Text of The Refutation of the Draft Iranian Constitution Presented for Discussion in the Committee of Experts

and the Text of The Islamic Constitution Derived From the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ

Both Submitted by Hizb ut Tahrir to Imam Khomeini and the Committee of Experts

7 Shawwal 1399 AH

30 August 1979 CE

Reviewed Rabi' al-Awwal 1448 AH – August 2026 CE

(Translated from Arabic)

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بِسۡمِ ٱللَّهِ ٱلرَّحۡمَٰنِ ٱلرَّحِيمِ

In the Name of Allah, the Most Gracious, the Most Merciful

﴿وَأَنِ ٱحۡكُم بَيۡنَهُم بِمَآ أَنزَلَ ٱللَّهُ وَلَا تَتَّبِعۡ أَهۡوَآءَهُمۡ وَٱحۡذَرۡهُمۡ أَن يَفۡتِنُوكَ عَنۢ بَعۡضِ مَآ أَنزَلَ ٱللَّهُ إِلَيۡكَۖ فَإِن تَوَلَّوۡاْ فَٱعۡلَمۡ أَنَّمَا يُرِيدُ ٱللَّهُ أَن يُصِيبَهُم بِبَعۡضِ ذُنُوبِهِمۡۗ وَإِنَّ كَثِيرٗا مِّنَ ٱلنَّاسِ لَفَٰسِقُونَ﴾

"And judge between them by what Allah has revealed, and do not follow their desires, and beware of them lest they tempt you away from some of what Allah has revealed to you." [TMQ Surah Al-Maa'idah: 49]

His Eminence, Imam Ayatollah Khomeini.

Peace be upon you, and the mercy of Allah and His blessings. To proceed:

We praise Allah ﷻ before you for having made us Muslims, and we thank Him and extol Him with all praise for having honoured us and made us, Hizb ut Tahrir, among those who work to restore the ruling governance of Allah ﷻ to the earth by establishing the Islamic Khilafah (Caliphate), so that it may implement the Book of Allah and the Sunnah

of His Messenger ﷺ, and carry the Risaalah message of Islam to the world through the path of jihad.

This is what prompted us to meet with you more than once. In our previous meeting with you, which took place approximately four months ago, we submitted to you a communique after the meeting, just as we also submitted a communique to Ibrahim Yazdi, the Minister of Foreign Affairs. In it, we explained to you the effective solutions that you must hasten to adopt in order to solve the problems confronting you internally and externally. We explained to you therein that you had departed from the correct course by delaying the complete implementation of Islam, which complicated matters for you, increased difficulties, kept the duplicity in ruling in place, and allowed disorder to continue spreading. This gave the enemies of Islam the opportunity to establish themselves and to declare their hostility to Islam, to the ruling governance of Islam, and to its systems, even though we had strongly urged you regarding the obligation of swiftly resolving matters by beginning with the appointment of a head of state to whom the people of authority and influence would give the bay‘ah, pledging hearing and obedience upon acting

according to the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ.

We had proposed to you that you personally be the first head appointed for the state, and that immediately after your appointment as head, and after the bay‘ah is given to you, you must abolish the existing government in order to put an end to the existing duplicity in ruling governance. You should then immediately begin assuming the reins of governance, and there must be a state apparatus with you, which you would establish upon the basis of the Shariah rulings, and you should announce the adoption of an Islamic constitution for the state, derived from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ.

We submitted to you a complete draft of the Islamic constitution, derived from the Book of Allah ﷻ, the Sunnah of His Messenger ﷺ, the Unanimous Consensus of the Companions (ra), and Qiyas (Shariah analogy), in every one of its articles. We also submitted with it an introduction explaining the reasons necessitating each article and the evidence from which it was derived.

We also strongly urged you to uproot the former political medium; to prohibit any political activity

that is not based upon the Islamic ‘aqeedah (creed) and that does not adopt the Shariah rulings; likewise, to prohibit any political structure formed upon a nationalist or patriotic basis, or upon the basis of materialistic thought, or the idea of separating religion from life; and to confine political activities and political structures to those political activities and structures that are based upon the Islamic ‘aqeedah and the adoption of Shariah rulings.

We also strongly urged you regarding the obligation to rid yourselves of any influence of Russia or the Western states, especially America, by cancelling all agreements concluded with them, particularly military agreements, and especially the Mutual Security Agreement under which America undertakes to protect Iran, even with advanced weapons. We also strongly urged you to rid yourselves of the tools of this influence, represented in advisers, experts, companies, schools, hospitals, and diplomatic missions, and to replace these with the envoy-based method: the method that achieves benefit, and prevents harm upon the territory.

More than four months have now passed since our past meeting, and nothing has changed; everything has remained as it was before. The

enemies have increased in ferocity and savagery, and matters have worsened. Then, finally, a draft constitution was announced, and a Committee of Experts was elected to study this draft and give its opinion on the constitution, and on any other proposals that may be presented.

