



The Islamic State

Shaykh-ul-Islam Dr Muhammad Tahir-ul-Qadri

The political dimension of Islam is embedded in the concept of *khilafah* that finds its literal meaning in *niyabah* (representation) and *amanah* (trusteeship). According to the Qur'an and Sunnah, *khilafah* is the basic nature of rule or the character of Islamic rule, not a specific form of government, which is quite different from the West where the two prevalent forms of government, the Unitary system and the Federal system, represent a certain type of set-up. Generally speaking the former concentrates authority in the centre, so the whole country is a single unit controlled by a centralized government whereas the latter breaks the country into various semi-autonomous provinces headed by a president.

Khilafah does not vest absolute authority in the ruler, whether it takes the form of a presidential government or a parliamentary government, rather his obedience is primarily to the Qur'an and Sunnah which override any form which government might take. Therefore, if true Islamic rule is enforced and all governmental policies, injunctions, judicial and executive functions are subservient to the laws legislated by the Qur'an and Sunnah, it can be considered to be *khilafah* regardless of the form of government being used.

There are three divisions in an Islamic state:

- Parliament whose role is to legislate
- Executive whose role is to administrate
- Judiciary whose role is to interpret

None of these three divisions can overrule any law legislated by the Qur'an, Sunnah, the *Khulafa ar-Rashidun* (rightly guided caliphs) or any of the other agreed-upon sources of Islamic Jurisprudence. This is the difference between *Khilafah* and Western democracy, in Western Democracy, the Western democratic parliament is supreme and there is no other authority or power beyond it. Under *Khilafah*, however, the authority vested in any parliament, government or state is qualified by – and conditional

upon – the Qur'an and Sunnah. Thus, in an Islamic state, any law which is passed against the *Shari'ah* will be challenged and nullified, and will have no legal effect.

The different forms present in Western governments are merely political and geographical mechanisms and Islam does not interfere in such minor mechanisms. For example, the present day Parliament in Britain constitutes a bicameral legislation as it is divided into two: the House of Commons and House of Lords. In America it is the Senate and Congress and in Pakistan it is the National Assembly and the Senate. Islam does not object to this idea.

In fact, the type of government which was in force during the period of the *Khulafa ar-Rashidun* was itself bicameral as there was the *Shura khas* (special assembly) and the *Shura 'am* (general assembly). The basic concept is that all government or legislation consists of two assemblies although their functions may vary. For example, America can allocate different powers and functions to the Senate and the Congress, likewise Pakistan can divide the powers and functions of government between the National Assembly and the Senate, and, similarly, any Arab country can divide powers and functions according to their own situation. Therefore, these are just instruments employed as a matter of appropriateness and better administration with which Islam does not interfere.

Such things are known as *ijtihad* (left to independent judgment) or administrative matters – things such as whether the executive and judiciary authorities should work together or be separate. If excess of power causes corruption then the two should be separate: the judiciary should function solely as a judicial authority and the executive should confine its work to administration only and there should be no mixing of the two. On the other hand, there are some organisations which can sustain the combination of these two power sources at certain levels and Islam has no problem with that either.

Thus, as far as Islam is concerned, it does not matter whether

leaders are elected by direct vote, as happens in a presidential system where every citizen votes directly for the election of a President, or whether the system is indirect as in the parliamentary system where the Members of Parliament are elected by the general public and then the Prime Minister or the Head of state is chosen by the Members of Parliament (MPs). It is simply a question of a few adjustments to make the system appropriate to the requirements of Islam.

Such processes can be seen in the era of the Companions in terms of the way that they were elected. For example, if one was to look at the way *Sayyiduna* Ali al-Murtadha (*ra*) was elected as the fourth Orthodox Caliph in terms of modern political philosophy, it is evident that his appointment was made through a process that was very similar to today's Parliamentary Process.

Sayyiduna Ali al-Murtadha (*ra*) was elected while the *Shura* was in session and the citizens of the state directly approached him and wanted to make *bay'at* at his hands. This *bay'at* possesses the same connotations as a Parliament. A particular form or nomenclature is not a requirement in Islam in order to establish a *khilafah*, so requesting to make *bay'at* is permissible, since the basic requirement is in the fundamental character of the authority and it is this that is the main concern of Islam. The vital thing is that absolute authority must remain with Allah (*swt*) and with His Beloved Prophet Muhammad (*saw*) who is the true Divine representative; and the parliament, president or government concerned only have a degree of qualified authority after them, and this is what constitutes a *khilafah*.

We can even find examples of such processes in the era of the Companions and the way that their leaders were elected. Two examples would be that of *Sayyiduna* Uthman (*ra*) and *Sayyiduna* Ali al-Murtadha (*ra*). If we look at the way that *Sayyiduna* Ali al-Murtadha (*ra*) was elected as the fourth Orthodox *Khalifah*, and if we understand that method in the light of present political philosophy, then we will find that his appointment was made through a process that is very similar to the present parliamentary process.

Sayyiduna Ali al-Murtadha (*ra*) was elected while the consultative *Shura* was in session and the citizens of the state approached him directly, desiring to take *bay'at* at his hands – a *bay'at* possessing similar connotations to parliamentary democracy today. The fact that people approached *Sayyiduna* Ali al-Murtadha (*ra*) directly and wanted to make *bay'at* to him shows that making *bay'at* is similar to establishing *khilafah* because, as we have seen, the form or nomenclature is not vitally important to Islam, the essential requirement of Islam being the basic character which authority takes. According to this understanding *khilafah* can be considered to exist provided that the parliament, president or

government concerned do not possess absolute and unqualified authority and provided that absolute authority rests with Allah (*swt*) and His Beloved Prophet (*saw*), who is Allah (*swt*)'s true representative. Such an Islamic government has the status of *khilafah* which means both vicegerency and succession. Islamic governments, parliaments or presidents hold the position of being an *amin* (trustee). They are trustees of the authority transferred to them as a sacred trust and they are the successors of the Holy Prophet (*saw*) in the present day *ummah*.

The representation of these trustees is of two kinds. Firstly, politically speaking, they are representatives of the *ummah*, of the Islamic society that has chosen them as a vicegerent. They have been appointed on the basis of mutual agreement and a bilateral contract, and so, in this sense, they are the representatives of the people. Secondly, with respect to the *Shari'ah* (Islamic Law), they are a representative authority, representing the Holy Prophet (*saw*). In that way, they are the successors of the Holy Prophet (*saw*) and so are known as *niyabatu'r-rasul* and *niyabatu'n-nubumma* (representatives of Allah (*swt*)'s Messenger (*saw*) and representatives of Prophethood). Since they are representatives, their authority is not an absolute one, but rather an *amanah* (a sacred trust), which is subject to various checks and balances. These checks and balances are provided by the Qur'an and Sunnah and the teachings which stem from these two sources.

Since they are the representatives of the Holy Prophet (*saw*) and thereby subject to the *Shari'ah*, the authority vested in them is qualified and conditional and they may not transgress or violate the limits (*hudud*) prescribed by Allah (*swt*) in the Qur'an or the limits prescribed by the Holy Prophet (*saw*) in the *Shari'ah* and Sunnah. They must work within these limits and function as vicegerents. And this representative authority and qualified and conditional function, regardless of the governmental form it takes, is known as *khilafah* because of the fact that the nature of its rule is *amana* (trusteeship) and *niyaba* (representation).

The person to whom *khilafah* is given may be known by various titles in a constitutional and political sense: he may be known as Prime Minister or Chancellor (as in Germany), or by the Arabic terms, *Malik*, *Sultan*, *Imam*, *Hakim*, *Amin*, *Ra'is*, *Amir*, or *Khalifah*, all of which would be permissible according to *Shari'ah*. The word *khilafah* is not a compulsory nomenclature and not required by the *Shari'ah* but too many people do not appreciate this. Many youngsters, particularly in the Western world, are misguided and have been wrongly informed about this matter.

The test of whether a particular government can be considered *khilafah* or not is a simple question: Does the government concerned exercise absolute, unqualified and unconditional authority? If the answer is yes, then this is not *khilafah*: it is not an

Islamic state nor is it an Islamic government. If the answer is no and the authority being exercised by the ruler, parliament, government, or state is qualified and can be challenged in the light of the Qur'an and Sunnah, it may well be *kehalifah*. If the authority is conditional, is being exercised as a sacred trust, and is within the limits prescribed by the *Shari'ah* then, regardless of the name given to the type of government, it is in fact *kehalifah*. We can see from this that *kehalifah* is not a matter of nomenclature but rather concerns the character or nature of the rule being adopted by the government concerned, and the way in which it functions. This is what is meant by the word *kehalifah*.

If we look at the elective method used at the time of the First Community, the making of *bay'at*, we find that it is basically a form of giving an opinion, casting a vote, consenting to someone or appointing them as your representative or head of state. At that time the procedure of ballot papers and ballot boxes did not exist because, at that time, society took a very simple and rudimentary form. The people would express their opinion by putting their hands into the hand of the person who they wanted to appoint as leader. This act of *bay'at* was a form of binding contract: it was a declaration and an expression of consent that people freely accepted a particular person as leader. In its essence *bay'at* was a kind of promise and was frequently used at that time. For example, when people embraced Islam they would put their hands into the hand of the Holy Prophet (*saw*) and this was known as the *Bay'atu'l-Islam*. In this *bay'at* nobody was being appointed as *kehalifah*; it was rather an oath of allegiance by people to Islam and an expression of accepting the Holy Prophet (*saw*) as their Prophet.

Then after this initial *bay'at* of embracing Islam and accepting the Holy Prophet (*saw*) as the Final Messenger, the Companions would make another *bay'at* at the hands of the Holy Prophet (*saw*) and this second *bay'at* was known as the *Bay'at* of Love – *Bay'atu'l-Mahabbah*. The Companions would put their hands into the blessed hands of the Holy Prophet (*saw*) and they would say: 'O Messenger of Allah (*saw*)! I love you more than anything in this world, even more than my life.' Thus this *Bay'at* of Love was made to declare that the Holy Prophet (*saw*) was the most beloved person in the world. Another *bay'at* that was also made was the *Bay'at* of Obedience and Submission – *Bay'atu'l-ta'ah* – a promise to obey and submit to the orders and commandments of the Holy Prophet (*saw*). The Holy Qur'an and many hadiths contain these and many other types of *bay'at*. Another example of a type of *bay'at* is that made by the Companions when they went on *jihad* (holy war): they would make a *bay'at* of *jihad* – *Bay'atu'l-Jihad* – and it was this particular type of *bay'at* that happened at *al-Hudaybiyya*.

We find in the Qur'an: Those who make *bay'at* with you, make *bay'at* with Allah (*swt*). Allah (*swt*)'s hand is over their hands. He who breaks his pledge only breaks it against himself. But as for him who fulfils the contract he has made with Allah (*swt*), We will pay him a huge reward. (48:10) In this *ayah* it states that a *bay'at* was made, which became known as the *Bay'atu'l-Ridwan*. What then, was the nature of this *Bay'atu'l-Ridwan*? No *kehalifah* was being appointed nor were those concerned embracing Islam. So what were the fourteen or fifteen hundred Companions, who made the *Bay'atu'l-Ridwan*, doing it for? The Companions made that *bay'at* in order to confirm that, if *Sayyiduna* Uthman (*ra*) were to be killed by the *Mushrikin* (idolaters), they would be ready to fight for his blood: in other words they committed themselves to fight *jihad* in the event of Uthman's death. This was the *Bay'atu'l-Ridwan* and Allah (*swt*) states that He was very happy and pleased with it. As we can see this was not a *bay'at* of appointment, but was rather a *bay'at* of reprisal; a commitment to fight *jihad* with the Holy Prophet (*saw*) if Uthman (*ra*) should be killed. From this we can see that a *bay'at* can also involve a commitment, declaration, or expression of wish and intention.

