not possessed by the brain nor matter. Rather, the sensation of the matter is transferred to the brain through the senses. The sensation of the matter to the brain is not a reflection of matter to the brain, nor a reflection of the brain to the matter it is only the sensation of the matter. In this regard there is no difference between sight and the other senses in the sensing of the matter. Thus sensation occurs by smelling, hearing, touching and tasting as it occurs by seeing. Accordingly, man senses things through his five senses, and things are not reflected on the brain, rather what occurs is a sensation of the things.

Sense alone does not produce thought, but merely produces sensation, i.e., a sense of the tangible object. Sensation, plus sensation, plus a million sensations will still only produce sensations and no thought at all.

In order for man to think, he must have previous information through which he can explain the sensed matter. For example, if a book in the ancient Syriac language was given to someone who has no previous information about the Syriac language, he would be able to only sense it through sight and touch. Even if the individual would repeat this sensation a million times, he still would not be able to understand a single word of the book unless he is given the relevant information about the Syriac language. Thereafter, he will start thinking and understanding. Let us take another example of a child with sound senses but no previous information. If we were to place in front of the child a piece of gold, brass and a stone the child would not be able to comprehend them, no matter how many times it senses these things. However, if the child was given previous information about them, he would use this information to comprehend them. Were the child to grow up to be twenty years of age without any information he would remain as his first day of life regardless of the biological growth in the brain. Since it is not the brain that enables man to comprehend, rather it is the previous information together with the brain and the sensed object.

As for the instinctual behaviour, in contrast to the intellectual process in man, it results as a mere response to the instincts and organic needs, a matter which occurs with animals as well as man. For example, a baby recognises through giving him an apple and stone repeatedly, that the apple can be eaten while the stone cannot. Likewise, the donkey recognises that barley is eatable but soil is not. This differentiation occurs not through thought or intellect, but through the response to the instincts and the organic needs, which are present in animals and man. Thought cannot be produced unless previous information is coupled with the transference of the sensed thing through the senses to the brain.

Accordingly, the mind, intellect, or comprehension

can be defined as the transmission of a sensed object through the senses to the brain and the existence of previous information by which this reality is explained. Therefore, the Communist intellectual leadership wrongly understood the meaning of the mind and the thinking process. Since the Communist intellectual leadership is not built upon the mind it is both a false and incorrect intellectual leadership.

The Capitalist intellectual leadership is built on a compromise agreed upon by the clergy and the intellectuals after their bloody conflict which lasted for many centuries. This compromised solution is the separation of religion from life i.e., the implicit acknowledgement of religion while separating it from life. Thus, the Capitalist intellectual leadership is not built on the mind, it is based on this compromise. Indeed, the idea of a compromise is deeply rooted in the Capitalists who draw the truth (*haq*) near to the falsehood (*batil*) and *Iman* near to *Kufr* the light (*nur*) near the dark (*dhalam*). The compromise on which they have built their doctrine and ideological leadership has made them swerve from the truth, the *Iman* and the light. Therefore, this ideological leadership is not built on the mind thus it is false.

However, the Islamic doctrine is built upon the mind, because it obliges the Muslim to believe in the existence of Allah (swt), in the Prophethood of Muhammad (saw) and the Qur'an, through the use of the mind. It obliges the Muslim to believe in the *ghaib*, (things beyond the senses) on the condition that it is mentioned in a source which was conclusively proven rationally like the Qur'an or *hadith mutawatir*. Thus, the Islamic creed is based upon the intellect.

This is from the rational perspective, however with regards to man's nature, the Islamic intellectual leadership agrees with man's nature since it recognises the existence of *deen*, its relevance upon life, and the obligation to manage the life according to the commands of Allah (swt).

Religiosity is innate in man since it is one of man's instincts with its own reaction, namely, sanctification. Which is a natural response to a specific instinct which differs from all the other responses of other instincts. Thus, the belief in *deen* and the obligation to live according to the commands of Allah (swt) is instinctive. It agrees with man's nature and therefore responds positively to man.

This differs from the Communist and the Capitalistic leaderships which disagree with man's nature. The Communist intellectual leadership denies the existence of religion absolutely and opposes its recognition. Accordingly, it contradicts man's nature. The Capitalist intellectual leadership neither recognises nor denies religion. It does not make the recognition or denial of religion an issue for discussion. However, it insist on the separation of religion from life and advocates that life be managed in a beneficial way with no relation to religion. Therefore, it contradicts man's nature.

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

One question remains: Did the Muslims implement Islam? or did they only embrace its doctrine while imple-

menting other systems and laws? The answer to this question is that Muslims implemented only Islam through all the ages from the arrival of the Messenger (saw) to Madinah until 1336 A.H, i.e., 1924 AD when the Islamic State collapsed at the hands of colonialism. The Muslims implementation of Islam was comprehensive and its success in its comprehensive implementation was overwhelming.

The practical implementation of Islam is undertaken by two entities having the responsibility to implement the system. They are:

The judge who is responsible for settling disputes between people, and, the ruler, who governs the people. It has been narrated through successive reports that the judges who settled the disputes between people from the time of the Messenger (saw) till the demise of the Khilafah in Istanbul, settled the disputes in all affairs with the laws of the *Shari'ah*. This is whether the disputes were between Muslims or between Muslims and non-Muslims. The courts that settled disputes, such as infringement of rights, family matters, criminal prosecution, etc. were under one single court based on the Islamic *Shari'ah*.

The clearest proof of this is contained in the records of the *Shari'ah* courts stored in the old cities of Jerusalem, Baghdad, Damascus, Cairo, and Istanbul etc. These records are a conclusive proof that only the *Shari'ah* was implemented by the judges. Even non-Muslims used to study and write Islamic *fiqh* like Saleem al-Baz, who wrote a commentary on *al-Majalla*. Laws that were introduced towards the demise of the state, were introduced on the basis of the scholars fatwa that such laws which do not contradict the *Ahkam Shari'ah*. Consequently, the 'Uthmani penal code was introduced for application in 1275 A.H (1857 AD.) and the Law of Rights and Trade was introduced in 1276 A.H (1858 AD.). This was followed in 1288 A.H (1870 AD.) by the separation of the courts into two: *Shari'ah* courts and regular law courts and a decree was passed to arrange for this separation.

In 1295 A.H (1877 AD.) a law was issued to regulate statutory courts. In 1296 A.H (1878 AD.) the Rights and Penalties Procedure was issued.

Since the '*ulemah* did not find any justification to use the civil law, which was put aside in 1286 A.H (1868 AD.) and the *Shari'ah* magazine (*al-Majalla*) issued a canon for transactions.

All these canons were issued as rules permitted by Islam and were not enacted except, as clearly spelled out in the decrees introducing the canons, after being permitted by the *Sheikh al-Islam*. The colonialist authorities since 1918 AD. have occupied some Islamic lands and were settling disputes over the civil cases according to non-Islamic laws. Whereas, those countries which were not physically occupied by colonialist armies, although still within their domain of influence, are still ruled judicially according to Islam, such as Afghanistan and the Arabian peninsula, i.e., Hijaz, Najd and Kuwait. These countries still run their

judiciary according to the Islamic *Shari'ah*, although the rulers in these countries no longer implement Islam. Accordingly, we observe that Islam was implemented judicially and no other law was applied in the judiciary throughout all the ages of the Islamic State.

The implementation of Islam by the ruler is represented in *Ahkam Shari'ah* related to five areas: social; economics; education; foreign affairs; and ruling. The *Ahkam Shari'ah* relating to these matter were all implemented by the state.

The social system defines the relationship between men and women and the matters that arise as a result of this relationship i.e. personal status. Alone the *Shari'ah* is still applied in the social system in spite of the presence of the colonial powers in the Islamic lands and the presence of *Kufr* in the ruling system; definitely no other system has been implemented.

Concerning the economic system, it is characterised in two ways, firstly by the way in which the state collects public revenue in order to look after the people's affairs. Secondly, by the way in which this revenue is spent. As far as collecting revenue is concerned, the State collects the *zakat* due on fund, land and livestock as an obligation of worship and is exclusively distributed amongst the eight categories mentioned in the Qur'an.

The State never used the *zakat* fund for managing its expenditures. The State collected the necessary funds for its expenditures according to the *Shari'ah*. It did not apply any system of taxation, instead it implemented Islam. Thus, it collected *kharaaj* over the productive worth of the land, *jizya* an amount to be paid by non-Muslim males, who are in a good condition of work, and customs duties in its capacity as the supervisor of internal and external trade.

The State did not collect funds except according to the *Shari'ah*. As for distribution, the state had a *nafaqah* system (financial support) for the disabled, placed the *safeeh* (incompetent) and *mubaddir* (the one who spends his wealth on *haram*) under guardianship, and established lodgings in every city and along the roads to the pilgrimage to assist the poor, destitute, and the travellers, there relics can still be seen in major Muslim cities. The State's expenditure was solely governed by the *Shari'ah* and by no other system. Any deficiency that may be noticed in this field was due to negligence and misapplication and not to the absence of the *Shari'ah*.

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

The foreign policy of the Islamic State was founded upon Islam. The Islamic State built its relationship with all other states upon the basis of Islam, and all other states dealt with it as an Islamic State. All of its external relationships

were based on Islam and the interests of Muslims. It is known all over the world that the foreign policy of the Islamic State was an Islamic policy, to the extent that no evidence is required.

With regards to the ruling system, the structure of the state in Islam is established upon eight pillars:

- the Khaleefah, i.e., the head of State
- the Khaleefah's delegated assistants (*Mo'aawen Tafweed*)
- the Khaleefah's executive assistants (*Mo'aawen Tanfeed*)
- the Governors (*Wula*)
- the Judges (*Qadi*)
- the armed forces (*Jaysh*)
- the administrative apparatus (*Idarah*)
- the consultative assembly (*Majlis al-Shura*).

This structure existed and Muslims have never been ruled without a Khaleefah until, by the hands of Mustapha Kemal, the disbelieving (*Kafir*) colonial powers abolished the Khilafah in 1342 A.H (1924 AD.). The existence of a Khaleefah for the Muslims, prior to its removal, had been continuous. Whenever a Khaleefah died or was removed, he was succeeded by another, even during the era of decline.

Since the Islamic State is the Khaleefah, it means that when a Khaleefah is present the Islamic State exists. As for his assistants, they were present in all ages and were assistants and not *wazir*. Although, they were named *wazir* during the 'Abbasid era. The assistants did not possess the characteristic of ministers found in the democratic system at all they were assistants and an executive body only, while all the powers were in the hands of the Khaleefah.

The existence of the governors, judges, and administrative system was obvious. And when the colonial powers came and occupied the land, all the affairs had been running and there were governors, judges and the administrative apparatus on the spot.

As for the Islamic army it was renowned all over the world for being unbeatable. With regards to the *Majlis al-Shura*, after the era of the Khulafah ar-Rashidun, its existence was not given much attention. The reason for that is that the *Majlis al-Shura* is not a basis for ruling but rather a part of the state's structure and is one of the rights of the people. Thus, if the Khaleefah neglects it he would be negligent, but the ruling system would still remain Islamic. The *shura* (consultation) in Islam entails expressing opinion which are contrary to the parliamentary system in democracy which is viewed as a branch of ruling. Therefore, it must be clear that the Islamic ruling system was applied.

A question may arise concerning the *bay'ah* (pledge) to the Khaleefah. It is an established fact that there was no hereditary system in the Khilafah. In other words, unlike in monarchy, the leadership of the State could not be inherited. Instead, the

leadership of the State would be acquired through receiving the *bay'ah* from the Muslims in some eras, from the influential people (*ahle al-halli wal-'aqd*) in later eras or as what occurred towards the demise of the state from the *Sheikh al-Islam*. Throughout the ages of the Islamic State, the procedure was that no Khaleefah was appointed without receiving the *bay'ah*. Never was a single incident reported that the Khaleefah was appointed through inheritance without receiving the *bay'ah*. However, notwithstanding this, the manner of attaining *bay'ah* was misapplied. Thus, a Khaleefah would take a *bay'ah* from the people before his death for his son, brother, cousin, or any other individual of the family. After the death of the Khaleefah the *bay'ah* was renewed for that person. This is a misapplication of the *bay'ah* but it neither constitutes hereditary rule or succession to the throne. Likewise, the misapplication of the elections in a parliamentary or a democratic system is still called elections not an appointment even if the government backed candidates succeed in the elections.

Consequently, one must acknowledge that the Islamic system was applied throughout all periods of the Islamic State. As for the practical success of the Islamic ideology, it was without parallel particularly in the following two matters:

Firstly, the Islamic ideology transferred the Arabs from a low level of intellect in which they were acting haphazardly in the darkness of bloody family feuds and ignorance to an age of intellectual advancement glittering in the light of Islam whose sunrise was not restricted to the Arabs but prevailed all over the world. Muslims pursued in conveying Islam to the world, liberating in the process Persia, Iraq, the domain of *al-Sham*, (Syria, Lebanon and Palestine), Egypt and North Africa. These peoples had their own religion, nationalities, languages, customs and traditions. All were different from one another. The Persians differed from the Romans of Sham, from the Copts of Egypt and from the Berbers of North Africa, they lived under the rule of Islam, understood it, embraced it and became one nation (Ummah), the Islamic Ummah. The success of the Islamic ideology in melting these nationalities and people into one nation was therefore unparalleled. This is in spite of the fact that the ways of transportation was through camel and the means of communication was word of the mouth and the writing of the pen.

Al-Fath, however was to remove by force the physical obstacles to give the people free access towards what their minds and their innate readiness drive them to. In this manner people entered Islam in masses. On the other hand, the oppressive occupation of countries alienates the occupiers from the conquered. For example, the colonisation of the East by Western imperialism lasted for decades without gaining any result. If it was not for the influence of the deceptive Western culture and the oppression of its agents which will soon vanish, then the restoration of the Islamic ideology would be quicker than the blink of an eye.

Accordingly, the success of the Islamic ideology in forging all the various people into one Islamic Ummah is without parallel. These people have remained as Muslims even to this day, in spite of the ideological and material invasion by the colonial powers and their cunning ways of corrupting one's creed and thinking. These people will

remain one Islamic nation (Ummah) till the Day of Judgement. It has never happened that any people (or ethnic group) which had embraced Islam have apostatised from it. As for the Muslims of Andalus (Spain), they were massacred by the Courts of Inquisition, the guillotine and burnt in ovens of the executioners. The Muslims of Bukhara, the Caucasus and Turkistan met with the same disastrous fate as those before them. The degree of success of the Islamic ideology and the application of Islam by the Islamic State can be ascertained by the evidence of all these people embracing Islam and becoming one Ummah with a determined awareness regarding her 'aqeedah.

The second matter which denotes the success of this ideology is the fact that the Islamic Ummah was the leading nation in the world in respect to civilisation, material advancement, culture and science. For twelve centuries, dating from the seventh century AD. to the middle of the eighteenth century AD., the Islamic State remained as the leading and most powerful state in the world. Throughout this period it was the flower of this globe and the rising sun amongst the nations, a fact which confirms the success of this leadership and the success of Islam in implementing its system and 'aqeedah upon the people. When the Islamic State and Ummah abandoned carrying its ideological leadership, falling short in understanding and applying Islam and neglected to convey the Islamic *da'wah*, it lapsed and declined among other nations. Therefore, we say that only the Islamic intellectual leadership is correct and it alone should be carried to the world. When the Islamic State, which carries this leadership, is established, the success of this leadership will be fulfilled today as it was before.

We have proven that Islam with its 'aqeedah and the system which emanates from it agrees with man's nature. Consequently, Islam does not view man as a mechanical being functioning accurately like a machine and implementing the system without disparity on the basis of fine mathematical measures. On the contrary, from the Islamic perspective man is a social being applying the system with varying capabilities and qualities.

Thus, it is natural for Islam, on the one hand, to narrow the gap between people without making everyone equal while guaranteeing tranquillity for all. On the other hand, it is also natural that some individuals are found who deviate from the system and thus don't comply with it and others who do not respond or who turn away from the system. Inevitably, there will be in the society evildoers (*fussaq*), people who indulge in vices (*fujjar*), unbelievers (*kuffar*), hypocrites (*munafiqeen*), apostates (*murtadun*), and atheists (*mulhidun*). The important thing is that the society as a whole, from the point of view of its thoughts, sentiments, systems (rules and regulations) and people, is considered as an Islamic society which applies Islam when these elements manifest themselves

as Islamic. The evidence for this is that it is impossible for anyone to apply a system at the level of Muhammad's (saw) application. In spite of this, at his (saw)'s time there were disbelievers, hypocrites, apostates, atheists, evildoers and people who indulged in vices. Therefore, no one can claim that Islam was not applied completely or that the society was non-Islamic. Yet the Islamic application is on man as a social being, not a mechanical being.

Islam continued to be applied on the entire Islamic nation, Arabs and non-Arabs, from the time the Prophet (saw) settled down in Madinah till the colonial powers occupied the Islamic lands and replaced Islam with the Capitalist system. Islam was practically implemented from the first year of the hijrah until 1336 A.H (1918 AD) and the Islamic nation did not apply any other system than Islam throughout this period.