Our sense of Shariah obligation prompted us to seek to obtain the draft of this constitution, in order to study it and give an opinion on it: whether it is an Islamic constitution derived from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, or whether it is a constitution like the other constitutions found in the lands of the Muslim World, which are non-Islamic constitutions. We contacted your embassies in more than one country in order to obtain the draft of this constitution, but we did not obtain it because they did not have it. Finally, we obtained it after the Lebanese newspaper As-Safir published it in an Arabic translation by Muhammad Sadiq Al-Husayni in three of its issues, which appeared between 21-23 August. After obtaining it from As-Safir, we returned to your embassy in Beirut and presented it to them, and they informed us that it was an accurate and faithful translation. We therefore relied upon their statement and then studied it carefully.

Before we clarify our opinion on it, we would like to set out when the state becomes an Islamic State, when the land becomes the Abode of Islam (Dar ul-Islam), and when the constitution becomes an Islamic constitution, so that in light of this we may understand whether the draft constitution presented, which the Committee of Experts has begun discussing, is an Islamic constitution or a non-Islamic one. Consequently, we may also understand whether, if it were implemented in Iran, the state in Iran would become an Islamic State, and whether Iran would thereby become the land of Islam, that is, the Abode of Islam (Dar ul-Islam).

The state does not become an Islamic State unless it is established upon the Islamic ‘aqeedah (creed), and unless its constitution, all its laws, and everything in its entity and apparatus are built upon that ‘aqeedah, and unless all its convictions, concepts, and standards emanate from the Islamic ‘aqeedah (creed). It is not sufficient that the basis of the state be the ‘aqeedah alone; instead, the existence of this basis must be represented in everything connected to its existence, and in every matter, minor or major, among all its affairs. Therefore, the concept of democracy may not be adopted in the state, because it does not emanate

from the Islamic ‘aqeedah (creed); instead, it is from the systems of kufr. Nor is it permissible for the concept of nationalism or patriotism to have any existence within it, because it is not built upon the Islamic ‘aqeedah (creed); indeed, the Islamic ‘aqeedah (creed) condemns and prohibits nationalism and patriotism. Likewise, it is not permissible for there to be ministries in the organs of the state according to the democratic concept, nor for the form of its system to be monarchical, imperial, or republican, because these are forms that do not emanate from the Islamic ‘aqeedah (creed) and they contradict the concepts and rulings that emanate from it.

As for the land, it becomes Dar Ul-Islam if two conditions are fulfilled in it: first, that it is ruled by the authority of Islam, with the Shariah rulings of Islam applied to it in every aspect of its life; and second, that its security is by the security of the Muslims, that is, by their authority.

As for the constitution, it becomes an Islamic constitution if it emanates from the Islamic ‘aqeedah (creed), and if every article of its articles is taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, or from what the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ have directed to.

In light of the foregoing, we now address the draft of this constitution, which is the subject of discussion before the Committee of Experts. Before addressing its chapters, chapter by chapter, and its clauses, clause by clause, we would like to clarify, according to what we reached from our study of the draft of this constitution, that its drafter did not conceive that he was drafting a constitution for the Islamic State that encompasses all Muslims, and that would be a nucleus of a state which expands and spreads in order to include all the lands of Muslims, so that they become part of it after removing the entities of disbelief (kufr) existing therein, and so that all these entities may be fused into one entity: the entity of the Islamic State, under the ruling governance of one head, namely the Khaleefah (Caliph) of the Muslims.

Instead, the drafter of the constitution conceived that he was drafting a constitution for a nation state, namely the Iranian state, and not for the Islamic State. For this reason, the texts of the constitution explicitly state that it is a constitution for the Iranian Republic, and that its president, ministers, and members of its councils must be Iranians. The drafter of the constitution was keen to emphasize the Iranian character in every chapter of the constitution,

indeed in almost most of its articles. He made the flag of the state Iranian, and made its official language in writing, correspondence, and official texts the Persian language. This shows that the constitution is, in fact, a constitution for a nationalistic state and not for an Islamic State, because the constitution of the Islamic State is entirely free from any reference to national character. The texts of the articles of an Islamic constitution are Shariah rulings, and they are general for all Muslims, not specific to one group or people among them.

The drafter of this constitution did not conceive the obligation of making its basis the Islamic ‘aqeedah (creed). Therefore, its articles did not emanate from the Islamic ‘aqeedah (creed), nor were they taken from the Book of Allah ﷻ or the Sunnah of His Messenger ﷺ, even though some of its articles state that “the official religion in Iran is Islam,” and some of its articles refer to the tawheed-based system and to the meanings and morals of Islam. Instead, its drafter conceived the concept of Western democracy, which considers the people to be the source of sovereignty, meaning that the people possess both the right of legislation and the right of ruling governance and execution, according to which

constitutions were drafted for Western states, including America.

