

# **The Political Shari‘ah of Islam**

*Javed Ahmad Ghamidi*

Rendered into English by  
Shehzad Saleem

## **Al-Mawrid**

Institute of Islamic Sciences  
51-K Model Town Lahore, Pakistan  
*Phones:* 586 3408, 586 5145  
*URL:* [al-mawrid.org](http://al-mawrid.org)  
*Email:* [almawrid@brain.net.pk](mailto:almawrid@brain.net.pk)

---

Copyright © 2005 Al-Mawrid,  
51-K, Model Town,  
Lahore, Pakistan.

297.14 — dc 21  
Saleem, Shehzad  
The Political Shari‘ah of Islam  
Lahore: Al-Mawrid, 2005  
iii + 60.

#### Distributors

Dar-ut-Tazkeer  
Rahman Market, Ghazani Street Urdu Bazar, Lahore-54000  
Pakistan.  
url: [www.dar-ut-tazkeer.com](http://www.dar-ut-tazkeer.com)  
e-mail: [info@dar-ut-tazkeer.com](mailto:info@dar-ut-tazkeer.com)

#### Hardbound

Price: in Pakistan Rs. 100/-

ISBN 969-8799-01-8

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted by any means, electronic, mechanical, photocopying or otherwise, without the prior permission of the publisher except for brief quotations in critical reviews or articles.

## Contents

---

Translator's Introduction	1	<i>Shehzad Saleem</i>
The Political <i>Shari'ah</i> of Islam		<i>Javed Ahmad Ghamidi</i>
1. The Basic Principle	6	
2. The Real Responsibility	10	
3. Religious Obligation	12	
4. Citizenship and the Rights of Citizen	14	
5. The State System	19	
Appendix: Some Relevant Questions		
Does a Muslim Ruler have the Right to Veto	39	<i>Shehzad Saleem</i>
Authority of the Majority	41	"
Conditions of Revolt against an Islamic State	42	"
Rights of Non-Muslim Citizens	45	"
Parliamentary or Presidential Form of Government	47	"
Secularism and the Founder of Pakistan	47	"
Establishment of an Islamic State	49	"
Islamic Guidelines for Foreign Policy	51	"
Should Muslims of a Non-Muslim Country Unite Politically	52	"
The Baseless Doctrine of Vicegerency of Man	54	"
What is the System of <i>khilāfat</i> ?	57	"
Can a Woman Become a Head of an Islamic State	57	"

---

## Translator's Introduction

During the past two centuries, a lot has been written and said about the political philosophy of Islam. In particular, subsequent to the dismemberment of the institution of *khilāfah* in the first quarter of the last century, which signaled the end of the great Ottoman Empire in Turkey, Muslim scholarship endeavored to frame and formulate the political set-up envisaged by Islam. Without taking anything away from this enterprise, this effort would have been more fruitful and productive had it not been for one misconception: Islam provides a complete political system requiring only implementation in favorable circumstances. In spite of the tremendous amount of work being produced in this regard, Muslim scholarship today appears defeated in part because of this misconception. This misconception, can, seemingly, only be removed if the whole issue is approached and reviewed with primary attention on the Qur'ān and Sunnah.

We must appreciate that man has been blessed with the faculty of intellect and reason, as well as with innate guidance regarding good and evil. In the affairs of life, his intellect and innate guidance are generally enough to guide and show him the right way. It is only at certain crossroads that he needs divine guidance to assist in choosing the right course. In addition, at these crossroads, a **detailed** system of directives has not been divinely revealed to guide mankind: only a **broad** outline has been given comprised of a set of rules and regulations which must be adhered to. With this in mind, intellect and reason must evolve a system suited to the requirements and needs of a society. Since these requirements vary with time and place, the resulting systems will also vary accordingly. However, these systems shall be based on the same set of rules and regulations. In other words, the *sharī'ah*, which is a set of rules and regulations is divine and, therefore, eternal, but the system administering this *sharī'ah* is a human inference and, therefore, flexible. This flexibility, obviously, has

---

been left to accommodate changing circumstances and evolutionary developments in human societies.

Therefore, instead of extracting a political **system** from the Qur'ān and Sunnah which, of course, does not exist, dedicated efforts should be made by Muslim scholars to understand the political *sharī'ah* of Islam. The task of formulating a system on its basis should be left to political scientists and to those who understand the intricacies of this field.

---

Working on the pattern outlined above, Javed Ahmad Ghāmidī (b. 1951), has attempted to derive the political *sharī'ah* of Islam from the Qur'ān and Sunnah. Some of the important issues he has discussed and the conclusions he has drawn are summarized below:

First, the form of government envisaged by Islam is neither a theocracy nor a monarchy. It is more akin to democracy as a Muslim government comes into existence on the basis of a public mandate and continues to exist as long as it commands the support of the majority.

The second issue which is somewhat linked to the first pertains to the interpretation of the Ḥadīth: ([After me], the rulers shall be from the Quraysh)<sup>1</sup>. Regarding this Ḥadīth, most Muslim authorities are of the opinion that the ruler of an Islamic State must belong to the tribe of Quraysh. Ghāmidī argues that this Ḥadīth must be understood on the basis of the Qur'ānic verse:

(Their system is based on their consultation, (42:38)). An obvious corollary of this verse is that in case of a difference of opinion in any matter, the opinion of the majority shall prevail. Therefore, in the election of a Muslim ruler, the person who commands the support of the majority shall stand elected. Consequently, in his opinion, the Prophet (sws) only applied this principle in the circumstances which prevailed in Arabia in his times and stated the result in the above mentioned Ḥadīth. It is evident that after the conquest of Makkah, the Quraysh held the support of the majority; consequently, they were considered eligible for this position of

---

1. *Musnad Ahmad*, No: 12329.

authority. Similarly, in the election of the four Rightly Guided Caliphs this principle was also adhered to. Today, only that person shall be elected to rule who enjoys the support of the majority. In other words, the Ḥadīth stated above is only an application of the Qur'ānic principle of (Their system is based on their consultation) in the period of the Prophet (sws) and as such is not a universal directive.

The third issue concerns the conditions of citizenship, which, when fulfilled, permit a Muslim's participation in the affairs of state through stating his opinion whenever it is required. The Qur'ān explicitly states that once a person is diligent in offering the prayer and pays *zakāh*, he shall legally be regarded as a Muslim and be entitled to all the rights a Muslim has in an Islamic State. As far as non-Muslims are concerned, the *sharī'ah* has not legislated anything regarding the nature of their citizenship. It has left their matter to specific circumstances and to international agreements and accords that may exist.

The fourth issue relates to the citizenship of Non-Muslims in an Islamic State. It is generally held by Muslim authorities that non-Muslim citizens of an Islamic state are *dhimmīs* (those who have come under an Islamic State on account of being subdued in a battle). According to Ghāmidī, the *dhimmīs* are a category of non-Muslims specific to the age of the Prophet (sws) and his Companions (rta). The directives of *fiqh* related to them consequently cannot be related to the non-Muslims of today. The Non-Muslim minorities of today living in Muslim countries can only be classified as *mu'āhids* (citizenship by contract)<sup>2</sup>. Keeping in view the general welfare of the state, through mutual consent, any contract can be made with non-Muslims of today regarding their rights. As such, all dealings with them should be according to the terms of the treaty concluded with them.

The fifth issue relates to the extent of legislation which can be done by the parliament of an Islamic State. According to the Qur'ān, besides two positive demands – the prayer and *zakāh* – there is only one basis of legislation: only those laws can be enacted that enforce what has been prohibited in Islam. For

---

2. The treaty of Madīnah made with Jewish tribes by the Prophet (sws) is an example of this type of citizenship.

example, laws can be enacted against theft, adultery, murder and things which endanger the life, wealth and property of the people, but except for the prayer and *zakāh*, an Islamic State cannot forcefully demand anything from the believers. It cannot, for example, compel a Muslim to fast nor can it compel him to perform *hajj* even if he has the financial position to do so.

Sixthly, Muslims can rise against their rulers only in certain circumstances. In case, they intend to resort to armed warfare to dislodge them, then the following conditions must necessarily be fulfilled:

- a. Muslim rulers are guilty of openly and knowingly denying Islam or any of its directives.
- b. The government should be a despotic one, which neither came into existence through the opinion of the people nor is it possible to change it through their opinion.
- c. The person who leads this uprising should have a clear majority of the nation behind him and they are willing to accept him as their future ruler in favour of the existing one.
- d. The rebels are able to establish their political authority in an independent piece of land.

For the benefit of the English reader, I have attempted to render Ghāmidī's research article on this topic in English from Urdu<sup>3</sup> so that readers may critically analyze and judge the arguments which have led him to the above mentioned conclusions. Also included in this booklet is an appendix which deals with some queries on the political directives of Islam. I have attempted to answer them in the light of Ghāmidī's research and keeping in view its basic emphasis and spirit.

Shehzad Saleem  
Al-Mawrid, Lahore  
2005

---

3. The research article appears as a booklet: Ghāmidī, Javed Ahmad, *Qāmūn-i Siyāsāt*, 1<sup>st</sup> ed. Lahore: Al-Mawrid Institute of Islamic Sciences, 2005.





## **The Political *Shari'ah* of Islam**

Man, by his nature, is a social being: a social set-up is an indispensable need for him. However, since misuse of his God-given free-will often leads to a state of anarchy and disorder, man is forced to protect the created social set-up by organizing it as a collective system. In the history of mankind, politics and governments have originated as a result of this desire of man for a social set-up and this need of his to safeguard it from disorder. As long as man remains true to his nature, he cannot get rid of either this desire or this need. Therefore, prudence demands that instead of dreaming of a stateless society in this world he should strive to constitute a social contract that purifies the state system from evils and develops it in the right direction thereby creating a fair and upright government.

A study of history reveals that, for the most part, man's own nature instructed him to create such a social contract. However, the results of his labors in this regard attest to the fact that, as in other affairs of human life, human intellect is unable to find the right path without divine guidance. It is to fulfill this need that the Gracious Almighty has given man a detailed political *shari'ah* through His Book and through His last Prophet (sws).

The contents of this *shari'ah* can be summarized as below:

1. The Basic Principle
2. The Real Responsibility
3. Religious Obligations
4. Citizenship and the Rights of Citizens
5. The State System

In the following pages, I shall attempt to explain this *shari'ah* <sup>1</sup>

---

1. The verses on which this law is primarily based appear in bold.

in the light of the Qur'ān:

### 1. The Basic Principle

( : )

**O people who believe! Obey God and obey the Prophet and those of you who are in authority, and if you disagree among yourselves in any matter, refer it to God and the Prophet if you believe in Allah and the Last Day. This is better and more seemly as regards the consequences. (4:59)**

This directive was given to the Muslims when the Qur'ān was being revealed and the Prophet (sws) was present among them. Consequently, they had the opportunity to refer back all their disagreements to him. Obviously, since the authority of Allah and His Prophet (sws) is eternal, therefore in all affairs in which an eternal directive has been given by them, it is now incumbent upon those in authority whether they are the rulers or members of the parliament to submit to them forever. The orders and directives of these rulers can only be carried out subsequent to obeying Allah and His Prophet (sws), and only if they do not overrule or exceed the limits adjudicated by Allah and His Prophet (sws). Therefore, in an Islamic State no law can be enacted contrary to the Qur'ān and Sunnah or without taking into consideration the guidance these sources provide. The believers indeed have a right to disagree with those in authority, but they cannot disagree with Allah and His Prophet (sws). In fact, in any disagreement between believers, the decision must be made in accordance with the Qur'ān and Sunnah.