So we have had *Bay'atu'l-Islam*, *Bay'atu'l-ta'ah*, *Bay'atu'l-Mahabbah* and *Bay'atu'l-Jihad*. Another type of *bay'at* was the *Bay'at* of Migration – *bay'atu'l-hijra*. None of these *bay'ats* were compulsory or necessary, but were just a common practice, a part of the culture and a good act. It is for this reason that Islamic scholars ask what it means in *tariqah* (the spiritual path), when a *murid* (student) makes *bay'at* with his Shaykh (spiritual guide). In that case it may be called a *Bay'atu'l-Mahabbah* (of love), a *bay'atu'l-taqwa* (of righteousness), a *Bay'atu'l-ta'ah* (of obedience and submission), and a *bay'atu'l-tarkil-ma'thiya* (to leave sin). The Companions used to make these kinds of *bay'ats* with the Holy Prophet (*saw*). There are also many other types of *bay'at* such as the *bay'at* of *tarku'sb-Shirk* (of refraining from associating anyone with Allah (*swt*)) and the *bay'at* of *tarku'l-qital* (refraining from fighting). So there were many kinds of *bay'at* and the Companions were always pleased to make any sort of *bay'at* to the Holy Prophet (*saw*) and this practice continued after the Holy Prophet (*saw*). It is for this reason that Islamic scholars recommend the making of *bay'at*.

Bay'at, therefore, is not only a part of the process of the appointment of a *kehalifah*, but may also be a declaration of consent, commitment, conviction, intention and desire in all kinds of situations. When you look at it and understand its application, you find that it does not only mean the establishment of *kehalifah* or the appointment of a *kehalifah*, but was in fact also used as a means of expressing or declaring one's commitment. People showed their commitment by putting their hands into other peo-

ple's hand, but there are other ways of showing commitment: for example, you may take an oath by raising your hand with a solemn affirmation and say, "We shall do this." This declaration is also a type of *bay'at* because, by it, you declare your commitment and intention.

Today the same kind of opinion is expressed in the form of a vote. You take a secret ballot paper and fill it in, thus giving your opinion in favour of a particular candidate. This is in fact a way of making a *bay'at*. So these terms such as *bay'at* and *khalifah* are not necessary in Islam; they have never been requirements of the *Shari'ah*; they were merely titles given to the preliminary forms of governance. Islam deals mainly with concepts and there are many conceptual developments in society but it is necessary to follow carefully in the footsteps of the Holy Prophet (*saw*) in relation to all matters of *ijtibad* (independent judgment).

The way that the appointment of *Sayyiduna* Ali al-Murtadha (*ra*) took place was equivalent to the way that appointments in a parliamentary system take place today. The people approached him directly to take his hand in *bay'at*, but he refused, saying: "No, this is the matter and right of the *Shura*." At that time there would be a sitting of the *Shura*, a convening of the *Shura* assembly. At that time the word *Shura* was used for what we would now call "Parliament" in English terminology. Some people may question this, saying that this is an English word which cannot be found in the Qur'an and Sunnah, but we must go beyond the matter of mere terminology. The basic proposition is that there is a house of representatives and a house of senior people duly appointed, who are either directly or indirectly chosen. Islam is not concerned with these minor procedural and methodological matters. Islam is concerned with the spirit, soul, theme and basic character of the institution concerned. Parliament is in fact nothing more than a house of representatives or chosen people, and in those days this same assembly was known as the *Shura*.

In the constitution of Pakistan, wherever the word "Parliament" is used, the word *Shura* follows immediately after it in brackets but this does not mean that we should be satisfied that it is in reality a *Shura* system. It makes no difference whether you use the word Parliament or *Shura*, or both of them. And even if you were to use the word *Shura* exclusively and to delete the word Parliament altogether, that would still not make it Islamic. The important thing is the character of the institution, how the assembly functions, how it is constituted and what the limits of its authority are. For example, if we removed the word "president" and said that Musharaf is *khalifah* instead, and deleted the word "Parliament" and used the word *Shura* instead, would the whole system become Islamic? No, it would not, for it is clear that the exclusive use of Islamic terminology and the deletion of

other words would not make the whole system Islamic.

In the same way, if the use of Islamic terminology cannot make a whole system Islamic, then the use of English terminology does not necessarily make a whole system unislamic. Whether a system is Islamic or unislamic is not dependent on linguistic factors and thus has nothing to do with Arabic or English terminology. Many of the people of Israel, for example, speak Arabic, while Indian, Pakistani, Bangladeshi, Indonesian and African Muslims all speak their own languages. Language has nothing to do with these things, nor does terminology, unless that terminology is specified by the commandments of *Shari'ah*. Similarly, when people who cannot speak Arabic make *du'a* in English, does this mean that their *du'a* is not accepted because English was not a language used by Holy Prophet (*saw*) or because it is not an Islamic or Qur'anic language? No, this is not the case. The essential aspect is what the person is saying to Almighty Allah (*swt*), their intention. In the same way, the words and terminology used in these political matters are not essential either; they were just the terms used at that time.

Sayyiduna Ali (*ra*) was appointed *khalifah* in the following way: the *Shura* had a meeting and it appointed *Sayyiduna* Ali (*ra*) as *khalifah*. The members of the *Shura* were a specific number: not each and every member of the state was a member of the *Shura*. And it was only these members of the *Shura* who appointed *Sayyiduna* Ali (*ra*) as *khalifah*. Following this *Sayyiduna* Ali al-Murtadha (*ra*) wrote a letter whose text is quoted in *Nahju'l-Balagha* and in other books of hadith such as *at-Tabari*. It is stated that *Sayyiduna* Ali (*ra*) wrote:

"I have been appointed khalifah by Shura in the same way as my predecessors, Abu Baker (ra) and Uthman (ra), were appointed. The one who is appointed by Shura should be taken as if he had been appointed by Allah (swt)."

We know from this that *Sayyiduna* Ali al-Murtadha (*ra*) was appointed by *Shura* and not by the direct *bay'at* of the citizens.

When we look carefully at the appointment of the third *khalifah*, *Sayyiduna* Uthman (*ra*), however, we find that he was not appointed by *Shura*. *Sayyiduna* Uthman (*ra*) was, in fact, appointed by the vote and opinion of the citizens of *Madina*. He was elected on the basis of adult franchise through the common vote of the people. This means that both methods – presidential and parliamentary – were employed in the First Community and can be considered part of the practice and Sunnah of the *Khalafah ar-Rashidin* (the Rightly Guided *Khalifabs*).

Let us see how this came about. Before his death, *Sayyiduna* Umar (*ra*) appointed a committee of six people to elect his suc-

cessor and when the people approached *Sayyiduna* Ali (*ra*) directly to take his hands in *bay'at*, we find from *Imam* ibn al-Athir's, *Usd al-Ghaba* (vol. 4, p. 107), that *Sayyiduna* Ali (*ra*) said to them: "This is not within the scope of your authority," or in another recension: "This is not a matter to be decided by you, O people, this is a matter or authority which vests in the *Shura*." From this we can explicitly deduce that the *Shura* was not the whole Muslim *ummah*: the common citizens of the Muslim *ummah* were being denied the power to appoint the *Khalifah*. *Sayyiduna* Ali (*ra*) said: "No, this is not your right, this is the right of the *Shura*," which shows that the *Shura* was a specific assembly at that time.

We find in *Imam* at-Tabari's, *Tarikh al-Umam wa'l-Muluk*, vol. 3, p. 152:

The people said, "In any case, we want to take your hand in bay'at." But Sayyiduna Ali (ra) replied to them, "No, it cannot be like this."

So, in the first instance, he was appointed by the *Shura*, and then after that it was approved by the common Muslims and other citizens. So his appointment took place through the *Shura*.

In the case of the appointment of *Sayyiduna* Uthman (*ra*), *Sayyiduna* Umar (*ra*) appointed a committee that was a special assembly which one might call a *Shura khas*. This *Shura* was made up of six people and *Sayyiduna* Umar (*ra*) said that those six people should decide which of them should be the next *kehalifah* by a majority vote. If there was no unanimous consensus, a majority decision would be sufficient. The members of the committee were Uthman (*ra*), Ali (*ra*), Talha (*ra*), az-Zubayr (*ra*), Abd ar-Rahman ibn Auf (*ra*), Sa'd ibn Abi Waqqas (*ra*) and a seventh member, Abdullah ibn Umar (*ra*), the son of *Sayyiduna* Umar ibn al-Khattab (*ra*), who was not allowed to vote; only the initial six were permitted to vote.

When it came to the decision, opinion was divided equally, three on one side and three on the other. So the case was referred to the *Shura 'am*, the Parliament of *Madina*, which consisted of fifty people. We find in *Imam* at-Tabari's, *Tarikh al-Umam wa'l-Muluk*, vol. 3, p. 35: "At that time the Parliament of *Madina* consisted of fifty members." And when the case was referred to this *Shura 'am* – which might be referred to as the general assembly, House of Commons, National Assembly, or Parliament – opinion was once again divided equally and no clear majority could be achieved. As a result the *Shura* appointed Abd ar-Rahman ibn Auf (*ra*) as the chief election commissioner. If someone were to say, "Where is it written that he was the chief election commissioner? This is just a *bid'ah* (innovation) on your part," then we would tell them to

look at the role that Abd ar-Rahman ibn Auf (*ra*) actually played in the process:

His basic duty was to conduct the election by consulting the people and by doing so, finding out what the majority wanted and get their vote. Therefore his function was to conduct the whole election process and anyone who does this is nowadays known as the "chief election commissioner". In the constitution of Pakistan that same title is used and, regardless of the name, the basic function is the same. Abd ar-Rahman (*ra*) was appointed for the *istisnaab al-'am* (general elections, lit. public approval) in order to garner public opinion, and that is what he did over three days and three nights. So this is where the concept of voting and of adult franchise comes in, for every sane (*aqil*) adult (*baligh*) was entitled to give his opinion. What is this but a vote?

So all these concepts of democracy find their roots and origin in Islamic history and when democracy is applied in America, England, Canada and all other countries, they adopt these concepts according to how suitable they are to their own situations. Similarly, when this comes to eastern countries, they too can develop their own systems, by adding or deleting some of these concepts. In the case we are looking at, the exact definition may have been different, the limits may have been different, and the methodology may have been different, but our concern is with the basic concept – that the head of state was appointed on the basis of an adult franchise, on a one man one vote basis.

In the case of *Sayyiduna* Ali al-Murtadha (*ra*), he was appointed by a parliament in that the procedure employed was similar to the parliamentary form of government. The appointment of *Sayyiduna* Uthman (*ra*) by a direct vote was, on the other hand, a procedure similar to today's presidential form of government. It was carried out by *Sayyiduna* Abd ar-Rahman (*ra*) consulting army commanders, common soldiers, and the common people of *Madina* – including men, women and children – and even travellers and the sick. In this way, each and every possible person was consulted. This is stated in *Imam* at-Tabari's, *Tarikh ul-Umam wa'l-Muluk*, vol. 3, p. 35, and Ibn Kathir's, *al-Bid'aya wa'n-Nihaya*, vol. 13, p. 37. The consultation process is also mentioned in various other books, including *Tabaqat Ibn Sa'd* and many more. Although illiterate people were also consulted and permitted to give their opinion and record their vote, the sane and literate were consulted in more detail and were asked to provide reasons for their votes. The illiterate were only asked a single question; "Who do you want as your *kehalifah*?" This was clearly a system of one man one vote.