Islam considers the concept of democracy to be a concept of disbelief (kufr), and considers all constitutions and rulings built upon it to be constitutions of kufr and rulings of kufr, because all of them do not emanate from the Islamic ‘aqeedah (creed) and are not taken from the Book of Allah ﷻ or from the Sunnah of His Messenger ﷺ. Instead, these rulings and constitutions are from the legislations of human beings. However, the drafter of the constitution drew upon this concept of democracy and upon the Western constitutions, systems, and laws that emanated from it, and included it in this draft constitution throughout all its chapters. He gave no provision for the ‘aqeedah of Islam or to the Shariah rulings of Islam in these chapters, except for some articles in the first chapter on the rulings of general principles, and in the second chapter, in which it states that “the official religion in Iran is Islam,” which means nothing of value with respect to implementing the Shariah rulings of Islam.

The drafter of the constitution made the form of governance and the apparatus of the state, consisting of the head of state, the ministers, the Consultative

Council, the judiciary, and the army, all inspired by Western systems. He also made the powers of the head of state, the ministers, and the powers of the Consultative Council the powers determined by Western democratic concepts, not the powers determined by the Shariah rulings that emanate from the Islamic ‘aqeedah (creed) and are taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ.

Moreover, although the draft constitution states that the state must provide education and tarbiyyah for all people equally, it did not set out an education policy according to which the state would proceed. It did not clarify the basis of the educational curriculum, nor the education policy, nor the objective of education, nor the type of curriculum that would exist in the state, even though the state must adopt a clear education policy through which it shapes people according to a particular form. Likewise, although the draft constitution addressed the economic and financial aspect in some articles, it was devoid of any explanation of the type of economic system according to which the state must proceed, and whether it would be an Islamic system, a capitalist system, or a socialist one. The draft did not clarify anything of this. Yet this must be made entirely clear in the constitution.

The drafting of the constitution also lacks precise legal formulation. It came in generalities that are neither defined nor precise, especially in the first chapter, in the discussion of general principles, even though legal drafting must be clear, defined, and precise, so as to indicate the intended meaning. We do not know whether this lack of definition and precision in the legal drafting exists in the original Persian text, or only in the Arabic translation. We now address the draft constitution chapter by chapter, beginning with the first chapter: the discussion of general principles.

The first article states that "the type of government in Iran is the Islamic Republic." As we have previously explained, the republican form of government is not the form of government in Islam. Instead, it is one of the forms of democratic government. Whether it is a presidential republic, meaning that the president of the republic is the actual ruler, as in the United States of America, or a parliamentary republic, in which the actual ruler is the prime minister or chancellor, as in the Federal Republic of West Germany, both forms are from the systems of Western democracy, which makes the people the source of authorities; that is, it possesses both sovereignty and authority. Therefore, it has the

right of legislation, the right of governance, and the right of execution. For this reason, the president of the republic is elected by the people for a fixed term, is responsible before the people, and the people possess the right to remove him just as they possess the right to appoint him. He is bound by the opinion of the people and must adopt what the people's representatives legislate, because the right of legislation belongs only to the people, represented by their deputies.

By contrast, the form of ruling governance in Islam is different from this. It is the system of Khilafah, or Imamah, in which the Khaleefah, or Imam, is appointed through the bay'ah from the people of dissolving and contracting (أهل الحل والعقد ahl ul halli wal aqd) from the Ummah, on the basis that he governs them by the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. He has no fixed term; instead, he remains Khaleefah or Imam so long as he applies the Shariah rulings of Allah ﷻ and is capable of carrying out what has been entrusted to him. The Ummah does not possess the right to remove him, even though it is the one that appoints him. He is bound by the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, not by the opinion of the Ummah, because sovereignty in Islam belongs to the Shariah,

not to the people. The people do not possess the right of legislation; the Legislator is Allah. However, the Shariah gave the people authority, meaning ruling governance. The people delegate, on their behalf, one who undertakes ruling through selection and then bay‘ah. Whoever it gives bay‘ah to becomes the one possessing authority in governing it and managing its affairs, and his governance and management of its affairs must be according to the Shariah rulings taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ.

Therefore, the democratic, republican system is not from Islam. It does not emanate from the Islamic ‘aqeedah (creed), nor is it taken from the Book of Allah ﷻ or from the Sunnah of His Messenger ﷺ. Instead, it is taken from a system of disbelief (kufr), namely the Western democratic system. Therefore, it is not permissible for the Islamic State to have a republican system; instead, its system must be the system of Khilafah, or the system of Imamah. This is what we call upon you to adopt and to place into implementation in the constitution, and to abolish every text related to the system being a republican system.

As for the second article, which states that “the system of the Islamic Republic is the tawheed-based system, which is founded upon the original culture

of Islam and its revolutionary morals, and which relies upon the values and dignity of the human being and his responsibilities toward himself":This article is neither precise nor clearly defined in meaning. Instead, it consists of general wordings that are open to multiple interpretations, some of which agree with Islam and others of which contradict it. It should have been replaced with the following text:

"The system upon which the state is established is only the system of Islam, emanating from the Islamic 'aqeedah (creed) and taken from the Book of Allah ﷻ, the Sunnah of His Messenger ﷺ, and that which they have evidenced."