However, there are certain stipulations regarding obeying those in authority which the Prophet (sws) has explained:

First, Muslims must cling to state authority in all circumstances. The Prophet (sws) has termed state authority as (*al-jamā'ah*) and (*al-sultān*) and directed every Muslim to in no way disassociate himself from it. And if anyone does so, it is as if he has left Islam, and a Muslim who dies in

this state is as if he died the death of *jāhiliyyah* (the age of ignorance that prevailed in Arabia at the advent of Islam). The Prophet (sws) is reported to have said:

( : )

He who sees something despicable in his ruler should bear it, for he who even slightly disassociates himself from the state authority and dies in this condition shall die the death of ignorance. (*Bukhārī*, No: 6646)

Another text of this Ḥadīth reads:

( : )

He who sees something despicable in his ruler should bear it, for he who even slightly disassociates himself from the obedience of the sovereign crown and dies in this condition shall die the death of ignorance. (*Bukhārī*, No: 6645)

In times of political anarchy and chaos, the Prophet (sws) has directed Muslims not only to refrain from participating in any activity against the state, but also to obey state authority with complete faithfulness and sincerity. On one occasion, regarding this issue, the Prophet (sws), on these very grounds, is reported to have told Hudhayfah (rta): ([In such a state of chaos], you should remain attached to the state authority and to the ruler of the Muslims.)<sup>2</sup>

Secondly, Muslims should be law abiding citizens of their country. Whatever laws are enacted should be obeyed in letter and spirit by them and in no way should they evade the law. Any disagreement, personal dislike, communal support or religious reservation should never lead them to breach the law, except if some law is enacted in open disobedience to the Almighty. The Prophet (sws) is reported to have said:

( : )

It is your duty to listen and to obey [your rulers] whether you are in difficulty or at ease, whether willingly or unwillingly and even when you do not receive what is your right. (*Muslim*, No: 1836)

( : )

Whether they like it or not, it is obligatory on the faithful to listen and to obey their rulers except when they are ordered to commit a sin. If they are ordered so, they should neither listen nor obey. (*Muslim*, No: 1839)

)

( :

Listen and obey even if an Abyssinian slave whose head is like a raisin is made your ruler. (*Bukhārī*, No: 6723)

This directive of obeying those in authority obviously relates to Muslim rulers only. This is indicated by the word (among you) which qualifies the word (those in authority) in 4:59, the verse under discussion. The Prophet (sws) while explaining this has stated that once a ruler fails to fulfill the conditions stated in the Qur'ān, that make him a Muslim, it is not necessary to obey him. 'Ubādah Ibn Ṣāmit reports:

( : )

The Prophet called us to pledge allegiance to him which we

did. We had been asked to pledge to the following: “We shall listen and obey whether willingly or unwillingly whether we are in difficulty or at ease, and even when we do not receive what is our right and that we shall not contest the authority of our rulers”. The Prophet of God said: “You can only refuse their submission if you witness outright *kufir* in any matter from them, in which you have a clear evidence from God”. (*Muslim*, No: 1709)

Similarly, some Aḥādīth say:

( : )

Soon you will find people ruling you, some whose habits you would like and others you would dislike. He who disliked their bad habits has no blame on him and he who refuted them also remained safe. However, he who was pleased with them and followed them would be called to account. The Companions asked: “Should not then we wage war against them”. The Prophet (sws) replied: “No, as long as they keep offering the prayer”. (*Muslim*, No: 1854)

( )

The worst of your rulers are those whom you hate and who hate you; you curse them and they curse you. It was asked: “O Prophet of Allah, should we not lift arms against them”. The Prophet (sws) replied: “No, as long as they are diligent in the prayer among you”. (*Muslim*, No: 1855)

However, even in these circumstances, no Muslim citizen has been given the permission to revolt against the government unless he has the backing of a clear majority behind him. The reason for this is that if the majority does not support him, then such a revolt would not be against the government; on the contrary, it would be against other Muslim citizens, which according to the *sharī'ah* is (spreading lawlessness and anarchy in the society) –

an offence punishable by death.

The Prophet (sws) is reported to have said:

( : )

When you are organized under the rule of a person and someone tries to break your collectivity apart or disrupt your government, kill him.<sup>3</sup> (*Muslim*, No: 1852)

Moreover, it should also remain clear that if this revolt takes the shape of an armed uprising, then it should be subject to all the conditions of *jihād* imposed by the *sharī'ah*. Consequently, no one is allowed to take up arms in rebellion against the government unless he fulfills these conditions.

## 2. The Real Responsibility

( : )

**God commands you to hand over the trusts to their rightful owners and when you judge between men, pass this judgement with fairness. Indeed this is from God an excellent admonition. For God is He who hears and sees all things. (4:58)**

A look at the context of the above mentioned verse shows that it occurs right before the verse that has been discussed earlier under “The Basic Principle”. Consequently, it shows that the real responsibility of a state which is based on this principle of obedience to Allah and His Prophet (sws) is to strive to establish justice in its ultimate form at every level. Amīn Aḥsan Iṣlāhī comments on this verse in the following words:

This is a delineation of the most important aspect of the trust referred to as well as an explanation of the responsibility

---

3. This directive of the Prophet (sws) is based on 5:33 of the Qur'ān, and obviously relates to those in authority.

attached to political authority. The foremost responsibility of those who are blessed with political authority by the Almighty is that they should decide all disputes that arise among their people with justice and fairness. There should be no discrimination in the eyes of the law between the various classes of society like rich and poor or upper and lower class. Justice should not be a commodity that can be bought or sold. Partiality and bias should not creep into it nor should indifference and apathy arise in dispensing it. No power or influence, greed or fear of any kind should affect justice in any manner.

Whoever are blessed with political authority by the Almighty in this world, have been blessed as such so that they may discharge justice. Therefore, this is their primary responsibility. A just ruler will receive great reward from the Almighty, and an unjust will be punished grievously [on the Day of Judgement]. Consequently, the verse says that this is an excellent admonition from the Almighty to the believers, who, therefore, must not show slackness in following it. The attributes of the Almighty mentioned at the end of the verse caution us that even the most concealed injustice is in His knowledge.<sup>4</sup>

It is to this responsibility that the Companions (rta) of the Prophet (sws) referred to when they launched offensives against the Roman and the Persian empires. They proclaimed to the world that any person wishing to leave the servitude of man could do so by entering into the servitude of Allah, and any that wished to, he could leave the narrowness of this world and enter into its vastness. Finally, they stated that whoever wanted to leave the oppression of various religions and enter into the just folds of Islam could do so.<sup>5</sup>

The Prophet (sws), on this very basis, insisted that a person who selfishly desires public office should never be considered

---

4. Amīn Aḥsan Iṣlāḥī, *Tadabbur-i Qur'ān*, 5<sup>th</sup> ed., vol. 2 (Lahore: Faran Foundation, 1994), 323.

5. Ṭabarī, *Tarīkh al-Umam wa al-Malūk*, vol. 4 (n.p.: Dār al-Fikr, 1979), 701.

eligible for it, since justice cannot be expected from such a person. He is reported to have said:

)

( : )

By God! We shall not grant any person a post in this system if they ask for it and covet it. (*Muslim*, No: 1733)

The Prophet (sws) also warned his Companions (rta) to fear Allah in such matters and never ask for a public office:

( : )

Do not seek a post. If it is granted to you because of your desire you shall [find yourself] being handed over to it, and if it is granted to you without your desire, you shall be helped. (*Muslim*, No: 1652)

Consequently, history bears witness that in order to establish justice, the Rightly Guided Caliphs always kept their doors open for criticism and for petitions and appeals from the public, adopted the lifestyle of the destitute to the extent that they even wore patched-up clothes and administered their realms with utmost simplicity and austerity. In short, the heavens and the earth bore witness that they lived among the masses like the masses and for the masses: they were like kings even in indigence and princes even in poverty.

### 3. Religious Obligations

( : )

[These believers are those who], if We grant them authority in this land, will be diligent in the prayer and pay *zakāh* and enjoin what is virtuous and forbid what is evil. (22:41)



This verse of *Sūrah Hajj* states that the religious obligations imposed on an Islamic state are establishing the system of *ṣalāh*, disbursing *zakāh*, enjoining *ma'rūf* and forbidding *munkar*.

An explanation of these obligations follows:

In accordance with the *Sunnah* of the Prophet (sws) that relates to the establishing of *ṣalāh* (the prayer) at the state level:

1. The Muslim citizens shall be bound to say their prayers as an affirmation to their belief in Islam.
2. Mosques shall remain under the supervision of the government; this includes the appointment of *imāms*.
3. The address of the Friday prayer shall be delivered by the head of state and he shall lead this prayer in the central congregational (*jāmi'*) mosque of the capital. The provincial governors shall be entrusted with this job in the provinces, while government representatives shall discharge this duty in the various administrative units.

Similarly, in accordance with the *sunnah* of the Prophet (sws) regarding *zakāh*:

1. A Muslim citizen who is liable to *zakāh* shall pay the stipulated amount from his wealth, produce and livestock to the government.
2. The government in return, besides other expenditure, shall strive to fulfill the needs of its deprived citizens through this money, reaching out to them before they reach a state where they must come to the government to satisfy their basic needs.

The Qur'ān says that if Muslims pay this *zakāh*, their rulers cannot impose any other tax on them:

( : )

If they repent, are diligent in the prayer and pay *zakāh*, leave them alone. (9:5)

For the enjoining of *ma'rūf* (the good) and the forbidding of *munkar* (evil), the Qur'ānic directive is that the state should constitute a group of people which should be entrusted with the responsibility of calling people towards good and forbidding them from evil. The Qur'ān says:

( : )

From within you should a group be constituted such that it should call towards what is virtuous, enjoin good and forbid evil. And only those who make arrangements for this will attain salvation. (3:104)

The punishments which have been prescribed for various crimes by the *shari'ah* are a corollary of the directive of forbidding evil stated in the above quoted verse. The directive of *jihad* also comes under this directive.

It is obvious that in some cases the obligation of forbidding people from evil shall be discharged by exhorting and urging the Muslims and in others through the force of law. For the first mode, those in authority have the Friday sermon available to them, which is specifically their prerogative. For the second mode, those in authority have the service of the police and the armed forces departments which in an Islamic state are established for this very purpose and work within the jurisdiction specified for them to achieve this objective.

These are the religious obligations of an Islamic state. No doubt, every state has the responsibility to strive for the welfare and prosperity of its people and to maintain peace and defend its frontiers. However, if a state is to become an Islamic state, then the Qur'ān demands that it should not be indifferent to the responsibilities of adhering to the prayer, setting up a system of *zakāh*, and enjoining what is good while forbidding what is evil.