Thus, the matter was finally decided by the opinion of the *jumhur* (general public) but again some people ask where this

word *jumbur*, and the derived word *jumburiya* (republic), come from. They are in fact derived from Islam and its Arabic terminology, for the word *jumbur* is commonly used in Islamic jurisprudence and classical Arabic literature. Majority opinion is known by the Arabic term *ra'i al-jumbur*, and the word *jumburiyya* means the election system based on the concept of the majority opinion of the people, whereby this opinion is preferred and respected. Thus this basic concept is Islamic in character. The question remains, however, of where the difference lies between an Islamic *jumburiya* and an unislamic *jumburiya*.

Firstly we can say that the opinion of the majority is preferred and respected in Islam just as it is respected and preferred in the West; this is a common feature of both systems. The difference is that in an Islamic system the opinion of the majority, or even a unanimous decision, cannot suspend, repeal, abrogate or amend the *Shari'ah*. This is because the *Shari'ah*, Qur'an and Sunnah are the supreme source of law. Even if a whole society, no matter how numerous, were to vote unanimously for a forbidden thing to be declared permissible, the result would be null and void and they would not be able to do it. No vote can abrogate the *Shari'ah*. The sanctity of the vote can never mean the abrogation of the *Shari'ah*. Given that this condition is imposed, the *Sultan* system would be *khilafah*. The reason for that is that we are functioning as vicegerents to the Holy Prophet (*saw*) – as the *na'ib ar-rasul* – provided that we stay within the prescribed limits of the *Shari'ah* and realise that we may not transgress them in any way.

A trustee of a trust may not go against the objectives and purposes of that trust. A trust is always created with certain conditions and objectives and a trustee can remain as a trustee only so long as he fulfils the objectives of the trust and works within its limits. If he violates the trust in any way, he can be removed from his trusteeship. In the same way, Islamic governance, which is known as *khilafah*, is a sacred trust, and the limits, conditions, objectives and purposes fixed for it have been established by the Qur'an and Sunnah.

In the Qur'an the word *tamakkun* (authority/rule) is often used instead of *khilafah*. Although there are places where the term *khilafah* is used, it is irrational and unreasonable to say that only the term *khilafah* should be used, on the basis of its Qur'anic usage, because in a different place, the same thing is referred to by the term *tamakkun* rather than *khilafah*. Because of this some people are of the opinion that an Islamic government can only be known as either *at-tamakkun al-islamiyya* or *al-khilafah al-islamiyya*. That is not the case. The terms *khilafah* and *tamakkun* are of no significance in themselves. The only criterion is the function and concept lying behind the two terms. Sometimes the word

khilafah is used for governance and sometimes the word *mulk*; and sometimes the word *Sultan* is used for ruler, sometimes the word *khilafah* and sometimes the word *Malik*. Why, then, should one term be picked rather than another when all these terms are equally Qur'anic. However, neither the word *khilafah* nor the word *mulk* is necessary or essential: both convey a meaning and that meaning is rule, authority, or government.

Anyway, what is clear is that Abd ar-Rahman ibn Auf (*ra*) finally announced the appointment of Uthman (*ra*) as the *khilafah* - Head of State – based on the majority vote of the whole community. We can say, therefore, that *Sayyiduna* Ali's (*ra*) appointment was through a parliamentary system and *Sayyiduna* Uthman's (*ra*) appointment was through the direct vote of all the citizens of the state. *Sayyiduna* Umar al-Farooq's (*ra*) appointment, on the other hand, took place through his nomination by the outgoing head of state, who nominated him in the *Shura khas*. When this was done there was a discussion and a frank exchange of opinion took place within the *Shura*. Some said that he would not be suitable because of his known severity of temperament while others said that after he had been given the responsibility he would become more flexible and moderate. The members of the *Shura khas* were persuaded, the nomination was approved by those present at that meeting, and finally it was sent to the common citizens, who expressed their approval of this choice by giving their *ba'yat* to him. This was how *Sayyiduna* Umar (*ra*) was appointed.

Sayyiduna Abu Bakr as-Siddiq (*ra*) was also appointed to his post and he was the first *khilafah* of Islam. After the death of the Prophet (*saw*) there was a meeting of the *Ansar* (natives of *Madina*) at the *Saqifa Bani's-Sa'ada*. *Sayyiduna* Abu Bakr as-Siddiq (*ra*) heard about it and realised that if the *Ansar* announced a *khilafah* from amongst themselves without consulting the rest of the people, it would create great unrest. For this reason he went there with *Sayyiduna* Umar (*ra*) and a long debate ensued. The *Saqifa Bani's-Sa'ada* had become an assembly point where various communal and tribal factions gathered together, and this was where the *Ansar* had met in order to discuss who should take over the leadership of the Muslims. During this meeting, they went as far as nominating their own candidate for the *khilafah* and they planned to announce their choice of *khilafah* upon the conclusion of that meeting.

Sayyiduna Umar (*ra*) then nominated *Sayyiduna* Abu Bakr (*ra*) and there was a comparison of qualities, characteristics, potential, and acceptability to the community as a whole, and there was a discussion about this. Finally the *Ansar* were convinced and withdrew their candidature and *Sayyiduna* Abu-Bakr as-Siddiq (*ra*) became the sole candidate and was accepted unanimously

by all of them. So *Sayyiduna* Abu Bakr as-Siddiq's appointment took place in *Saqifa Bani's-Sa'ada* in this very specific way: after a discussion and debate to decide between two candidates and after the withdrawal of the other candidate he was unanimously accepted by all present. Then he was presented to the rest of the people and more than thirty thousand people made *ba'yat* and thus gave their open consent and approval of his appointment. This was the procedure by which *Sayyiduna* Abu Bakr (*ra*) was appointed and it does not fit any specific presidential, parliamentary or modern day electoral format.

In the case of *Sayyiduna* Umar (*ra*) we find the methodology of appointment is slightly advanced. The Holy Prophet (*saw*) did not appoint *Sayyiduna* Abu Bakr as-Siddiq (*ra*) as *khalifah* in the way that *Sayyiduna* Abu Bakr as-Siddiq (*ra*) appointed *Sayyiduna* Umar (*ra*). The Holy Prophet (*saw*) did not appoint anyone although, if he had, he would have appointed Abu Bakr (*ra*) over any one else. He (*saw*) could have easily declared: "I appoint this man as my *khalifah* and successor," but he did not and left the matter of his appointment open. We must ask ourselves why he did this. By leaving the matter of the appointment of the *khalifah* open, he showed that the process should be left to *ijtihad* (independent judgment). If he (*saw*) had not done this, it would have meant that there would have been no room in Islam for the various methodologies, procedures, and political developments that inevitably take place from time to time. If he (*saw*) had wanted to prevent such possibilities, he (*saw*) would himself have appointed a *khalifah* and specified the method to be used for doing so and thereby ended the discussion forever. By leaving the procedure of appointing a *khalifah* unspecified however, he (*saw*) left it as a matter open to *ijtihad* (independent judgment).

In his book *Tarikhul-Khulafa* p.7, *Imam* Jalalu'd-din as-Suyuti, quotes a hadith from *Imam* Ahmad ibn Hanbal and *Imam* Bayhaqi. *Imam* Ahmad ibn Hanbal reports in his *Musnad* and *Imam* Bayhaqi reports in his *Dala'il an-Nubuwah* that the Companion Amr ibn Sufyan (*ra*) related that *Sayyiduna* Ali (*ra*) said: "O people, the Holy Prophet (*saw*) did not fix anything in respect of *Imarah* (leadership)." In this context *Imarah* means *khalifah*. This hadith indicates that no mode, nomenclature, format, person, or other condition was fixed by the Holy Prophet (*saw*) with respect to the appointment of a *khalifah*, for he neither mentioned nor specified any of these things. When such matters are left open, it means that any permissible way to do a thing can be chosen and is *mubah* (acceptable). Therefore, by saying that it is compulsory (*wajib*) for there to be a single *khalifah* for the whole Muslim *ummah*, an incorrect inference from the Holy Prophet (*saw*) has been made: saying such a thing is against the Sunnah

of the Holy Prophet (*saw*) and the way of the Rightly Guided *Khalifabs*. When a matter is left to the opinion of the *ummah* in this way, it means it is something subject to the convenience of Islam, *Shari'ah*, society, and the community as a whole.

The fact that his successor was appointed by *Sayyiduna* Abu Bakr (*ra*), does not alter the fact that it is a matter of *ijtihad* (independent judgment) and this is made clear by another hadith narrated by *Imam* Hakim in his *Mustadrak* and *Imam* Bayhaqi in his *Dala'il an-Nubuwah* where he classifies the hadith as being authentic (*sahih*):

Sayyiduna Ali (*ra*) was asked, "Are you not going to appoint somebody as our *khalifah*?" He replied, "The Holy Prophet (*saw*) did not appoint anyone as *khalifah*, so how could I do so? If Allah (*swt*) wants something good for the people, they will come to a unanimous decision, in the same way as the *ummah* became unanimous on the best of people after the Holy Prophet (*saw*)."

We can see from all this that there was a continuous development in the procedure by which the four *Khulafa ar-Rashidun* were appointed and this was able to happen because the matter was left open by the Holy Prophet (*saw*) and was left to *ijtihad* (independent judgment). So how can anyone impose this matter on the *ummah* now and say it is *fard* (obligatory) and that anything else is *kufr* (unbelief). This is against the Sunnah of the Holy Prophet (*saw*) and against the practice of the Companions (*ra*).

What we can also ascertain from the history of the First Community is that the process of the establishment of *khalifah* went through four distinct developmental stages. At the preliminary stage, we have the appointment of *Sayyiduna* Abu Bakr (*ra*). As we have seen, this was unplanned and progressed from the eventual unanimous acclamation by those who attended the meeting at the *Saqifa Bani's-Sa'ada* to the common *ba'yat* of the rest of the community.

A second stage of development can be seen in the appointment of *Sayyiduna* Umar (*ra*) when the process became comparatively more systematic. This happened because the Holy Prophet (*saw*) left the matter open and thus it was up to the Muslim community to manage it and improve on it according to the needs and requirements of their situation. So the second time it happened in a more organised way. The first *khalifah* appointed his successor, and this appointment was announced to a consultative committee, a *Shura khas*, which might also be called a cabinet – in other words a special group of chosen people. This appointment was announced and then discussed and finally unanimously approved by the committee. It was then presented to the people who showed their approval by

means of giving *bay'at*.