In this way, the system would be defined with precise clarity, leaving no ambiguity that it is the system of Islam and nothing else. As for the text that has been issued, it does not convey the meaning of the system of Islam emanating from the Islamic 'aqeedah (creed) and taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. Therefore, if you are serious about making your state an Islamic State, we call upon you to issue the text of the constitution that we have presented to you.

As for the third article, which states that "public opinion is the basis of ruling governance," we say: the basis of Islamic governance is the Islamic ‘aqeedah (creed), such that nothing can exist in the entity of governance, in its apparatus, or in anything related to it, except by making the Islamic ‘aqeedah (creed) its basis. At the same time, it must be the basis of the constitution and all other laws in the state, such that nothing related to governance, the constitution, or the laws is permitted to exist unless it emanates from the Islamic ‘aqeedah (creed).

Therefore, public opinion is not the basis of governance in Islam. Instead, the opinion of the public is a basis of ruling in the Western democratic systems, which are systems of disbelief (kufr).

As for the fourth article, which states that "for the purpose of building the tawhid-based society, Islamic values and morals are considered the basis of its political, social, and economic relations," we say: society is a group of people bound together by particular relations according to particular thoughts, concepts, convictions, and standards. To build the Islamic society, the thoughts, concepts, convictions, and standards of Islam must be put into implementation. This is done by building the entity upon the Islamic ‘aqeedah (creed) and making the

rulings and thoughts that govern people the Shariah rulings and Islamic thoughts that are placed into application and education. Through this, the Islamic society is formed. This article should be drafted on this basis.

As for the sixth article, which links freedom and independence, we say that freedom in Islam is the opposite of slavery. It is not the freedoms used in today's expressions, because the freedom used today is from the systems of Western democracy. It means freedom of belief, political freedom, economic freedom, and personal freedom. All these freedoms contradict Islam, because the Muslim is bound by the Shariah rulings in his 'aqeedah. Whoever apostatizes is killed. He is also bound in his political conduct and in his personal conduct, and he is bound in ownership, acquisition, and spending, by the Shariah rulings. Thus, there is no freedom in Islam, in accordance with the Western democratic concept. As for non-Muslims, Islam does not compel them to leave their beliefs. Instead, it leaves them to worship according to their beliefs, and permits them to practise their acts of worship, and to follow their rules regarding food, clothing, marriage, and divorce according to their religions, within what the rulings of Islam permit for them.

On this basis, freedom is not from Islam. Instead, freedom is from the Western democratic systems, from which the drafter of the constitution drew inspiration.

As for what appears in the seventh article, namely that "the Islamic Republic of Iran absolutely refrains from any intervention that seeks domination in the internal affairs of other nations," we say: this text clearly indicates that the drafter of the constitution did not conceive that he was drafting a constitution for an Islamic State that must gather all Muslims under one state, after uprooting the entities of disbelief (kufr) existing in the Muslim world, and then carry Islam as a da'wah to the world through the state, by diplomatic means and by jihad. Whoever drafts a constitution for an Islamic State would not even think of such a nationalistic text. Instead, he would conceive that the state targets the world because it is responsible for the whole world.

As for the tenth article, which states that the Islamic Republic of Iran must "provide education and tarbiyyah for all people," without clarifying the type of education and tarbiyyah that it provides, it should have clarified the type of education and tarbiyyah, or a special chapter should have been placed for education policy, because this is one of

the essential duties of the state, so that it may shape society and people according to a particular form. It should have been placed in the constitution that the basis upon which the educational curriculum is built is the Islamic ‘aqeedah (creed), and that the education policy is the formation of the Islamic mentality and the Islamic disposition. Accordingly, all subjects of study would be placed on the basis of this policy. The aim of education would be to create the Islamic personality and to provide people with the sciences and knowledge related to the affairs of life. It should also state that Islamic culture is to be made part of all stages of education, and that its lessons in all state schools are to be equal to the other sciences in number and time. It should also state that the educational curriculum throughout all parts of the state is one curriculum, that no curriculum other than the state curriculum is allowed, and that all foreign schools are prohibited.

We now come to the second chapter. Article 13 therein states that “the official religion in Iran is Islam, and that the Ja‘fari madhhab is the madhhab of the majority of Muslims in Iran.”

This text stating that the official religion is Islam is exactly the same text found in the constitutions of Arab states such as Egypt, Iraq,

Jordan, and others. The constitutions of these Arab states are, in fact, constitutions taken from Western constitutions built upon the basis of separating religion from life. These constitutions separate religion from the state and from life, and make Islam have no relation to the systems of ruling governance, nor to the economic systems, nor to education policy, nor to foreign policy, nor even to the laws applied in the courts, for what is applied therein is the civil law taken from Western civil laws, except in some countries, where some Shariah rulings of Islam are applied in the courts.

