

TALK 6

The Khilafah Rashidah That We Want is a Khilafah on the Method of Prophethood, No Inheritance (Rule) in It

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(Translated)

The present generations did not grow up in awareness of the Islamic State that implements Islam as it was revealed. This absence of awareness lasted for nearly 100 years. Therefore, it is difficult to bring closer the image of the Islamic rule to minds that are influenced by reality to a large extent, and they cannot imagine the ruling except in the standard of what they see in reality of democracies, monarchies, nationalities, and other forms of political, economic and societal organization.

I wanted to quickly stop at the forms of governance that Muslims need to realize its truth in the light of Shariah, and I mean monarchy and the inheritance of ruling.

From a fundamental point of view, I say: government and authority inherently belong to the Ummah. The Ummah is the one addressed with the implementation of the rulings of the Shariah, and tens of verses have been revealed in the Noble Qur'an regarding ruling and authority, commanding Muslims to rule according to what Allah has revealed in its many details. Allah (swt) says: ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾ “[As for] the thief, the male and the female, amputate their hands” [Al-Ma’ida: 38]. Allah (swt) says: ﴿الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ﴾ “The [unmarried] woman or [unmarried] man found guilty of sexual intercourse - lash each one of them with a hundred lashes” [An-Nur: 2]. Allah (swt) says: ﴿وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ﴾ “... and when you judge between people to judge with justice.” [An-Nisa’: 58]. Allah (swt) says: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ وَلِيَجِدُوا فِيكُمْ غِلْظَةً﴾ “O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness. [At-Tawba: 123]. Allah (swt) says: ﴿وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ﴾ “And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous” [Al-Baqara: 179]. Allah (swt) says: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ﴾ “O you who have believed, fulfil (all) contracts” [Al-Ma’ida: 1]. And much more.

In order for the Ummah to implement these rulings on the ground, Islam came and showed it the Shariah way to do so. By commanding Muslims to establish a state on the basis of Islam, and to elect a ruler among them, who would be given bay’ah (pledge allegiance) to obey him for implementing the Shariah.

That is, the ruler in the Islamic system is the representative of the Ummah in the implementation of Shariah. And the Sultan (authority) belongs only to the Ummah. This is one of the rules of governance in Islam, and it is a rule taken from the Shar’ making the role of appointing of the head of state only to the Ummah or its majority. The texts are in agreement, indicating that the caliph can only take the Sultan (authority) with this bay’ah. The Prophet (saw) said: «وَمَنْ بَايَعَ إِمَامًا فَأَعْطَاهُ صَفْقَةً يَدِهِ وَثَمْرَةَ قَلْبِهِ» “If a man takes an oath of allegiance to a leader, and puts his hand on his hand and does it with the sincerity of his heart”. The Prophet (saw) said: «بَايَعْنَا رَسُولَ اللَّهِ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْمُنْشَطِ وَالْمَكْرَهِ وَأَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ» “We swore allegiance to Messenger of Allah (saw) to hear and obey; in hardship and in ease, and not to dispute about rule with those in power”.

So, Shariah makes the appointment of the caliph by bay’ah, and the bay’ah is from Muslims to the caliph, and not from a specific group, and not a specific group of them, such as the army, leaders, parties, politicians, or the like, but from Muslims. The same happened

from the rightly-guided caliphs after the Messenger (saw); the caliph used to be appointed by the bay'ah from the people, so Abu Bakr did not become a caliph except by the bay'ah to him. Abu Bakr nominated Umar after consulting the companions, and they accepted him. So, this is when he (ra) said: "Do you accept one I choose as successor to you, by Allah I have exerted every effort and consulted many, and I did not appoint anyone who is related to me". Umar did not become caliph with this nomination, but by bay'ah to him after the death of Abu Bakr with the consent of the companions, and the same is the case with Othman and Ali, may Allah be pleased with them all.

The ruling of Shariah is that the appointment of the caliph is limited to only one way, which is the bay'ah by Muslims.

If the Ummah does not exercise its right of the bay'ah, such as if the ruling is usurped by force and oppression, or the ruling is taken with the support of external forces, or the ruling is inherited within a family, then the authority would have been taken away from the Ummah.

However, the Khilafah (succession) contract is a contract of mutual consent and choice like all other contracts. It is only between two contracting parties, one of which is the Ummah, and the second is the ruler or the caliph, so it is a ruling contract. If one of the two parties is missing, the contract is invalidated altogether, and it is like any other void contracts, and the ruler is not a Shar'i (legitimate) ruler. Rather, the ruler is considered at that time a usurper of power, and the rule of the usurper of power shall be applied to him.

Authority belongs only to the Ummah, and it is a dangerous and important matter, that the ruling of violating reaches killing! Umar ibn al-Khattab (ra) confirmed this by saying: "Whoever pledges allegiance to a man without consulting Muslims, he must not be followed, nor should the ones who has pledged allegiance to him be followed, otherwise they have put themselves to risk of being killed." And his saying to the six: "He who gains a position of Amir without the consultation of Muslims, strike his neck"

The position of the senior companions was clear and violent when they felt the signs of misapplication of the bay'ah, and they objected to this strongly and considered it an evil action, and they rejected and attacked it.