Although the Muslims translated books of philosophy, science, and different foreign cultures into Arabic, they never translated any legislation, system, or canon of other nations for research or its application. Considering Islam to be a system, some people applied it well and others misapplied it; this depended on whether they were observant or not in their comprehension of Islam or whether they were negligent in carrying its intellectual leadership. Consequently, the misapplication of Islam in some ages brought about decline in the Islamic society, but this is something which no system can avoid, because the application of the system depends on man. However, the mis-application does not mean that Islam was not implemented. Surely Islam was implemented and no other systems or ideology was applied.

The crucial point is in the enactment of canons and systems applied by the state. In this respect the state did not adopt any canon or system alien to Islam. What occurred was the misapplication of some of its rules by the rulers. However, notwithstanding this, one must observe two points when surveying the implementation of Islam throughout its history.

The first point is that history must not be taken from the enemies of Islam who harbour hatred towards it. Instead history must be taken from Muslims themselves after an extensive research so as not to adopt a distorted image. The second point is that the generalisation in study of the society should not be taken from the history of individuals or from one aspect of the society. For example, it would be wrong to judge the history of Ummayyad era by studying the history of Yazid's era. Or to judge the history of the Abbassid era from some incidents of their Khulafa'a.

Likewise, we must not judge the society of the Abbassid era from *Kitab al-A'Ghani* (songs) which was written to narrate the stories of recklessly extravagant people, poets and authors and start thinking that the entire society was in a state of extravagance, sin, asceticism and isolation. Nor can we judge the Abbasid era from reading the books of mystics and conclude that the society was one asceticism.

Rather, we have to study the society comprehensively without any generalisation. We have to acknowledge that the history of the Islamic society as a society in any era was never written. What has been written is the affairs of the rulers and some officials. Those who wrote this his-

tory were not trustworthy, they were either slanderers or adulators and none of them deserves any credibility.

When the Islamic society is studied on this basis, i.e. to study it from all its sides comprehensively it can be found to be the best society. Since, it was so for the first, second and third centuries, in fact, right up to the middle of the twelfth century hijrah.

One finds that the society applied Islam throughout all its ages right up to the end of the Ottoman State as an Islamic state. Notwithstanding this, history should not be taken as the source for studying the system and *fiqh*. Additionally, the system should be taken from the sources of jurisprudence and not history, since history is not its source. Accordingly, when one wishes to understand the Communist system, one does not draw conclusions from the history of Russia, but from the books of the Communist ideology itself. Likewise, if one wishes to understand the books of English jurisprudence one should not take one's understanding from the history of England, but rather from the books of English jurisprudence. This applies to any system or canon. Islam is an ideology with its own *'aqeedah* and system. Consequently, those who wish to understand it must not use its history as a source, neither for knowledge nor for deducing rules, i.e., *ahkam*.

The study of Islam is taken from the books of Islamic *Fiqh*, and the source for deducing its laws is its from its Shari'ah sources. Thus, history is not the correct source of the Islamic system, neither for its study nor as a Shari'ah source. It is therefore incorrect to take the history of 'Umar bin al-Khattab or 'Umar bin 'Abdul-Aziz or Haroun al-Rasheed, whether from the historical events ascribed to them or from the books written during their respective periods, as a source for the *ahkam* Shari'ah. If an opinion of 'Umar is followed in a question, it is followed in its capacity as a *hukm Shari'i* deduced and applied by 'Umar, as is the case with the *hukm Shari'i* deduced by Abu Hanifah, Shafi'i, Ja'far and others. It is not adopted as an historical event. History, accordingly, has nothing to do with adopting or knowing the system or with ascertaining whether or not the system was applied. *Fiqh*, rather than history, is the means of establishing whether the system was applied because every period has its own problems which were tackled by a system or not because history only narrates events. In order to ascertain the system used to solve problems one must refer to the *fiqh*. When reference is made to the Islamic *Fiqh*, one neither finds in it any system taken by the Muslims from others, nor any system chosen by the Muslims from themselves. Instead, one finds it completely comprising of *ahkam* Shari'ah deduced from the Shari'ah evidences. Muslims were very careful to stop any impurities from creeping into the jurisprudence through deficient opinions, i.e., through deficient *ijtihad*. They even prohibited others from enacting

the deficient (*daif*) opinion even if it was ascribed to a *mujtahid mutlaq* (absolute *mujtahid*).

As a result, there is not one legislative text other than the Islamic *Fiqh* throughout the Islamic world. Only one body of jurisprudence in a nation, without any other accompanying text, signifies that the nation did not use any other text in its legislation. If it were permitted to give attention to history, this would be confined to examining the way of applying the system. Sometimes, history contains political events from which the application of the system can be seen. Even this should not be taken except after a thorough research undertaken by Muslims.

History has three sources: History books, archaeological objects, and narration. Historical books should not be considered as a source because they are influenced by the political conditions of the time. They are filled with lies, either supporting the rulers and other people of their era or attacking those of the past. A recent example of this is the history of the Allawide family in Egypt. Prior to 1952 it had a bright picture in history books, but after 1952 its image was dark. The same applies to the history of other political events now and in the past. For this reason, history books should not be considered as a source for history, even if they were biographies written by their people.

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

As for the third source narration, it is a correct source which can be relied on if the narration was correct and the method followed in collecting the narration was the same as the method followed in collecting the *ahadith*.

This is the manner in which history should be recorded. The Muslims followed this method of narration when they commenced writing. The classical books of history, such as al-Tabari's History, Ibn Hisham's *Sirah*, etc. were written according to this method. Muslims should not teach their children from the books of history written that use books of history as their source. An overview of the application of the Islamic system should not be taken from those books of history either. In conclusion, it is evident that Islam alone was implemented and nothing else was applied throughout all the periods.

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

It is a low superficial thinking to replace our system by

any system and it is a shallow thinking to consider that if the nation applied the system without its 'aqeedah it would save her. The Ummah must embrace the 'aqeedah first and then apply the system emanating from the doctrine. The implementation of the system and embracing of the doctrine will constitute its salvation. This applies to the Ummah which is built upon this ideology and the state which is established on this basis.

As for the other people and nations, it is not necessary that they adopt the ideology as a prerequisite for applying the ideology upon them. The nation which embraces the ideology and conveys it to others can apply it on any people or nation, even if they do not believe in it. Since, the ideology will result in the revival of that nation or people and will attract them to believe in it. Thus embracing the ideology is not a condition for those on which it is applied it is rather an essential condition for those implementing it.

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

Accordingly, there is only one way to attain our revival which is the resumption of the Islamic way of life and there is no way to resume the Islamic way of life except through establishing the Islamic State. This cannot be achieved unless we totally adopt Islam both as an 'aqeedah, which solves the greatest problem and upon which man's view point in life is determined and the system which emanates from this doctrine.

The basis for this system is the Book of Allah and the Sunnah of His Messenger. Its cultural treasures are the: *fiqh*, *hadith*, *tafseer*, Arabic language and others. No method can achieve this except by carrying the intellectual leadership for the Islamic *da'wah* and completely implementing Islam in all fields. Once the intellectual leadership has been transmitted to the nation as a whole and to the Islamic State, we embark upon carrying the intellectual leadership to the world. This is the only way to achieve the revival: to convey the Islamic intellectual leadership to Muslims so as to resume the Islamic way of life and to deliver it to all of mankind by means of the Islamic State thereafter.

The Way to Carry the Islamic Da'wah

The Muslims did not lag behind the world due to their adherence to Islam. On the contrary, their regression commenced the day they abandoned this adherence to Islam and they allowed the foreign culture to enter their lands and the Western concepts to influence their minds. They abandoned the intellectual leadership of Islam when they neglected its *da'wah* and misapplied its laws (*ahkam*). Therefore, the Muslims must resume the Islamic way of life if they want the revival (*nahdah*) to occur. However, they will not be able to resume the Islamic way of life unless they carry the Islamic *da'wah* by carrying the intellectual leadership of Islam. The *da'wah* should be directed towards establishing the Islamic State which, in turn, will establish the leadership of Islam by carrying the Islamic ideology.

It should be noted that carrying the intellectual leadership by carrying the Islamic *da'wah* in order to revive the Muslims is performed because only Islam comprehensively and positively addresses the world. True revival cannot be achieved by the Muslims or others without Islam. It is on this basis that the *da'wah* should be carried out.

The *da'wah* must be carried to the world as an intellectual leadership from which all systems emanate. It is upon this leadership that all thoughts are built and from such thoughts spring forth the concepts that influence ones viewpoint in life without exception.

The *da'wah* should be carried today as it was delivered in the past and should proceed in compliance with the example of the Messenger (*saw*), without the slightest deviation from its method in its general and specific details. No regard should be given to the differences in time, for these differences amount to nothing more than the means and forms. However, the essence and the reality of life, has not and will not change regardless of the passing of ages and changing of peoples and places.

Carrying the *da'wah* demands frankness, courage, strength, thought and to challenge all that contradicts the *fikra* and *tariqa* (idea and method) of Islam by facing it and exposing its falsehood irrespective of the situation and its consequences.

Carrying the Islamic *da'wah* necessitates that Islam alone should be recognised as possessing ultimate sovereignty, regardless of whether the masses agree or disagree or whether they accept it or deny it, or whether it is in accordance with the peoples customs or not.

The *da'wah* carrier does not flatter the people, is not courteous to the authorities or cares for the peoples' customs and traditions, and does not give any attention to whether the people will accept him or not. Rather he must adhere to the ideology alone and solely express it and no regard is given to anything except the ideology. It is not allowed to tell the followers of other ideologies to adhere to their ideologies. Instead, they are invited without compulsion to embrace the ideology (of Islam) because the *da'wah* requires that there be no other ideology straddling alongside Islam and that the sovereignty be for Islam alone.

"It is He who has sent His Messenger with the Guidance

and deen of Haqq, to prevail over all other religions even though the idolaters may abhor it.” [TMQ 9:33]

The Messenger (saw) came to this world with the Message and openly challenged the whole world. He (saw) believed in the Truth he (saw) was inviting the people to and declared an ideological war against the ‘red and black’, i.e., everyone, irrespective of their traditions, customs, religions, doctrines, rulers and masses.

He (saw) paid no credence to anything other than the message of Islam. He commenced the *da’wah* by discrediting the false deities of Quraysh. He (saw) challenged them in their doctrines, discredited them while alone and isolated and with no helper and no weapon except his unshakeable and deeply rooted conviction in Islam to which he was inviting. He (saw) did not care for the Arab customs, traditions, religions, or doctrines. In this respect, he (saw) was not courteous nor gave them any regard.

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

Delivering the *da’wah* requires a concern for the complete implementation of Islam without the slightest deviation. The carrier does not accept any truce nor concession, negligence nor postponement. Instead, he maintains the matter as a whole and definitively settles it without accepting any intercession which would obstruct the truth.

The Messenger of Allah (saw) did not accept the request of Thaqif’s delegation to be allowed to retain their idol, Allat, for three years before it was demolished, neither did he (saw) exempt them from prayer as pre-conditions for embracing Islam. He (saw) refused to leave Allat for two years or for one month as they had demanded. He (saw) refused this request firmly, and decisively, without any hesitation or leniency. This is simply because man has to either believe or not, after all, the result is either Paradise or Hell. However, the Messenger of Allah (saw) did accept their request not to have them demolish their idol through their hands. Instead, he asked Abu Sufyan and al-Mughira ibn Shu’bah to demolish it. He definitely did not accept anything less than the complete ‘*aqeedah* and the required implementation. As for the means and forms of carrying this implementation, the Messenger of Allah (saw) accepted them because they are not connected with the tenets of the Islamic ‘*aqeedah*. Therefore, care must be taken in delivering the *da’wah* to preserve the completeness of its thought and implementation without any compromise in the *fikra* and *tariqa*. There is no harm in using any *usloob* (means) it demands.

Carrying the Islamic *da’wah* necessitates that

every one of its actions should be undertaken for a specific objective. The carrier should always be aware of this aim and work towards achieving it, exerting himself relentlessly to fulfil it. Therefore, the carrier would not be satisfied by thought without action and would deem it to be a hypnotic and fanciful philosophy. Likewise, he would not be satisfied by thought and action devoid of any objective, considering this to be a spiral motion which ultimately ends in apathy, no real accomplishment, and despair. Instead, the *da’wah* carrier has to insist upon connecting the thought with action and uniting the two in working for a specific objective which will be fulfilled in a practical manner and be brought into existence.

The Messenger of Allah (saw) carried the intellectual leadership of Islam in Makkah. When he realised that the society there would not make Islam its system, he (saw) began preparing the society of Madinah. In Madinah, he established the State, thereby implementing Islam, carried its message, and prepared the Ummah to convey it after him and to proceed in the same way he had traced. Therefore, carrying the Islamic *da’wah* in the situation where there is no Khaleefah, should include the call for Islam and the resumption of the Islamic way of life by establishing the Islamic State which implements Islam and carries its message to the world. Thus, the *da’wah* is transferred from a call within the nation to resume and Islamic life to a call to the world carried out by the Islamic State and from a local *da’wah* within the Islamic world to a universal *da’wah*.

The call to Islam should clearly include correcting the prevalent doctrines, strengthening the relationship with Allah (swt) and providing solutions for the problems of the people, so that the *da’wah* remains vivid in all fields of life. The Prophet (saw) would recite to the people of Makkah the following verses:

“Perish the hands of Abu Lahab.” [TMQ 111:1]

“This is verily the word of an honourable messenger. It is not the words of a poet. Little it is that you believe.” [TMQ 69:40-41]

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

“For those who believe and do righteous deeds will be gardens beneath which rivers flow; that is the great salvation (the fulfilment of all desires).” [TMQ 85:11]

In Madinah, he recited:

“Establish prayer and practice regular charity.” [TMQ 2:110]

The way he (saw) recited:

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

And he (saw) would recite:

“O you who believe, when you deal with each other in transactions involving future obligations for a fixed period of time, reduce them to writing.” [TMQ 2:282]

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

“Not equal are the Companions of the Fire and the Com-

panions of the Garden. The Companions of the Garden are the victorious.” [TMQ 59:20]

Accordingly, the Islamic *da'wah* should carry to the people the system by which they are to solve their daily life's problems. The secret to the success of the Islamic *da'wah* is that it is vivid and addresses man in a comprehensive manner as a human being, thereby bringing about a comprehensive and radical change in him.

It is impossible for the *da'wah* carriers to carry the responsibility and to effectively discharge their duties unless the motivation towards perfection and completeness is rooted within themselves. They should constantly search for the truth, continuously scrutinising all that they know in order to purify their understandings of issues from any alien thoughts, and protect themselves from any alien idea that may penetrate. This will keep the idea carried and conveyed pure and clear. The purity and clarity of the thoughts is the only guarantee for Islam's success and for its continuity.

The *da'wah* carriers have to carry this duty as an obligation from Allah (swt), enthusiastically and happily embarking upon it and expecting the pleasure of Allah (swt). They must not look for any worldly reward or expect praises from people. They must acknowledge nothing except the pursuit of the pleasure of Allah (swt).

The Islamic Civilisation

There is a difference between the *hadharah* (civilisation) and the *madaniyah* (material aspect of culture). The *hadharah* constitutes the whole concepts about life whereas the *madaniyah* means the material forms of sensed objects used in daily life affairs. The *hadharah* is based on a particular point of view in life and therefore it is specific. The *madaniyah* can be of two kinds: specific or universal.

Objects such as statues are specific and thus are a product of a specific *hadharah*. Material aspects produced by science and its progress, industry and its evolution, are general and thus are not particular to a specific nation, rather they are universal.

This distinction between *hadharah* and *madaniyah* must always be recognised and maintained. One must also be aware of the forms resulting from *hadharah* and the *madaniyah* forms resulting from science and industry. Therefore, when adopting an object of *madaniyah*, a distinction between its forms and the differentiation from *hadharah* must be clear. There should be no objection in acquiring the Western *madaniyah* resulting from science, industry, etc. However, Western *madaniyah* resulting from the Western *hadharah* must not be adopted on any account because we are not allowed to adopt the Western *hadharah* for it contradicts the Islamic *hadharah* from the very basis upon which it is established, its point of view in life, and its understanding of the meaning of human happiness.

The Western *hadharah* is established upon the separation of religion from life and it denies religion from having any impact on any of life's affairs and hence it separated religion from the state. This result is natural for those who separate religion from life and deny its impact in life. It was on this basis that the life and the System of Life were built. Its *hadharah* views the entire life as the pursuit of benefit. Thus, its standard for action in life is the benefit. Therefore, benefit is the basis upon which the system is established and the *hadharah* is built. Benefit is the most prominent and apparent concept in its system and in the *hadharah*. Happiness in their view is constantly seeking and experiencing sensual gratification. It follows that the Western *hadharah* is established on the desire to reap benefits and gives no consideration or even recognition to anything except benefit, thus rendering it the measure of actions.