Thus, the text stating that the official religion is Islam means nothing other than the holiday on Jumuah and the two Eids, and the announcement of the times of Siyyam (Shariah fasting) and Hajj, and nothing more than that. The drafter of this constitution aimed only at that. For this reason, all chapters of the constitution are taken from Western constitutions and laws, and are not taken from the rulings of Islam.

Had the drafter of the constitution aimed to make it an Islamic constitution for an Islamic State, he would have explicitly stated that the Islamic ‘aqeedah (creed) is the basis of the state, the basis of the constitution, and the basis of all other laws

therein, such that nothing would be permitted to exist in the entity of the state, its apparatus, anything related to it, or in the constitution and laws, unless it emanated from the Islamic ‘aqeedah (creed). Therefore, we call upon you to place this text in the constitution, and to delete every text in the constitution that contradicts it, even if that would uproot the constitution in its entirety, and to draft it anew, so that all its articles are Shariah rulings emanating from the Islamic ‘aqeedah (creed) and taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. Only then would the state you wish to establish be an Islamic State. Otherwise, if you do not do this, it will remain a non-Islamic state and will be an Islamic State in name only.

As for the text stating that the Ja‘fari madhhab is the madhhab of the Muslim majority in Iran, the placement of this text suggests that the state is an Iranian nationalistic state and a Shiah Ja‘fari sectarian state; that is, it is not an Islamic State for all Muslims. What is obligatory is that the Islamic State be established upon Islam, without mentioning the madhhab. When the Khaleefah adopts something from this madhhab or another, he adopts it only on the basis of the strength of the evidence, not on the basis of tradition or sectarian partisanship. This is

what unifies the Ummah, fuses it in the crucible of Islam, and rescues it from nationalistic fragmentation and madhhab-based sectarian fanaticism. Therefore, every text that gives the impression of the state's nationalism or sectarianism must be removed.

As for the text therein stating that "with regard to personal status, education, and religious tarbiyyah, every Muslim in any part of Iran acts according to his own Islamic madhhab," we say that this text divides Muslims and does not unify them. Muslims are one Ummah, distinct from all other peoples. Whatever the Khaleefah or Imam adopts, all Muslims must obey. Therefore, their legislation, education, and tarbiyyah must be one, so that they may be fused into one crucible, making them a cohesive unity rather than a discordant one.

As for the third chapter, which is the chapter concerning the right of national sovereignty and the branches of authority emanating from it, it expresses most fully that the drafter of the draft constitution drew upon Western democracy in drafting this constitution. This is because this chapter relates to the concept that the people are the source of powers: they are the possessors of sovereignty, and they are the possessors of authority, that is, governance.

Therefore, the people legislate, determine the form of the state and appoint the ruler, and the ones who delegate deputies on their behalf to legislate the constitution and laws. This is what the draft constitution affirmed in Article 15, where it states that "the right of national sovereignty is a general right belonging to the entire people, and it must be exercised for the public interest." It also affirmed, in Article 16, the powers that emanate from this sovereignty, namely the legislative authority, the executive authority, and the judicial authority, where the article states that "the powers emanating from the exercise of the right of national sovereignty consist of the legislative and judicial authorities, and the executive authority, which must always remain independent from one another."

This is exactly what exists in Western constitutions legislated on the basis of democracy. Article 17 entrenched the idea that the people are the ones who legislate, and that their legislation binds the executive authority and the judicial authority. Its text is: "The legislative authority is exercised through the National Consultative Council, and its legislation, after the approval of the President of the Republic, is submitted to the judicial authority and the executive authority for implementation."

All of this, of course, contradicts the Shariah rulings of Islam. This is because sovereignty in Islam belongs only to the Shariah, not to the Ummah. Therefore, the Ummah has no right to legislate. The legislator is Allah ﷻ alone. Accordingly, no law or legislation enacted by the people has any value, because sovereignty belongs to the Shariah alone, and both the people and the rulers must submit to the Shariah.

The Khaleefah is the one who adopts from the Shariah certain rulings, which he enacts as a constitution and laws. He may present them to the representatives of the Ummah, but their opinion is not binding upon him in this matter, because he is the one who possesses the authority of adoption, not the people and not their representatives. This is explicit in the saying of Allah ﷻ Who said,

﴿ وَأَنِ ٱحۡكُم بَيۡنَهُم بِمَآ أَنزَلَ ٱللَّهُ وَلَا تَتَّبِعۡ أَهۡوَآءَهُمۡ وَٱحۡذَرۡهُمۡ أَن يَفۡتِنُوكَ عَنۢ بَعۡضِ مَآ أَنزَلَ ٱللَّهُ إِلَيۡكَۖ فَإِن تَوَلَّوۡاْ فَٱعۡلَمۡ أَنَّمَا يُرِيدُ ٱللَّهُ أَن يُصِيبَهُم بِبَعۡضِ ذُنُوبِهِمۡۗ وَإِنَّ كَثِيرٗا مِّنَ ٱلنَّاسِ لَفَٰسِقُونَ ﴾

"And judge between them by what Allah has revealed, and do not follow their desires, and beware of them lest they tempt you away from some of what Allah has revealed to you" [TMQ Surah Al-Maa'idah: 49].