#### 4. Citizenship and the Rights of a Citizen

( : )

**Then if they repent, are diligent in the prayer and pay *zakāh*, they are your brethren in religion. (9:11)**

( : )

**Then if they repent, are diligent in the prayer and pay *zakāh*, leave them alone. (9:5)**

Both these verses of *Sūrah Tawbah* have the same context. The Qur'ān says that it should be proclaimed in the congregation of the *ḥajj* offered in the 9<sup>th</sup> year of *hijrah* that those who fulfill the conditions stated in these verses are the brethren of the believers and that their lives should be spared. These conditions are that people should:

1. Repent from polytheism and disbelief.
2. Be diligent in the prayer as evidence of their faith and belief.
3. Pay *zakāh* to the state to run its affairs.

While explaining this directive of Islam, the Prophet (sws) is reported to have said:

( : )

“I have been directed to wage war<sup>7</sup> against these people until they testify to the oneness of God and to the prophethood of Muhammad, are diligent in the prayer and pay *zakāh*. If they accept these terms, their lives will be spared except if they commit some other violation that entails their execution by Islamic law and [in the Hereafter] their account rests with God”. (*Muslim*, No: 22)

A reflection on these verses (9:5 and 9:11) leads to the following conclusions:

First, people who fulfill these conditions, irrespective of their status in the Hereafter, shall be considered as Muslims in the eyes of the law and the state, and they shall be entitled to all the rights which, as Muslims, they should have in an Islamic State.

Second, after fulfilling these conditions the mutual relationship

---

7. No one should have any misconception regarding the directive of war stated in this narrative. It is specifically directed to the Idolaters of Arabia of the time of the Prophet (sws). It had been ordained about them that after deliberately denying the truth of the Prophet (sws) and his message, they either had the option of accepting Islam or facing the consequences of war.

between the rulers and the ruled should be that of brotherhood. They are like brothers and, therefore, possess the same legal rights. There is no question of any discrimination between them whatsoever in Islam. The Qur'ān has used the words (then [they are] your brethren in religion). The word (the religion) obviously means Islam and the words (then [they are] your brethren) are directed at the Companions (rta) of the Prophet (sws), who are told that if these people fulfill these three conditions, they will be equal in citizenship status to the Companions (rta). No distinction will exist between the two in the eyes of the law.

Third, due to this fraternal relationship, all responsibilities which reason and intellect endorse shall be imposed on the rulers and the ruled.

Fourth, irrespective of the duties and obligations imposed on a person as far as the accountability in the Hereafter is concerned, an Islamic State can only legally ask its citizens and force them to fulfill the three requirements mentioned in these verses. Nothing can be added or taken away from this list. The Almighty Himself has fixed them once and for all; therefore, no rule or regulation, and no state or parliament can tamper with the life, wealth, honour, and freedom of expression of the Muslims. Consequently, the Caliph Abū Bakr (rta), when he launched an attack against those who had desisted to pay *zakāh* in his times, stated in unequivocal terms:

— :

The Almighty has said: “Therefore, if they repent are diligent in the prayer and pay *zakāh*, spare their lives”. By God I shall neither ask for more nor less.<sup>8</sup>

If these aspects of the verse are kept in consideration, it is clear that indeed an Islamic State has the authority to force its Muslim citizens to refrain from everything which is prohibited and to

8. Abū Bakr Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 3 (Beirut: Dār al-Kitāb al-‘Arabī, 1997), 82.

punish them if they do not comply, but, positively, an Islamic State has no authority to require anything of the Muslims except the prayer and *zakāh*. For example, it cannot force a Muslim to keep fasts nor can it compel him to perform *hajj* even if he has the financial position to do so; nor can it pass a law for compulsory military recruitment for the purpose of *jihād*. In short, as far as legislation against prohibited things is concerned, it has all the authority to do so, but except for the prayer and *zakāh*, it can only urge and exhort, educate and indoctrinate Muslims to fulfill the other positive requirements of Islam. Its jurisdiction ends here in this regard.

In the sermon of the last *hajj*, the Prophet (sws) is reported to have said:<sup>9</sup>

( : )

Indeed, your wealth, your lives and your honour are as sacred and inviolable as this day<sup>10</sup> of yours in this city<sup>11</sup> of yours in this month<sup>12</sup> of yours. (*Musnad Ahmad*, No: 2036)

These are the rights of the Muslim citizens of an Islamic state. As far as the rights of non-Muslims are concerned, any agreement can be made with them regarding their rights, keeping in view the circumstances and the various international accords one is bound with. In this regard, perhaps the best example before Muslims is the pact made by the Prophet (sws) before *itmām al-Ḥujjah*<sup>13</sup> with the Jews of Madīnah. It is known as the *mīthāq* of Madīnah. Similar pacts were made by Muslims later on with other nations. As stated before, they can be made on any mutually agreed terms and conditions. Consequently, if the

9. This Ḥadīth is also found in *Muslim: Kitāb al-Ḥajj*. But since it does not contain the word (your honour), I have preferred its textual variant from *Musnad Ahmad*.

10. ie, the day of sacrifice.

11. ie, the city of Makkah.

12. ie, the month of Dhū al-Ḥajj.

13. Unveiling of truth to the extent that no one is left with an excuse to deny it.

*mīthāq* of Madīnah is studied, one can see that one of its statutes clearly says that after accepting the political sovereignty of Muhammad (sws), the Jews and the Muslims are equal citizens of the state and therefore, the Jews will have the same rights as the Muslims have:

According to this pact, the Jews are acknowledged with the Muslims as one nation. As far as religion is concerned, the Jews shall remain on theirs and the Muslims and their allies on theirs.<sup>14</sup>

Here, people have often presented Qur'ān 9:29, whose text is reproduced below, to refute what has been said above. However, it is evident from the words and the context of this verse that it is related to those People of the Book who were subjected to *itmām al-ḥujjah* by the Prophet (sws), and who as a consequence of their blatant denial of the truth were punished in this world according to the established law of the Almighty. If they wanted to escape the punishment of death in order to live in an Islamic state, they were first required to pay *jizyah* to the state and second to live in subservience to the Islamic state:

( : )

Fight those who believe not in Allah or the Last Day, nor hold that forbidden which has been forbidden by Allah and His Messenger, nor acknowledge the Religion of Truth, from among the People of the Book, until they pay the *jizyah* after being subdued and live a life of submission. (9:29)

This directive is a corollary of the law of *itmām al-ḥujjah* and specific to the Companions (rta) of the Prophet (sws) only. After them, it has no bearing on other non-Muslims of the world.

14. Ibn Hishām, *al-Sīrah al-Nabawiyyah*, 2<sup>nd</sup> ed., vol. 2 (Beirut: Dār al-Khayr, 1995), 107.

## 5. The State System

( : )

**And their system is based on their consultation. (42:38)**

The system of government of an Islamic State is based upon the above quoted verse. The extensive meaning this short verse encompasses and the guidance obtained from it about the political set-up envisaged by Islam need a detailed discussion, which follows.

The first word that occurs in the verse is (*amr*). It has many meanings in Arabic. However, it is quite evident from the context and placement of this verse that here it means “system”. This meaning has been incorporated in it from the depth found in its general meaning of “directive”. When the word “directive” becomes related to people, it prescribes certain limits for itself and establishes certain rules and regulations. In such cases, it implies both the directives which emanate from political authority and the collective affairs. A little deliberation shows that the English word “system” is used to convey the same meaning.

Since the Qur’ān has not specified it by any other adjective except by appending it to a pronoun, all sub-systems which are part of the political system must be considered included in its connotation. In fact, all affairs of state like the municipal affairs, national and provincial affairs, political and social directives, rules of legislation, delegation and revocation of powers, dismissal and appointment of officials, interpretation of Islam for the collective affairs of life – all of them fall under the principle laid down in this verse. In other words, no area or department under an Islamic Government can be beyond the jurisdiction of this principle.

Next comes the word (*shūrā*). It is a verbal noun (*maṣḍar*) of the category (*fu’lā*) and means “to consult”. Owing to the fact that this word occurs as an inchoative (*khabr*) in the given verse, the meaning of the verse is not the same as of the verse:

(Consult them in the affairs of the state and when you reach a decision, put your trust in Allah

(3:159)), which is often quoted as its parallel. To convey the same meaning as this verse, the words should, perhaps, have been something like

(And in the affairs [of state] they are consulted). In this case, it would have been necessary that in the whole society the rulers and the ruled be distinct. The ruler in such a case would have to be divinely appointed or nominated by an innocent *Imām* or be someone who had seized power by force. Through whatever means he reached the position of head of state, he would have only been bound to consult people in matters of national interest before forming his own opinion. He would not have been bound to accept a consensus or a majority opinion. Acceptance or rejection of an opinion would have rested on his discretion. He would have all the right to accept a minority opinion and reject a majority one.

However, the style and pattern of the words (Their system is based on their consultation) demands that even the head of an Islamic State be appointed through consultation; the system itself be based on consultation; everyone should have an equal right in consultation; whatever is done through consultation should only be undone through consultation; everyone that is part of the system should have a say in its affairs, and in the absence of a consensus, the majority opinion should decide the matter.

The difference in meaning of the two verses can be appreciated if the following example is kept in mind. If it is said: "The ownership of this house shall be decided after consulting these ten brothers", then it means that only the ten brothers have the authority to make decisions and the opinion of any one of them cannot prevail over the others. If all of them do not agree on the matter, a majority opinion would be decisive. But, if the above sentence is changed a little to: "In deciding the ownership of this house, these ten brothers shall be consulted", then this sentence only means that someone else has the final say. It will be his opinion which will be carried out in the end. The only thing he must do is to consult the ten brothers before forming his own opinion. Obviously, he cannot be forced to accept the consensus or majority opinion of the brothers.

Since, in the opinion of this writer, the collective system of the Muslims is based on (Their system is based on



their consultation), the election of their ruler as well as their representatives must take place through consultation. Also, after assuming a position of authority, they will have no right to overrule a consensus or a majority opinion of the Muslims in all the collective affairs.

Mawlānā Abū al-A‘lā Mawdūdī comments on this verse in the following words:

The words (Their system is based on their consultation), by their nature and scope entail five things:

First, people whose interests and rights relate to the collective affairs should be given the freedom to express their opinion, and they should be kept totally aware of the actual way in which their affairs are being run; they should also have the right to object and to criticize if they see anything wrong in the way their affairs are being conducted and the right to change those in authority if the faults are not rectified. It is outright dishonesty to forcibly silence people or to run affairs without taking them into confidence. No one can regard this attitude to be in accordance with this verse.

Second, the person who is entrusted to run the collective affairs of the people should be chosen through their absolute free consent. Consent obtained through force and intimidation, greed and gratification, deception and fraud is no consent at all. The ruler of a country is not one who obtains this position by hook or by crook; the real ruler is the person whom people choose freely without any compulsion.