The third appointment was yet more systematic. There were three steps in the appointment of *Sayyiduna Umar's (ra)* successor. Firstly a committee was given an authority to choose the next *khalifah* from among themselves. The idea of nomination was dispensed with, so there was a return to the Holy Prophet's (*saw*) Sunnah in that no specific nomination was made. In *Sayyiduna Abu Bakr's (ra)* Sunnah there was a specific nomination in favour of *Sayyiduna Umar (ra)* then there was the recommendation of the *Shura* and then approval by the common people. In the case of *Sayyiduna Uthman (ra)* his predecessor did not make any specific nomination or recommendation. He transferred this authority to the *Shura* and thus we can see that the process was becoming more democratic. The Holy Prophet (*saw*) delegated this authority to the *ummah*. If he himself had appointed someone as *khalifah*, then, until the Day of Judgment, the appointment by nomination would have become a binding Sunnah and part of the *Shari'ah* and there would have been no possibility of considering other methods or modes. The Holy Prophet (*saw*) did not want this and so left the matter to the *ummah* to decide.

Each of the *Khulafa ar-Rashidin* was appointed by a different method and the appointment procedure went on developing, becoming more and more organised, in what can be seen as a process of democratisation, as the authority to appoint was gradually transferred from the former *khalifah* to the common people. In the third stage the majority decision of the committee became the authority to appoint. Since opinion was divided within the committee, the matter was referred to the parliament. This referral meant that the appointment of the new *khalifah* became the right of the parliament. Within that body as well, however, there was also no clear majority and so the decision was placed in the hands of the ordinary people. So finally, on this third occasion, the new *khalifah* was appointed by means of the vote of the whole community.

The election of the Fourth Rightly Guided *Khalifah* took the process a step further. At first it seemed as if it would happen in the same way in which *Sayyiduna Uthman (ra)* was appointed, in other words, by means of a communal vote, for the people approached *Sayyiduna Ali (ra)* in order to make *ba'yat* with him and thus give him their vote. However he was not happy with this and told them that the matter should be decided by the *Shura*. The same thing occurred with the appointment of *Sayyiduna Hasan (ra)*. *Sayyiduna Ali (ra)* did not appoint his son *Sayyiduna Hasan (ra)* as his successor, but again referred the matter to the general *Shura* and, in the end, it was the *Shura* of *Madina* which appointed *Sayyiduna Hasan (ra)* as their *khalifah*.

So the last two appointments, the fourth and fifth, were made through a parliamentary process. The third was through the vote of the whole community. The second was through a small committee, later approved by the people. The first was a one off, but occurred with the consensus of the assembly of the *Ansar*, and was later approved by the people as a whole. This is a political analysis of the appointment methodology of all the Rightly Guided Caliphs – the *Khulafa ar-Rashideen*. We can see that it was not fixed and that three or four methods were used – a different one on each occasion.

There are many words used for this matter in the holy Qur'an. Among them are *niyabah* (representation) and *amanah* (trusteeship) and the verbs *khalafa* and *istikhlafa* are also used to describe the process. They are not only used in a political way but also in a more general sense as well. In *Surah al-An'am* we find:

It is He who appointed you successors (khalaf) on the earth and raised some of you above others in rank so He could test you regarding what He has given you. (6:165)

And in *Surah Hud*:

And my lord will replace (yastakhlifu) you with another people... (11:57)

From these and other *ayahs* it is clear that the words *istikhlafa* and *khalafa* mean to replace someone or to be appointed in someone else's place, to represent them. So in this context the words *khalafa* and *istikhlafa* are used with the sense of representation. In the first *ayah* the term '*khalaf*' means successors or vicegerents and in the second the same verbal root is used with the sense of replacement or representation. The third use of this word in the Qur'an is with the sense of government and authority. We find in *Surah an-Nur*:

Allah (swt) has promised (wa'ada) those of you who believe and do right actions that He will certainly make them rulers (yastakhlifannabum) in the earth as he made those before them rulers (astakhlafa) ... (24:55)

Allah (*swt*)'s use of the word *wa'ada* (promise) means that it is mandatory for people to appoint people of faith and right action as their *khalifah* and representative. The term *khalaf* in the *ayah* in *Surah al-An'am* refers to every human being and declares that each and every man is a *khalifah*. This obviously does not mean that everyone is a ruler and it is necessary to see

in what sense the word *khilafah* should be understood in this context. In this verse the word means *na'ib* (representative), indicating that those referred to are responsible for implementing the commands of Allah (*swt*) and are the representatives of Allah (*swt*) on earth, and so are the bearers of the trust (*amana*) given to man by Allah (*swt*). So in this context the word *khilafah* could be understood to mean *amanah* (trusteeship).

The reference to the verbal root *khilafa* in *Surah Hud*: “*And my lord will replace (yastakhlifu) you with another people...*” (11:57) implies that good, faithful and pious people should be given the *khilafah*, or we might say be chosen as representatives, and this is reinforced by the reference in *Surah an-Nur*. It is clear from this that the concept of *khilafah* existed before the time of the Holy Prophet (*saw*). This is a very important point. Allah (*swt*) says to those whom He is addressing that they will be given *khilafah* in the same way that the nations and people before them, in the eras of the earlier Prophets, were given it. This does not mean *khilafah* in the specific sense it came to be understood within the Muslim *Ummah*. It simply means *hukumah* (governance). They were given authority, they were given government, they were given rule, and they were chosen or appointed to rule their society.

The word *istikhlafa* is a word commonly employed for that act of appointment and it is used because rulers generally replace one another, one after the other. A ruler is appointed and then, throughout history, when he is removed or dies, he is replaced by another one. However this happens, even if it is through war or internecine conflict or any other reason, the replacement process takes place. There has always been a continuous process of replacement or successive representation and this is why the Qur'an uses the verbal root *khilafa* which bears that meaning. It can mean to become the head, to become the leader, to become the ruler and also to represent others and, in the same way, to replace another and be replaced by another. Other meanings are to be a trustee and to be a vicegerent and representative.

No specific form of rulership is prescribed in the Qur'an and Sunnah. Rulership is also known as *Imarah*: in his *Sahih*, *Imam* Muslim states in the Book of *Imarah* that *Imarah* is a trust (*amanah*) and there is no doubt or disagreement that *khilafah* rule is a trust (*amanah*) in Islam and this is the reason why this authority has been given the name of *khilafah*. In *Sura al-Hadid* we find the *ayah*:

Believe in Allah (swt) and His Messenger and give from that to which He has made you the successors (mustakhlifin). And those of you who do believe and give will have a huge reward. (57:7)

In this *ayah* the word *istikhlaf* is used in the sense of '*istikhlaf fi'l-mal*' (economic vicegerency) just as it is used elsewhere in the sense of '*istikhlaf fi'l-Imarah*' (political vicegerency). Allah (*swt*) speaks about the wealth and property we have been made *khilafah* of, using the word *istikhlaf*, meaning that we have been made trustees of that wealth and are therefore vicegerents over it. A *na'ib* is someone who stands in for or represents someone else, in this case the real owner of the wealth, and that is Allah (*swt*). So real ownership vests in Allah (*swt*) and we are merely trustees, constrained to use any wealth in our possession within the limits prescribed for us by Allah (*swt*) and in a way that is permissible for us. Because we are vicegerents and not the real owner, our position is circumscribed and regulated by the true owner meaning that we are forbidden to misuse any wealth in our possession.

Ibn Khaldun says in his *Muqaddimah* that the *khilafah* of Islam is in fact vicegerency (*khilafah*) of the Master of the *Shari'ah* – the Holy Prophet (*saw*) – and that the *Khulafa'u'llah* – the vicegerents of Allah (*swt*) – were primarily the Prophets and Messengers of Allah (*swt*). The Qur'an says in *Surah al-Baqara* about *Sayyiduna* Adam 7 :

When your Lord said to the angels, "I am putting a regent (khalifah) on the earth." (2:30)

So the first *khilafah* of Allah (*swt*) on the earth was a Prophet and this status was inherited by the other Prophets who were the direct *khilafahs* of Allah (*swt*). After that certain conditions and limitations were placed upon this Prophetic authority and it was passed to representatives from the *ummah*. So these *Khulafa* were representing the Prophet and they were working as vicegerents for him and thus they became *Khulafa'u'l-anbiya* (vicegerents of the Prophets). It is for this reason that Ibn Khaldun says that the reality of the position of *khilafah* in Islam is vicegerency of the Prophet (*saw*) with respect to protecting and implementing the *Shari'ah* and overseeing and adjudicating the affairs of the Muslim community in this world. That is the reason why political authority over the Muslims is known as *khilafah* and *Imamah* and why the person who embodies it is known as *khilafah* or *Imam*, although other words as well are used for these things in the Qur'an.

So the term *khilafatu'llah* (vicegerent of Allah (*swt*)) is only applied to the Prophet (*saw*), and later *khilafahs* were not given this title. In evidence of this Ibn Khaldun quotes *Sayyiduna* Abu Bakr (*ra*) as saying, when the people called him *khilafatu'llah*, “No, I am *Khilafatu'r-Rasuli'llah* (the vicegerent of the Messenger of Allah (*saw*)).” Shah Waliullah says in his book *Izalatul-khafa*, vol. 1,

p. 2, that *khilafah* denotes political authority over the Muslims and that the function of the *khilafah* is to implement the Islamic system and establish laws which promote what is permissible and prevent that which has been prohibited. In this way the *khilafah* is the vicegerent of the Holy Prophet (*saw*) since he works on behalf of the Holy Prophet (*saw*) as his representative. For his part, Sayyid Shareef Jurjani says in his book *Sharh Muwaqif*, p. 270 that *khilafah* is the vicegerency of the Holy Prophet (*saw*) and that the *khilafah* should function and operate as the Holy Prophet's vicegerent and representative.

Corroborating this we find in the hadith collections of *Imam Ahmad ibn Hanbal*, *Abu Dawud* and *an-Nasa'i*, that the Companions used to address *Abu Bakr as-Siddiq (ra)* with the title *Khalifatun-Rasuli'llah* – Vicegerent of the Messenger of Allah (*saw*). And *Ibn Hajar* tells us that *Abu Bakr (ra)* used that title when signing official letters.

So ultimate sovereignty rests with Allah (*swt*) and the Messenger of Allah (*saw*) functions as the representative of Allah (*swt*)'s sovereignty. He functions as a sovereign but his sovereignty is not absolute; it is representative and qualified. This is made clear by many verses of the Holy Qur'an:

Say, "If you love Allah (swt), then follow me and Allah (swt) will love you..." (3:31)

Whoever obeys the Messenger has obeyed Allah (swt). (4:80)

O you who believe! Obey Allah (swt) and obey the Messenger and those in command among you. (4:59)

Whoever obeys Allah (swt) and the Messenger will be with those whom Allah (swt) has blessed: (4:69)

We sent no Messenger except to be obeyed by Allah (swt)'s permission. (4:64)

If only they had been pleased with what Allah (swt) and His Messenger gave them and had said, "Allah (swt) is enough for us. Allah (swt) will give us of His bounty as will His Messenger." (9:59)

...Allah (swt) and His Messenger enriched them from His bounty. (9:74)

...but it would be more fitting for them to please Allah (swt) and His Messenger. (9:62)

Those who pledge you their allegiance pledge allegiance to Allah

(swt). Allah (swt)'s hand is over their hands. (48:10)

Allah (*swt*)'s Hand is over the hands of the Companions, so in this case the Holy Prophet's (*saw*) hand was declared to be equivalent to Allah (*swt*)'s Hand; *ba'yat* to him (*saw*) was declared to be equivalent to *ba'yat* to Allah (*swt*); obedience to him (*saw*) was declared to be equivalent to obedience to Allah (*swt*); his (*saw*) pleasure was declared to be equivalent to Allah (*swt*)'s pleasure; and his (*saw*) gift was declared to be equivalent to Allah (*swt*)'s gift. All of this shows that he was the representative of Allah (*swt*) to the whole of mankind.