The spiritual side is restricted to the individual and is not part of the social order. The spiritual affair of man is confined to the church and clergy. Consequently, there are no moral, spiritual or humanitarian values in the Western *hadharah*, rather only materialistic ones. Owing to this, humanitarian actions became affiliated to organisations separated from the state, such as the Red Cross and the missionaries. Every value, apart from the chief materialistic value of benefit was excluded from life. The Western *hadharah* consists of such concepts about life.

As for the Islamic *hadharah*, it is established upon the basis contradicting the Western *hadharah*. Its view about life and meaning of happiness are different from the Western *hadharah*. The Islamic *hadharah* is built upon the belief in Allah and that He has established a system for man, life, and the universe. He (saw) sent Muhammad (saw) with Islam as the one and only *Deen* for mankind. This means that the Islamic *hadharah* is established on the Islamic '*aqeedah*, comprising the belief in Allah (swt), His (swt) Angels, His (swt) Books, His (swt) Messengers, the Hereafter, and *al-Qadaa wal Qadar*. Thus, the '*aqeedah* is the basis of the *hadharah* and consequently the *hadharah* is founded upon a spiritual basis.

Life in the Islamic *hadharah* is viewed from the outlook of Islam which emanates from the Islamic doctrine or '*aqeedah*. The way of life and actions are both established upon this '*aqeedah*. Viewing the mixing of matter and spirit as mans actions conducted by the *ahkam* Shari'ah constitute the Islamic outlook on life.

While mans actions are material, his observation of the relationship with Allah (swt) when he undertakes the action as *haram* or *halal* constitutes the spirit (*ruh*). It means that the mixing of matter with spirit has taken place. Accordingly, the commands of Allah (swt) regulate the actions of a Muslim. The Muslims ultimate objective in carrying out his actions in accordance with the commands of Allah (swt) is the attainment of Allah's (swt) pleasure and not benefit.

However, the immediate end in undertaking the action is the sought after value, which differs according to the type of action. The value may be materialistic for the person who engages in commerce or trade to make a profit, the exerted labour constituting a material action. Simultaneously, the person is guided by his awareness of his relationship with Allah (swt) through the commands of Allah

(swt), thus seeking the pleasure of Allah (swt).

The value may be spiritual, such as prayer, *zakat*, fasting or pilgrimage. The value may be moral or ethical, such as upholding the truth, being honest, or exhibiting loyalty. The value could be humanitarian, such as rescuing a drowning person or helping the poor.

These values are sought by man when he undertakes the action. These values should not be viewed as the driving force for man's action nor as the ultimate objective. They should be viewed only as the specific action which differs according to the type of action.

Happiness is attaining Allah's (swt) pleasure and not the fulfilment of man's needs. Satisfying all such needs: organic needs and instinctual desires, are an essential means to sustain oneself, but happiness is not guaranteed by their fulfilment. In summary, this is the Islamic view about life on the basis of which lies the outlook which is the Islamic *hadharah*.

It is obvious that the Islamic *hadharah* contradicts the Western *hadharah* in every sense. Objects falling under the *madaniyah* objects resulting from *hadharah* which is specific to the Islamic *hadharah* contradict the first type of *madaniyah* which is specific to the Western *hadharah*. For example, a photograph by itself is an object of *madaniyah*. The Western *hadharah* considers the photograph of a naked woman consistent about its view about women. Thus, an individual from the West views the photograph to be a piece of art which he could take pride in and a piece of art when it accomplishes artistic conditions. However, this object of *madaniyah* contradicts with the Islamic *hadharah* and the Islamic view about women which considers women as an honour that must be protected. Consequently, such photographs are to be prevented, because they provoke the sexual drive which triggers moral laxity in the society. Likewise, if a Muslim was to build a house, another object of *madaniyah*, he would have to take into consideration the women inside to not be exposed to those outside. Accordingly, the Muslim encloses the house with a wall and is sensitised to the positioning of windows, but the Western individual pays no attention to these attributes of a house because the *hadharah* he adopts.

This applies to all objects of civilisation produced by the Western *hadharah*, such as statues, clothing, etc. If clothing is part of the *deen* of the unbelievers, the Muslims are then forbidden to wear them because they carry a specific viewpoint on life. However, if the clothing is not part of the way of life of the unbelievers and are used for their practicality and utility, they are considered to be a universal object of *madaniyah* permissible for use by the Muslims.

Objects of *madaniyah* which are products of science and industry such as laboratory equipment, medical and industrial tools, furniture, carpet, etc. are all universal objects of *madaniyah*. The use of such objects which do not result from the *hadharah*

are permissible.

A glance at the Western *hadharah* which casts its long dark shadows over the world reveals that it cannot guarantee tranquillity for man. On the contrary, the Western *hadharah* is the cause for man's deep rooted misery. This *hadharah* which adopts as its basis the separation of religion from life's affairs, thus giving no weight to the spiritual aspect in the social order, and it depicts life only as the fulfilment of desires and makes the attainment of benefit as the foundation for a relationship between men.

This inevitably will produce nothing but perpetual misery and anxiety. As long as benefit is the basis, conflict over it will naturally increase and the reliance on force to establish relationships between people will be natural. Thus, colonisation is natural to the followers of this *hadharah* and since benefit alone constitutes the basis of life, any semblance of ethics will be unstable. Hence, it is natural for any good ethics to be shunned in life in the same way that the spiritual values were neglected and life established upon competition, struggle, aggression and colonialism. The spiritual crisis in the people, perpetual anxiety and widespread evil all over the world today serve as glaring and oppressively clear indictments of this Western *hadharah* it results in. It has dominated the world and has led to such grave results and consequently have constituted a great danger to the normal functioning of humanity.

A survey of the Islamic *hadharah* which dominated the world from the seventh century CE until the end of the eighteenth century CE reveals that it had no colonialistic character. Indeed, colonialism is alien to Islam's nature, since it did not differentiate between the Muslims and other peoples in terms of meting out justice and securing rights for all people who submitted to it throughout its reign. It is a *hadharah* established upon a spiritual basis which fulfils all the values: materialistic, spiritual, moral, and humanitarian. The *'aqeedah* is given the utmost importance in life, which is depicted as being governed by the commands of Allah (swt). Islam views happiness solely as the attainment of Allah's (swt) pleasure. When this Islamic *hadharah* dominates again, as it did before, it will guarantee resolving the crisis confronting the world and the welfare of humanity.

The Islamic System

Islam is the *deen* revealed by Allah (swt) to Muhammad (saw) to organise the relationship of man with his Creator, with himself, and man with other human beings. Man's relationship with his Creator includes the *'aqaid* itself and the acts of worship. Man's relationship with himself includes the moral code, diet, and clothing. Man's relationship with other humans involves societal transactions and the penal code hence, Islam is an ideology addressing all life affairs. It is not a theology that simply prescribes a priesthood or is only bound to it. It does away with autocracy (the dichotomy of clergy) for there is not a group called the clergy and another group called civil. All those who embrace Islam are considered Muslims and are equal in obligation and rights from the viewpoint of Islam. Hence there is no clergy and laical men, for its spiritual side means that all things are created by a Creator and organised by His order.

Such a profound view of the universe, man and life, and what surrounds them and what is related to them, necessarily shows that man is limited, dependent, and needy. This is evident in the universe, man, and life. This confirms that all these are created by a Creator, directed by His commands and that man, when he proceeds in this life, needs a system to organise the satisfaction and fulfilment of his instincts and organic needs. This system cannot emanate from man as he is limited and lacks comprehensive knowledge.

Furthermore, mans ability to set such a system is subject to differences, inconsistency, and contradiction. This will produce a system full of contradiction and will lead to mans misery. The system must, therefore, come from Allah (swt) and thus it is obligatory that man conducts his actions according to a system from Allah (swt). However, if man complied with the Islamic system based on the pursuit of the material benefit of this system and not because the system was from Allah (swt), it will be devoid of a spiritual side or aspect.

Therefore, man must organise his actions in life by the commands of Allah (swt) based upon his comprehension of the relationship with Allah (swt) so that the spirit would exist in mans action. Spirit is mans observation of his relationship with Allah (swt) and the mixing of matter with spirit is the comprehension of the relationship with Allah (swt) the moment that the action is performed. An action is 'matter', and the comprehension of the relationship with Allah when performing this action is 'spirit' (*ruh*) and directing one's action according to the commands of Allah (swt) - due to the comprehension of this relationship - is mixing matter with *ruh*.

Accordingly, when a non-Muslim acts according to the *ahkam* Shari'ah which are derived from the Qur'an and Sunnah, his actions are not directed by spirit, and the mixing of matter and spirit does not exist in his actions. This due to the fact that he did not believe in Islam and did not comprehend the relationship with Allah (swt). He simply appreciated the system and thus organised his actions accordingly.

This is in contrast to a Muslim who undertakes his actions according to Allah's (swt) commands based upon his belief in Allah (swt) and comprehension of the relationship with Allah (swt) and whose goal in complying with the commands of Allah (swt) is attaining Allah's (swt) pleasure and not just the benefit the system provides. Therefore, it is necessary that the spiritual aspects exists in things and the *ruh* is apparent when undertaking actions. It must be clear for all that the spiritual aspect constitutes the thing being created by a Creator i.e. the relationship of the created with the Creator, while the spirit is the observation of this relationship, i.e. the comprehension of this relationship by man. This is the correct concept (about the spiritual aspect and spirit) in this regard and all other concepts are false. It is the profound and illuminated view of the universe, man,

and life which has led to the correct results and to this correct concept.

Some religions have maintained that the universe has two aspects, the material and transcendental and man embodies both spiritual ascension and physical yearning, matter and soul and that by extension, life includes both the materialistic and spiritual aspects. They assume that the material contradicts the transcendental, and the spiritual ascension contradicts the physical yearning and matter is separate from the spirit. They contend that these two sides are separated from one another due to their fundamental contradiction in nature. Thus, they cannot be mixed and the increase in one leads to a deficit in the other.

Consequently, those who desire the 'Hereafter' have to excel in the spiritual dimension. Based on this understanding, two authorities have arisen in Christianity, the spiritual and the temporal: '*Render unto Caesar what is Caesar's and unto God what is God's.*' The people yielding spiritual authority into their hands, the clergy and priests, endeavoured to acquire temporal authority. As a result, a severe conflict arose between the temporal and the spiritual authorities culminating with the church being confined to the spiritual authority and was prevented from interfering in temporal matters. Religion, which was regarded as clerical was then separated from life.

This separation between religion and life is the doctrine of the Capitalist ideology. It is the basis of Western *hadharah* and the intellectual leadership which the Western colonialism calls for and subsequently conveys to the world. It is the fundamental layer of its culture which is used to shake the Muslims' belief in Islam. It puts Christianity as a standard for Islam through analogy. Thus, anyone who carries this notion, '*the separation of religion from life*' is an indirect or direct agent directed by the Western intellectual leadership. He works intentionally or ignorantly as an agent of Western colonialism. He is either ignorant of the Islamic ideology or its enemy.

Islam views that objects comprehended by our senses are 'matter' and their being created by a Creator determines the spiritual side in them. The *ruh* is man's comprehension of his relationship with Allah (swt). Thus, there does not exist a spiritual aspect separated from the materialistic aspect, and also there is no spiritual ascension and physical desires in man. Rather, he has organic needs and instincts which need to be satisfied.

One of the instincts in man is the instinct of sanctification which means the need for the Creator, the Organiser, which is an offspring of the natural inability of man. The satisfaction of the instincts cannot be labelled as the materialistic aspect or the spiritual aspect. Rather, it should be viewed only as a fulfilment. If man satisfied this organic needs and instincts in accordance with the system revealed from Allah (swt) and in accordance with his relationship with Allah (swt), this satisfaction would be directed by the spirit. If the satisfaction was not based on a system or a system not revealed by Allah (swt), then the satisfaction will be purely materialistic and will lead to man's misery.

If the instinct of reproduction was satisfied without a system or with a system not from Allah it would lead to mis-

ery. Whereas, if it were satisfied through the system of marriage, which is revealed by Allah (swt) according to the *ahkam* of Islam, it would be a marriage resulting in tranquillity.

If the instinct of religiosity was satisfied without a system or a system not from Allah (swt), by worshipping other human beings or idols, it would be polytheism (*shirk*) and disbelief (*kufi*). If it were to be satisfied with the *ahkam* of Islam, it would be *ibadah* (worship). It is therefore necessary to observe the spiritual aspect in all things and to realise all actions by following Allah's (swt) command i.e. on the basis of comprehension of his relationship with Allah (swt). In this case, the actions will be directed by the spirit. Therefore, one cannot embody two things (spiritual or temporal). The fact is that there is only one thing which is the action. Describing the action as purely material or directed by (*ruh*) does not derive from the action as such but from either being directed according to the rules (*ahkam*) of Islam or not.

For example, when a Muslim kills his enemy in the battlefield his action is considered a *Jihad* for which he will be rewarded, since it is directed by the *ahkam* of Islam. When the same person kills an innocent person, Muslim or otherwise, his action is considered a murder for which he will be punished, because it is not directed by Allah's (swt) command. Both actions are the same and stem from man in that they constitute the taking of a life, but the killing would be worship when it is directed by the spirit and murder when it is not. A Muslim is obligated to direct his actions according to the spirit and the mixing of matter with spirit. It is not permissible to separate matter from spirit or separate any action from Allah (swt)'s order on the basis of comprehending the relationship with Allah.

Accordingly, everything that implies the separation of the spiritual aspect from the material aspect should be done away with. Thus, there is no clergy in Islam, no spiritual authority and no temporal authority which is separated from religion. Rather, Islam is a *deen* of which the State is an integral part. The State is a group of the *ahkam* Shari'ah in the same manner that the prayer is. It is the method to implement the rules of Islam and to carry the Islamic *da'wah*.

Therefore, anything that confines religion to the spiritual dimension, separating it from politics and ruling should be abolished. All institutions established to exclusively oversee the spiritual aspect have to be shut down. Therefore, the department of mosques has to be dissolved and should be managed by the department of education. The Shari'ah courts and the statutory courts must also be dissolved making the court system one and based upon Islam. After all, the authority of Islam is one.

Islam is an *'aqeedah* and system. The creed is the belief in Allah (swt), His (swt) Angels, His (swt) Books, His (swt) Messengers, the Day of Judgement, and *al-Qada'a wal Qadar*, the good and the bad are from Allah (swt). Islam builds the *'aqeedah* which the mind can comprehend on the intellect.

This includes the existence of Allah (swt), the Prophethood of Muhammad (saw) and the Qur'an. In the aspects of the creed which are beyond the senses (*ghayb*) such as the Day of Judgement, Angels, Paradise, and Hell, these are all based upon and proved by conclusive textual evidences (*daleel naqli*), which are themselves built upon rational proofs. Islam has made the intellect the foundation for orders.

The systems are *ahkam* Shari'ah. which organise man's affairs. The Islamic system handles all of man's affairs and outlined a comprehensive set of rules enabling one to derive detailed rules from these comprehensive meanings when carrying out the implementations. The Qur'an and Sunnah also includes general outlines i.e. general hints to deal with man's problems in his capacity as a human being and enabling the *mujtahideen* to deduce partial judgements from the general hints for problems that occur throughout the ages and in different places.

Islam has one consistent approach in solving problems. It invites the *mujtahid* to thoroughly study the issue till he understands it and then to study the relevant Shari'ah texts and finally deduce the solution for the issue from the texts. The *mujtahid* deduces the *hukm Shari'i* for this question from the legal evidences of Islam and shouldn't use any other method. Any issue facing man should be comprehensively studied as an integrated human problem. It should not be studied partially as an economic, social, political or any other type of question. It should be studied as a human question requiring *hukm Shari'i* in order to know the *hukm* of Allah (swt) related to it.

Hukm Shari'i

Hukm Shari'i is 'the address of the Legislator related to the actions of people'. It is either conclusively proven (*qata'ee dhuboot*), such as the Qur'an and hadith *mutawatir* or inconclusively proven (*dhanniy dhuboot*) such as the non-*mutawatir* hadith.

If it's *qata'ee dhuboot* and its meaning is definitive (*qata'ee dalalah*), the *hukm* will be conclusive. An example of this is the number of all prescribed *rakah* in *salat*, since they are mentioned in the hadith *mutawatir*. Likewise, the prohibition of *riba*, the amputation of the hand of the thief, and the lashing of the *zani* are conclusive rules whose correctness is definite allowing no room for disagreement and where there is only one single conclusively proven opinion.

If the address of the Legislator is *qata'ee dhuboot* and does not yield a definite meaning (*dhanniy dalalah*), then the included *hukm* is inconclusive. For example, the *ayah* relative to *jizyah* in the Qur'an.