Third, people chosen for consultation should enjoy the confidence of the majority. Consequently, those who are worthy of consultation can in no way be thought to enjoy the confidence of the people in the truest sense if they acquire this position through force, extortion, fraud or by leading people astray.

Fourth, people who are consulted must express their opinions in accordance with their knowledge, faith and conscience and should have the complete freedom for such expression. If,

because of fear, greed or some prejudice people are led to give opinions which are against their belief and conscience, then this is disloyalty and infidelity, and is a negation of the principle of consultation.

Fifth, a decision which is made through the consensus or majority opinion of the members of the *shūrā* or which has the mandate of the people behind it must always be accepted. Because if one person or group insists on an opinion, then consultation becomes useless. The Almighty has not said: "They are consulted in their affairs"; on the contrary, He has said: "Their system is based on their consultation". Merely consulting people does not fulfill this directive; it is necessary that a consensus or majority opinion be considered as decisive in running the affairs.<sup>15</sup>

This principle of consultation as laid down by the Qur'ān is also in accordance with the established norms of sense and reason. No Muslim can be free of faults or shortcomings. He can be the most distinguished as far as piety and knowledge are concerned; he can be the most suitable for the position of authority he holds and can even consider himself so. But even with these abilities, he cannot attain the position of head of state without the general opinion of the Muslims. Also, earning this position after being elected through a majority mandate does not suggest that he cannot err or has the prerogative to overrule a consensus or a majority opinion of the authorized people. The Prophet (sws) had this prerogative because he, being divinely guided, could not err. Even so, not one example can be cited from history in which he ignored a majority opinion in favour of his own.

A Muslim ruler is indeed only one individual and everyone will acknowledge that the opinion of a group of people has more chances of being correct than that of a single person. A God-fearing Muslim ruler should regard his own opinion in the way a great jurist has expressed: "We consider our opinion as correct but concede the possibility of an error, and consider the opinion

---

15. Abū al-A'īn Mawdūdī, *Tafhīm al-Qur'ān*, 3<sup>rd</sup> ed., vol. 4 (Lahore: Idārah Tarjumān al-Qur'ān, 1984), 509-510

of others as incorrect but concede the possibility of its correctness”.

Moreover, if the people consulted know that even their consensus and majority opinion have the possibility of being rejected, they would not agree to offer their opinion in the first place. Even if forced to do so, they would never take serious interest in it. They would never deeply reflect on the issue under discussion. They would reluctantly come to sessions conducted for consultation only to leave disappointed. They would never have mental and emotional involvement with the political system or the various institutions of the state. While delineating on this psychological aspect, Abū Bakr Jaṣṣāṣ writes:

It is not proper to consider that this directive of consultation is merely to please and honour the Companions of the Prophet nor is it proper to think that it has been given so that the *ummah* should follow the Prophet in this regard in such matters. On the other hand, if the Companions knew that their opinion would neither be followed nor held in any regard after they had used all their intellectual abilities to form it, this would not have pleased or honoured them; instead they would have been totally discouraged, considering that their opinions are neither good enough to be accepted nor fit enough to be followed. Therefore, such an interpretation of this directive of consultation is baseless and cannot be accepted. Furthermore, how can we regard as correct the interpretation that this directive was merely given to teach the Prophet's way to the *ummah*, when actually the person who says this himself knows

that the *ummah* is aware of the fact that giving such an opinion was neither of any use nor was it followed in a particular matter?<sup>16</sup>

Here, there is the possibility that someone might quote the offensive launched by the Caliph Abū Bakr (rta) against those who in his times had desisted from paying *zakāh* and his attitude about the departure of the army led by Usāmah Ibn Zayd as testimony against what has been said above. Consequently, it is necessary that the true nature of these two incidents be explained. Amīn Aḥsan Iṣlāḥī comments on these in the following words:

Deliberation on the action taken against those who were evading *zakāh* reveals a few facts:

First, this matter had nothing to do with the Caliph or the members of the *shūrā*. Abū Bakr (rta) had never presented this issue in the *shūrā*. Matters in which there is no direct guidance provided by the Qur'ān and Sunnah or those which relate to the general well-being of the public are generally presented in the *shūrā*. The matter of *zakāh* evasion has been explicitly dealt with in the Qur'ān. In an Islamic state, people lose their rights of Muslim citizenship if they refuse to pay *zakāh* to the public treasury.<sup>17</sup> This is categorically laid down in the Islamic *shari'ah*. Therefore, Abū Bakr (rta) was not required to present this matter before the *shūrā*. On the contrary, it was his responsibility as a Caliph to implement a directive of the Qur'ān. Consequently, this is precisely what he did. An example to illustrate this even further is that if a group of people creates a law and order situation in an Islamic state by going on a rampage of killing people, then the Caliph is not required to ask the permission of the *shūrā* to deal with this nuisance; it is indeed his duty to freely use his authority to implement the punishment prescribed by the

16. Abū Bakr Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 2 (Beirut: Dār al-Kitāb al-'Arabī, 1997), 41.

17. I have already explained this particular aspect in the previous section: "Citizenship and the Rights of Citizens".

Qur'ān for such criminals.

Second, those who had expressed their reservations on this action of the Caliph Abū Bakr (rta) did so because they had misunderstood a Ḥadīth of the Prophet (sws). Abū Bakr (rta) himself explained this Ḥadīth in conjunction with another detailed Ḥadīth, which he himself had heard from the Prophet (sws). This satisfied the people [And they never insisted on calling a meeting of the *shūrā*]. It is obvious that a Ḥadīth which is narrated by Abū Bakr (rta) himself is extremely reliable and therefore has great importance.

Third, the declaration of the Caliph Abū Bakr (rta) that he would fight alone with these evaders of *zakāh* if he finds no one to fight with them is not an expression of veto from him; it is on the contrary an expression of the responsibility imposed on a Caliph by Islam in implementing a definite and explicit directive. In Islam, the real responsibility of a Caliph in implementing the directives of Allah and His Prophet (sws) is that he should try his utmost in their implementation even if no one supports him. He is not required to be bound by the opinion of the people in categorical matters of the *sharī'ah*. Only matters in which there is no direct guidance provided by the Qur'ān and Sunnah or those which relate to the general well being of the public need the approval of the people eligible for consultation.

Similar is the case of dispatching the army led by Usāmah (rta). All arrangements for this had already been completed in the life of the Prophet (sws) himself. It is he who had selected the people who would constitute this army. The Prophet (sws) himself had hoisted the flag of the army. If the Prophet (sws) had not fallen severely sick, the army would have been on its way. The Prophet (sws) could not recover from his sickness and died. Abū Bakr (rta) then assumed charge as Caliph. He quite naturally thought that his greatest responsibility as a Caliph was to send the army which had been prepared by the Prophet (sws) and about whose early departure the Prophet (sws) was very anxious. As the Caliph, it was his great honour

as well as his primary responsibility to execute a prior directive of the Prophet (sws). He was not required to consult his people for this because all matters concerning the army had already been settled by the Prophet (sws). As the successor to the Prophet (sws), it was his duty to enforce these directives instead of amending them. So, when some people, because of the peculiar circumstances which had arisen, regarded this campaign to be against the call of the day, Abū Bakr (rta) asserted unequivocally that he would not furl the flag which had been unfurled by the Prophet (sws).

Consequently, these two incidents can in no way be presented as evidence of the fact that a ruler can veto the decision of his *shūrā* members. The only thing to which they bear testimony is that in the enforcement of explicit directives of Allah and His Prophet (sws), no ruler is required to consult his *shūrā* members. In fact, his real duty is to implement them.<sup>18</sup>

According to the Qur'ānic directive of (Their system is based on their consultation), the details of the methodology adopted by the Prophet (sws) and his Companions (rta) for the participation of the Muslims in the affairs of the state in their own times, keeping in view their social conditions, are based on the following two points:

I. Muslims shall be consulted in the affairs of state through their leaders in whom they profess confidence. According to *Ṣaḥīḥ Bukhārī*:

( : )

When Muslims at the Prophet's behest consented to free the prisoners of Hawāzin, the Prophet said: "I could not know who among you has shown his consent and who among you has not. Therefore, go back, and send your leaders that they

18. Amīn Aḥsan Iṣlāḥī, *Islāmī Riyāsat*, 1<sup>st</sup> ed. (Lahore: Makatbah Markazī Anjuman-i Khuddām al-Qur'ān, 1977), 36-37.

may inform us". (*Bukhārī*, No: 6755)

It is narrated about Abū Bakr (rta):

: )  
(

Then if he could not find a practice of the Prophet in this matter, he would gather the influential among his people and consult them, and when they would reach a conclusion, he would decide according to it. (*Dārimī*, No: 53)

During the time of the Prophet (sws), the tribal chiefs held this position of trust. The people of the tribes of Aws, Khazraj and Quraysh professed confidence in every sense of the word in their respective leaders. Indeed, these leaders were not elected to this position nor was an election needed in the social conditions which existed at that time. It was, because of their social status, intellect and experience that their people turned to these chiefs in all the political and collective affairs. Before the advent of Islam, it was their tribes' complete faith in them which conferred this position on them and this state continued even after they accepted Islam. However, before accepting Islam, a person could say that his tribal chief had seized power by force and that he was not in a position to show his mistrust in him, but after accepting faith every person from among the Muslim public could express in front of the Prophet (sws) his lack of confidence in his chief. If the majority in a tribe had expressed their lack of confidence in their leader, he could certainly not have retained his position.

The Prophet (sws) in his own times made all the important decisions after consulting these tribal chiefs and during the time of the Rightly Guided Caliphate also, the position of trust commanded by them continued.

While narrating the proceedings of a *shūrā* called to session in the time of the Caliph Umar's (rta) rule to decide the fate of the conquered lands of Syria and Iraq, Qāḍī Abū Yūsuf says:

:

:

The people said: "You should now seek formal consultation". At this, he consulted the early Muhājirūn and there existed a difference in their opinions. 'Abd al-Raḥmān Ibn 'Awf maintained that the land should be rightfully distributed among them, while 'Uthmān, 'Alī, Ṭalhah and Ibn 'Umar were in agreement with 'Umar's view. Then he called ten people from the Anṣār: five from the leading people of the Aws and five from those of the Khazraj.<sup>19</sup>

'Umar (rta) while explaining his own position in relation to the members of the *shūrā* said:

...

I have bothered you with the burden of coming here so that you can help me in my responsibilities owing to this position you have entrusted me with. I am a human being just like you ... and do not want that you follow my desires in these affairs.<sup>20</sup>

The manner in which such sessions would be held was that first a person would loudly announce: (*al-ṣalāh jāmi'ah*); which meant that people should gather for prayer. When people would gather, 'Umar (rta) would pray two *rak'āt*. He would then deliver a brief speech and would table the agenda on which he wanted to consult the people. The issues of the conquered lands of Syria and Iraq and the participation of the Caliph himself in the battle of Nihāwand were discussed and settled in these meetings.