Abd Ar-Rahman bin Abi Bakr said to Muawiyah in the events of the inauguration of Yazid, "By Allah, you want us to trust you in front of Allah in the matter of your son, and by Allah we will not, and by Allah, you should refer this matter to the consultation among the Muslims, or we return to how it started (meaning there will be war) and then he left."

And for what Marwan bin Al-Hakam said about Yazid's bay'ah, "The Sunnah of Abu Bakr Al-Rashidah Al-Mahdiyyah", Abd Ar-Rahman bin Abi Bakr replied to him, saying: "It is not the Sunnah of Abu Bakr. Abu Bakr will leave the family and the clan, and will give it to a man from Banu Uday, if he saw that he was fit, but rather it is Herculean."

Abdullah bin Umar said to Muawiyah: "There were successors before you who had sons. Your son is not better than their sons. They did not see in their sons what you saw in your son, but they chose for the Muslims those they know are their finest."

Ibn Katheer said: "When the bay'ah was taken to Yazid in the life of his father, Al-Hussain (ra) was one of those who refused to give the bay'ah to him, along with Ibn al-Zubayr, Abd Ar-Rahman bin Abi Bakr, Ibn Umar and Ibn Abbas."

It must be clear to Muslims that the system of government in Islam is not a monarchy, and it does not approve the monarchy, and is not similar to the monarchy.

The monarchy is a heredity rule; sons inherit it from parents, just as they inherit their estate. Inheritance is only in what was the private property of a person bequeathed to his family or offspring after him, and this is the matter upon which the monarchies are based in their essence. The authority in it belongs to the king and his family, who transfers it to one another by covenant, deals, or even strife and conquest. Whereas, there is no inheritance in the Islamic system of government; rather, it is taken over by the one who the Ummah gives

bay'ah to by consent and choice. Imam Ibn Hazm said regarding the imamate: "There is no dispute among the people of Islam that it is not permissible to inherit it."

One of the characteristics of the monarchy is that it grants the king special privileges and rights that no one else from among the subjects can have; it makes him above the law and provides him with immunity, and makes him a symbol of the nation.

While the system of Islam does not give the caliph or the imam any privileges or special rights; he only gets what any member of the Ummah gets. He is not a symbol of the Ummah who owns and does not rule, nor is he a symbol who owns, governs and disposes of matters of the country and the people as he wants and desires. Rather, he is a representative of the Ummah in power and authority. The Ummah chose him and gave him bay'ah by consent in order to implement the law of Allah (swt) over it, and he is restricted in all his actions, rulings, and care for the Ummah's affairs and interests by the Shariah rulings.

This is in addition to the absence of the position of heir to the throne in the Islamic system of government. Rather, it denounces the position of heir to the throne, it denounces that the ruling is taken through inheritance, and limits the way of taken it to giving the bay'ah from the Ummah to the caliph by consent and choice.

However, shortly after the period of the Khilafah Rashidah, the monarchical form of government was seeped into the body of the Ummah, and this deviation expanded until real ruling families emerged, and over the ages, this form was focused on, so it became customary for the caliph to appoint his brother or son as crown prince, appoint his other brother as a minister, and distributes positions to his relatives to hold state positions, workers, army commanders, carries out administrative interests and all other leadership positions in the state.

With these historical accumulations in the life of the Ummah, and due to multiple factors, the political taste of many of the Ummah's sons has become corrupted, it has become accustomed to dealing with the monarchy form of government, and considered this an acceptable historical form and a contemporary realistic requirement to achieve stability in power. Rather, this form permeated political and societal life to the level of making the state truly resemble a private inheritance!

For example, some people find it easy to describe the state as the country of the son of so-and-so. The transfer of power from the father to his son or brother has become an inevitability, and the special privileges have extended to include all sons of the royal families, and many other aspects of the privatization of government and power.

For all of this, and for the next Khilafah to be on the method of prophethood, the rule of the Sultan (authority) must be clear to the Ummah, and it is necessary to be very vigilant to any possible appearance, that emerges with its head, of a repeat of what happened in history, of families' concentration in ruling, and to take strong and decisive methods to block its path before any sign of a royal form appears. For example, the people stipulated that the ruler, before his inauguration as ruler, he must not appoint his relatives in leadership positions in the authority, and this is one of the permissible conditions that do not violate the Shariah and which people have the right to stipulate.

In the end and summarizing the above, I say: In the Khilafah that we want and work for: the caliph is the representative of the Ummah in the implementation of Shariah, and he is a man chosen by the Ummah willingly. The bay'ah is the way to appoint a ruler and not a superficial act to shake hands with the ruler, the ruler's relatives have no privileges, influence, or leadership positions, and the state in the end is the state of the Ummah and not the state of so-the son of so.