...and those who do not forbid what Allah (swt) and His Messenger have forbidden... (9:29)

So the Prophet's (*saw*) prohibition of something is equivalent to the prohibition of Allah (*swt*).

As for those who disobey Allah (swt) and His Messenger and overstep His limits... (4:14)

Disobedience to the Prophet (*saw*) is here declared to be disobedience to Almighty Allah (*swt*).

O you who believe! Do not put yourselves forward in front of Allah (swt) and of His Messenger (49:1)

Respect and reverence of the Prophet (*saw*) is declared in this *ayah* to be the same as reverence of Almighty Allah (*swt*).

All these *ayats* show that, although real and ultimate sovereignty rests with Allah (*swt*), He always represents Himself through His Prophet. The Holy Prophet (*saw*) is the true and perfect representative of Allah (*swt*) in all of the above attributes and functions. That is why his status is not *khilafah* in the ordinary sense but rather *Hakimiyya*: he is the *Hakim* (ruler). We find in *Surah an-Nisa*:

No, by your Lord, they are not believers until they make you their judge (yuhakkimuka) in the disputes that break out between them, (4:65)

So he is the *hakam* and the *Hakim*: the final judge in this world. In the *ayah*:

O you who believe! Obey Allah (swt) and obey the Messenger and those in command among you. (4:59)

The word obey is repeated in the case of the Holy Prophet (*saw*) but not for "those in command" which shows that obedience

to them is challengeable and temporary, whereas obedience to the Holy Prophet (*saw*) is absolute, un-challengeable, unquestionable, unqualified, perpetual, and unlimited. That is why obedience to Allah (*swt*) and obedience to the Holy Prophet (*saw*) have been placed at the same level, with a difference of degree. Obedience to Allah (*swt*) comes first and then that to the Holy Prophet (*saw*), just as the Qur'an precedes the Sunnah. They are, however, equally mandatory and the unchallengeable and absolute authority that vests in the Holy Qur'an also vests in the Holy Prophet's (*saw*) Sunnah.

In his *Tafsir* vol. 1, p. 106 *Imam* Ibn Kathir explains why the ruler of the Muslims was known as *khalifah* and shows that this is just a word used to elucidate the nature of rulership. He says that historically there has always been a continuous process of replacement and representation of one nation by another and one ruler by another and this is why the terms of *khalifah* and *khalifah*, which indicate replacement and succession, are used. *Imam* al-Qurtubi corroborates this in his *Tafsir Akham-ul-Qur'an*, vol. 1 p. 183 where he says that the reason for the use of the word *khalifah* is because it involves the replacement and representation of previous people.

The point being made is that the terms used to refer to governance and rulers are not particularly significant in themselves and it is the actual nature of the institutions which are the important thing. A frequently used alternative term for *khalifah* is *Imarah*.

In *al-Mustadrak*, vol. 1, p. 206, no. 409, *Imam* Hakim relates Hudhayfa ibn al-Yaman (*ra*) as saying:

Those who separate from the community (jama'ah) and work against the leadership (Imarah) will have no legitimate argument (hujjah).

The term for leadership used in this statement is *Imarah* rather than *khalifah* and there are many other hadiths which do the same. There is one in the *Sunan* of *Imam* Darimi, vol. 1 p.84 no. 225, which relates *Sayyiduna* Umar (*ra*) as saying, "There is no Islam without community (*jama'ah*), and there is no community without leadership (*Imarah*), and there is no leadership (*Imarah*) without obedience (*ta'ab*)." Another term used for leader is *Imam* as in the hadith: "Hold fast to the Muslim community and its leader (*Imamah*)."
This is in *Imam* Bayhaqi's, *as-Sunan al-Kubra*, vol. 3 p. 288, and *Imam* Haythami's, *Majm'a-u'z-Zawahid*, vol. 5, p. 217. The word *mulk* is also used as we find in *Imam* Tirmidhi's *Manaqib*, vol. 5 p. 727 no. 3936, when the Holy Prophet (*saw*) said, "Leadership (*al-mulku*) is with *Quraysh* and judgeship (*al-qada*) with the *Ansar*." Another word used by the Holy Prophet (*saw*) in the same con-

text is *Sultan*, as we see in *Imam* Haythami's *Majm'a-u'z-Zawahid*, vol. 5 p. 215, and *Imam* Ahmed ibn Hanbal's *Musnad*, vol. 5 p. 42 no. 20312, where he says: "Those who respect the leader (*Sultan*), those who disrespect the leader (*Sultan*)..."

There is a hadith recorded by Tirmidhi in the book of *Fitan*, vol. 4 p. 471, no. 2174, which we also find in the *Musnad* of Ahmad ibn Hanbal, vol. 3, p. 19 no. 11086, in which all five words *khalifah*, *Malik*, *Amir*, *Imam* and *Sultan* are used. Why then do people only say that they are fighting for *khalifah*? Why do people not equally talk about establishing *Imarah*, *mulk*, *Imamah*, *Sultaniyya* or any of the other terms, because these are all terms used in the Holy Qur'an and hadith of the Holy Prophet (*saw*)? It is absolutely clear that this is just a matter of words, of terminology, all of which equally mean the rule, authority, and government leadership of the Muslims.

Now that this has been made clear we should look at the necessity of establishing the reality which all of them indicate: Islamic governance. This is because Islam is not just a matter of philosophy or personal religion. Islam is a complete code of life and, more than that, it is a complete system which has to be implemented. It prescribes the duties and obligations of all Muslims, the way they should relate to other people and groups, the rights of individuals and society as a whole, family law, criminal law including criminal penalties, civil law, public law, economic and fiscal law, and also the systems and establishment of the courts and institutions that are needed to administrate, implement and enforce these things.

So Islam provides a complete code for each and every aspect of human life, both individual and collective. Historically speaking, Islam has always created complete societies and there are many places in the world today whose laws, commandments, instructions and guidance have been furnished by Islam. In such societies Islam does not only define internal laws but also defines the laws which govern their relationship with other nations: laws concerned with war, laws concerned with treaties, laws concerned with peace, and laws concerned with the right of the non-Muslim minority which live in an Islamic state. All of these things are defined by the Holy Qur'an and the Sunnah of the Holy Prophet (*saw*).

All these laws need to be implemented, but implementation is not an individual matter and can only be carried out by an organised institution. This in turn necessitates the formation of such an institution to implement these rights and laws and this is known as Islamic governance. A form of governance has to be established in order to implement what has been revealed by Allah (*swt*), what has been communicated by the Holy Prophet (*saw*), and to fulfil all the various requirements

of human society. This is the reason why the Holy Prophet (*saw*) emigrated to *Madina*. The thirteen years of his life as Prophet (*saw*) in *Makka* were spent in propagation, during which time he concentrated on preaching, spiritual training, spiritual purity, character building and preparing a community of strong believers. When, however, he migrated to *Madina* the first thing he did was establish Islamic governance.

This type of social organisation was needed to deal with matters of war. If an enemy attacks a Muslim community living in any place, they must be able to defend themselves and for this they need an army which must be organised and paid for. All these functions have to be carried out by a government and show the necessity of establishing such an institution. The same applies to all human communities. The establishment of a government is a common need for all societies whether Muslim or non-Muslim. So Islam also recommends, approves and agrees with this and recognises that Islamic governance is needed and also that there can be no Islamic state or Islamic government without a leader. The state and government needs a head who may be called by any one of many names as mentioned previously.

This whole phenomenon and philosophy is summed up in the hadith mentioned earlier, sometimes referred to as an *athar* (tradition), in which *Sayyiduna Umar (ra)* said, “*There is no Islam without community (jama’ab), and there is no community without (Imarah) and there is no leadership (Imarah) without obedience (ta’ab).*” The words “*There is no Islam...*” mean there could be no enforcement of Islam, no existence of Islam as a system, without *jama’ab* and *jama’ab* means a community and is in essence an organised society known as a state. It is an organised society fulfilling certain characteristics and conditions under the authority of a government. There is no true existence of Islam without this *jama’ab*.

The words “*...and there is no jama’ab (community) without Ima-rah (leadership)...*” mean there can be no organised society, no governance, without a leader. The community must be headed by someone: there must be someone working as the leader and head of the community. In the word *jama’ab* we find the concept of the Islamic state and in the word *Imarah* lies the concept of *Amir* or *khalifah*, the Islamic leader.

The words “*...and there is no Ima-rah (leadership) without ta’ab (obedience),*” show that Islamic leadership involves the obedience of the Muslims to that leadership. The leader may be called chief executive or *Amir* – as we have seen the name given to him is unimportant – but he is owed the obedience of the Muslim community. By definition he is the superior and the people are subordinate to him. There is a relationship

between them of *Hakim* (ruler) and *mabkum* (ruled) but he will be asked about his people and his society because he is responsible for all their affairs.

This is the concept of *jama’ab* (organised society) in Islam and it protects the rights, benefits and interests of the whole community: the whole system provides a guarantee of the rights of all its members. The purpose of the whole thing is the harmonious cohesion of the political body of Islam. It says in the Qur’an in *Surah al-Imran*:

Hold fast to the rope of Allah (swt) all together, and do not separate. (3; 103)

This has two meanings. Firstly it is an instruction to the whole Muslim *ummah* to avoid splitting up and sectarianism and instead be united and remain a cohesive unit. The Holy Prophet (*saw*) said, “*It is incumbent on you to be attached to the jama’ab and always avoid becoming separated from it.*” In this hadith, the Holy Prophet (*saw*) is advising us to avoid being alone and not to get detached from the *jama’ab*, from the collective existence of the Muslim community. Indeed one of the primary concerns of the Holy Prophet (*saw*) was *iltizamu’l-jama’ab* – to maintain, protect and promote an organised collective society – and he consolidated this by establishing the Islamic state of *Madina*, giving it a written constitution called *Mithaqu’l-Madina*. According to my analysis of it this constitution, it contained sixty-three articles and according to the analysis of the late Dr. Hameedullah it contained forty-seven articles. However, this is just a matter of difference in classification and categorisation.

This constitution was given to *Madina* and the society of *Madina* was organised according to it and the Holy Prophet (*saw*) was declared to be its leader. If the word *khalifah* had been a necessary title for the head of state, the Holy Prophet (*saw*) would have included the word *khalifah* in the constitution and he would have declared himself *Khalifatu’llah* (vicegerent of Allah (*swt*)) or the *khalifah* of *ad-Danlatu’l-Madina* (the polity of *Madina*). He would have called this state of *Madina* a *khalifah*, a vicegerency, but he did not choose this word, either for himself as leader or the state. This shows conclusively that the use of specific terms is not compulsory according to the Sunnah of the Holy Prophet (*saw*) and therefore that it is no way compulsory or imperative for any particular title to be used to refer to the state of Islam or its leader. The Holy Prophet (*saw*) did not choose the title *khalifah* for himself but he did give it to his successors, so it is permissible but not mandatory.