19. Abū Yūsuf, *Kitāb al-Khirāj, Faṣl fī al-Fay wa al-Khirāj* (n.p. :1302 AH), 27.

20. Ibid.



Similarly, the issues of the salary of soldiers, the appointment of representatives, the organization of offices, the freedom of trade for other nations and their taxes were all decided in these meetings. Bilādhurī writes that there was another group of the leaders of the Muhājirūn (the ruling party) who would see to the day to day affairs of the country and would regularly assemble at the Masjid-i Nabawī for this purpose:

In the Masjid-i Nabawī, sessions of the Muhājirūn would be convened in which ‘Umar would sit and present to them all the happenings and events reported to him from the various parts of his empire.<sup>21</sup>

II. The tradition was established that among the various groups present in an Islamic State, only that group assumed its political authority which enjoyed the confidence of the majority of Muslims.

Before his death, the Prophet (sws) clarified that the Quraysh would be his successors and not the Anṣār:

( : ) .

Our political authority shall remain with the Quraysh. In this matter, whoever opposes them as long as they follow Islam, Allah shall cast him face down in Hell. (*Bukhārī*, No: 6720)

Consequently, he told the Anṣār<sup>22</sup>: (In this matter, bring forward the Quraysh and do not try to supersede them). The Prophet (sws) stated thus the reason for the decision he had declared:

21. Bilādhurī, *Futūḥ al-Buldān* (Qumm: Manshūrāt al-Arummiyyah, 1404 AH), 266.

22. Ibn Ḥajar, *Talkhīṣ al-Ḥubayr*, vol. 2 (Lahore: al-Maṭba‘ah al-‘Arabiyyah, n.d.), 26.

( : )

People in this matter follow the Quraysh. The believers of Arabia are the followers of their believers and the disbelievers of Arabia are the followers of their disbelievers. (*Muslim*, No: 1818)

Thus, the Prophet (sws) made it very clear that since the majority of the Arabian Muslims professed confidence in the Quraysh, they were solely entitled to take charge as the rulers of Arabia in the light of the Qur'ānic directive (Their system is based on their consultation), and that they would be passed on the political authority not because of any racial precedence or superiority, but only by virtue of this position.

Those who have studied the history of the Arabs know that before the advent of the Prophet (sws), the Quraysh were at the helm of the state's affairs and their leaders were considered as the leaders of the Arabs. After the battles of Badr and Uḥud, though several of their leaders had been killed, yet in the capacity of a party they enjoyed the confidence of all the Arabs. All their prominent people who had accepted faith were present in Madīnah and many of them had distinguished themselves in the service of Islam. It was these people who were called the Muhājirūn and after the general acceptance of faith by the Arabs their leaders enjoyed the same confidence as the influential Arabs in the pre-Islamic era. Hence, elections were not needed to confirm this reality. There was no room for a difference of opinion in the fact that the Quraysh had the popular support of the masses behind them and that no tribe could challenge this position of theirs.

There is no doubt that as far as Madīnah was concerned, the Anṣār under Sa'd Ibn 'Ubādah (rta) and Sa'd Ibn Mu'ādh (rta), the respective leaders of Aws and Khazraj, had more influence among the local population. They were no less than the Muhājirūn as regards the services they had rendered for the cause of Islam. They had offered their unconditional support and help to the Muhājirūn when the latter had migrated to Madīnah.

Together with them, they had fought gallantly in the battles of Badr, Uhud, Aḥzāb and Ḥunayn. The relationship of brotherhood and fraternity they had established with them was an exceptional one. Particularly, the way they had offered them monetary assistance – to please the Almighty – bears no parallel in history. Had the Islamic State been confined only to Madīnah, it can be said with certainty that after the Prophet (sws), they would have assumed political authority. But after the conquest of Makkah, when a large number of Arabs of other territories accepted Islam, the political scene changed drastically. The extent of confidence commanded by the Muhājirūn of the Quraysh out-proportioned that of the Anṣār.

However, there was still a chance that owing to the perfectly natural emotions of tribal affiliation and owing to the spirit of outdoing each other in serving Islam, the Anṣār might have come forward and challenged the Quraysh. Particularly, the fact that they commanded more influence locally in Madīnah could have caused them to put an undue trust in their strength. If such a situation, God forbid, had arisen the Munāfiqūn (Hypocrites) would have certainly tried to benefit from it, and keeping in view the social conditions which prevailed at that time, only a war could have settled their dissension.

Therefore, the Prophet (sws) sensing that this untoward situation might arise, decided once and for all the fate of this matter in his own life in the presence of Sa'd Ibn 'Ubadah (rta), the supreme leader of the Anṣār. He is reported to have said<sup>23</sup>:

([After me], the political leaders should be from the Quraysh). Consequently, in the Thaqīfah of Banū Sā'idah, when the leaders of the Anṣār were delivering stirring speeches to prove their entitlement to the leadership of the Arabs, *Abū Bakr* (rta) reminded them of the Prophet's above mentioned decision in the following words:

---

23. *Musnad Ahmad*, No: 12329.

( : )

O Sa'd! You know very well that the Prophet (sws) had said in your presence that the Quraysh shall be given the *khilāfah* because the nobles among the Arabs follow their nobles and their commoners follow their commoners. Sa'd replied: "What you say is correct, we are your advisers and you are our rulers". (*Musnad Aḥmad*, No: 18)

In another report, the words are:

( : )

The people of Arabia do not acknowledge anyone's political leadership except that of the Quraysh. (*Musnad Aḥmad*, No: 391)

After this verification by Sa'd Ibn 'Ubādah (rta), the chief of the Anṣār, it became clear to those present that they had strayed from the right course in the heat of discussion and that the right course was to elect their ruler from the group which held majority in the public; that whoever would be elected would be the *khalīfah* of the Muslims and it would be obligatory to obey him; that this course had been outlined by the Prophet (sws) himself and they should not case adopt a different one.

The Rightly Guided Caliphate was also founded on the basis of this decision declared by the Prophet (sws). When the leaders of the Anṣār submitted to it, 'Umar (rta), considering the delicacy of the situation which had arisen in the Thaqīfah, proclaimed the rule of Abū Bakr (rta) being sure of the fact that the leaders of the Quraysh would not differ with him and would, in fact, endorse his step. Later, he himself stated this reason for his step and warned that no one should dare present it as a violation of the Qur'ānic principle (Their system is based on their consultation):

( : )

No one among you should have the misconception that the oath of allegiance to Abū Bakr took place suddenly. No doubt, the oath was pledged in this way, but the Almighty protected the Muslims from its evil consequences [which might have arisen] and remember! there is none among you like Abū Bakr, whose greatness cannot be surpassed. Now if a person pledges an oath of allegiance to someone, without the opinion of the believers, no one should pledge allegiance to him as well as to whom he [himself] pledged allegiance because by this both of them shall present themselves for execution. (*Bukhārī*, No: 6442)

At the time of the death of Abū Bakr (rta) also, the Muhājirūn of the Quraysh enjoyed the people's confidence. Since no other tribe of the Arabs including the Anṣār had challenged this position, they continued to hold their position of authority, and there was no need to turn to the general public in this regard. Therefore, the leaders of the Muhājirūn of the Quraysh nominated 'Umar (rta) as the new ruler and both the Anṣār and the Muhājirūn – the two major tribes of the Muslims – accepted the appointment. Consequently, without any difference of opinion, 'Umar (rta), in direct accordance with the Islamic constitution, assumed the position of *khilāfah*. Ibn Sa'd reports:

:

:

:

:

:

:

When ill-health overtook Abū Bakr and the time of his death approached, he summoned 'Abd al-Raḥmān Ibn 'Awf and said: "Tell me about 'Umar Ibn Khaṭṭāb". 'Abd al-Raḥmān replied: "You are asking me about something of which you know better". Abū Bakr said: "Although [this is correct yet I want your opinion]". 'Abd al-Raḥmān answered: "By God!

he is even better than the opinion you hold about him”. Then he [Abū Bakr] called ‘Uthmān Ibn ‘Affān and asked him: “Tell me about ‘Umar Ibn Khattāb”. ‘Uthmān replied: “You know him better than us”. Abū Bakr said: “Still! O Abū ‘Abdullāh! [I want your opinion]”. [At this], ‘Uthmān answered: “Indeed, in my opinion, his inner-self is better than his outer-self and no one among us can parallel him”.<sup>24</sup>

Ibn Sa‘d mentions that Abū Bakr (rta), besides these two, consulted all the prominent leaders of the Anṣār and the Muhājirūn:

:

And he, besides these two, consulted Abū al-A‘war Sa‘īd Ibn Zayd and Usayd Ibn Al-Huḍayr as well as other prominent leaders of the Anṣār and the Muhājirūn; so Usayd said: “Indeed after you O Abū Bakr! I consider him the best. He is happy on happy occasions and sad on sad occasions. His inner-self is better than his outer-self. No one is more suited to bear the burden of this *khilāfah*”.<sup>25</sup>

After this, Ibn Sa‘d reports that some people differed from Abū Bakr’s (rta) opinion but he satisfied them. He then called ‘Uthmān (rta) and said:

:

24. Ibn Sa‘d, *al-Ṭabaqāt al-Kubrā*, vol. 3 (Beirut: Dār Ṣādir, 1960), 199.

25. Ibid.

Write: "In the name of Allah the Most Gracious, the Ever Merciful. This is the will of Abū Bakr Ibn Abī Quḥāfah which he made at the end of his worldly life, when he is about to leave it and at the beginning of his next life when he is about to enter it, at a time when disbelievers accept faith, the defiant express belief and liars speak the truth. I make 'Umar Ibn Khaṭṭāb your *khalīfah*. Therefore, listen to him and obey him".<sup>26</sup>

This letter was sealed. According to Abū Bakr's (rta) directive, 'Umar Ibn Khaṭṭāb (rta) and Usayd Ibn Sa'īd (rta) accompanied 'Uthmān (rta), who took the letter out to the people and said:

"Will you pledge allegiance to the person in whose favor a will has been made in this letter". The people said: "Yes".<sup>27</sup>

Ibn Sa'd reports:

All accepted and agreed to pledge allegiance to 'Umar. Then Abū Bakr called 'Umar in solitude and gave him whatever advice he wanted to.<sup>28</sup>

When 'Umar Ibn Khaṭṭāb (rta) was severely wounded and his death looked imminent, the political situation was still unchanged. The Muhājirūn of the Quraysh still enjoyed the majority mandate of the Muslims. Therefore, according to the Islamic constitution, only an election of a leader by the majority group was required. The people who held responsible positions asked 'Umar Ibn Khaṭṭāb (rta)<sup>29</sup>: (Will you not leave a will for us? Will you not appoint a ruler for us?).

---

26. Ibid., 200.

27. Ibid.

28. Ibid.

29. Ibid., 343.

‘Umar Ibn Khaṭṭāb (rta), however, adopted another way: Instead of appointing a *khalīfah* by consulting the *shūrā* members, as had been done by Abū Bakr (rta), he entrusted the matter to six prominent leaders:

:

I have deliberated on the matter of *khilāfah* and have reached the conclusion that there is no difference among the people in this affair as long as it is one of you. If there is any difference, it is within you. Therefore, this matter is entrusted to the six of you: ‘Abd al-Raḥmān, ‘Uthmān, ‘Alī, Zubayr, Ṭalḥah and Sa‘d.<sup>30</sup>

What he meant was that since the people only looked upon them for *khilāfah* and if they agreed to accept anyone among them as *khalīfah*, the people would not differ with their decision.