And in His saying,

﴿إِنَّآ أَنزَلۡنَآ إِلَيۡكَ ٱلۡكِتَٰبَ بِٱلۡحَقِّ لِتَحۡكُمَ بَيۡنَ ٱلنَّاسِ بِمَآ أَرَىٰكَ ٱللَّهُۚ وَلَا تَكُن لِّلۡخَآئِنِينَ خَصِيمٗا﴾

"Indeed, We have sent down to you the Book in truth so that you may judge between the people by what Allah has shown you, and do not be an advocate for the treacherous" [TMQ Surah An-Nisaa': 105].

The Shariah has made authority, meaning governance, belong to the Ummah. By this right, it appoints the ruler and gives him the bay'ah so that he undertakes governance on its behalf. Once it has given him the bay'ah, obedience to him becomes obligatory upon it, and it does not possess the right to remove him so long as he applies to it the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, and so long as he is capable of carrying out the duties of ruling governance.

Therefore, this chapter in the draft constitution has absolutely no relation to Islam. It is taken from Western constitutions built upon the democratic basis, and it is a system of kufr.

As for the fourth chapter, which relates to the flag, language, and writing, it is a chapter that makes clear that this constitution has been drafted upon the Iranian national basis, and has not been drafted for an Islamic State that targets all Muslims in their entirety. Article 20 states that "the Iranian flag consists of the colours green, white, and red, with a special emblem of the Islamic Republic." This is a flag for a nationalistic state, not a flag for an Islamic State, because the flag of the Islamic State should be the flag of the Messenger of Allah ﷺ. His rayah banner was a piece of black wool, and his liwaa flag was a piece of white wool, written upon it "There is no god but Allah; Muhammad is the Messenger of Allah." Thus, this is how the flag of Islam must be.

Article 21 confirms that this constitution is only for a national state, for it states that "the common language and writing of the Iranian people is Persian. Correspondence and official texts must be in this language and this script."

This clearly means that the official language of the Islamic Republic of Iran is Persian. This contradicts Islam, because Islam has one language, namely the Arabic language; not because it is the language of the Arabs, but because it is the language of the Qur'an, which Allah revealed in it, and the

language of the hadiths of the Messenger ﷺ. The Deen of Allah ﷻ cannot be understood without its language, nor can Ijtihad and the derivation of Shariah rulings for new incidents that occur take place except through the Arabic language.

The Islamic State in the days of the Messenger ﷺ, the Companions (ra), and the Taabi‘een after them did not use any language other than Arabic as its language. Indeed, all those who entered Islam from non-Arab peoples would learn Arabic until they surpassed the Arabs in it. All their writings, which were more numerous than the writings of Arab ‘ulema, were in the Arabic language. Al-Bukhari, Abu Hanifah, Muslim, Sibawayh, and hundreds of others all mastered the Arabic language and authored in it, not on the basis that it was the language of the Arabs, but on the basis that it was the language of Islam, and that it is never permissible for it to be separated from Islam. Islam and the Arabic language are inseparable, and it is not permissible to separate them. Therefore, the language of the state must be the Arabic language.

As for the fifth chapter, which relates to the Rights of the Ummah, it links the implementation of most of its articles to the law. It contains twenty-six articles, twenty of which are linked to the law.

However, it does not clarify the type of law by which these articles are to be implemented: whether it is an Islamic Shariah taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, or a non-Islamic law taken from Western laws. Yet whoever follows the articles of the constitution will most likely conclude that this law will be non-Islamic, because what appears in Article 136, in the eighth chapter, in the discussion of the judicial authority, indicates this. Its text is, "In matters in which the judge is unable to derive the ruling in legal claims from the positive laws, he must draw inspiration from the laws of the Shariah, the accepted customs and traditions, and what justice and the public interests require."

This is explicit that positive laws, meaning civil law whose origin is Western, will be placed in the courts so that judges may judge by them. If they are unable to derive the ruling for claims from these laws, they then resort to Islam, customs, and traditions to draw inspiration from them and take the ruling from them. This means that the laws that will be adopted for judgment in the judicial courts will be Western laws, not Islamic laws. This contradicts the Shariah ruling and contradicts the state being an Islamic State, because the Islamic State must have

all its laws emanating from the Islamic ‘aqeedah (creed) and taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. Therefore, the laws must be Islamic laws, and it must be stated in the constitution that the laws to be applied in the courts and in all other organs of the state are only Islamic laws taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ.