The second factor in the establishment of an Islamic state is the matter of obedience. Allah (*swt*) says in *Surah an-Nisa*:

O you who believe! Obey Allah (swt) and obey the Messenger and those in command among you. (4:59)

From this verse we can see that there are three levels of obedience. Firstly there is obedience to Allah (*swt*) and this is an absolute obedience. Then comes obedience to the Messenger of Allah (*saw*) and this is also permanent and absolute but is representative in nature: the Holy Prophet (*saw*) represents Allah (*swt*) and, being the direct recipient of Allah (*swt*)'s authority, he (*saw*) exercises Allah (*swt*)'s will and he receives Allah (*swt*)'s words and communicates them to the rest of mankind. He (*saw*) is Allah (*swt*)'s Messenger and is His representative in all aspects.

After the Holy Prophet (*saw*), leadership continued to be essential for the political organisation of the Muslim community and this will continue to be the case up until the Day of Judgement. The leaders of the Muslim *ummah* are the successors of the Holy Prophet (*saw*) and are *warathatu'l-anbiya* (the heirs of the Prophets) and, for this reason, the scholars of Islam are the leaders of the *ummah* because of their role as successors of the Prophets. So sometimes authority (*amr*) is in *hukumah* (rule) and sometimes it is in *'ilm* (knowledge). There is *Imamah siyasiyyah* (political leadership), *Imamah diniyyah* (religious leadership), and *Imamah rubiyyah* (spiritual leadership). Thus "those in command" (*uli'l-amr*) comprise two kinds of authority: political authority and spiritual or academic authority. The *Khulafa'u'r-Rashideen* (Rightly Guided Caliphs) qualified as leaders in both senses.

All heads of an Islamic state are entitled to be known as *uli'l-amr* (those in command) provided that they fulfil the condition of obedience to Allah (*swt*) and Holy Prophet (*saw*). And great scholars, such as the *Imams* Abu Hanifah, Malik ibn Anas, ash-Shafii, and Ahmad ibn Hanbal, are also considered *uli'l-amr*. Even minor authorities have that status, as the concept of obedience to "those in command" extends to them as well. Even in a small group it is necessary to appoint a *khalifah*. It is recorded by *Imam* Tabarani in *Mu'jamu'l-Kabir*, Vol. 9, p.185, No. 8915, that the Holy Prophet (*saw*) said, "If there are three people going on a journey it is incumbent on them to appoint one of their number as their *Amir*."

The same, of course, applies to the necessity of establishing *khalifah*, in the sense of leadership of the whole Muslim *Ummah*, but to exaggerate this by saying that there are only two nights and three days given to the *ummah* to accomplish

this is ignorance. There is no such instruction from the Holy Prophet (*saw*). If it had been an absolute obligation (*fard 'ayn* – an act obligatory on every sane individual under normal conditions) then he (*saw*) himself would have appointed his successor as *khalifah*, but he (*saw*) did not do that. There is no instruction in either the Sunnah or the Holy Qur'an about this. The main hadith on this subject is the one from *Sayyiduna* Ali (*ra*) in which he said: "He (*the Holy Prophet (saw)*) left it to the opinion of the *ummah*." So what is the origin of this idea of two nights and three days?

After the death of the Holy Prophet (*saw*) the *khalifah* of *Sayyiduna* Abu Bakr as-Siddiq (*ra*) was established within two nights, before the burial of the Holy Prophet (*saw*), and *Sayyiduna* Umar (*ra*) instructed his son that six people should decide in three days about who would succeed him. This was just the last instruction of the leader and if they did not manage to decide in three days it would simply mean they were not ready to reach a consensus. It was merely an instruction to them to decide unanimously or by majority vote within a short time; the more time taken, the more disturbance and problems it would create. There were many disruptions during the time of *Sayyiduna* Abu Bakr (*ra*): people were refusing to pay the *zakat* (compulsory tax) and falsely claiming Prophethood; and there were rebels and apostates. The *ummah* is always in need of unity and unity cannot be maintained without order and order cannot be maintained without a head of state. Common sense dictates that it must be done with alacrity, but there is no specific time limit in the *Shari'ah* of two nights and three days: these time limits were simply specified because of what the individual circumstances required.

If any wrong decision had been made in the assembly of the *Ansar*, before the burial of the Holy Prophet (*saw*), it would have been necessary to remove the chosen *khalifah* if he had not been fit to take on the great responsibility of leading the *ummah*. *Sayyiduna* Abu Bakr (*ra*), *Sayyiduna* Umar (*ra*), *Sayyiduna* Ali (*ra*), and *Sayyiduna* Uthman (*ra*) were around and yet people were going to appoint someone on the sole basis that he was one of the *Ansar*. Such an act would have gone against the basic teachings of Islam and would have created disunity amongst the Islamic *ummah*. The decision to appoint *Sayyiduna* Abu Bakr (*ra*) was made speedily and unanimously so that no disruption would take place. This did not mean, however, that from then on the *ummah* would only be given two nights in which to make this appointment and it would be the height of ignorance to suggest that this was the case. On the contrary, it was a decision based on *ijtihad* (independent judgment) and was brought about by the particular situation

at the time.

The same applies to *Sayyiduna Umar (ra)*. He appointed six people to decide on the appointment of the new *kehalifah* and said that three days was more than enough time for six people to come to a decision. That was the reason why three days were prescribed. When three days passed and it was clear that they could not agree and were unable to reach a consensus, the matter was referred to a parliament of fifty people. Since they too were unable to reach a decision, the matter was then referred to the general public and Abd ar-Rahman ibn Awf (*ra*) took another three days to gauge public opinion. Because of this the whole process took seven days: three days for the six Companions, a day for the parliament, and then three days for the general public. So the time scale predicated by *Sayyiduna Umar (ra)* was an executive decision based on his assessment of the situation and, as we have seen it was not adhered to. Therefore to make the period of three days he advocated a condition in the *Shari'ah* is unjustified, and this is borne out by the fact that nobody made this a proof afterwards. The important thing is that the cohesion and organisation of the Muslim *ummah* should be preserved, that there should be obedience and submission, and that orders should be given and obeyed so that there is no division in the *ummah*.

The *jama'ah* (Muslim polity) means the group who are in the majority and it is very important to be attached to that group.

In a hadith, the Holy prophet (*saw*) says: “Be with the majority of the *ummah* and don't become detached from them.” There have always been *firqas* (small groups). At the beginning of Islamic history there were various such groups, including the *Kharijites*, *Rafidites*, *Murji'ites* and *Mu'tazilites*, minority sects who opposed the majority of the *ummah*. Small groups are constantly emerging from the *ummah*, groups which have gone astray from the position held by the majority of the Muslims which is the *jama'ah*. The claims of such groups are considered to be contrary to Islam and only what the majority of the *ummah* say is considered to be the correct position in Islam.

Abu Hurayrah (*ra*) reports that the Holy Prophet (*saw*) said: “Two people are better than one, three are better than two and four are better than three.” This is from Ahmad ibn Hanbal's *Musnad* Vol. 5, p. 145, No. 21190, and it leaves no room for any doubt, since in it the Holy Prophet (*saw*) made the situation absolutely clear. It confirms the basis of democracy by giving the opinion of the majority preference over the opinion of the minority. The minority groups sometimes quote Qur'anic *ayats* which appear to come down against the majority in an attempt to establish that they are on the right path when what

they are doing is wrong and against the Holy Prophet's (*saw*) command. The verses they quote in favour of the minority and against the majority were revealed about matters relating to the *kuuffar* (unbelievers) when the Muslims were in the minority and the majority of *Meccans* were unbelievers and the same was the case in *Madina* when Islam was gradually expanding. So they were revealed in the context of a comparison between Muslims and non-Muslims when the latter were in the majority. Since the majority were non-Muslims, Islam condemned them under the heading of majority. Whenever *ayats* which condemn the majority, by using words such as ‘most of them do not understand’, are mentioned they refer to unbelievers who do not understand the truth, and so it is not correct to apply these terms to Muslims at all.

The Holy Prophet (*saw*), therefore, gave a specific and expressive definition of *jama'ah*, and in light of this hadith we understand that the word *jama'ah* signifies the majority of the Muslims. Then he (*saw*) says you have to be with the *jama'ah* because:

“Almighty Allah (*swt*) never unites my *ummah* on misguidance. Whenever He unites my *ummah* he unites it on truth, guidance and right.”

Recorded in Imam Hakim, *al Mustadrak*, Book of ‘ilm, Vol. 1, p. 200, No. 394, and Tirmidhi, Book of *Fitn*, Vol. 4, p. 266, No. 2167.

So the majority group of the Muslim *ummah* – the *jama'ah* – is always in the right and the task of *kehalifah* or *Imarah* is to organise and protect this *jama'ah* and people should connect with the majority and not with minority sects. Throughout Islamic history all sectarian groups have been in the minority and the majority group has been known as *ablu's-sunnah wa'l-jama'ah*.

Right from the very beginning, sectarian groups have always quoted the Qur'an and hadiths – from the time of the *khawarij* right up until the present day – and have wrongly supported their own views through misuse and misinterpretation of the Qur'an. However, the Holy Prophet (*saw*) gave us all the necessary criteria for distinguishing between right and wrong and the criterion for his *ummah* is the *jama'ah* – the majority group within which there is no room for the small groups. *Sayyiduna Umar (ra)* confirmed this when he said, “I am standing here in the same place where the Holy Prophet (*saw*) stood and said, ‘Be with *jama'ah* and leave the *firqa* (sectarian groups). The devil is with one but distances himself from two.”

By drawing a parallel with the earlier hadith, we can in-

fer that the devil is closer to two and further from three and closer to three and further from four, and so in any situation it is safer to side with the majority of the Muslims against a minority group because the majority will be on the right path. Minority groups are declared to be malignant places where the devil will be found and the majority is declared to be the *jama'ah*. Likewise, even within the *jama'ah* during the time of the *Khulafa'u'r-Rashidin*, the majority view was generally preferred to the view of the minority.

There is a very famous hadith narrated by various Companions and recorded in various texts about the sects of the Muslim *ummah* in which the Holy Prophet (*saw*) said:

“The Jews were divided into seventy one sects, seventy went to Hell and one went to Paradise; then the Christians were divided into seventy two sects, seventy one went to Hell and one went to Paradise; definitely my ummah will be divided and there will be seventy three sects and seventy two will go to Hell.”

So he (*saw*) said that his *ummah* would divide into seventy three sects and seventy two of them would go to hell. This clearly could not mean that the majority of the Muslims would go to hell. No, what is being referred to are the *firqas*, the small sectarian groups, deviating from the majority position, that have emerged from the main body of the Muslims throughout Islamic history. They were small groups but they came from the Muslim *ummah*. The seventy two sects which are going to Hell are the small groups and sects which broke away from the main *jama'ah* and the one remaining, the great majority, the main *jama'ah* itself, is the one sect which will go to Paradise. When the Holy Prophet (*saw*) was asked which sect would be saved he replied that it would be the *jama'ah*.

So the relationship between *ummah* and *jama'ah* should now be clear. The *jama'ah* is not in fact the whole of the *ummah* because, if it had been, it could not be the case that the seventy two sects, which as we know from the hadith, are from the *ummah* but are separate from the *jama'ah*, would be going to Hell. So all those people who declare the *jama'ah*, the majority of the Muslims, to be apostates and non-believers, according to this saying of the Holy Prophet (*saw*), will themselves go to Hell because of what they say, and it is the largest group of the Muslim *ummah*, the *Ahlu's-sunnah wa'l-jama'ah*, who will go to Paradise.