He further said: (Rise, consult and make anyone amongst yourselves as the ruler.<sup>31</sup>) However, since there was a chance that some miscreants might create disorder or that these six might prolong matters, ‘Umar Ibn Khaṭṭāb (rta) appointed the Anṣār as the custodians over the six because, being a minority group, they were not a party to the whole affair. Ibn Sa‘d narrates through Anas Ibn Mālīk:

:

:

Just before his death, ‘Umar Ibn Khaṭṭāb summoned ‘Abū Ṭalḥah Anṣārī. When he arrived, ‘Umar said: “Abū Ṭalḥah!

30. Ibid., 344.

31. Ibid., 344.



take fifty men from your tribe Anṣār, and go to these people of the *shūrā*. I reckon they will be present at the house of someone amongst themselves. Stand at their door with your comrades and let no one go inside and do not give them more than three days for electing a leader”.<sup>32</sup>

‘Umar Ibn Khaṭṭāb (rta) instructed them in the following words about the leaders of the Anṣār:

“Call the leaders of the Anṣār to you, but they have no share in political authority”.<sup>33</sup>

Ibn Sa’d reports that when all of them had assembled, ‘Abd al-Raḥmān Ibn ‘Awf (rta) opined that three of them should withdraw themselves in favour of three others. Consequently, Zubayr (rta) withdrew in favour of ‘Alī (rta), and Ṭalḥah (rta) and Sa’d (rta) withdrew in favour of ‘Uthmān (rta) and ‘Abd al-Raḥmān Ibn ‘Awf (rta) respectively. Then he asked ‘Uthmān (rta) and ‘Alī (rta) to give him the right to decide, if he withdraws: When both agreed, he said to ‘Alī (rta):

“You have the honour of being among the earliest who accepted Islam as well as being a relation of the Prophet of Allah. By God! If you are entrusted with *khilāfah*, promise that you will rule with justice and if ‘Uthmān (rta) is made the *khalīfah*, you shall listen to him and obey him”.<sup>34</sup>

After ‘Alī (rta) agreed, he turned to ‘Uthmān (rta) and repeated what he had said; when both showed their approval, he said: “O

32. Ibid., 346.

33. Ibn Qutaybah, *al-Imāmah wa al-Siyāsah*, vol. 1 (Beirut: Dār al-Ma‘rifah, n.d.), 28.

34. Ibn Sa’d, *al-Ṭabaqāt al-Kubrā*, vol. 3 (Beirut: Dār Ṣādir, 1960), 339.

‘Uthmān! Extend your hand! When he did so, ‘Alī and others pledged their oath of allegiance to him”.<sup>35</sup>

There can be two opinions about the *khilāfah* of ‘Alī (rta). This difference however, is not about any basic principle, but about whether the Muhājirūn of the Quraysh elected their leader with freedom or under coercion. This discussion is not relevant to our topic. Therefore, even if it is left out, the fact remains that throughout the period of the Rightly Guided Caliphate, power remained with those who commanded the majority support of the Muslims ie, the Muhājirūn of the Quraysh and that their prominent leaders elected the ruler. This is also a reality that all the four Caliphs were elected basically by the same principle. They were elected from the leaders of the majority group and all the leaders of the other groups were also consulted in this election. The only difference is that when they agreed on ‘Umar (rta), Abū Bakr (rta) himself enforced this decision, and ‘Umar (rta), when he found that their difference was about six eminent leaders, entrusted the responsibility of electing one from among the six on the six persons themselves.

---

35. Ibid.

## Appendix

### **The Political *Shari'ah*: Some Important Questions<sup>1</sup>**

#### **Does a Muslim Ruler have the Right to Veto**

**Question:** The following verse shows that the ruler of an Islamic state has the power to veto his confidants if he deems so.

( : )

So ignore their faults and ask for God's forgiveness for them and consult them in the affairs [of state]. Then, when you have taken a decision, put your trust in Allah. (3:159)

Please comment.

**Answer:** I am afraid this is an incorrect inference. It should be appreciated that the Qur'ān is a coherent Book and each verse has a specific context, which, if disregarded, may lead to gross misinterpretation.

If we take a look at the context of 3:159, it becomes evident that the verse occurs in the group of verses in which the behaviour of the Hypocrites and the events of the battle of Uḥud and their aftermath are under discussion. The Hypocrites, we know from the Qur'ān, were given a time of respite so that they might reform themselves. However, once the time was over, they were severely dealt with as is evident from many verses of the Qur'ān. For example:

---

1. Answered by Shehzad Saleem on the basis of Ghāmidī's research.

( : )

O Prophet! Strive hard against the Disbelievers and the Hypocrites, and be firm against them. Their abode is Hell, an evil refuge indeed. (66:9)

The battle of Uḥud was the time when they were still in the period of respite. So, it was not appropriate to disregard them at that time. Consequently, the Prophet (sws) is told to keep consulting them in various affairs; however, he is not bound by what their majority says. If he decides contrarily, he should repose his trust in Allah and do what he has decided. This is a brief summary of the stress of the verse.

A more detailed look at the context of 3:159 and at the various historical facts shows that the Prophet (sws) had consulted the Muslims on whether they should fight the enemy from within the city or from the outside. The Hypocrites opined that they should fight from within the city while the true believers were of the opposite opinion. The Prophet (sws) it seems also held the latter opinion. So when he and the believers decided to go out and fight, the Hypocrites became angry and expressed their anger in various ways. ‘Abdullāh Ibn Ubayī for example departed right before the battle with his three hundred men saying that his opinion was ignored. Another group of the Hypocrites that stayed with the Muslims started spreading the propaganda once the battle was over that the defeat was due to the wrong strategy adopted. Consequently, verses 3:156-8, while addressing the Hypocrites, mention these details in the following manner:

( - : )

O you who believe, be not like the disbelievers who say of their brethren when they are travelling through the land or fighting: “If they had stayed with us they would not have died or been

slain” so that Allah may make a cause of regret in their hearts. It is Allah Who gives life and death. And Allah knows what you do. And if you are killed or die in the way of Allah, forgiveness and mercy from Allah are far better than all they amass [of worldly wealth]. And whether you die are or killed, verily, unto Allah you shall be gathered. (3:156-8)

Consequently, it is clear from these verses that the Prophet (sws) in his capacity of a Prophet (sws) was advised to deal with the Hypocrites of his times in a particular manner, as spelled out in the subsequent verse; in other words, this subsequent verse also like the previous ones refers to the Hypocrites:

( : )

So ignore their faults and ask for God’s forgiveness for them and consult them in affairs. Then, when you have taken a decision, put your trust in Allah. (3:159)

These verses cannot be related to us in any way today. Technically speaking, the antecedents of the plural accusative pronoun in the imperative verb (consult them) are the Hypocrites of the Prophet’s times. Owing to his position as Prophet, Muhammad (sws) was divinely guided in their affairs and was told to deal with them with latitude until the Almighty signaled to him that the period of respite was over.

Consequently, the verse cannot be extended to anyone beyond the Prophet (sws).

#### Authority of the Majority

**Question:** It is said that in Islam, collective affairs are to be decided through the principle of consultation and the majority opinion is to be imposed and accepted. My question is: What guarantee do we have that the majority has taken the correct decision?

**Answer:** When it is said that all differences of opinion in an Islamic state shall be settled by a majority vote, it does not mean at all that the opinion which is ultimately accepted shall necessarily

be correct. It only means that just to run the affairs an opinion has been enforced until the time a stronger opinion emerges to take its place. This is only a way of settling differences of opinions and is no criterion for the correctness of a viewpoint. Only reasons and arguments decide what is right or wrong, and a majority or a minority opinion has no say in this regard.

### **Conditions of Revolt against an Islamic State**

**Question:** What are the conditions of rebelling against an Islamic State?

**Answer:** The rebellion against an Islamic state can take two forms:

1. The rebels refuse to submit to the authority of the state and in doing so remain peaceful and patiently bear any aggression of the government that they may encounter as a result.
2. The rebels resort to militancy and armed warfare.

Islam imposes certain conditions on both these options. Before these conditions are explained, it needs to be appreciated that rebelling against Muslim rulers even when all the conditions are fulfilled never becomes obligatory upon Muslims. They can still choose to live under their rule.

These conditions are

#### **Case 1**

If the first course outlined above is adopted then the following three conditions are required:

First, the rulers of the Muslims are guilty of openly and deliberately denying Islam or any of its directives. 'Ubādah Ibn Ṣāmit reports:

( : )

The Prophet called us to pledge allegiance to him which we did. We had been asked to pledge to the following: "We shall

listen and obey whether willingly or unwillingly whether we are in difficulty or at ease, and even when we do not receive what is your right and that we shall not contest the authority of our rulers". The Prophet of God said: "You can only rise against them if you witness outright *Kufr* in any matter from them, in which you have a clear evidence from God". (*Muslim*, No: 1709)

The underlined portion of the Ḥadīth, which states this condition of rebellion, is actually based on 4:59<sup>2</sup> according to which Muslims are asked to obey their "Muslim" rulers. This is indicated by the word (among you) which qualifies the word (those in authority) in the verse. The implication being that they are required to obey the rulers as long as they remain Muslims. However, if these Muslim rulers do something which violates their status as Muslims, then these rulers are no longer required to be obeyed. In other words, only rulers who deny the requisites of being a Muslim in spite of being convinced about them are the ones who are actually implied here. Anything less than this does not suffice for the Muslims to rise against them.

Second, Muslims are not democratically able to change their rulers. The basis of this condition is found in the Qur'ānic directive of (Their system is based on their consultation)<sup>3</sup>. According to this directive, the rulers of Muslims should be democratically elected to office. Consequently, if Muslims are able to change their leadership by democratic

---

2. The verse reads:

( : )

O people who believe! Obey God and obey the Prophet and those of you who are in authority, and if you disagree among yourselves in any matter, refer it to God and the Prophet if you believe in Allah and the Last Day. This is better and more seemly as regards the consequences. (4:59)

3. 42:38

---

means, resorting to rebellion and revolt is actually a violation of this principle. It amounts to revolt against the masses and not the rulers. This, according to the *sharī'ah*, is spreading disorder in the land and is punishable by death in the most exemplary manner. The Prophet (sws) is reported to have said:

( : ) .

You are organized under the rule of a person and someone tries to break your collectivity apart or disrupt your government, execute him. (*Muslim*, No: 1852)

Third, those who are undertaking this uprising are in majority and united under the leadership of one person. The basis of this condition also exists in the verse referred to above (42:38). In fact, it is a natural corollary of the principle stated in the verse: only the person who has the mandate of the majority is their legitimate ruler. If the person who is leading the uprising has the clear backing of the majority behind him, it means that the previous one has lost his mandate to rule. The majority is now willing to accept a new person in his place.