The *ayah* is *qata'ee dhuboot* but the meaning is not definite. The Hanafi school insisted it to be called *jizyah* and those who are required to pay it must be in a state of humiliation when rendering payment. However, the Shafi'i school did not insist on calling it *jizyah* and permitted *jizyah* to be called double *zakat*. Therefore, they did not require for the one paying it to be humiliated and their subduing to the Islamic rules was considered sufficient.

If the address of the Legislator is *dhanniy dhuboot*, such as the non-*mutawatir* hadith, then the *hukm* included will not be conclusive, regardless of whether the meaning is *qata'ee dalalah* or not. For example, fasting six days in Shawwal or the prohibition of leasing agricultural land, both of which are proven through Sunnah.

The *hukm Shari'i* is understood from the address of the Legislator (*Khitab Asharic*) through a correct *ijtihad*. Thus, the *ijtihad* of a *mujtahid* produces the *Hukm Shari'i* and accordingly, Allah (swt)'s *hukm* for every *mujtahid* is the *hukm* that the *mujtahid* arrived at through his *ijtihad* and what he most likely thinks to be correct.

It has been agreed upon amongst scholars that if a *mukallaf* fulfils the capacity of *ijtihad* in a problem matter and makes *ijtihad* and reaches thereupon a *hukm* he is not allowed to follow other *mujtahideen* in this issue because it would be a *taqleed* in a matter which contradicts what is most likely correct in his opinion.

Moreover, he is not allowed to leave his opinion, except if the Khaleefah adopts a *Hukm Shari'i* in which case he must implement the Khaleefah's adoption because the opinion he reached through his own *ijtihad* is Allah's *hukm* in the specific issue i.e. a *Hukm Shari'i*. Whereas the order or decision of the Khaleefah cancels the disparity of opinions. However, if the qualified *mujtahid* did not perform *ijtihad* on an issue, then he is permitted to practise *taqleed* of opinion of other *mujtahideen* for the *Ijma' as-Sahabah* confirms that a *mujtahid* is allowed to give up his *ijtihad* and follow other *mujtahideen*.

The person not qualified to make *ijtihad* is termed the *muqallid* (follower) and is of two kinds:

- A. *Muttabe'a*
- B. *'Ammi*

The *muttabe'a* is a person who has acquired some important knowledge in *ijtihad* and consequently follows the *hukm* after understanding its *daleel*. Accordingly, Allah's *hukm* for this *muttabe'a* is the opinion of the *mujtahid* whom he follows.

The *'ammi* does not possess some important knowledge in *ijtihad* and hence follows the *mujtahid* without having knowledge of the *daleel* for the *hukm*. This *'ammi* has to follow the opinion of the *mujtahideen* and apply the *ahkam* they have deduced and the *Hukm Shari'i* related to him is the one deduced by the *mujtahid* whom he follows. Therefore, the *Hukm Shari'i* is the *hukm* deduced by the *mujtahid* who is qualified to practise *ijtihad*. It is Allah's *hukm* for him, and he is not allowed to leave it to follow another opinion. It is also Allah's *hukm* for those who follow the *mujtahid* and they are not permitted to leave it.

If the *muqallid* follows a *mujtahid* in a *hukm* of any issue and acts accordingly, he is not allowed to

leave that *hukm* for another *mujtahid* at all. However, it is permissible for the *muqallid* to follow the *mujtahid* in other issues, because *Ijma' as-Sahabah* permitted that a *muqallid* may ask the opinion of a different *aleem* on a different issue.

If the *muqallid* subscribed to a certain School of Thought (*madhab*), such as the Shafi'i and committed himself to follow the entire *madhab*, then the following applies upon him.

The *muqallid* is not allowed to follow any other *mujtahid* on an issue he has already practised according to the *madhab* he is following. Regarding the issues that he has not practised yet, he is allowed to follow the other *mujtahideen*.

However, if a *mujtahid* reached a *hukm* on an issue through his *ijtihad* he is allowed to abandon the result of his *ijtihad* and follow another opinion, if it means the unification of all Muslims on one opinion, as happened at his *ba'yah* when 'Uthman acted accordingly.

The Types of Ahkam Shari'ah

The Ahkam Shari'ah is divided into:

- The *Fard* (compulsory)
- The *Haram* (prohibited)
- The *Mandoub* (recommended)
- The *Makruh* (undesirable)
- The *Mubah* (permissible).

The *Hukm Shari'* is either an order to perform an action or to abstain from performing the action. If the order ('*amr*) to perform the action is decisive (*jazim*), then it is classified as *fard* or *wajib*. Both these terms are synonymous. If the '*amr* to do an action is indecisive, it is classified as *Mandoub*. If the order to abstain is decisive, it is classified as *haram* or *mahzur* which are synonymous whereas if the order to abstain is indecisive (*ghair jazim*), it is classified as *Makruh*.

Thus, with the *fard/wajib*, the performer is praised and the one who abstains from it is condemned. The person who neglects to perform the *fard* deserves to be punished. The person who performs the *haram* is condemned and the one who abstains from it is praised. The person who performs the *haram* deserves to be punished. The person who performs the *mandoub* is praised and rewarded and the one who abstains is not condemned i.e. he is rewarded for performing the action and not punished for abstaining from it. The person who does not perform the *makruh* action is praised and rewarded i.e. abstaining from the *makruh* is preferable. The *mubah* is which the *daleel as-Sami* shows that the address of the Legislator implies to choose between performing an action or abstaining from it.

Sunnah

Linguistically the *Sunnah* means the method. However, in terms of the Shari'ah it either means a *nafileh* that has been narrated about the Prophet (saw - peace be upon him and his family) such as the recommended *rakaat* (*rakaat as-Sunnah*) which are distinct from *fard* (compulsory). It should not be understood that the action is called Sunnah because it is from the Prophet (saw) and that the *fard* is from Allah (swt). The Sunnah and the *fard* are both from Allah (swt); and the Messenger is but a conveyor from Allah (swt) because the Messenger uttered not out of whims but only that which was revealed to him from Allah (*wahy*). Thus, although it is a Sunnah narrated about the Prophet (saw), nevertheless it is narrated as a recommended action, i.e., *nafileh*; in the same way that the *fard* has been narrated as a compulsory action. Hence, the two compulsory *rakat* of the dawn (*fajr*) prayer have been narrated about the Prophet (saw) through decisive reports, known as *tawatur*, as being *fard*; and the two recommended *rakat* of the *fajr* prayer have also been narrated through decisive reports (*tawatur*) as being Sunnah (*nafileh*); and both are from Allah (swt) and not from the Messenger himself. The command ('*amr*') is either *fard* or *nafileh* in actions of worship (*ibadat*) and *fard* or *mandoub* in other actions. In other words, *nafileh* is the same as *mandoub*, but it is specifically called *nafileh (ibadat)*, and also described as Sunnah.

The Sunnah also means all the Shari'ah evidences which came from the Messenger other the Qur'an. This includes his speech, actions and consent (his silence upon actions performed before him).

Emulating the Actions of the Messenger (saw)

The actions performed by the Prophet (peace be upon him and his family) are of two kinds; the actions that are part of his human nature and other actions. Every action that is part of his nature, such as standing, sitting, drinking, and eating etc., are indisputably permitted (*mubah*) for both him and his Ummah. Consequently, they do not fall within the category of actions of the *mandoub*.

Those actions which are not part of his human nature are either of the actions that are proven to be specifically personal to him, i.e., they are not practised by anyone else, or they are not personal to him. Those actions which are proven to be specifically personal to the Prophet (saw), such as the permission for him to fast continually through the day and night, and to marry more than four wives, etc., are inimitable and it is *haram* for us to emulate him as it has been proven by *Ijmaa'* that are only specific to him and thus we are not permitted to follow him in these.

Those actions known to be examples for us to follow are indisputable *daleels*. They are known by either a quite explicit statement, such as: '**Pray the same as you have seen me pray**', and '**Emulate me in all your rituals**', The evidence here denotes that his action is an example for us to follow. Or by a circumstantial evidence, such as amputating the hand of a thief from the wrist bone as an exemplification for the Supreme's words '*Cut off their hands*'. It is contingent upon the evidence on whether the actions are compulsory (*fard*), recommended (*mandoub*) or permitted (*mubah*).

This explanation is his action either by speech or circumstantial evidences is linked to the evidence whether it implies a *Woujoub*, *Nadb* or *Ibahah*. As for those actions of the Prophet which are not accompanied either by a negation or affirmation from the Prophet (saw), that they are examples for us to follow, they either show the intention of *Qurbah* or not. If they show the intention *Qurbah* they become *mandoub* for which the performer is rewarded for performing it and the abstainer is not punished. An example of this kind is the Sunnah of *Duha*. However, if the intention of approaching Allah (swt) is not evident, they fall within the permissible actions (*mubah*).

Adopting Divine Rules (*Ahkam Shari'ah*)

During the era of the Companions (*Sahabah*), the Muslims used to extract the *Ahkam Shari'ah* from the Book and the Sunnah by themselves. The judges, when tackling the disputes among people, would deduce for themselves the *hukm shari'* for every issue or event that they were faced with. The rulers, starting with the *Amir al-Mu'mineen* to the *Woulat* and others, would themselves deduce the *Ahkam Shari'ah* to solve every problem that arose during their ruling. Abu-Musa al Ash'ari and Shuraih (raa) were two such judges (*qadi*) who deduced the rules (*Ahkam*) and judged by their own *ijtihad*. Mu'adh ibn Jabal (raa) was a governor (*wali*) at the time of the Prophet (pbuh) and used to deduce *Ahkam* and ruled in his wilayah by his own *ijtihad*. Abu Bakr and Umar (raa) both deduced *ahkam* by themselves during their ruling and both ruled the people with the *ijtihad* each of them had deduced.

Muawiya and Amr ibn al 'As were two governors who deduced *Ahkam* for themselves by their own *ijtihad* and ruled people in accordance with it in their provinces. In spite of the *ijtihad* undertaken by the judges and governors, the Khaleefah used to adopt certain *Hukm* and to order their execution by the people who would be obliged themselves to implement the adopted rules and to leave their own opinion and *ijtihad* on those rules. This is because the *hukm shar'i* states that the Imam's decree is to be executed openly and covertly. Examples of this is Abu Bakr's adoption that the pronouncement of divorce three times in one sitting constitutes only one divorce, and his adoption that funds should be equally distributed among Mus-

lims irrespective of the time when they embraced Islam or any other matter. The Muslims followed Abu Bakr in these adoptions and the judges and governors executed them. When 'Umar came to office after him he adopted different opinions in the same questions. He obliged people to accept and execute the pronouncement of divorce three times in one sitting as three divorces, and he distributed the funds differently according to the time when the people had entered Islam and according to need. The Muslims followed 'Umar in these adoptions and the judges and governors executed them. Umar also made the adoption that land obtained in war was a *Ghanima* owned by the *Bayt al Mal* (House of Funds), wherein the original owners would retain possession and not distribute the land to the Muslim soldiers or the Muslims. The governors and judges followed him in this adoption and enacted the hukm he had adopted. Accordingly, the consensus of the Companions (*ijma'a as-sahaba*) confirms that the Imam has the authority to adopt certain rules to order that they be executed and the Muslims must obey him, even if their *ijtihad* differs from it.

Among the well known Shari'ah principles are: *'The Sultan has the right to adopt decrees as numerous as the actual problems'*; *'The Imam's decree resolves the discord'*; and *'The Imam's command is executed openly and covertly'*.

Henceforth, the *Khulafa'ah* adopted specific *Ahkam*. Haroon ar-Rasheed, for example, adopted the book *'Kitab al-Kharaj'* in the economic affairs, and he obliged all the people to execute the *Ahkam* included within it.

Constitution and Canon

Canon is a foreign connotation which means the decree issued by the ruler for people to enact. It has been defined as *'the group of principles which the ruler obliges the people to enact in their relationships'*. The basic law for every government is called a constitution; whereas law which emanates from the system decreed by the constitution, is called a canon. The term constitution has been defined as *'the canon which specifies the shape of the state and its ruling system, and defines the limit and specification of the authority vested in it'*, or *'the canon which organises public authority, i.e., the government, defines its relationship with its subjects, and assigns both the state's rights and duties towards the subjects and the subjects' duties and rights towards the state'*. Constitutions have different origins. Some have been issued in the form of a canon, and some have arisen through customs and traditions, such as the British constitution, while others have been drafted by a committee of a national assembly - vested with the authority at that time - which passed the constitution, defined the procedure for revising it and then dissolved itself to be replaced by the authority established by the constitution, as hap-

pened in America and France. Constitutions and canons are taken from two sources. The first being the source from which they directly originate, such as traditions, religion, the opinions of jurists, court precedents and the principles of justice and equity. Which is known as the legislative source. Examples of this type of constitution are some of the Western states like Britain and America. The second is an historical source, i.e., the constitution or canon that emerges from, or is taken from a particular place, like the French Constitution and some of the states in the Islamic world, like Turkey, Egypt, Iraq and Syria.

This is but a brief definition of the terms constitution and canon, which in sum means the state takes certain rules from either legislative or historical sources which it adopts and enacts, such that thereafter the rules adopted by the state become a constitution, if they are general, or canons if they are specific.

The question that now faces the Muslims is whether or not it is permissible to use these terms? The answer to this question is that if foreign terms contain terms or logical connotations that contradict the terminology of Muslims, they are prohibited for use: such as the term *'social justice'*, which implies a specific system which is manifested in the form of guaranteeing education, medical care for the poor and guaranteeing the rights of employees and workers. This connotation contradicts the Muslims terminological meaning for justice, because in Islam justice means the opposite of injustice, and the guaranteed provision of education and medical care is a right for rich and poor, and protecting the rights of the weak and needy is a right beholden to all those who hold citizenship of the Islamic State, whether they are employees, labourers or farmers etc. However, if the meaning of the terminology is consistent with what the Muslims have then it is permissible to use that term, such as the term tax, which means the funds collected from the people for the management of the state and the Muslims do have funds collected by the state for the management of their affairs and, thus, it is correct to use the term tax. The terms constitution and canon mean that the state adopts certain rules, announces them to the people and obliges them to act according to them and governs them on their basis. This meaning is consistent with Islam. Accordingly, we do not find anything to object with the use of the terms constitution and canons, the rules adopted by the Khaleefah from the *Ahkam Shari'ah*. However, which means there is a difference between the Islamic constitution and canons, on the one hand, and other constitutions and canons, on the other. The source of the other constitutions and canons are the traditions and judgements of their courts etc., and the origin is an institutional committee which establishes the constitution councils elected by the people to decree canons for

they consider the people to be the source of authority and sovereignty. As for the Islamic constitution and canons, their source is the Qur'an and Sunnah only, and their origin is the *ijtihad* of the *mujtahideen* from which the Khaleefah adopts certain rules, executes them and obliges the people to act according to them. Sovereignty is for the Shari'ah and *ijtihad* is a right for all Muslims and a *fard kifayah* upon them to deduce *Ahkam Shari'ah*. Only the Khaleefah has the right to adopt the *Ahkam Shari'ah*.

This is with respect to the permissibility of using the terms constitution and canon. As for the necessity of adopting rules, the Muslims, from the time of Abu Bakr (raa) up to the time of the last Khaleefah, have seen the necessity of adopting rules according to which the Muslims have been commanded to act. This adoption was for specific rules and not a comprehensive adoption of all the decrees that the state ruled with. The State only adopted comprehensively in some eras, namely, when the Ayubites adopted Ash-Shafi'i *madhab* and when the 'Uthmani State adopted Al-Hanafi *madhab* .