We now return to some of the articles in the fifth chapter concerning the Rights of the Ummah. Article 24 contains “the permissibility of monitoring postal correspondence and telephone calls, and the permissibility of uncovering telegraphic communications and telex, or spying by listening to telephone communications, by force of law.” This article makes spying on telephone calls, monitoring letters and telegrams, and spying on them permissible by force of law. This contradicts the Shariah ruling. Allah ﷻ says,

﴿وَلَا تَجَسَّسُوا﴾

“Do not spy” [TMQ Al-Hujurat: 12].

Therefore, it is forbidden for the state to spy on its subjects by any form of spying, whether by monitoring and following individuals, or by monitoring letters, telegrams, and telephone calls,

because this contradicts the text of the verse. Spying is only permissible against enemies, meaning the state's enemies from among the disbelievers, because the Messenger ﷺ used to send spies to spy on the enemies of the Muslims. As for the citizens, Muslims and others, it is not permissible to spy on them in any form whatsoever. This is in addition to the fact that spying on the members of the Ummah destroys within them the courage to denounce injustice, creates cowardice and fear among them, and drives them toward conspiracy and secret activities. In that lies great harm and danger.

As for Article 26, which relates to the formation of parties, associations, and religious, trade-union, and political organizations, its text permits the formation of parties and associations on a patriotic, nationalist, or sectarian basis, and permits them to be founded on a basis other than Islam. Yet political and party activity inside the Islamic State may not be founded on a nationalist, patriotic, or sectarian basis, nor upon creeds and thoughts of disbelief (kufr), because the Shariah ruling prohibits this. Therefore, the text of the article should have been as follows, "Muslims have the right to establish political parties in order to hold the rulers accountable, or to reach ruling through the Ummah, on the condition that

their basis is Islam's 'aqeedah (creed), that the rulings they adopt are Shariah rulings, that they are public, and that their means are peaceful. Any structure established on a basis other than Islam is prohibited (haram)."

With this text, it is ensured that structures and parties are established upon the Shariah basis, and it is ensured that political activities are established upon the basis of Islam.

As for Article 47, which states that "private ownership in industry, agriculture, and commerce, if it becomes an instrument of harm or transgression against the public interests, shall be declared nationalized by legislation from the National Consultative Council," this article contradicts Islam. No one, neither the head of state nor the National Consultative Council, possesses the authority to remove the ownership of individuals, because private ownership is legitimate and is respected by the Shariah. It is not permissible to transgress against it, just as it is not permissible to forcibly take it from its owner. However, it is permissible to purchase it from him with his consent. If this ownership becomes an instrument of harm or transgression, then the state must prevent the harm and prevent the transgression. It is not permissible

for the prevention of harm and transgression to be through the nationalization of private ownership. Instead, the remedy that removes the harm and removes the transgression must be put in place. Therefore, the placement of this article contradicts the Shariah ruling.

As for the sixth chapter, which relates to the legislative authority, and its first section, the National Consultative Council, the first article in this chapter, which is numbered 48, describes the Consultative Council, which contains the representatives of the Ummah, as “national.” This is among what indicates and confirms that the drafter of this constitution was drafting it for a national state and not for an Islamic State.

The drafter of the constitution was keen to affirm the description of the Consultative Council as “national” in all twenty-four articles contained in this chapter. Wherever the term Consultative Council appears, the description “national” accompanies it. This is from the perspective of the council belonging to a nationalistic state.

As for the basis upon which the establishment of the council was built, a reading of this chapter, in its first section concerning the composition and

procedure of the council, and in its second section concerning rights, capacities, and powers of the council, shows that the basis upon which this council was established is the Western democratic basis, which makes the Ummah the source of the authorities. Thus, it is the possessor of sovereignty, by which it possesses the right of legislation, and it is the possessor of authority, by which it possesses the right of ruling governance. Accordingly, the establishment of the National Council is only an expression of the people's right to legislate, and the council is the body that is deputized on behalf of the people in legislation.

The drafter of the constitution gave this council the right of legislation. Article 55, in the second section concerning rights and powers, states that "the council is able, in public matters and within the limits of the powers assigned to it in the constitution, to legislate laws. In necessary cases, it may delegate to its internal committees the right to legislate some laws." The drafter of the constitution obligated the executive authority and the judicial authority to implement the legislation issued by the council, as appeared in Article 17. The drafter of the constitution also obligated all members of the Ummah to implement the legislation issued by the

council, as appeared in the text of Article 48, which stated that "the legislation issued by the majority of these deputies is considered obligatory for all members of the Ummah to implement."

This is exactly what exists in Western constitutions established upon the democratic basis, which makes the people the source of the authorities and makes the state subject to what is issued by the council that contains the representatives of the people. All of this contradicts the Shariah rulings of Islam, because Islam confines the right of legislation to Allah ﷻ, not to the people. The Ummah has no right of sovereignty and no right of legislation. Sovereignty in Islam belongs only to the Shariah, and the one who legislates is Allah ﷻ.