## Case 2

If the second course is adopted, then besides the above mentioned three conditions, a fourth one must also be fulfilled: those who take up arms in revolt must establish their government in an independent piece of land. There is a consensus among all authorities of Islam that only an Islamic State has the authority to wage a militant struggle. No group, party or organization has the authority to lift arms.<sup>4</sup>

It is evident from this discussion that if Muslims intend to rise and rebel against their government they must fulfill certain conditions. If they do not do so, they have no right whatsoever to publicly refuse submission to their rulers. Moreover, even in the worst of circumstances, rebellion never becomes obligatory.

4. For details see : Javed Ahmad Ghāmidī, *The Islamic Sharī'ah of Jihād*, trans. Shehzad Saleem, 1<sup>st</sup> ed. Lahore: Al-Mawrid Institute of Islamic Sciences, 2005.



### Rights of Non-Muslim Citizens

**Question:** What exactly is the status of Non-Muslim citizens in a Muslim country? Do they have the same rights as Muslim citizens?

**Answer:** The issue of citizenship of an Islamic State needs a little elaboration. It is generally held by Muslim authorities that non-Muslim citizens of an Islamic state are of two categories:<sup>5</sup>

(i) *Dhimmīs*, viz. those who have come under an Islamic State on account of being subdued in a battle.

(ii) *Musta'mins*, viz. non-Muslim residents of *dār al-ḥarb* who temporarily reside in *dār al-islām*.

It needs to be appreciated that both these categories of non-Muslims are specific to the age of the Prophet (sws) and his Companions (rta).<sup>6</sup> The directives of *fiqh* related to *dhimmīs* and *musta'mins* consequently cannot be related to the non-Muslims of today.

The Non-Muslim minorities of today living in Muslim countries can only be classified as *mu'āhids* (citizenship by contract).<sup>7</sup> Keeping in view the general welfare of the state, through mutual consent, any contract can be made with non-Muslims of today regarding their rights. As such, all dealings with them should be according to the terms of the treaty concluded with them.

Muslims are required Islamically to abide by these terms in all circumstances and to never violate them in the slightest way. Such violations according to Islam are totally forbidden and, in fact, amount to a grave transgression. The Qur'ān says:

( : )

5. 'Abd al-Karīm Zaydān, *Aḥkām al-Dhimiyyīn wa al-Musta'minīn fī Dār al-Islām*, 1<sup>st</sup> ed. (Baghdad: Maktabah al-Quds, 1982), 22-60.

6. For details see: Saleem, Shehzad. "Islam and Non-Muslims – A New Perspective" Renaissance (March 2002), Lahore: Dār al-Ishrāq, 2002.

7. The *mīthāq* (treaty) of Madīnah made with Jewish tribes by the Prophet (sws) is an example of this type of citizenship.

Keep [your] covenants; because indeed [on the Day of Judgement] you will be held accountable for them. (17:34)

The Prophet (sws) is reported to have said:

( : )

Beware! I myself shall invoke the justice of the Almighty on the Day of Judgement against the person who oppresses and persecutes a *mu'āhid*, or reduces his rights, or burdens him [with responsibilities] he cannot bear, or takes something from him against his will. (*Abu Dā'ūd*, No: 3052)

In this regard, the Qur'ān has explicitly stated the principle that Muslims while dealing with their enemies must not exceed the limits of justice, not to speak of *mu'āhids* who have accepted to live peacefully in an Islamic State:

( : )

And let not the enmity of a people turn you away from justice. Deal justly; this is nearer to piety. (5:8)

As far as their rights are concerned, they should be given all the rights that are sanctioned by the norms of justice and fairness for people in a civilized society. For example:

Their life, wealth and honour should be protected by the state such that no one is able to lay hands on them.

They can be given independence in their personal law.

The needy and poor among them should be provided the basic necessities of life.

Their personal matters and religious rituals should be exempted from the law of the state and no interference should be made in their faith and religion.

Their places of worship should be given full protection.

They should be allowed to present their religion to others in a polite manner.

They should be allowed to be elected to public offices except to those which may require Muslims to preserve the Islamic

identity of the state.

### Parliamentary or Presidential Form of Government

**Question:** Does Islam endorse a parliamentary form of government or a presidential form of government?

**Answer:** The principle guideline given by Islam in forming a government – whatever be its type, structure and nature – is that it should come into being through the mandate of the masses. A government has right to remain in existence only if it enjoys the support of the majority.

Keeping in view this principle guideline, any form government can be adopted. If this primary condition is taken care of, then the decision should be made on the basis of the experience, practice and utility of the system.

### Secularism and the Founder of Pakistan

**Question:** There are some political leaders of Pakistan who say that the founder of Pakistan, Quaid i Azam Muhammad Ali Jinnah wanted to create a secular Pakistan. If this is true, then are we bound by our founder's vision?

**Answer:** The debate whether Pakistan had been created in the name of Islam or its founder had intended to establish in it a secular democracy has been going on here ever since its creation. In this regard, the Quaid's speech in the Constituent Assembly on 11th August 1947 is often presented as evidence on the fact that his intentions were to establish a secular Pakistan. According to Ghamidi, the speech of the Quaid has been misinterpreted. In the following paragraphs, his views on this issue have been translated and summarized.<sup>8</sup>

The non-Muslims of Pakistan are *mu'āhids* ie, those have come under an Islamic State on account of a treaty with it. In their case, the *shari'ah* permits an Islamic state to conclude a treaty with them on whatever terms it deems proper and can even treat them equally with the Muslims politically by accepting for them all the

---

8. *Ghāmidī*, Javed Ahmad, *Maqāmāt*, 1<sup>st</sup> ed. (Lahore: Shirkat Printing Press, 2001), 122-124.

rights which Muslims citizens are given by the *shari'ah* on the condition that the *mu'ahids*, as faithful citizens, accept the superiority of the *shari'ah* at the state level. Consequently, the Prophet (sws), in his own times, concluded a similar treaty with the Jews of Madīnah. In this document, which came to be known as *Misāq-i Madīnah* the Jews acknowledged the superiority of the *shari'ah* by accepting Allah and His Prophet (sws) as the final authority in all differences of opinion. By virtue of this treaty, the Jews, as *mu'ahids*, were granted equal rights of citizenship in the state of Madīnah:

And [according to this pact], the Jews are acknowledged with the Muslims as one nation. As far as religion is concerned, the Jews shall remain on theirs and the Muslims and their allies on theirs.<sup>9</sup>

The non-Muslims who became citizens of Pakistan at its birth agreed to live in this country of their own free will knowing full well its ideological status. They were well aware that at if they were to live as its citizens, they would have to accept the superiority of the *shari'ah* because the Quaid had unequivocally declared: “The Qur’ān shall be the constitution of this state”, and had stated in one of his speeches: “We have not demanded Pakistan merely as a piece of land for the Muslims; we intend to make it a testing place for the implementation of Islam”.

It was this status of the non-Muslims which the Quaid as the founder of Pakistan and the leader of the Muslims of the sub-continent announced on 11<sup>th</sup> August 1947 in the Constituent Assembly. It was neither a statement concerning the secular nature of a state nor a statement annulled by subsequent statements. It was something which was in direct accordance with the *shari'ah* as regards the position of the non-Muslims of the newly founded state. It said:

... Now, I think we should keep that in front of us as our

---

9. Ibn Hishām, *al-Sīrah al-Nabawiyyah*, 2<sup>nd</sup> ed., vol. 2 (Beirut: Dār al-Khayr, 1995), 107.

ideal and you will find that in the course of time, Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of an Islamic State.<sup>10</sup>

It is evident that this part of the Quaid's speech actually means that there shall be no discrimination between citizens of Pakistan on the basis of religion. The words "because that is the personal faith of each individual" have not been said in the context of deciding the religion of a state; the context, clearly concerns the rights of Muslim minorities and these words mean that an individual's personal faith must not become the basis of special treatment by the state. Consequently, in light of these terms of the treaty, the non-Muslim citizens of Pakistan are liable to accept the supremacy of the *shari'ah* at the State level and not to challenge this status and in return the state of Pakistan is committed to accept them as politically equal to the Muslims as long as they remain faithful to this country and abide by the terms of the treaty concluded with them.

#### **Establishment of an Islamic State**

**Question:** My questions concern the establishment of an Islamic state in this modern era? What is the basic methodology? Please give a detailed answer.

**Answer:** Islam does not give any guidance on the strategy of establishing an Islamic state. It has left this matter to common sense and experience. The reason for this is that Muslims have a natural urge in them to live as a collectivity and adopt the collective directives of Islam. So, Islam has left this matter to this urge. Also, circumstances are different in different communities. So no pattern has been set. You have asked for a detailed answer, but I am afraid that there are no details. However, I would like to clarify one thing: Some religious scholars present the example of the Prophet Muhammad (sws); they say that he had adopted a particular method of setting up an Islamic state, and we Muslims should follow this example. I am

---

10. See: <http://www.geocities.com/jamshedt/Speech3.htm>

afraid that neither did the Prophet (sws) ever undertake the task of establishing an Islamic state nor was he ever directed by the Almighty to do so.

The scholars who uphold this idea say that it is the religious obligation of every Muslim to strive for the supremacy of Islam in his country by all the means he can. They term it as an “Islamic Revolution” and present the following verse in support of this view:

( : )

It is He Who has sent His Messenger with Guidance and the Religion of Truth that he may proclaim it over all religions, even though the Idolaters may detest [this]. (61:9)

On the basis of the phrase “all religions”, it is understood that the followers of Islam must struggle for its dominance in their respective countries and territories. An analysis of the context of this verse shows that it belongs to the class of directives that relate to the established practice of the Almighty regarding His *rusul* (Messengers) according to which a *rasūl* always triumphs over his nation.

( - : )

Indeed, those who show hostility to Allah and His *rasūl* are bound to be humiliated. The Almighty has ordained: “I and my *rusul* shall prevail”. (58:20)

Muhammad (sws) was also informed that he would triumph over his nation. He and his Companions (rta) were told that they would have to fight the Idolaters of Arabia until the supremacy of Islam was achieved there and that these Idolaters should be informed that if they did not desist from their evil ways they too would meet a fate no different from those of the other nations of *rusul*:

( - : )

Say to the disbelievers that if now they desist [from disbelief], their past would be forgiven them; but if they persist, the punishment of those before them is already [a warning for them]. And fight them on until there is no more persecution and there prevails the religion of God everywhere. (8:38-40)

Consequently, it is to be noted that the word *al-mushrikūn* (the Idolaters) is used in 61:9 quoted earlier. The Qur'ān uses this word specifically for the Idolaters of Arabia of the Prophet's times. As a result, "all the religions" in the conjugate clause can only mean all the religions of Arabia at that time. Therefore, the verse has no bearing on Muslims after the times of the Prophet (sws).

If the above analysis is correct, then striving to achieve the political supremacy of Islam is no religious obligation upon a Muslim. The verses from which this obligation has been construed specifically relate to the *rusul* of the Almighty. Obviously, this inference does not mean that Muslims should not strive for this cause. It only indicates that this is not their religious responsibility.