The question which is asked is, whether or not it is in the interest of the Muslims to lay down a comprehensive constitution and general canons? The answer to this question is that the presence of a comprehensive constitution and general canons for all rules stifles creative ability and *ijtihad*. Hence, the *Khulafa'ah* in the age of the Companions (Sahabah), the followers of the Companions (*tabe'yeen*), and the followers of the followers of the Companions (*tab'ee et-tabe'yeen*), avoided adopting all the rules. They merely restricted in adoption to specific rules where adoption was required to maintain the unity of ruling, legislation and administration. Therefore, for the sake of maintaining creative ability and *ijtihad*, it is preferable for the State not to have a comprehensive constitution which includes all the rules, but rather a constitution that includes general rules which define the form of the State and which guarantees the continuity of its unity, and leaves *ijtihad* and deduction to the governors and judges. This is the case if *ijtihad* is prevalent and people are *mujtahideen* as in the time of the Sahabah, *tabe'yeen*, and *tab'ee et-tabe'yeen*. But if all the people are *muqalideen*, and where *mujtahideen* are rare, it is obligatory for the State to adopt rules by which the State, i.e. the Khaleefah, *wala'a* and judges govern the people, because in such circumstances the governors and judges will suffer from differences and contradicting *taqleed*. However, adoption should come after studying the subject matter and *daleel*. Allowing the *wala'a* and judges to rule from their own knowledge will lead to the existence of different and contradicting rules within the same state, even in the same province, and it could even lead to them judging with what Allah (swt) has not revealed. Therefore, because of the ignorance of Islam which prevails these days, it is obligatory for the Islamic State to adopt cer-

tain rules confined to the transactions and punishments, excluding adoption in '*aqeedah* and the *ibadah*.. This adoption should be inclusive for all the rules so as to punctuate the state's affairs and to conduct all the affairs of the Muslims in accordance with the rules of Allah (swt). When the state adopts the rules and establishes the constitution and canons, it must restrict itself solely to the *Ahkam Shari'ah*. It must not adopt, or even study, anything other than the *Ahkam Shari'ah* whether it agrees with Islam or not. For example, it must not adopt the nationalisation of property. Instead, it must lay down the rule (*hukm*) of public property. The state has to restrict itself by the *Ahkam Shari'ah* in every matter connected with the thought (*fikrah*) and the method (*tareeqah*). But as for the canons and systems that are not connected with the *fikrah* and method and thus do not denote a certain view point of life, such as the administrative canons and departmental structures etc., considered to be means and styles, like the sciences, industries and technology, which the state may adopt to manage its affairs, as happened with Umar ibn al-Khattab (ra) when he established the army registers (divans) which were taken over from the Persians. These administrative and technical matters are not part of the constitution or the *Ahkam Shari'ah* and, therefore, are not included in the constitution. Therefore, the duty of the Islamic State is to observe that its constitution be *Ahkam Shari'ah* i.e. that its constitution and canon be Islamic with and when it adopts any rule it has to adopt it based on the strength of the *daleel shari'* with the correct understanding of the subject matter. Hence, first it has to study the problem in order to understand it - because understanding the problem is essential - it must then understand the *hukm shari'* related to this problem, and then it has to study *daleel* of the *hukm shari'*. The state then adopts this rule, based on the strength of *daleel*, on condition that these *Ahkam Shari'ah* are adopted either from the opinion of one of the *mujtahids* - after looking through the *daleel* and validity of its strength (*estinbat*) - or through *ijtihad shari'*, even in the single issue, from the Qur'an and Sunnah, *ijma'a as-sahabah*, or *qiyas*. Thus, for example, if the State wished to adopt forbidding insurance on goods, it has first to understand the nature of insurance on goods. It must study the means of possession. Allah's law concerning property would be applied on insurance and this would subsequently be adopted as the *hukm shari'* in this question. Accordingly, there should be an introduction to the constitution and to each canon that clearly explains the *madhab* from which each article has been deduced, the *daleel* relied upon, or, if the article was deduced by a correct *ijtihad*, an explanation of the *daleel* from which the article has been deduced, so that the Muslims know that the rules which the state has adopted in the constitution and canons are *Ahkam Shari'ah* reached by a correct *ijtihad*. This is because the Muslims are not obliged to obey the laws of the State unless they are *Ahkam Shari'ah* adopted by the State. According to this basis, the State adopts *Ahkam Shari'ah* in the form of a constitution and canons in order to govern the people who hold its citizenship.

As an illustration of this, we place in the hands of Muslims a draft constitution for the Islamic State in the Islamic world to be studied by Muslims while they are proceeding to establish the Islamic State that will carry the

Islamic *da'wah* to the world. It should be noticed that this constitution is not meant for a particular country or intended to be specific to any region or country but for the Islamic State in the Islamic world.

A Draft Constitution

GENERAL RULES

Article 1

The Islamic creed (*'aqeedah*) constitutes the foundation of the State. Nothing is permitted to exist in the government's structure, regime, accountability, or any other aspect connected with the government, that does not take the creed as its source. The creed is also the source for the State's constitution and canons. Nothing connected to the constitution or canons, is permitted to exist unless it emanates from the Islamic creed.

Article 2

The domain of Islam (*Dar al-Islam*) is that entity which applies the rules of Islam in life's affairs and whose security is maintained by Muslims. The domain of disbelief (*Dar al-Kufr*) is that entity which applies the rules of *kufr* and whose security is maintained by the *kuffar*.

Article 3

The Khaleefah is empowered to adopt divine rules (*Ahkam Shari'ah*) as canons and articles within the constitution. Once the Khaleefah has adopted a divine rule, that rule, singularly, becomes the divine rule that must be enacted and then implemented. Every citizen must openly and secretly obey that adopted rule.

Article 4

The Khaleefah must not adopt divine rules pertaining to worship, i.e., *ibadat*, except in connection with alms (*zakat*) and war (*jihad*). Also, he is not permitted to adopt any of the thoughts connected with the Islamic creed.

Article 5

All citizens of the Islamic State are entitled to enjoy the divine rights and duties.

Article 6

All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or in welfare.

Article 7

The State implements the divine law on all citizens who hold citizenship of the Islamic State, whether Muslims or not, in the following manner:

- a. The divine law is implemented in its entirety, without exception, on all Muslims;
- b. Non-Muslims are allowed to follow their own beliefs and worships.
- c. Those who are guilty of apostasy (*murtad*) from Islam are to be executed according to the rule of apostasy, provided they have themselves renounced Islam. If they are born as non-Muslims, i.e., if they are the sons of apostates, then they are treated as non-Muslims according to their status as being either polytheists (*mushriks*) or People of the Book.
- d. In matters of food and clothing the non-Muslims are treated according to their religions within the limits set by Islam.
- e. Marital affairs, including divorce, among non-Muslims are settled in accordance with their religions, but between non-Muslims and Muslims they are settled according to the divine law.
- f. All the remaining Shari'ah matters and rules, such as: the application of transactions, punishments and evidences (at court), the system of ruling and economics are implemented by the State upon everyone, Muslim and non-Muslim alike. This includes the people of treaties (*mu'aahid*), the protected subjects (*ahlu zimmah*) and all who submit to the sovereignty of Islam. The implementation on these people is the same as the implementation on the subjects of the State. Ambassadors and envoys are treated in their affairs according to the arrangements agreed upon with their states.

Article 8

The Arabic language is the language of Islam and the sole language of the State.

Article 9

Ijtihad (personal exertion to derive the Islamic rule) is *fard kifayah* (a collective duty), the performance of which is obligatory on the community as a whole. If the *duty is performed, the rest are relieved from it and every Muslim has the right to exercise ijtihad* if he has acquired the necessary conditions to perform it.

Article 10

There is no such thing as a clergy in Islam as all Muslims bear the responsibility for Islam. The State will prevent anything that signifies the existence of a clergy among Muslims.

Article 11

The primary function of the State is the propagation of the invitation (*da'wah*) to Islam.

Article 12

The only evidences to be considered for the divine rules (*Ahkam Shari'ah*) are: the Qur'an, the Sunnah, the consensus of the Companions (*ijma'a as-sahabah*) and analogy (*qiyas*). Legislation cannot be taken from any source other than these evidences.

Article 13

Every individual is innocent until proven guilty. No person shall be punished without a court sentence. Torturing is absolutely forbidden and whoever inflicts torture on anyone shall be punished.

Article 14

All human actions are in origin restricted by the divine rules (*Ahkam Shari'ah*), and no action shall be undertaken until its rule (*hukm*) is known. Every thing or object is permitted, i.e., *halal*, unless there is an evidence of prohibition.

Article 15

Any means that definitely leads to a prohibition (*haram*) is itself *haram*.

THE RULING SYSTEM

Article 16

The ruling system of the State is that of a unitary ruling system and not a federation.

Article 17

Ruling is centralised and administration is decentralised.

Article 18

There are four positions of ruling in the State. They are:

1. The Khaleefah
2. The delegated assistant (*mo'awin*)
3. The governor (*wali*)
4. The mayor (*a'mil*)

All other officials of the State are employees and not rulers.

Article 19

Nobody is permitted to take charge of ruling, or

any action considered to be of the nature of ruling, except a male who is free, i.e., not a slave, trustworthy (*adil*) and Muslim.

Article 20

Calling upon the rulers to account for their actions is both a right for the Muslims and a *fard kifayah* (collective duty) upon them. Non-Muslim subjects have the right to make known their complaints about the rulers injustice and misapplication of the Islamic rules upon them.

Article 21

Muslims are entitled to establish political parties to question the rulers and to access the positions of ruling through the nation (Ummah) on condition that the parties are based on the creed of Islam and their adopted rules are divine rules; the establishment of such a party does not require a license by the State. Any party not established on the basis of Islam is prohibited.

Article 22

The ruling system is founded upon four principles. They are:

1. sovereignty belongs to the divine law (*shar'a*) and not to the people;
2. authority belongs to the people, i.e., the Ummah;
3. the appointment of a Khaleefah into office is an obligation upon all Muslims;
4. only the Khaleefah has the right to adopt the *Ahkam Shari'ah* and thus he passes the constitution and the various canons.

Article 23

The State system is built upon eight pillars. They are:

1. the Khaleefah
2. the delegated assistants
3. the executive assistants
4. the Amir of jihad
5. judges
6. governors of the provinces (*Wilayat*)
7. The administrative system
8. the consultative assembly (*Majlis ash-Shura*)

THE KHALEEFAH

Article 24

The Khaleefah is deputised by the nation with authority for the enactment of the divine law.

Article 25

The Khilafah is a contract of nomination and acceptance. No-one is obliged to accept it and no-one is obliged to

nominate a particular person for it.

Article 26

Every mature male and female Muslim, who is sane, has the right to participate in the election of the Khaleefah and in giving him the pledge (*bay'ah*). Non-Muslims have no right in this regard.

Article 27

Once the contract of the Khilafah has been confirmed on a person through the *bay'ah* from those who are qualified to give it, the *bay'ah* of the remaining people is a *bay'ah* of obedience and not agreement. Consequently, those who may disobey it are obliged to submit.

Article 28

Nobody can become Khaleefah without being appointed by the Muslims. Nobody can hold the authority of the Khilafah unless it is acquired legitimately, as is the case with any contract in Islam.

Article 29

Any state which wishes to give the Khaleefah the *bay'ah* of agreement must fulfil the following conditions :

- a. the state must enjoy autonomy that is reliant solely on Muslims, and not on any disbelieving (*kafir*) state;
- b. the security of the Muslims in the state, both internally and externally, must be maintained by the security of Islam and not *kufr*.

The *bay'ah* of obedience - as opposed to the *bay'ah* of agreement - can be taken from any state without the need to satisfy the aforementioned conditions.

Article 30

The individual who is given the *bay'ah* for Khaleefah need only fulfil the agreement conditions [listed in Article 31]. He need not fulfil the preferred conditions, because what is essential is the conditions of agreement.

Article 31

There are six conditions of agreement that are necessary for an individual to become a Khaleefah. They are:

1. male
2. Muslim
3. free
4. mature
5. sane and

6. just (*adl*).

Article 32

If the post of the Khaleefah becomes vacant, due to death, resignation or dismissal, the appointment of a new Khaleefah must take place within three days of the date when it became vacant.

Article 33

The Khaleefah is to be appointed in the following manner:

- a. The Muslim members of the *Majlis ash-Shura* check and determine the number of candidates to stand for election for the post of Khaleefah. These names are subsequently announced and the Muslims are asked to elect one person from this list of candidates.
- b. The results of the election are to be announced and the person who has attained the majority of the votes is to be announced to the Muslims.
- c. The Muslims must hasten to give the *bay'ah* to the candidate - who has attained the majority of votes - as a Khaleefah to follow the Qur'an and the Sunnah of the Messenger of Allah (*saw*).
- d. Once the *bay'ah* has been accomplished, the name of the candidate who has become the Khaleefah along with a statement that he is qualified with all the agreement conditions necessary for holding the office of Khaleefah is announced to the people so that the news of his appointment reaches the entire Ummah.

Article 34

The Ummah appoints the Khaleefah but is not empowered to dismiss him after he has legitimately attained the *bay'ah* of agreement.

Article 35

The Khaleefah is the State. He possesses the following authority within the State:

1. The Khaleefah establishes the divine rules by his adoption and implementation of them, and as such they become the legal canons that must be obeyed and not transgressed.
2. The Khaleefah is responsible for both the internal and external policies of the State. He takes charge of the leadership of the army and has the right to declare war, conclude peace, armistice, and treaties.
3. The Khaleefah has the authority to accept and reject foreign ambassadors, and to appoint and dis-

miss Muslim ambassadors.

4. The Khaleefah appoints and dismisses the assistants (*mo'awin*) and the governors (*wula'a*). The assistants and governors are responsible to the Khaleefah and *Majlis ash-Shura*.
5. The Khaleefah appoints and dismisses the chief judge, the directors of departments, the leaders of the armed forces and the chief of staff; all of whom are responsible to the Khaleefah and not the *Majlis ash-Shura*.
6. The Khaleefah must adopt the divine rules by which the State's budget is set. The Khaleefah has to decide on its chapters and the funds required for every field, whether they be related to revenue or expenditure.

Article 36

The Khaleefah is restricted in what he adopts by the divine rules. He is forbidden to adopt any rule that is not soundly deduced from the divine texts. He is restricted to the rules he has adopted and to the method for deducing the rule that he has chosen. Accordingly, he is prevented from adopting a rule deduced by a method that contradicts the method he has adopted, and he must not enact any command that contradicts the rules he has adopted.

Article 37

The Khaleefah has the absolute right to conduct the citizens affairs according to his *ijtihad*, but he is not allowed to disagree with a divine rule on account of benefit. For example; he must not prevent citizens from importing products on the pretext of protecting the State's industries; he must not fix prices on the pretext of preventing exploitation; and he must not force home owners to lease their houses on the pretext of increasing the supply of housing. The Khaleefah must not forbid any *halal* thing or allow any *haram* thing.

Article 38

There is no limitation on the Khaleefah's period in office, as long as he abides by the divine law, implements its rules and is able to manage the State's affairs. If the Khaleefah's situation changes in such a way as to discharge him from the office of Khilafah, he is to be dismissed immediately.

Article 39

There are three matters which, if they change, discharge the Khaleefah from the office of Khilafah. They are:

1. If one of the qualifying conditions of the Khilafah

agreement becomes void, such as apostatising from Islam, insanity or manifest sinfulness (*fisq*) etc., because these are the conditions essential for the conferment of the agreement and its continuity.

2. His inability to undertake the responsibilities of the position of Khaleefah for any reason.

3. In the event of subdual, whereby the Khaleefah is rendered unable to conduct the affairs of the Muslims by his own opinions according to the divine law. If the Khaleefah is subdued by any force to an extent that he is unable to manage the citizens affairs by his own opinion according to the rules of the divine law, he is considered to be legitimately incapable of undertaking the duty for which he has been charged, and hence is to be dismissed from the office of Khilafah. This situation may arise under two circumstances. They are:

- a. When one, or more, of the Khaleefah's entourage exerts control over the management of affairs. If there is a chance that the Khaleefah could rid himself of their dominance he is given a warning for a specified period of time, after which, if he fails to rid himself of their dominance, he must be dismissed. If it appears that there is no chance of the Khaleefah freeing himself from their dominance, he is to be dismissed immediately.

- b. Should the Khaleefah be captured by a subduing enemy, whether he is actually captured or under its influence, the situation is to be examined; if there is a chance to rescue the Khaleefah, he is given a period of time until it appears that there is no hope to rescue him, after which he is dismissed. Should it appear from the outset that there is no hope of rescuing him, he is to be dismissed immediately.

Article 40

The responsibility of deciding whether or not the Khaleefah's situation has altered in such a way as to warrant his dismissal is the prerogative of the Court for the Acts of Injustice (*mahkumat ul-madhalim*), only it has the authority to admonish or dismiss the Khaleefah.

DELEGATED ASSISTANTS

Article 41

The Khaleefah appoints assistants delegated with the authority to assist him in undertaking the responsibility of ruling. He deputises them to manage affairs with their own point of view and *ijtihad*.

Article 42

The delegated assistants must be qualified with the same essential qualifications of the Khaleefah, viz., male, free,

Muslim, sane and just. Additionally assistants must be competent in the tasks for which they are deputised to undertake.

Article 43

The appointment of the delegated assistants must entail both deputation and a general responsibility. Thus, in the appointment of the assistants, the Khaleefah must pronounce a statement to the effect of 'I appoint you on my behalf as my deputy' or any other statement that confers both deputation and general responsibility. Unless the delegated assistant is appointed in this manner he would not hold the authority of a delegated assistant and thus would not be a delegated assistant.

Article 44

The function of the delegated assistant, to distinguish between him and the Khaleefah in his authority, is to inform the Khaleefah of the matters the delegated assistant has managed and the appointments and delegated duties he has implemented. Therefore, the function of the delegated assistant is to inform the Khaleefah of his analysis and, unless the Khaleefah prevents him, to carry it out.

Article 45

The Khaleefah has to examine the actions and disposals of the delegated assistants so as to confirm what is sound and to adjust that which is wrong, because the management of the nations affairs is entrusted to the Khaleefah and is the subject of his own *ijtihad*.