In another hadith from Ibn Majah, the Book of *Fitan*, Ch. 17 (also found in Tirmidhi, Ahmad bin Hanbal, Tabarani and *al-Hakim*), it is narrated by Anas ibn Malik (*ra*) that the Holy Prophet (*saw*) said:

“The Bani Israel were divided into seventy one sects and seventy two sects will emerge from my ummah. All of them will go to Hell except for one and this is the jama'ah.”

This hadith also shows that the *jama'ah* does not constitute the whole of the *ummah* because seventy one sects from the *ummah* are destined for Hell and the remainder of the *ummah* is the *jama'ah* and this group is the majority. Therefore, whenever you see the word *jama'ah* it does not mean the whole *ummah*.

There are today a few minor and small groups who, by their words and actions, have attached themselves to the *firaq ad-dalalah* (misguided sects), those who are going to Hell. These are in fact not a new phenomenon but merely a new addition to the original misguided sect: the *khawarij*. The *khawarij* are well known and the first name given to them was *al-Haruriyyah* because they established their base at *Harura*, a village on the borders of Iraq. They were the fulfilment of a prophecy of the Holy Prophet (*saw*) who had foretold their emergence. When some of the Companions were asked who *al-Haruriyyah* were they said that they were the *khawarij* who had been foretold by the Prophet (*saw*). *Imam* Bukhari, *Imam* Tirmidhi and the other *muhaddithin* (Compilers of hadith collections) put *al-Khawarij* together with *al-mulhidin* (unbelievers) and *al-murtadin* (apostates) and the common order was to kill them all as they posed a grave danger to Islam.

The origin of the *khawarij* was a group who came out of the army of Islam and passed *fatwas* (religious rulings) against *Sayyiduna* Ali (*ra*), declaring him to be an unbeliever. Their slogan was '*innal hukmu illa lillah*' (judgment belongs to Allah (*swt*) alone). They left *Sayyiduna* Ali (*ra*) when he accepted the verdict of the arbitration between his own army and the army of Mu'awiyya (*ra*). The arbitration was annulled when the *khawarij*, who had said that they would accept it, did not keep to their word, withdrew from the army and rebelled against *Sayyiduna* Ali (*ra*). They took up the sword against the *khaliifah*, saying that he had accepted arbitration – human judgment – whereas the judgment is the right of Almighty Allah (*swt*) alone. On this basis they declared *Sayyiduna* Ali (*ra*) to be a *mushrik* – a person who associates partners with Allah (*swt*). After this they united, left the army of Islam, and established themselves in the village of *Harura*, declaring that they should leave the city of *bid'ah* (innovation) [*Kufah*].

They had three fundamental premises:

- that judgment vests in Almighty Allah (*swt*) alone;

- that their city [Kufa] was the city of the people of *bid'ab* (innovation);
- that they would fight against *Shirk* (association of partners with Allah (*swt*)) and *bid'ab* (innovation).

As a result they received the name *ablu't-tanbid* (people of the Oneness of Allah (*swt*)) and *ablu'l-bukm al-islamiyya* (people of the judgment of Islam). The place they gathered was *Harura* so this became the first capital of the *khawarij* movement and they became known as *al-Haruriyyah*.

There are many hadiths talking about this, and the Holy Prophet (*saw*) called them *khawarij*, foretelling what they would do and that they would be present in every time and century until the *Dajjal* appeared. They gathered under various banners: sometimes the banner of *kbilafah* (leadership), sometimes the banner of *tanbid* (Oneness of Allah (*swt*)), sometimes the banner of fighting against *Shirk* (association of partners with Allah (*swt*)), sometimes the banner of fighting against *bid'ab* (innovation), and sometimes the banner *al-bukmu lillah* (judgment belongs to Allah (*swt*)).

Sayyiduna Ali (*ra*) famously said that their slogans would be good, their words correct, but that their intentions would be wrong. The Holy Prophet (*saw*) said they would emerge throughout the history of Islam until the *Dajjal* emerged with his corruption. They were people who raised the banner of *tanbid* and opposition to *bid'ab* but their allegation was in fact against *Sayyiduna* Ali (*ra*), saying that he had committed *Shirk*. Their slogans appeared attractive but the Holy Prophet (*saw*) said that it was necessary to kill them.

In the Book of *Zakat* in his *Sahib*, *Imam* Muslim narrated in the chapter entitled 'Killing the *Khawarij*' that Ubaydullah ibn Abi Rafi' (*ra*) said: "When the *Haruriyyah* emerged, they were originally in the army of *Ali* and they said that judgment belonged to Allah (*swt*) alone and that *Ali* had committed *Shirk*. *Ali* said the words of their slogans were true but that their intention was false." The Holy prophet said they would recite the Holy Qur'an but they would be the worst of creation. In the chapter entitled 'Killing the *Khawarij*' in his *Sahib*, *Imam* Bukhari narrated *Abu Salama* (*ra*) as saying: "I heard about the *khawarij* from the Holy Prophet (*saw*) but I didn't know who they were. The Holy Prophet said, 'They will be a sect and emerge from my *ummah*. They will pray and your prayers will be less numerous than theirs and your recitation of Qur'an will be less lengthy than theirs (they will have no link with Islam and go out of Islam completely).'"

An expert on this subject was *Imam al-Muhaddith* *Abu Bakr Muhammad bin Hussein* known as *Imam Ajuri al Makki*. He was a classical authority in shari'ah and was born in 280 A.H

and died in *Makka* in 360 A.H. He was, therefore, an *Imam* of the third and fourth century AH. Therefore his hadith collection is one of the original sources and authorities of Islam and it was already being quoted before it was published. He started his book by defining the nature of *jama'ah* and *firqah* and describing the founders of the *firaq*. He then went on to talk about the *khawarij* and compiled dozens of hadiths on the subject. Then he gave details of *manw al-jahiliyyah* (the death of ignorance) – the death of people who die without making *bay'at* to a *khalifah*. There are some people who say everyone who dies without a *khalifah* or *Imam* is dying a "death of ignorance" and therefore a death out of Islam. This is a wrong interpretation because, after the Holy Prophet (*saw*) said that people must obey their *Amir*, he was asked what they should do if there was no *Amir* of the *ummah* at that time. He answered, "Then you should leave all the *firaq* (sectarian groups) and keep silent." At no point did he suggest that this would mean that they would die a *death of ignorance*. In fact it implies that a "death of ignorance" is related to leaving the *jama'ah* and becoming involved in rebellion.

In *Tirmidhi* and also in *Tabarani* and the *Musnad* of *Ahmad ibn Hanbal*, there is a hadith from *Abu Hurayrah* (*ra*) stating that the Holy Prophet (*saw*) said that anyone who rebels and abandons obedience to his *Amir*, and thus becomes separated from the *jama'ah* and dies in that state, dies a "death of ignorance". From this hadith we can see that *manw al-jahiliyya* (the death of ignorance) is connected to rebellion against the *khalifah* and leaving the *jama'ah*, thereby disobeying Islamic governance and Qur'anic commands. Someone who does this has challenged legitimate Islamic authority and left the majority community and become a sectarian. Only then is his death a "death of ignorance". This is an example of using one hadith to interpret another hadith.

All of these hadiths were collected by *Imam Ajuri*, and many of them are also in *Sahib Muslim*, *Sahib Bukhari* and other books of hadith because his collection was compiled at about the same time that the other major collections were also compiled. In *al-Haythami's, Majma'u'z-Zawa'id*, Vol. 5, p. 222, and *Tabarani's, Mu'jam al-Kabir*, Vol. 9, p. 198, No. 8972, it is narrated that *Abdullah ibn Mas'ud* used to say in his *Khutbah*:

"O people, you must be obedient to the Islamic state and follow the *jama'ah* which is better than any *firqah*: you must follow the path taken by me and my companions. This is as-sawad al-'adham (the greatest group) and this is the *jama'ah*."

The word *ta'ah* (obedience) includes the concept of *Imarah*, *khilafah*, *hukumah*, *Sultaniyyah*, and *Imamah*. The *jama'ah* is *as-sawad al-'adham* (the greatest group) and *ta'ah* is obedience to the legitimate authority of Islam.

Imam Ajuri explained the concept of sectarianism and the meaning of *jama'ah*. On page 303 of his book he said that Abu Bakr ibn Dawud, speaking of the origins of *bid'ah*, mentioned the following four sects: *ar-Rawafid*, *al-Khawarij*, *Al-qadariyya* and *al-Murji'iyah*. These are the originators of *bid'ah* (innovation) and the first *firqah ad-dalalah* (misguided groups). *Imam* Ajuri said that *Imam* Yusuf ibn As'ad counted twelve sects and then said that the number of these would increase to the seventy-two foretold in the Holy Prophet's (*saw*) hadith. *Imam* Ajuri also narrated those hadith already mentioned above.

In *Sunan* Abu Dawud, Book of Sunnah, No. 4596, it is transmitted that Anas ibn Malik (*ra*) narrated that the Holy Prophet (*saw*) said:

"Seventy two will go to hell except one and that one will be as-sawad al-'adham (the greatest group)."

This hadith is also narrated using the word *jama'ah* instead of *as-sawad al-'adham*.

There is a hadith in which the Holy Prophet (*saw*) said:

"Every firqa (sect) will go to Hell except one firqa (sect) and that is the jama'ah (main group)."

This is a very important hadith as it mentions both *firqah* and *jama'ah*. It is reported by many Companions, including Abu Hurayrah (*ra*). The chain of narrators is said to be *hasan* (nearly as authentic as a *sahih* hadith) and it is also in the *Musnad* of Ahmad ibn Hanbal, the *Sunan* of Abu Dawud, the *Sunan* of ad-Darimi and *al-Mustadrak of al-Hakim*.

Now we shall look at all the other hadiths in light of the hadith in *Sahih Muslim* referred to earlier:

"If anyone abandons ta'ah (obedience to the legitimate Islamic authority), he will go in front of Almighty Allah (swt) on the Day of Judgement without any dalil (without any evidence in the Shari'ah which might save him) and, if he dies without bay'at, then his death will be a 'death of ignorance'."

There is a misconception in the minds of Muslim youth that there should be only one *khilafah*, a single leader of the Islamic *ummah*. This is in fact a misinterpretation of the Holy Prophet's (*saw*) hadith. This hadith applies to any situation in

which a group of Muslims unite and appoint a leader, as the Holy Prophet (*saw*) said, even if there are only three people, one of them should be appointed as leader. What this hadith means, therefore, is that if a number of Muslims unite and agree on a leader and make a *bay'at* of obedience to the head of that grouping, regardless of its size, if any of them were then to rebel against that leader and claim to be *Amir* that rebellion would amount to treason. It does not mean that, in the whole world, it is not permissible to have two Islamic leaders. That only applied at the time of *al-Khulafa ar-Rashideen*; it was only then that only one *khilafah* was permissible.

This is the context in which the Holy Prophet (*saw*) said what he said and understanding it in any other way is wrong. There is no hadith stating there should be only one *Amir* in the whole world from the east to the west and that there cannot be two. The Holy Prophet (*saw*) never said this. His philosophy was establishment of *Imarah* wherever one is. Even if there are only three people, they should appoint an *Amir* and work under him. Given that the Holy Prophet (*saw*) allowed his *ummah* to establish *Imarah* when there are only three people how could it possibly be that the whole *ummah* of Islam with a population of 1.25 billion should be limited to one *Amir*?