### Islamic Guidelines for Foreign Policy

**Question:** I was wondering how you believe Islam affects the foreign policy of a country, if at all?

**Answer:** Following are some of the important guidelines Islam gives to the makers of foreign policy of a Muslim country:

1. No aggression should be launched against a non-Muslim country to forcibly make it accept Islam or to annex it.<sup>11</sup>
2. All contracts with various countries must be honoured in all circumstances – unless of course the other country breaks or revises them.
3. War can only be declared on another country, whether Muslim or non-Muslim, if that country is guilty of oppression

11. For details see : Javed Ahmad Ghāmidī, *The Islamic Shari'ah of Jihād*, trans. Shehzad Saleem, 1<sup>st</sup> ed. Lahore: Al-Mawrid Institute of Islamic Sciences, 2005.

and tyranny and diplomatic talks fail. Here again war does not become obligatory; it merely becomes permissible.<sup>12</sup>

4. Friendly ties should be initiated with all countries of the world whatever their religion.

5. The enmity of any country should not stop a Muslim country from being fair and just towards that country.

### Should Muslims of a Non-Muslim Country Unite Politically

**Question:** I have heard from a friend of mine that Islam directs all the Muslims living in non-Muslim lands to unite under one leadership and present themselves as a single entity. Is this true?

**Answer:** I am afraid that nowhere has Islam directed Muslims living in a non-Muslim country to unite under one leadership. This may serve their interest and be very beneficial for them. However, they have not been bound by their religion in this regard. It is up to them if they want to adopt such a policy.

Some people do present the following verse to contend that Islam has directed Muslims to politically unite:

( : )

Indeed, this *ummah* of yours is a single *ummah*, and I am your Lord and Cherisher. (21:93)

If the context of this verse is deliberated upon, it comes to light that the Qur'ān is not directing the present Muslim *ummah* to remain united; on the contrary the word *ummah* here is used for all the Prophets which are mentioned in the preceding verses (78-91). After enlisting most Prophets, the Qur'ān says that all these Prophets are one *ummah* in the sense that they brought the same religion and it is the people who introduced innovations in it:

---

12. Ibid.



( - : )

And remember David and Solomon, when they gave judgement in the matter of the field into which the sheep of certain people had strayed by night: we did witness their judgement. To Solomon We inspired the [right] understanding of the matter: to each [of them] we gave judgement and knowledge; it was Our power that made the hills and the birds celebrate Our praises, with David: it was We who did [all these things]. It was We Who taught him the making of metal coats of mail for your benefit to guard you from each other's violence. Will you then be grateful? [It was our power that made] the violent wind flow [tamely] for Solomon to his order to the land which We had blessed: for We do know all things. And of the evil ones, were some who dived for him, and did other work besides; and it was We who guarded them. And [remember] Job, when he cried to his Lord: "Truly distress has seized me, but You are the Most Merciful of those that are Merciful". So We listened to him: We removed the distress that

was on him, and We restored his people to him, and doubled their number, as a Grace from Ourselves, and a thing for commemoration for all who serve Us. And [remember] Ismā'īl, Idrīs, and Dhū al-Kifl, all [men] of constancy and patience. We admitted them to our mercy, for they were of the righteous ones. And remember Dhū al-Nūn, when he departed in wrath. He imagined that We would not call him to account! But he cried through the depths of darkness: "There is no god but You; glory to You. I was indeed wrong!" So We listened to Him and delivered him from distress and thus do We deliver those who have faith. And [remember] Zakariyyah, when he cried to his Lord: "O my Lord! Leave me not without offspring, though You are the best of inheritors". So We listened to him and We granted him Yahyā. We cured his wife's [barrenness] for him. These were ever quick in emulation in good works; they used to call on Us with love and reverence, and humble themselves before Us. And [remember] her who guarded her chastity: we breathed into her of Our Spirit, and We made her and her son a sign for all peoples. Indeed, this *ummah* of yours is a single *ummah*, and I am your Lord and Cherisher: therefore serve Me [and no other]. But [the later generations] cut off their matter [of unity], one from another: [yet] will they all return to Us. (21:78-93)

In other words, the words "Indeed, this *ummah* of yours is a single *ummah*" if interpreted keeping in view the context refers to the collectivity of the Prophets that came before Muhammad (sws). They have nothing to do with the Muslim *ummah*.

### **The Baseless Doctrine of Vicegerency of Man**

**Question:** What is the religious basis of the doctrine of vicegerency of man? Every book on Islamic directives of politics that I have come across mentions this doctrine. However, I am unable to understand the real line of argument regarding the doctrine.

**Answer:** Your information is correct. The doctrine of vicegerency of man has, over the years, remained the basis of Muslim political thought. In this regard, some of our scholars

have also coined the term of “popular vicegerency” as against “popular sovereignty” of a democratic order. According to this doctrine, every man has been delegated some powers by the Almighty and as such he is His deputy on earth.

According to Ghamidi<sup>13</sup>, this doctrine has no basis at all in the Qur’ān. The verse most often quoted in its support is the one which goes against it the most:

( : )

I am going to make a *khalīfah* in the earth. (2:30)

The word *khalīfah* in the Arabic language has two meanings:

1. A person who succeeds someone by assuming his position of power and authority.
2. A person vested with power and authority.

The exponents of this doctrine attribute the first meaning to the word *khalīfah* in the above verse, as indeed they do wherever the verse occurs in the Qur’ān. A little deliberation shows that the word *khalīfah* has been used in this verse in the second meaning ie. a person vested with power and authority. Linguistically, it is not possible to adopt the first meaning. Grammatical principles dictate that the word *khalīfah* which actually occurs as a common noun in the verse, should have either been defined by the article *alif lām* or by a determining noun (*muḍāf ilayh*) if the first meaning were to be attributed to it. Someone may question whether the word has ever been used in the second meaning ie. “a person vested with power and authority” in the Arabic language. The following verses of the Qur’ān, the most authentic Arabic work, conclusively use the word in this meaning:

( : )

O David! We have made you a *khalīfah* on the earth, so rule with justice among men. (38:26)

---

13. Ghāmidī, Javed Ahmad, *Maqāmāt*, 1<sup>st</sup> ed. (Lahore: Shirkat Printing Press, 2001), 109-111.

( : )

And remember when He made you *khulafā* after Noah's folks. (7:69)

The verb (*istakhlafa*) derived from *khalīfah* is also used in the same meaning:

( : )

Allah has promised those among you who have accepted faith [in the actual sense] and have done righteous deeds, that He will make them *khalīfah* in this land as He had made their ancestors *khalīfah* before them. (24:55)

In the first verse, why is the Almighty singling out the Prophet David (sws) as His *khalīfah* when according to the doctrine every man on earth is God's *khalīfah*? The people of 'Ād have been addressed in the second of the above verses, as is evident from its context. It is a historically proven fact that there exists a time lapse of many centuries between the People of 'Ād and the People of Noah (sws), during which many other nations arose to a position of political ascendancy. Moreover, the places where these two nations gained power were in totally different parts of the Arabian peninsula. So the People of 'Ād could not have succeeded the People of Noah (sws). Hence the first meaning cannot be attributed to the word *khulafā* in this verse. In the second and third verses, similar contradictions result if the word is used in the conventional meaning. In the third verse, how come the believers are being promised *khilāfah*, a position they already have by birth? However, all these verses become meaningful if the word is understood to imply the second meaning.

It would be appropriate here to point out that the second meaning ie. "a person vested with power and authority" is actually a developed form of the first ie. "a person who succeeds someone by assuming his position of power and authority". Such developments in the meaning of a word often occur in a language, which is always under a state of evolution. The word

(*wārith*) and can be presented as an example. It originally means “an heir ie. the owner of a legacy”. But it also means “an owner” simply, as is evident from the following Qur’ānic verse:

( : )

Indeed, We give life and death and We are the *Wārith* [Owners] of all. (15:23)

It would be quite ridiculous to interpret the verse in the light of the first meaning.

Therefore, it can be safely concluded that the doctrine is a logical fallacy.

### **What is the System of *Khilāfah*?**

**Question:** It is argued by many religio-political leaders of most Muslim countries that *khilāfah* is the name of political system envisaged by Islam? What exactly are the features of the Islamic *khilāfah*?

**Answer:** In Arabic, the word *khilāfah* is synonymous with the English word “political system” regardless of the fact that it is a political system of a Muslim country or a non-Muslim one. The word in itself holds no religious sanctity. Needless to say that Islam does not give a political system to its followers. It only gives certain principal guidelines in this matter. The task of formulating a system on the basis of these guidelines has been left to human intellect. Whatever system it evolves, giving due regard to these guidelines, can be called *khilāfah*. Of course, it is not at all necessary to stick to this term for the political system of a Muslim country since it has no religious significance.

### **Can a Woman Become a Head of an Islamic State**

**Question:** I know that Islam looks at men and women in an equal light. However, I have heard that in Islam, it is not permissible for a woman to become the ruler of a nation? Is this the case, and if so, why?

**Answer:** This is not the case. In Islam, the election of the head

of state is based on the vote of the majority. As per the Qur'ān (42:38), whoever enjoys the confidence of the majority whether he is a man or a woman is legally eligible for this post.

However, the only debate which may remain is that whether women in general are suitable for this job regarding their temperament and nature. Nevertheless, if the majority does elect a woman for this post, no one has the authority to veto the opinion of the majority.

Here someone may present the following *Ḥadīth* to counter what has been said above:

( : )

Abū Bakrah says that he said: “Allah has given me the privilege of a word which I heard from the Messenger of Allah during the days of [the battle of] *al-Jamal*, when I was about to join the people of *al-Jamal* and fight with them”. When the Messenger of Allah heard that the people of Persia had appointed the daughter of Chosroes (*Qisrā*), he said: “People who appoint a woman as their leader will never succeed”. (*Bukhārī*, No: 4425)

However, in spite of being quoted in *Bukhārī*, it suffers from the following flaws:

1. It is evident from the very text of the narrative that it was never known until the battle of *jamal* took place in 36 AH. It was brought forward only after ‘Ā’ishah (rta) faced ‘Alī (rta) in battle. Before that it was never heard of – which of course is quite strange.

2. One of the narrators is ‘Awf Ibn Abī Jamīlah about whom scholars of *rijāl* know that he used to give preference to ‘Alī (rta) over ‘Uthmān (rta) and it is also known that since ‘Ā’ishah (rta) sided with ‘Uthmān (rta), a group of the followers of ‘Alī (rta) targeted her to besmear her character. Moreover, the *Ḥadīth* can never be applied to the case of ‘Ā’ishah (rta) since she never

claimed to be the ruler of the Muslims.

3. It is a *gharīb* Ḥadīth. In Ḥadīth parlance, a narrative which has just one narrator in any section of its chain is called *gharīb*. It makes the narrative quite weak. It is only Abū Bakrah who is reporting this narrative at the top of this chain. The nature of the narrative is such that other companions too should have reported it from the Prophet (sws) but we find none.

---