Article 46

Once the delegated assistant has managed a matter with the acquiescence of the Khaleefah, he has the right to carry it out - as acknowledged - without any alteration. If the Khaleefah revises the matter and objects to what the delegated assistant has executed, the following considerations apply: If the Khaleefah has objected to what the delegated assistant has carried out in regard to a rule implemented soundly, or a fund spent justly, then the view of the delegated assistant must be enacted, because it is the original view of the Khaleefah and the Khaleefah must not redress laws that he has implemented and funds that he has spent. But if the delegated assistant has implemented something else, such as the appointment of a wali or the equipping of the army, then the Khaleefah has the right to object and to overrule the decision of the delegated assistant, because the Khaleefah has the right to revise and redress his own decisions in such cases and hence those of the delegated assistant.

Article 47

Delegated assistants have a general deputation and therefore must not be assigned to specific departments or types of action; they must undertake general supervision of the administrative system and must not undertake administrative matters.

EXECUTIVE ASSISTANT

Article 48

The Khaleefah has to appoint an executive assistant whose function is executive and not ruling. His duty is to execute the instructions of the Khaleefah in both the internal and external affairs of the State and to relay to the Khaleefah what is received from these areas. This administration office is a medium between the Khaleefah and others, i.e., it executes instructions on his behalf and conveys to him.

Article 49

The executive assistant must be a Muslim because he is one of the Khaleefah's entourage.

Article 50

The executive assistant is always in direct contact with the Khaleefah; the same way the delegated assistants are. The executive assistant is considered an assistant but in execution instead of ruling.

AMIR OF JIHAD

Article 51

The directorates of the Amir of *jihad* consist of four departments, they are:

1. External affairs,
2. The military,
3. The internal security, and
4. Industry.

The Amir of *jihad* is the supervisor and director of all four departments.

Article 52

The Department of External Affairs directs the foreign affairs connected with the relationship of the Khilafah with foreign countries, whatever they may be.

Article 53

The Military Department oversees all affairs connected with the military forces, such as: the army, the police, equipment, armament supplies, duties etc. It also includes control of the military academies, military missions, and everything deemed necessary from the Islamic culture

and the culture of the army and whatever is related to warfare and its preparation.

Article 54

The Department of Internal Security oversees everything connected with security by means of the military forces, particularly the police.

Article 55

The Department of Industry directs all affairs connected with industry, including heavy industry, such as the production of motors, engines and car bodies; metallurgical industries, electronics and light industry; and factories of private and public ownership connected with the military industry. All factories of whatever type should be established on the basis of the military policy.

THE ARMY

Article 56

Jihad is a compulsory duty (*fard*) on all Muslims. Military training is therefore compulsory. Thus, every male Muslim, fifteen years and over, is obliged to undergo military training to prepare for jihad. Conscriptio, however, is *fard kifayah*.

Article 57

The army is divided into two: the regulars, who are paid salaries from the State's budget as employees, and the reservists, who comprise all the Muslims capable of fighting.

Article 58

The military forces are one power which is the army from which certain divisions are selected and organised in a particular way and provided with a certain culture, these are called policemen.

Article 59

The police are authorised to protect public order, supervise internal security and to perform all the executive duties.

Article 60

The army possesses flags and banners; the Khaleefah gives the flag to whomever he appoints as a leader of the army, the banners are introduced by the brigadiers.

Article 61

The Khaleefah is the leader of the army, he appoints the commander-in-chief, a general for each brigade and a commander for each division. The Brigadiers and commanders appoint the remaining ranks of the army. Members of the general staff are appointed according to their military culture, and are appointed by the general chief of staff.

Article 62

The army comprises one army located in specific camps. Some of these camps must be located in different provinces (*wilayat*) and strategic locations, and some must remain permanently mobile fighting forces. The camps are organised in numerous groups, each one of which is given a number to accompany its name, such as the first army, the third army or can be named after a province (*wilayat*) or district (*'imala*).

Article 63

It is necessary to provide the army with the highest possible level of military education and to elevate its intellectual level as far as possible, and to provide every member in the army with the Islamic culture that enables him to have a general awareness of Islam.

Article 64

Each camp should have a sufficient number of officers of the general staff who have attained the highest level of military knowledge and experience in devising plans and directing battles. The army as a whole should have as many officers of the general staff as possible.

Article 65

It is necessary to provide the army with all the required armaments, supplies and equipment so as to fulfil its duty as an Islamic army.

THE JUDICIAL SYSTEM

Article 66

Judgement constitutes the obligatory pronouncement of the divine rule. It settles the disputes among people, prevents that which harms the community's rights and eliminates the disputes arising between people and members of the ruling system - rulers and employees - including the Khaleefah and those of lesser rank.

Article 67

The Khaleefah is to appoint a chief judge authorised to appoint, discipline, and dismiss judges within the regulations of the administration. The chief judge must be a mature Muslim male who is sane, just and a jurist. The remaining employees of the courts come under the domain of the directorate that administers the court affairs.

Article 68

There are three types of judges. They are:

1. The judge who settles the disputes among people in transactions and punishments;
2. The muhtasib who judges upon violations of the community's rights; and
3. The judge of the Court for the Unjust Acts (*mahkamat ul-madhalim*) who settles disputes between people and officials of the State.

Article 69

All judges must be qualified by being Muslim, mature, free, sane, just, and a jurist being aware of how to apply rules in a situation. Judges of the Court for the Unjust Acts must additionally be qualified with being male and a mujtahid, i.e., a person capable of making ijihad.

Article 70

The judge and the *muhtasib* may be given a general appointment to pronounce judgement on all problems throughout the State, or alternatively they can be given an appointment to a particular location and to give judgement on particular cases. On the other hand, the judge of the Court for the Unjust Acts must be given a general appointment to pronounce judgement on all problems, but in terms of location he may be appointed to a particular location or all over the State.

Article 71

The courts should be comprised of only one judge who has the authority to pronounce judgement. But one or more judges are permitted to accompany him with only the authority of advising and assisting. They have no authority to pronounce judgement and their opinion is not binding on the judge who has the sole authority to give judgement.

Article 72

The judge cannot pronounce judgement except in a court session. Evidence and oaths are not considered except in a court session as well.

Article 73

It is permissible to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades, and other courts authorised to judge the other cases.

Article 74

There are no courts of appeal or annulment, because all judgements are of equal standing. Thus, when the judge has pronounced the verdict it becomes effective and no other judge's decision can overturn it.

Article 75

The muhtasib is the judge who investigates all cases, in the absence of an individual litigation, involving the rights of the public that are non-criminal and not involving the hudud (i.e., the punishments.)

Article 76

The muhtasib has the authority to judge upon violations, wherever the location. He acquires knowledge of these violations without the need to hold a

court session. A number of policemen are put at the muhtasib's disposal to carry out his orders and to execute his judgements immediately.

Article 77

The muhtasib has the right to appoint deputies to himself, that possess the same qualifications as the muhtasib, and to assign them to various locations where they practice with the same authority as the muhtasib in the location in the cases assigned to them.

Article 78

The judge of the Court for the Unjust Acts is appointed to remove all unjust acts, committed by the Khaleefah, governor(s), or any official of the State, that have been inflicted upon anyone - whether that person is a citizen or not - living in the domain of the State.

Article 79

Judges in the Court for the Act of Injustice are appointed by the Khaleefah and the chief judge. However, neither the Khaleefah nor the chief judge has the right to dismiss them. Their performance is controlled by the Court for the Unjust Acts and it alone is responsible for taking them to task.

Article 80

There is no limit on the number of judges that can be appointed to the Court for the Unjust Acts. The Khaleefah can appoint as many as he may deem necessary to eradicate the unjust acts. Although it is permitted for more than one judge to sit in a court session, only one judge has the authority to pronounce a judgement. The other judges only assist and provide advice, and their advice is not binding on the judge authorised to pronounce the judgement.

Article 81

The Court for the Unjust Acts has the authority to dismiss any ruler, governor and official of the State, including the Khaleefah.

Article 82

The Court for the Unjust Acts has the authority to investigate any case of iniquity, whether it be connected with officials of the State, the Khaleefah's deviation from the divine rules, interpretation of the legislative texts in the constitution, canons and divine rules within the framework adopted by the Khaleefah, the imposition of a tax, etc.

Article 83

The judicature of the Unjust Acts is not restricted by a court session or the request of the defendant or the presence of the plaintiff. It has the authority to look into any case of injustice even if there is no plaintiff.

Article 84

Everyone, both defendant and plaintiff, has the right to appoint a proxy, whether male or female, Muslim or not, to act on his/her behalf. There is no distinction between him/her and the proxy. The proxy has the right to be appointed on a salary according to the terms agreed upon between the person and his or her proxy.

Article 85

It is permitted for the one who holds office, such as the Khaleefah, wali, official, muhtasib and judge of the Court for the Unjust Acts, or persons who have been vested with a specific responsibility, like a custodian or guardian, to appoint a person to his position as a proxy - within the bounds of his authority - for the purpose of appearing on his/her behalf as the plaintiff or defendant, and for no other reason.

THE GOVERNORS OF THE PROVINCES (WUL 'AA)

Article 86

The territories governed by the State are divided into units called provinces (*wilayat*). Each *wilayat* is divided into units called districts (*'imalat*). The person who governs the *wilayat* is called the wali or Amir, and the person who governs the *'imalat* is called the *'amil*.

Article 87

The *walis* and the *'amils* are appointed by the Khaleefah. The wali can, if authorised, also appoint the *'amils*. The *walis* and *'amils* must possess the same qualifications as the Khaleefah, i.e., Muslim, male, free, sane, just and competent in their responsibilities. They are to be selected from the people of piety (*taqwa*) and strength.

Article 88

The *wali* has the authority to govern and supervise the performance of the departments in his province in his capacity as the deputy of the Khaleefah. He has the same authority in the province as the delegate assistant has in the Khilafah State. He has command over the people of his province and control over all affairs except finance, the judiciary and the army. He has command over the police in respect of conduct, but not in administration.

Article 89

The *wali* is not obliged to inform the Khaleefah of what he has carried out within his authorised command, but if a new problem arises, he has to wait until he has informed the Khaleefah about it, and then proceeds according to the instructions of the Khaleefah. If, as a result of waiting, the problem

would be exacerbated, he must act first and then inform the Khaleefah later on about the reason for not informing him.

Article 90

Every province has an assembly elected from its people, and headed by the *wali*. The assembly has the authority to participate in expressing opinions on administrative matters and not ruling; their opinions are not binding.

Article 91

The *wali's* term of office in a particular province is not to be long. He must be discharged whenever he becomes powerful in his province and/or the people become enchanted with him.

Article 92

The *wali's* appointment is a general responsibility in a defined location. Consequently, the *wali* is not moved from one province to another. He has to be discharged first and then reappointed.

Article 93

The *wali* can be discharged if the Khaleefah decides so, or if the majlis as-shura expresses dissatisfaction with him - whether justified or not - or if the majority of the people of the province appear displeased with him. However, the *wali* can only be dismissed by the Khaleefah.

Article 94

The Khaleefah must exercise strict control over the *walis* and continually assess their performance. He must deputise people to monitor them and periodically gather such people, all or some, and listen to their complaints about the *walis*.

THE ADMINISTRATIVE SYSTEM

Article 95

The management of the government's affairs and the interests of the people is performed by, and the responsibility of, administrations, directorates and departments.

Article 96

The administrations, directorates and departments are built upon the principles of: efficiency of the system, speed in carrying out the tasks and competence in those who

are in charge of them.

Article 97

Any subject of the State, male or female, Muslim or not, who is suitably competent may be appointed as the head or official of any administration, directorate or department.

Article 98

Every administration must have a general manager and every directorate and department must have a special director responsible for them. All directors are responsible to the general manager for their administrations, directorates and departments. In respect to conforming to the laws and public orders, they are responsible to the Khaleefah, wali and 'amil.

Article 99

The managers and directors of all the administrations, directorates and departments are to be dismissed only for reasons connected with administrative regulations. It is permitted to move them from one post to another and to suspend them. The general manager of each administration, directorate or department is responsible for the appointing, dismissing, transferring, suspending and disciplining.

Article 100

Employees, other than the directors and the managers, are appointed, transferred, suspended, questioned, disciplined or dismissed by the general manager of their administration, directorate or department.

THE CONSULTATIVE ASSEMBLY (*Majlis ash-Shura*)

Article 101

The membership of the *Majlis ash-Shura* consists of those people who represent the Muslims in respect of expressing their views to the Khaleefah when consulted. Non-Muslims are allowed to be members of the *Majlis as-Shura* so that they can voice their complaints in respect to unjust acts performed by the rulers and/or the misapplication of the Islamic laws.

Article 102

The members of the *Majlis ash-Shura* are elected by the people.

Article 103

Every citizen of the State has the right to become a member of the *Majlis as-Shura*, provided he or she is both mature and sane. This applies to Muslim and non-Muslim. However, membership to non-Muslims is confined to their voicing of complaints in respect to unjust acts performed by the rulers

and/or the misapplication of Islam upon them.

Article 104

Consultation (*Shura*) constitutes the seeking of views, while the mashura constitutes the seeking of binding views. Matters of legislation, definitions, expertise, science and technology are not to be considered *mashurah*; all other matters are considered *mashurah*.

Article 105

All citizens, Muslim or not, may express their views, but shura is a right for the Muslims only.

Article 106

All issues that fall under the category of mashura are decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of shura, the correct opinion is sought, whether it is a majority or minority held view.

Article 107

The *Majlis ash-Shura* is charged with four duties. They are:

1a. To arrive at the binding view of the *Majlis* on matters that are considered mashura, such as: affairs of ruling, education, health, and the economy. In all other matters, such as: foreign policy, finance and the army, which are not considered mashura, the opinion of the *Majlis ash-Shura* is not necessarily sought.

1b. To question the government on all actions it actually carried out, whether they be internal or external affairs, financial or military. In matters where the majority view decides, the majority view is binding. Where the majority view is not sought, the viewpoint is not binding. In the event of the *Majlis ash-Shura* and the rulers disagreeing on an action from the view point of the *Shari'ah*, the verdict of the *Mahkamat ul-Madhalim* is to decide.

2. To express dissatisfaction with the governors and assistants, and in this matter the view of the *Majlis* is binding and the Khaleefah must discharge them at once.

3. To discuss and express opinion on the rules, the constitution and canons, that the Khaleefah intends to adopt and which he has presented to the *Majlis*. The views of the *Majlis* are not binding in this matter, though they have the right to express their views; non-Muslims have no such right.

4. To select the list of candidates to stand for the position of Khaleefah; no candidate excluded from this list may stand and the decision of the *Majlis* is binding. Only Muslim members of the *majlis* may participate in drawing up this list.

THE SOCIAL SYSTEM

Article 108

The primary role of a woman is that of a mother and wife. She is an honour that must be protected.

Article 109

Men and women are basically to be segregated from each other, and they should not mix together except for a requirement permitted by the *shar'a*, such as buying and selling, or for a purpose which the *shar'a* allows mixing, like the pilgrimage.

Article 110

Women have the same rights and obligations as men, except for those specified by the Shari'ah evidence to be for man. Thus, she has the right to: practice in trading, farming, and industry; to partake in contracts and transactions; to possess all manners of property; to invest her funds by herself (or by others); and to conduct all of life's affairs by herself.

Article 111

A woman can participate in the election and giving of the bay'ah to the Khaleefah, and elect, and also be, a member of the *Majlis ash-Shura*, and can be appointed as an official of the State in a non-ruling position. This includes the position of a judge, but not in *Mahkamat ul-Madhalim*.

Article 112

Women are not allowed to take charge of ruling, thus women cannot hold the positions of Khaleefah, *wali*, *'amil*, a judge of the *Mahkamat ul Madhalim*, and is prevented from practising any of the actions of ruling.

Article 113

Women live within a public and private life. Within their public life, they are allowed to live with other women, maharem males [males forbidden to them in marriage] and men they can marry on condition that nothing of the women's body is revealed, apart from her face and hands, and that the clothing is not revealing nor her charms displayed.

Article 114

Women are forbidden to be in private with any men they can marry, they are also forbidden to display their charms or to reveal their body in front of men they can marry.

Article 115

Men and women must not practice any immoral action or anything which causes corruption within society that may stem from the Shari'ah rules,

such as employing a female or male air host(ess), waiter or barber merely to take advantage of their sex.

Article 116

Marital life is one of tranquillity and companionship. The responsibility of the husband on behalf of his wife is one of taking care, and not ruling her. She is obliged to obey her husband and he is obliged to meet the costs of her livelihood according to the seemly standard of living.

Article 117

The married couple must assist each other in performing the household duties, with the husband performing all the actions normally undertaken outside of the house, and the woman performing those actions normally undertaken inside the house as best as she can. The husband should provide home-help as required to assist with the household tasks she cannot manage herself.

Article 118

The custody of children is both a right and duty of the mother, whether Muslim or not, so long as the child is in need of this care. When children, girls or boys, are no longer in need of care, they are to choose which parent they wish to live with, this applies if both parents are Muslim. If one of the parents or guardians is Muslim, there is no choice in the matter, the child is to join the Muslim.

THE ECONOMIC SYSTEM

Article 119

Economic policy is the view of what the society ought to be when addressing the satisfaction of its needs, so what the society ought to be is taken as the basis for satisfying the needs.