The basic objective of an Islamic government is to administer justice, keep the peace, provide the basic necessities of the population and defend the state. In a situation where Muslims are living all over the world, thousands and thousands of miles away from one another, separated by oceans, the *ummah* is no longer a rudimentary system of village and tribal communities so how is it possible for one authority to keep control? Effective control cannot be established; law and order cannot be maintained; the basic needs and necessities cannot be provided; the basic rights and duties of the state cannot be fulfilled. In the present circumstances a single man could not oversee all these things and would be unable to fulfil the duties incumbent on a Muslim ruler. It is inconceivable that Islam and the Holy Prophet (*saw*) would say that there should only be one *Amir* for the whole world. The truth is that the Holy Prophet (*saw*) not only allowed a plurality of *Amirs* but also recommended every three people to establish *Imarah* when they travelled. In this way there can in fact be hundreds of *Amirs*. The basic premise is for Muslims to live under the system of *Imarah* in a state of *ta'ah* (obedience to authority) and to live disciplined lives. It is clear that there should be an *Amir* in every Muslim territory to establish unity.

In the Book of *Imarah*, Ch. 15 of *Sahih Muslim*, Abu Sa'id

al-Khudri (*ra*) narrated that the Holy Prophet (*saw*) said:

"If people start making bay'at with two different khalifas kill the second one (to maintain unity)."

This is a commonly quoted hadith and people wrongly infer from it that there should only be one *khalifah* in the world. Where in this hadith does the Holy Prophet (*saw*) mention the whole world? The word for the whole world is not used here; nor is the word for the whole *ummah*. The hadith is actually referring to a situation where some people have made *bay'at* with one *khalifah* and some with another *khalifah* in a single place. The meaning of the hadith can be understood through another hadith also found in *Sabih Muslim*, Book of *Imarah*, Ch. 14. This chapter is about those who want to divide the Muslims when they are united and Chapter 15 is about people who accept the claim of such people, so the two chapters are linked. It is recorded that the Holy Prophet (*saw*) said:

"If someone comes to you and you have already agreed on the Imarah of a particular man and have become unified through that, and he wants to create disunity in your jama'ah (group), you should kill him."

The Holy Prophet (*saw*) did not say anything about there being only one *khalifah* in the whole world and that if there was any other *khalifah* he should be killed. This is not the case at all. The hadith is talking about Muslims who are unified under an *Amir* in one place. If any one then comes and challenges this unity he should be killed. There are many hadiths on this theme.

The Holy Prophet (*saw*) established the state of *Madina* which was a territorial state and he did not declare himself as the head of state of the whole world. What we find in the Qur'an is:

Say: "O mankind! I am the Messenger of Allah (saw) to you all." (7:158)

He is told to say that he is Messenger (*saw*) for the whole world, for the whole of mankind, but when the time of political leadership came, he (*saw*) never said he was establishing a state for the whole world. He established a state in *Madina* so he approved the concept of territorial city state. He (*saw*) also said:

"I declare the people of Madina (ablul Yathrib): muminun and muslimun, Quraysh and those who have become members of this sabifah (constitution), Muslims and non-Muslim minorities, to be an ummah..."

This word *ummah* is here used as a political term to define a political community and a territorial state. This became the Prophetic Sunnah, since the first state created and headed by the Holy Prophet (*saw*) was a delimited territorial state. Muslim governance and authority come into existence by a contractual obligation, a bilateral contract, by which people appoint someone as their leader. In *Surah an-Nisa* it says:

Allah (swt) commands you to return to their owners the things you hold on trust and, when you judge between people, to judge with justice. (4:58)

This means that you should give authority to the people who deserve it and also give them your obedience. People who are given and accept authority and become rulers, on the other hand, must rule with justice. In Islam the contract between ruler and ruled is a bi-lateral contract. It is a matter of contractual obligation as it is a territorial authority which results from a contract. Prophethood or Messenger-ship, however, is not a matter of contract. It is a universal appointment from Allah (*swt*) without territorial restriction, so the authority of Prophethood does cover the whole world. The Holy Prophet (*saw*) made the limited nature of his political constitution for *Madina* explicitly clear and so the first political authority of the Sunnah is for a state with territorial limits, within which a leader's authority can be exercised and the law implemented and enforced. Finally the Holy Prophet (*saw*) is quoted by Ibn Hisham in his *Sirah*, Vol. 2, p. 504, as saying:

"...I declare this city to be a Haram (a sanctuary of peace) for those who have become the members of this constitution."

So the Holy Prophet (*saw*) left us with a constitutional concept: a constitutional state and society and constitutional authority within territorial limits. On many occasions the Holy Prophet (*saw*) declared in his own words that his political authority was limited to the people of the *Madinan* constitution, whereas, due to his being a Mercy, Prophet and Messenger to the whole of mankind, he (*saw*) could have stated that his political authority covered the whole of mankind as well and not just the people of *Madina*.

Furthermore, at the time of the Holy Prophet (*saw*), some

people established another political authority between *Makka* and *Madina*, which was an independent political entity and which the Holy Prophet (*saw*) accepted and approved of. It consisted of two men called Abu Basir and Abu Jandal and many more people who had become Muslims. They established themselves in a place called *Dbu'l-Hulayfab* and started killing the unbelievers who were violating the law and breaching the peace. As a result the unbelievers came to the Holy Prophet (*saw*) and stated that, according to the Treaty of *Hudaybiyyah*, he should stop them as what they were doing was against the treaty. However, the Holy Prophet (*saw*) said that they did not fall under his authority as they were an independent political entity.

At that time an Islamic state had already been established in *Madina* and the Holy Prophet (*saw*) was its leader, but the Muslims living at *Dbu'l-Hulayfab* were declared not to be bound by the Treaty of *Hudaybiyyah* because they were independent and because they were not citizens of *Madina*. So it is clear that the Prophet (*saw*) accepted their political independence from *Madina* and their identity as an independent political entity by declaring that the treaty of *Hudaybiyyah* was not binding on them. This is a very important thing.

Two things, therefore, were established by the *Mithaq* (Constitution) of *Madina*: firstly the Holy Prophet (*saw*) declared it to be a territorial state; and secondly he accepted *Dbu'l-Hulayfab* as an independent political entity and declared that the Treaty of *Hudaybiyyah* was not binding on its inhabitants. After this, the Orthodox *Khilafah*, which was unanimously accepted by the Muslim *Ummah*, lasted for thirty years but after this there was no unanimous *khilafah*.

It is narrated in Tirmidhi, Book of *Fitn*, Ch. of *Khulafah*, No. 2226; and in the *Musnad* of Ahmad ibn Hanbal, Vol. 5, p. 220, No. 21816; and also in the *Sunan* of Abu Dawud, Book of Sunnah, Ch. *Khulafah*, No. 4646; that the Holy Prophet (*saw*) said:

“The khilafah in my ummah will only last for thirty years and then it will become a mulk (monarchy).”

Thus the Holy Prophet (*saw*) declared that after the thirty years of *khilafah* there would be *mulk* (monarchic governance) and Almighty Allah (*swt*) gives authority to whom He wills. This is a fact established by the Holy Prophet (*saw*) and it shows that *khilafah* was not the only possibility but that the consensus of the *ummah* would agree on *khilafah* for thirty years. The reason that the Holy Prophet (*saw*) goes on to use the term *mulk* is that the consensus about *khilafah* would

come to an end. He did not, however, want Muslim governance to come to an end if the *ummah* could not come to a consensus, because this would cause disunity. Therefore, after the *khilafah* there would be *mulk* and *Imarah* (monarchical governance and leadership). This would be acceptable for the *ummah* and the basic purpose would be served, provided that the rulers concerned acted within the guidance of the Qur'an and Sunnah.

In another hadith recorded in the *Musnad* of Ahmad ibn Hanbal, Vol. 5, p. 44, no. 20324, and in the *Sunan* of Abu Dawud, Book of Sunnah, Ch. of *Khulafah*, no. 4635, and the *Musannaf* of Ibn Abi Shaybah, Book of *Iman*, Ch. of Interpretation of Dreams, no. 30482, we find:

“The successorship to my nubuwwah – meaning the Islamic khilafah of the Khulafa ar-Rashidin – will be for thirty years then Allah (swt) will give the authority and governance to the people.”

The *Sunan* of Abu Dawud, Book of *Nikah*, Ch. of *Wali*, no. 2083, the *Musnad* of Ahmad ibn Hanbal, Vol. 6, P. 260, no. 26113, and the *Musannaf* of Ibn Abi Shaybah, vol. 6, p. 284, no. 36117, record the Holy Prophet (*saw*) as saying:

“The Sultan will be the Wali of those children who have no Wali (i.e. parents). If anyone leaves the Sultan (the authority of Islamic state), his death will be a ‘death of ignorance’.”

These hadiths tell us that the Holy Prophet (*saw*) accepted the concept of types of governance other than *khilafah*, showing us that the basic purpose was to establish Islamic governance regardless of the term used.

During the days of the *khilafah* of *Hazrat Abbas (ra)*, Abu Jafar al Mansur established his government and after that there were many different governments and *khilafas* in Islamic history. In the year 325 AH Abdar Rahman II was the *khilif* in Spain, whereas Razibillah was the *khilif* in Baghdad. And at other times there were many more *khilifas* and other rulers. Scholars and authorities of Islam throughout the ages have, however, accepted all of them as proper Islamic authorities.

Salih, a contemporary scholar, writes in his book, *an-Nudhum al-islamiyya*, that the time of the *Khulafa ar-Rashidin* (the Rightly Guided *Khalifas*) was the time of consensus. After that various *khilifas* and heads of state started to establish their own governments. Then in the *Abbasid* period, the *khilifas* first had political and constitutional authority and

then moral authority but, as control over the whole world was not possible, various parts of the Muslim world announced their own independent governments and authority and *Abbasid* rule came to an end. Administration of justice and fulfilment of all the necessities, duties and obligations of government were no longer possible for a single authority and so independent governments and authorities of Islam sprang up in Spain, Damascus, Tripolitania, Asia, Egypt, India and other places.

This is the history of Islam and if all these declarations of independence are said to be disbelief (*kufr*), then what can be said about the last 1300 years of Islamic History? Practically the whole of Muslim *ummah* will have to be declared disbelievers (*kuuffar*) and condemned to death. And what about the authorities and Muslims who worked under them and did not stand up to kill them? Sometimes there was *bay'at* for two *khalifabs*, sometimes three; at one point there were ten *khalifabs* and Muslim heads of state. Yet scholars and classical authorities around the world were working in different parts of the world in various cities and various states under different rulers. Books were written on jurisprudence, on Islam, on hadith, on commentary of Qur'an, and they were written in various cities under several contemporary independent Muslim rulers.

At the beginning, political authority was wielded by a single *khalifah*, but that came to an end and independent Muslim states were established throughout the world. Nowhere, however, during the whole of Islamic history, did Muslim scholastic or political authority challenge them. No one challenged them on the basis that *bay'at* to two *khalifabs* or the establishment of two *khalifabs*, whether in India, Pakistan, Arabia, Baghdad, Egypt, Central Asia, or anywhere else was forbidden, because this had been made necessary by the exigencies of the time and the changing circumstances. There was not considered to be any impediment to this nor any prohibition of it, and the Sunnah allowed it on the basis of the original Prophetic state of *Madina al-Munawwarah*.



© Minhaj-ul-Quran Publications 2006

All rights reserved; no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without written permission of the Publishers.

www.minhajuk.org | info@minhajuk.org