Article 120

The fundamental economic question is how to distribute funds and benefits to all subjects of the State, and to facilitate all the subjects to utilise these funds and benefits by enabling them to strive and possess them.

Article 121

Every individual must have his basic needs provided for completely by the State, and it must facilitate to the highest possible level the consumption of non-basic needs.

Article 122

Allah is alone the owner of property and He has gifted it to human beings. By this general donation mankind has acquired the right to possess property. As a consequence of Allah's (swt) permission for the individual to possess property, man has the actual possession.

Article 123

There are three types of property, they are: private property, public property, and State property.

Article 124

Private property is a divine rule determined by the substance of the property or the benefit from it. As a result of this possession, the person who possesses it obtains a benefit from it or receives a price for it.

Article 125

Public property is the shar'a permission for the community to participate in obtaining benefit from the property.

Article 126

State property comprises all property whose expenditure is determined solely by the view of the Khaleefah and his ijihad, such as: the funds of taxes, land tax (*kharaj*) and head tax (*jizya*).

Article 127

Private property consisting of liquid and fixed assets is restricted by the following divine causes:

- a. Work
- b. Inheritance
- c. Acquisition of property to survive
- d. A donation from State funds to a citizen
- e. Funds obtained by individuals not by effort or through purchase.

Article 128

The disposal of property is restricted by the permission of the Legislator, i.e., Allah, (swt) whether it is spending or investing of property. Squandering, extravagance and miserliness are forbidden. Also forbidden are the Capitalist companies, co-operatives, all other illegal transactions, usury (*riba*), fraud, monopolies, gambling and the like.

Article 129

Tithed land (*al ushriah*) constitutes land within the Arabian peninsula and land whose owners had embraced Islam, whilst possessing the land, before the Islamic State encountered them by jihad. Tax land (*al kharajiah*) is all land, other than the Arabian peninsula, which was opened by *jihad*, i.e., war or reconciliation. *Al ushriah*-land, together with its benefits, is owned by individuals. *Al kharajiah* land is owned by the State, and individuals own its benefits. Everyone has the right to exchange, through shar'a contracts, tithed land and the benefits from tax land. All people can inherit these, the same as with other properties.

Article 130

Uncultivated land is acquired by giving life to the land, i.e., irrigating it, or by protecting it, i.e., erecting fencing. Cultivated land can only be acquired by way of *shar'a* causes, such as: inheritance, purchasing it, or through a donation from the State.

Article 131

Leasing land, whether *al ushriah*-land or *al kharajiah*-land, for agriculture is forbidden. Sharecropping of land planted with trees is permitted, and sharecropping on all other land is forbidden.

Article 132

Every landlord is obliged to use his land, those who are needy are to be given a loan from the treasury (*bayt al-mal*) to facilitate this. Anyone who leaves his land fallow, i.e., does not use the land, for three years will have it taken from him to be given to another.

Article 133

The following three categories constitute public property:

- a. Public utilities, such as the town square.
- b. Vast mineral resources, like oil fields.
- c. Things which, by their nature, preclude ownership by individuals, such as rivers.

Article 134

Factories by their nature are private property. However, they follow the rule of the product manufactured within it. If the product is private property, the factory is considered to be private property, like a textile mill. If the product is a public property, like iron ore, then the factory is considered to be a public property.

Article 135

The State has no right to change private property into public property, because public property is determined by its nature and not by the view of the State.

Article 136

Everybody in the State has the right to utilise public property, and the State has no right to allow any individual to singularly possess, own or utilise public property.

Article 137

The State is allowed to protect uncultivated land or public property on behalf of any of the citizens' interests.

Article 138

Hoarding funds, even if *zakah* is paid on it, is forbidden.

Article 139

Zakah is collected from Muslims on their properties that are specified by *shar'a*, i.e., money, goods, cattle and grain. It is not taken from anything not specified by the *shar'a*. *Zakah* is taken from every owner whether legally accountable, i.e., mature and sane, or not, i.e., immature and insane. It is recorded in a specific account of the *bayt al-mal* and is not to be spent except on behalf of one

or more of the eight categories of people mentioned in the Glorious Qur'an.

Article 140

Jizyah (head-tax) is collected from the non-Muslims (*dhimmis*). It is to be taken from the mature men if they are financially capable of paying it. It is not taken from women or children.

Article 141

Kharaj (land-tax) is collected on *al-kharajiah* land according to its potential production. However, in respect of *al ushriah* land *zakah* is payable on it on the basis of its actual production.

Article 142

The Muslims pay the tax that *shar'a* has permitted to cover the expenditure of *bayt al mal*, on condition that it is levied on that which is surplus to the individual's conventional needs. The tax must be sufficient to cover the demands of the State. Non-Muslims do not pay any tax except the *jizya*.

Article 143

The State has the right to collect tax from its citizenry when the funds of *bayt al mal* are inadequate to cover the expenditure required to undertake all the functions the *shar'a* has obliged the Muslims to perform. The State is not allowed to impose a tax on the people for a function the *shar'a* has not obliged the Muslims to undertake. Thus, the State is not allowed to collect fees for the courts or departments or administrations, or for accomplishing any interests.

Article 144

The budget of the State has permanent sources decided by the *Ahkam Shari'ah*. The budget is further divided into sections. The funds assigned to each section and the matters for which the funds are allocated are all decided by the view of the Khaleefah and his *ijtihad*.

Article 145

The permanent sources of income for *bayt al-mal* are: spoils (*faya*), *jizya*, *kharaj*, a fifth of the buried treasure (*rikaz*) and *zakah*. All these funds are collected, whether there is a need for them or not, on a perpetual basis.

Article 146

If the revenue derived from the permanent sources of income for *bayt al-mal* are insufficient to cover the expenditure of the State, it is permitted to collect taxes from the Muslims to cover the expenditure obliged on *bayt al-mal*. The obligations are

the following:

- a. The needs of the poor, the needy, the travellers, and to perform the obligation of jihad.
- b. Remuneration of the salaries of the employees, the rulers and the provisions for the soldiers.
- c. Providing benefits and public utilities, such as constructing roads, extracting water, erecting mosques, schools and hospitals.
- d. Meeting emergencies, like natural disasters, famine, floods and earthquakes.

Article 147

Income derived from: public and State property, people dying without heirs and customs levied at the state's borders (*thoghoor*), are all recorded in *bayt al-mal*.

Article 148

The expenditure of *bayt al-mal* is distributed among the following six categories of people as follows:

- a. The eight categories of people entitled to partake of the *zakah* funds. If there are no funds in this chapter they are not given any money.
- b. The poor, the needy, the travellers, the debtors and jihad are funded from the permanent sources of revenue whenever there are insufficient funds in the *zakah* account. When there are inadequate funds from the permanent revenues, the debtors are not to receive assistance. The poor, the needy, the travellers and *jihad* must be funded from the taxes collected for this purpose; and if required - to prevent them from falling into corruption - they are to be funded from loans raised by the State for this purpose.
- c. *Bayt al mal* must fund those people who perform certain duties or services for the State, such as employees, rulers and soldiers. If there are insufficient funds for this purpose, taxes must be collected immediately to meet their expenses, and loans should be raised if it is feared that corruption might ensue.
- d. *Bayt al mal* shall fund the essential services and utilities such as the roads, mosques, hospitals and schools. If there are insufficient funds, taxes must be collected to cover their cost.
- e. Non-essential services and utilities are funded by *bayt al mal*, but when there are insufficient funds available they are not financed and accordingly delayed.
- f. Disasters, such as earthquakes and floods, must be financed by *bayt al mal*; if there are insufficient funds available, loans are to be raised immediately, and will be repaid later from taxes.

Article 149

The State should provide employment for all subjects holding citizenship of the State.

Article 150

Company employees and the self-employed have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the nature of the work, is considered an employee. In matters of dispute, between employer and employee over salary levels, the salary level is to be assessed on the basis of the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the shar'a.

Article 151

The salary is to be determined according to the benefit of the work and employee, and not according to the knowledge and/or qualification of the employee. There are to be no annual increments for employees. Instead, they are to be given the full value of the salary they deserve for the work they do.

Article 152

The State is to guarantee the living expenses of those who have no money, no employment and no relatives responsible for them. The State is responsible for housing and maintaining the disabled and handicapped people.

Article 153

The State must endeavour to circulate wealth among all the subjects and forbids the movement of wealth among only a sector of society.

Article 154

The State tackles the task of enabling every subject to satisfy his non-basic needs, and to achieve equality in society, in the following way:

- a. The State grants all subjects liquid and fixed assets from those deposited with bayt al mal, and from the war booties, etc.
- b. The State donates from its cultivated land to those who have insufficient or no land. Those who possess land but do not use it are not given land. Those who are unable to use their land are given financial assistance to enable them to use their land.
- c. Those who are unable to settle their debts are given funds from zakah, and the war booty, etc.
- d. The State donates from the public property to enable its subjects to satisfy their non-basic needs and to achieve equality in society.

Article 155

The State supervises agricultural affairs and their

products in accordance with the needs of the agricultural policy, whose objective is to fulfil the potential of the land to its greatest level of production.

Article 156

The State completely supervises the affairs of industry. It undertakes those industries included as public property.

Article 157

International commerce is assessed on the basis of the citizenship of the trader and not the origin of the goods. Merchants from countries in a state of war with the State are prevented from trading in the State, unless given a special permission for the merchant or the goods. Merchants from countries that have treaties with the State are treated according to the terms of the treaty. Merchants who are subjects of the State are prevented from exporting strategic and needed materials. However, they are not prevented from importing any property they own.

Article 158

All individual subjects of the State have the right to establish research and development laboratories connected with life's affairs. The State should also establish such laboratories.

Article 159

Individuals are prevented from possessing laboratories producing materials that could harm the public interest or cause harm prohibited by *Shari'ah*.

Article 160

The State provides free health care for all, but it does not prevent private medical practices nor the sale of medicine.

Article 161

The use of foreign capital and its investment within the State is forbidden. It is also prohibited to grant franchises to foreigners.

Article 162

The State issues its own currency, which is independent of all foreign currencies.

Article 163

The currency of the State is to be restricted to gold and silver, whether minted or not. No other form of currency for the State is permitted. The State can issue coinage not of gold or silver provided that the treasury of the State (*bayt al-mal*) has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes

etc. as long as it is covered completely by gold and silver.

Article 164

It is absolutely forbidden to open banks. The only bank permitted is the State bank which is a department of bayt al mal. It does not deal in usury (*riba*) and its function is to provide financial loans in accordance with the Shari'ah rules and to facilitate financial and monetary transactions.

Article 165

It is permissible to exchange between the State currency and the currency of other states like the exchanging between the state's own coinage. It is permissible for the exchange rate between two currencies to fluctuate provided the currencies are different from each other. However, such transactions must be undertaken in a hand-to-hand manner and constitute a direct transaction with no delay involved. All citizens can buy whatever currency they require from within or outside the State, and they can purchase the required currency without obtaining prior permission.

EDUCATION POLICY

Article 166

The Islamic creed constitutes the basis upon which the education policy is built. The syllabi and methods of teaching are designed to prevent a departure from this basis.

Article 167

The purpose of education is to form the Islamic personality in thought and behaviour. Therefore, all subjects in the curriculum must be rooted on this basis.

Article 168

The goal of education is to produce the Islamic personality and to provide people with the knowledge connected with life's affairs. Teaching methods are established to fulfil this goal.

Article 169

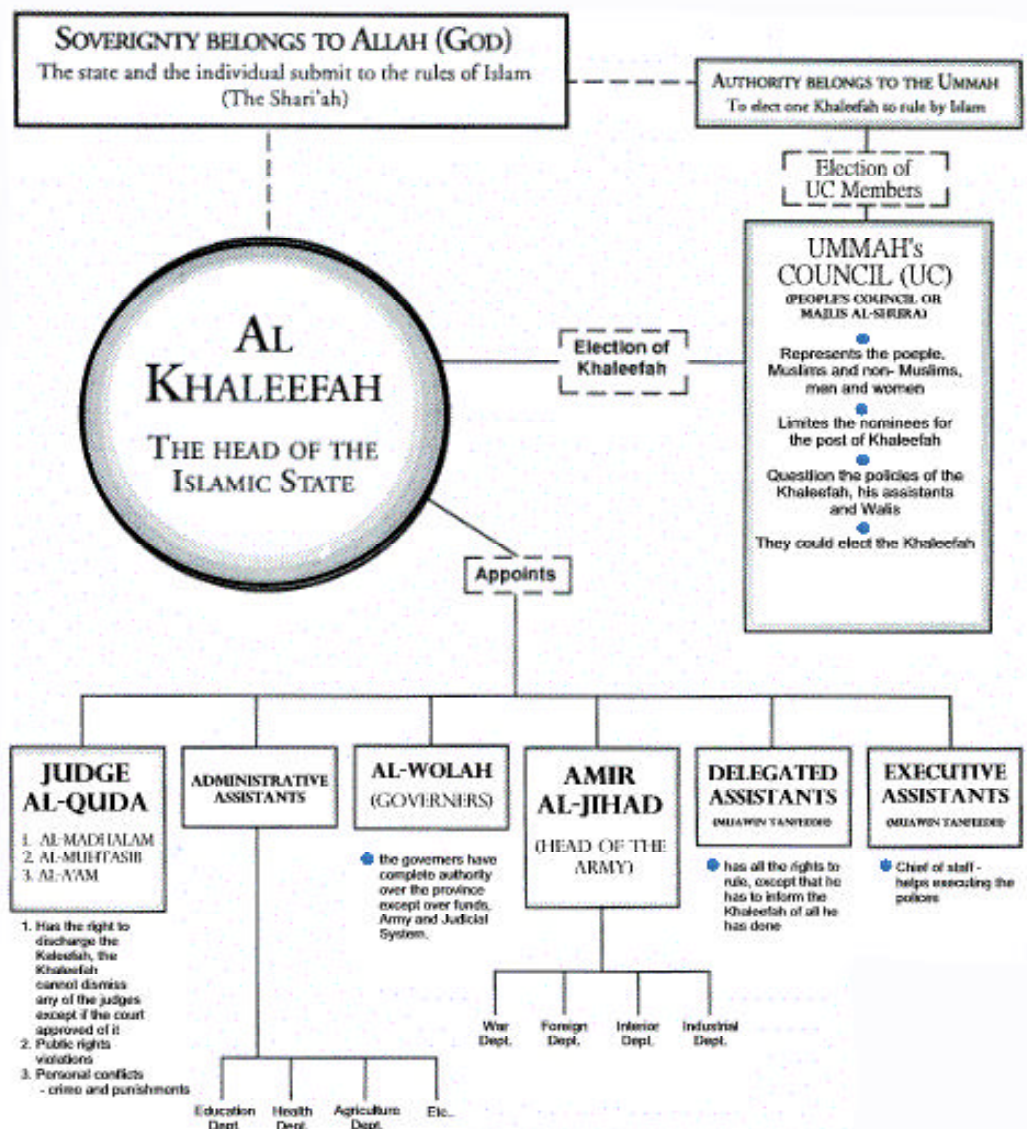
A distinction should be drawn between the empirical sciences such as mathematics, on the one hand, and the cultural sciences, on the other. The empirical sciences, and all that is related to them, are taught according to the need and are not restricted to any stage of education. As for the cultural sciences, they are taught at the primary and secondary levels according to a specific policy which does not contradict Islamic thoughts and rules. In higher education, these cultural sciences are studied like other sciences provided they do not lead to a departure from the stated goal of the education policy.

Article 170

The Islamic culture must be taught at all levels of education. In higher education, departments should be assigned to the various Islamic disciplines as will be done with medicine, engineering, physics etc.

Article 171

Arts and industries may be related to science, such as commerce, navigation and agriculture. In such cases, they are studied without restriction or conditions. Sometimes, however, arts and industries are connected to culture and reflect a particular viewpoint of life, such as painting and sculpting. If this viewpoint of life contradicts the Islamic



viewpoint of life, these arts and industries are not taken.

Article 172

The state's curriculum is the only one allowed to be taught. Private schools, provided they are not foreign, are allowed as long as they adopt the state's curriculum and establish themselves on the State's educational policy and accomplish the goal of education set by the State.

Article 173

It is an obligation upon the State to teach every individual, male or female, those things which are necessary for the mainstream of life. This should be provided freely to all and done in the primary and secondary levels of education. The State should, to the best of its ability, provide the opportunity for everyone to continue higher education free of charge.

Article 174

The State ought to provide the means of developing knowledge, such as libraries and laboratories, in addition to schools and universities, to enable those who want to continue their research in the various fields of knowledge, like *fiqh*, *Hadith* and *tafseer* of Qur'an, thought, medicine, engineering and chemistry, research and development etc. This is done to create an abundance of *mujtahideen*, outstanding scientists and innovators in research.

Article 175

The exploitation of writing for educational purposes, such as copyrighting, at whatever level is strictly forbidden. Once a book has been printed and published, nobody has the right to reserve the publishing and printing rights, including the author. However, if the book has not been printed and published, and thus is still an idea, the owner has the right to take payment for transferring these ideas to the public, the same way he can take payment for teaching them.

Article 176

Any subject of the State has the right to issue any newspaper, magazine or book; political or not, without permission. However, any one who prints, spreads or issues anything that might destroy the basis on which the State is built will be punished.

Article 177

The State works to eliminate illiteracy and educate those who missed the opportunity of receiving an education.

FOREIGN AFFAIRS

Article 178

Politics is taking care of the nation's affairs inside and outside the State. It is performed by the State and the nation. The State practices it and the nation questions that practice.

Article 179

It is absolutely forbidden for any individual, party, group or association to have relations with a foreign state. Relations with foreign countries are restricted only to the State, because the State has the sole right to practice taking care of the nations affairs. The nation is to question the State in connection with this task of caring.

Article 180

Ends do not justify the means, because the method is integral to the thought. Thus, the duty (*wajib*) and the permitted (*mubah*) cannot be attained by performing the forbidden action (*haram*). Political means must not contradict the political methods.

Article 181

Political manoeuvring is necessary in foreign policy, and the effectiveness of this manoeuvring is dependent on concealing (your) aims and disclosing (your) acts.

Article 182

Some of the most important political means are disclosing the crimes of other states, demonstrating the danger of erroneous politics, exposing harmful conspiracies and bringing down misleading personalities.

Article 183

One of the most important political means is the manifestation of the greatness of the Islamic thoughts in taking care of the affairs of individuals, nations and states.

Article 184

The political cause of the nation is Islam, in the might of the State, the sound implementation of its rules, and in perseverance in its call (*da'wah*) to mankind.

Article 185

Conveying the Islamic *da'wah* is the axis around which the foreign policy revolves, and upon which relations between the State and other states are built.

Article 186

The state's relationships with other states are built upon four considerations. These are:

1. States in the current Islamic world are considered to belong to one state and, therefore, they are not included within the sphere of foreign affairs. Relationships with these countries are not considered to be in the realm of foreign policy and every effort should be expended to unify all these countries into one state. The subjects of these countries are not considered to be foreigners. They have the same rights as other subjects of the Islamic State. However, if those countries are considered as Dar al-Kufr, then their subjects are treated as foreigners.
2. States who have economic, commercial, friendly or cultural treaties with our State are to be treated according to the terms of the treaties. If the treaty states so, their subjects have the right to enter the State with an identity card without the need for a passport; provided our subjects are treated in a like manner. The economic and commercial relationships with such states must be restricted to specified items which are deemed necessary and which, at the same time, do not lead to the strengthening of these states.
3. States with whom we do not have treaties, the actual imperialist states, like Britain, America and France and those states that have designs on the State, like Russia are considered to be potentially belligerent states. All precautions must be taken against them and it would be wrong to establish diplomatic relationships with them. Their subjects may enter the Islamic State only with a passport and a visa specific to every individual and for every visit.
4. With states that are actually belligerent states, like Israel, a state of war must be taken as the basis for all dispositions with them. They must be dealt with as if a real war existed between us - whether an armistice exists or not - and all their subjects are prevented from entering the State. The money and blood of their non-Muslim subjects are not protected.

Article 187

All military treaties and pacts, of whatever source, are absolutely forbidden. This includes political treaties and agreements covering the leasing of military bases and airfields. It is permitted to conclude good-neighbouring, economic, commercial, financial, cultural and armistice treaties.

Article 188

States which are not actually belligerent, imperialist and do not have designs on the State are allowed to open embassies in the State. However, the activities of such embassies are not to be cultural or political, and there should be restrictions on their movements and authorities.

Article 189

The State will open embassies in the states that are not actually belligerent, according to the interest of *da'wah*. Among the activities of such embassies is to deliver the Islamic call (*da'wah*).

Article 190

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

Morals in Islam

Islam is defined as the Deen which Allah has revealed to our Messenger Muhammad (prayer and peace be upon him and his family) to organise man's relationship with his Creator, himself and with other human beings. Man's relationship with his Creator revolves around the *Aqaid* and *Ibadat*. His relationship with himself includes morals, foodstuffs and clothing. While his relationship with other human beings involves transactions and punishments.

Islam tackles all of man's problems and looks upon man as an indivisible whole. Consequently, it solves man's problems according to one method. Furthermore, Islam has built its system on a spiritual basis, i.e., its creed (*'aqeedah*). Accordingly, the spiritual side or dimension is the basis of its culture, state, and *Shari'ah*.

Although the Islamic Shari'ah explained the various systems in precise details, such as the system of *ibadah*, and transactions and punishments, Islam did not put forward a detailed system for the morals. Rather, it treated

the rules of morals as commands and injunctions from Allah (swt), without considering morals as rules that should be given special care and which need greater attention. To the contrary, the specification of the rules relating to morals are less detailed than other rules and they are given no particular section in Islamic *fiqh*. Thus, one does not find in the books of *fiqh* that contain the *akham* Shari'ah chapters titled "morals". Furthermore, the *Fuqaa* and *Mujtahideen* have not paid much attention, in deduction and research, to the subject area of moral rules.

Morals do not affect the building of a society, because society is built upon the systems of life and is affected by thoughts and sentiments. Morals have no effect in establishing the society or determining its prosperity or demise. The effective factor is commonly held awareness which arises from the concepts about life. The driving factor in society is not morals but the systems which are applied within it and the thoughts and sentiments which the people carry. Indeed, morals themselves stem from the thoughts, sentiments and result from the implementation of the system.

Accordingly, since morals are the product of Allah's (swt) commands and they accrue from the call to the *'aqeedah* and the implementation of Islam in general, it is impermissible to carry *da'wah* for morals in society. The call for morals actually reverses the Islamic concepts of life; it keeps people away from the reality and the basic elements of society. It gives people a false satisfaction with individualistic virtues and thus leads to the negation of the true meaning of progress in life. Therefore, to turn the Islamic call into a call for morals is dangerous, for it deludes people into thinking the Islamic call is a moral campaign and, consequently, obliterates the intellectual character of Islam and diverts people away from the only method that leads to the application of Islam, i.e., the establishment of the Islamic State.

When the Islamic Shari'ah tackled man's relationship with himself, on the basis of *Ahkam* Shari'ah connected with the moral characteristics, it did not formulate a system as it did with rituals of *ibadat* and transactions. Instead, Islam concentrated on the fulfilment of certain values which Allah (swt) has ordered us to adhere to, such as truthfulness, honesty, shunning envy and deceit etc. These qualities are achieved only by the command of Allah (*ta'ala*) in respect to moral values, such as noble characteristics and virtues. Honesty, for instance, is an ethic commanded by Allah (swt). Its moral quality should be observed - when it

is enacted. It is something which fulfils the moral value and so it is called a moral. However, when these moral characteristics are produced as a result of actions and transactions, like purity produced from prayers, and honesty produced from trading, the moral value is not attained, because the aim was not to achieve the moral value when undertaking the action. Rather, the characteristics accrued as a result of performing these actions with the obligatory observance of their rules are moral characteristics of the believer when he worships Allah (swt) and undertakes his transactions. In prayer, the believer fulfils the primary aim of obtaining the spiritual value, and in trading the believer fulfils the aim of the materialistic value; while he is characterised with moral qualities at the same time.

The shar'a has identified those virtues the possessor of which is considered to have good morals, and those characteristics the possessor of which is considered to have bad morals. It has encouraged to acquire good morals, and has forbidden bad morals. It has encouraged truthfulness, honesty, cheerfulness, modesty, honouring parents, good relationships with next relatives, rescuing people from hardships, and wishing for others what one wishes for himself, etc. The *shar'a* considers that these encourage people to follow the commands of Allah (swt). While it has forbidden the acquisition of opposing characteristics, such as: lying, dishonesty, envy, debauchery and the like and, considers these to be objectionable to what Allah forbade.

Morals are a part of this Shari'ah and a branch of the commands and prohibitions which a Muslim should acquire so as to complete his observance of Islam and the commands of Allah. However, the way in which the whole society attains these morals is by establishing the Islamic thoughts and sentiments. Once the community has attained them, the individuals will inevitably acquire them. Most definitely, the way to acquire morals is not through the call to morals in itself, but by the way hinted at which is establishing the thoughts and sentiments. However, the initiation of this process necessitates the preparation of a group by Islam - in its complete form wherein the individuals are part of the group and not independent individuals - to carry the complete Islamic *da'wah* in the society, and thus bring into existence the Islamic sentiments and thoughts. Making the people embrace morals in huge groups as a result of their embracing Islam in huge groups. It is indispensable to understand the statement that makes morals unconditionally necessary according to the commands of Allah (swt) and for the application of Islam, and confirms the necessity for the Muslims to acquire good morals.

Allah (*ta'ala*) has mentioned in many Surahs of the Glorious Qur'an those characteristics which man should acquire and endeavour to possess. These characteristics consist of the *'qeedah*, *ibadat*, transactions and morals. These four characteristics should form an integrated whole.

Allah (swt) says in Surat Luqman:

"Behold, Luqman said to his son by way of instruction: Oh my son! Join not in worship (others) with Allah, for false worship (polytheism) is indeed the highest wrong-doing. And we have enjoined on man (to be good) to his parents, in travail upon travail

did his mother bear him, and in years twain was his weaning, (hear the command) show gratitude to Me and to your parents, to Me is (your final) Goal.

But if they strive to make you join worship with Me things of which you have no knowledge, obey them not, yet bear them company in this life with justice (and consideration), and follow the way of those who turn to Me (in love), in the end the return of you all is to Me, and I will tell you the truth (and meaning) of all that you did.

O my son! (said Luqman), if there be (but) the weight of a mustard seed and it were (hidden) in a rock, or (anywhere) in the heavens or on earth, Allah will bring it forth: For Allah understands the finest mysteries, (and) is well acquainted (with them).

O my son! establish regular prayer, enjoin what is just, and forbid what is wrong, and bear with patient constancy whatever happens to you, for this is firmness (of purpose) in (the conduct of) affairs.

And swell not they cheek (for pride) at men, nor walk in insolence through the earth, for Allah loves not any arrogant boaster.

And be moderate in your pace, and lower your voice, for the harshest of sounds without doubt is the braying of the ass. [31:13-19]

Allah (ta'ala) says in Surat al-Furqan:

"And the servants of (Allah) most Gracious are those who walk on the earth in humility, and when the ignorant (people) address them, they say, Peace!

Those who spend the night in adoration of their Lord prostrate and standing.

Those who say, Our Lord! Avert from us the Wrath of Hell, for its Wrath is indeed an affliction grievous;

Evil indeed is it as an abode, and as a place to rest in;

Those who, when they spend, are not extravagant and not niggardly, but hold just (balance) between those (extremes);

Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause, nor commit fornication, and any that does this (not only) meets punishment;

(But) the Penalty on the Day of Judgement will be doubled to him, and he will dwell therein in disgrace;

Unless he repents, believes, and works righteous deeds, for Allah is oft-forgiving, most merciful;

And whoever repents and does good has truly turned to Allah with an (acceptable) conversion;

Those who witness no falsehood, and, if they pass by futility, they pass by it with honourable (avoidance);

Those who, when they are admonished with the Signs of their Lord, droop not down at them as if they were deaf or blind;

And those who pray; Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous; Those are the ones who will be rewarded with the highest place in heaven, because of their patient constancy; therein shall they be met with salutation and peace;

Allah (ta'ala) says in Surat al-Isra'a:

"Thy Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour.

And out of kindness, lower to them the wing of humility, and say: My Lord! Bestow on them Thy Mercy even as they cherished me in childhood. Your Lord knows best what is in your hearts: If you do deeds of righteousness, verily He is Most Forgiving to those who turn to Him again and again (in true penitence).

And render to the kindred their due rights, as (also) to those in want, and to the wayfarer: But squander not (your wealth) in the manner of a spendthrift.

Verily spendthrifts are brothers of the Evil Ones, and the Evil One is to his Lord (Himself) ungrateful. And even if you have to turn away from them in pursuit of the Mercy from thy Lord which you do expect, yet speak to them a word of easy kindness. Make not your hand tied (like a niggard's) to your neck, nor stretch it forth to its utmost reach, so that you become blameworthy and destitute.

Verily thy Lord does provide sustenance in abundance for whom He pleases, and He provides in a just measure. For He does know and regard all His servants.

Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.

Nor come nigh to adultery, for it is a shameful (deed) and an evil, opening the road (to other evils).

Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand Qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law).

Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfil (every) engagement, for (every) engagement will be inquired into (on the Day of Reckoning). Give full measure when you measure, and weigh with a balance that is straight; that is the most fitting and the most advantageous in the final determination." [17:23-38]

The verses in these three *Surahs* represent one complete whole that elucidates the different virtues, clarifies the Muslim character and demonstrates the Islamic personality in its unique and distinguished identity. It is noticeable that these verses are commands and prohibitions from Allah (*ta'ala*). Some of which are rules connected to *Ibadat*; while others are rules connected to transactions and morals. Furthermore, the verses were not confined to moral attributes; but they also included *Aqaid*, *Ibadat* and transactions, as well as morals. They are the virtues that constitute the Islamic personality. Therefore, confining the subject matter to morals alone will not produce the perfect man and the Islamic personality. Moreover, the morals should be built on the spiritual basis, i.e., the Islamic '*aqeedah*', if they are to achieve the ends for which they exist. Thus the characterisation by it must be built on this '*aqeedah*'. The Muslim is not characterised by truthfulness for the sake of truthfulness in itself; but because Allah (swt) commanded the Muslim to acquire this virtue. Although he seeks to achieve the moral value in telling the truth, morals are not acquired as such for themselves but because Allah (swt) commanded them.

Accordingly, the Muslim should be characterised with moral virtues and perform them obediently and submissively for they are limited with *taqwa*. and since morals result from *Ibadat*:

"Prayer forbids lewdness and abomination," [29:45]

and from transactions: '*Religion is transac-*

tions', in addition to their being alone specific commands and prohibitions, then this reinforces morals in the mind and heart of the Muslim and makes them an indispensable attribute of his character. Therefore, the merging of the morals with the rest of life's systems - though they are independent characteristics - allows the Muslim to be thoroughly and correctly prepared, especially in light of the fact that he attains the morals in response to the commands of Allah (*ta'ala*) or in avoiding His (swt) prohibitions and not because of any benefits or harms of a moral virtue in this life. This makes the acquisition of good morals permanent and resolute as long as the Muslim continues to apply Islam and not revolves around benefit. The objective of morals is not benefit, but the moral value is acquired for itself and not for materialistic, humanitarian or spiritual values. Therefore, benefit must be separated from the morals, in order to be avoided when enacting or acquiring it. Moreover, the attention must be paid to the fact that the materialistic value has to be separated from the moral virtue. Likewise performing the moral for the sake of gains and benefits should be avoided, for it constitutes a danger unto it.

In conclusion, morals do not constitute fundamental pillars of a society, but rather they are individualistic. Consequently, society is not improved by morals but by Islamic thoughts and Islamic sentiments, and by the implementation of the Islamic systems. Although morals constitute a basic aspect of the individual, they are not and should not constitute the sole aspects; morals should be accompanied by the doctrine, rituals of worship and transactions. Therefore, the individual who possesses good morals but his '*aqeedah*' is not Islamic warrants no consideration as he is a *Kafir*, and there is no sin bigger than *Kufr*. Likewise, the person who has good morals but does not perform the prayers nor practises transactions according to the *Ahkam Shari'ah* is not given any regard. Consequently, it is essential to observe the doctrine ('*aqeedah*'), the rituals of worship, the transactions and the morals in reforming an individual. It is *haram* to treat morals alone and to leave the other values. Moreover, it is forbidden to accord attention of anything before having full confidence in the '*aqeedah*'. The fundamental feature of morals is that they should be built upon the Islamic *aqeeda* and that the believer should be characterised with them as commands and prohibitions from Allah (*ta'ala*).

Words

Qada'a - predetermined

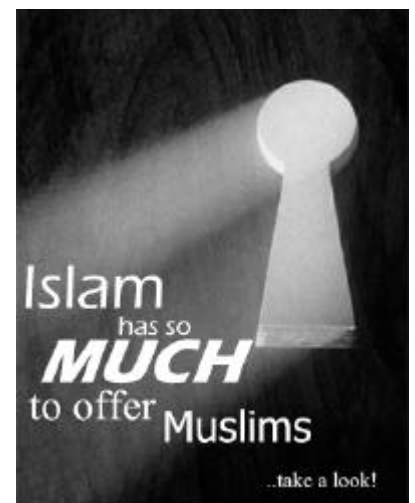
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Pass on this consitution to your Muslim brothers, sisters and friends and recive Reward from Allah(Swt).

Don't waste any of your valiable time. Work to re-unify the Ummah and dismantle the governments in the Muslim land. Your duty is first to Allah(swt).

May Allah(swt) guide & protect you.



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