Allah ﷻ has given the Khaleefah, or the Imam, who is the head of state, the right to adopt the constitution and laws from the Shariah rulings taken from the Book and the Sunnah, and He has given him the right to oblige people to implement and obey them. The Messenger ﷺ was the legislator only in the sense that Revelation descended upon him from Allah ﷻ. The Khulafaa' (Caliphs) after him—Abu Bakr, Umar, Uthman, and Ali, may Allah be pleased with them—were the ones who adopted

specific Shariah rulings taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, and they obligated people to obey and implement them. They used to consult the people regarding that. However, consulting the people was not binding upon them, because the right to adopt Shariah rulings does not belong to the Ummah, since it does not possess the right of legislation. Instead, the right belongs to the Khaleefah.

Allah ﷻ has given the Ummah authority, meaning governance. It is the Ummah that chooses the ruler. Once it chooses a ruler and gives him bay‘ah, he becomes the one possessing the authority to govern it and manage its affairs. He is the one possessing the authority to adopt the Shariah rulings by which he governs it and manages its affairs, provided that these rulings are from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. The Ummah has the right to hold him accountable. Indeed, it is obligatory upon it to hold him accountable. Therefore, the Majlis whose deputies it chooses is only a representative on behalf of the Ummah in holding the rulers accountable. It does not possess the right of legislation, because the Ummah that deputized it does not possess the right of legislation.

However, the Khaleefah refers to the Majlis the rulings that he wishes to adopt in the constitution or laws, so that the Muslims among its members may discuss them and give their opinion about them. Yet their opinion is not binding upon him.

Therefore, the powers given to the National Consultative Council in the draft constitution, including the right of legislation as stated in Article 55; the right to issue decisions granting concessions for the establishment of companies and public institutions, and granting monopoly concessions in commercial, industrial, agricultural, and mineral affairs, as stated in Article 60; the right requiring the council's approval of treaties and international agreements, as stated in Article 61; the right to issue decisions for the employment of foreign experts and advisers in the state, as stated in Article 62; and other rights mentioned in this chapter, all contradict the rulings of Islam. This is because these powers are not among the rights of the Majlis Ush-Shoora (Consultative Council), which contains the representatives of the Ummah.

However, this Majlis has the right to hold the ruler accountable for all these actions that are issued by him according to the authority he possesses. Nevertheless, the head of state, who is the Khaleefah

or Imam, must refer to the council in internal affairs related to governance, the economy, education, health, and the like, in order to consult them regarding them and take their opinion on them.

We return now to some of the articles mentioned in this chapter. In Article 51, relating to the wording of the oath that the deputy must take, the following formula appears: "I swear by Allah, the All-Powerful, the Exalted, by the Noble Qur'an, and by my human honour." The Shariah ruling is that an oath must be by Allah ﷻ Alone. It is narrated in the hadith, «**مَنْ كَانَ حَالِفاً، فَلْيَحْلِفْ بِاَللَّهِ أَوْ لِيَذَرْ**» **"Whoever swears, let him swear by Allah or remain silent."** Therefore, swearing by human honour is not permissible according to the Shariah.

The oath also contains the wording: "that I shall be a guardian of the achievements of the Islamic Revolution of the Iranian Ummah." The text should instead have stated that he is a guardian of Islam. This is because it is obligatory upon the Muslim to guard Islam in the sense that "You are upon one of the frontiers of Islam, so let it not be breached from your side." Among the achievements of the revolution are matters that contradict the Shariah rulings of Islam; therefore, it is not permissible to swear to be a guardian of what contradicts Islam,

unless the achievements of the revolution are restricted to those achievements that do not contradict the rulings of Islam.

As for Article 60, it states that “the state has the right, upon the issuance of a decision by the Consultative Council, to grant concessions for the establishment of companies and public institutions, and to grant monopoly concessions in commercial, industrial, agricultural, and mineral affairs.” Here we would like to say that this text permits the state, with the approval of the Consultative Council, to grant concessions for the establishment of companies and public institutions. This text is general and includes all companies, whether capitalist or non-capitalist, whether in accordance with the Shariah rulings of Islam or contrary to them. Islam prohibits capitalist companies because they contradict the rulings of Islam. Furthermore, capitalist companies involve riba-based transactions, which are also prohibited.

The text of this article also permits the state to grant concessions for monopoly in commerce, industry, agriculture, and minerals. This is not permissible according to the Shariah, because monopoly is prohibited. Allocating a type of commerce, industry, or agriculture to one company and preventing others from engaging in it is not

permissible according to the Shariah. Commercial, industrial, and agricultural activities are permissible for all members of the citizenry, and it is not permissible to allocate them to certain individuals or companies while preventing others from them.

As for minerals, it is not permissible in the first place to grant their concession to anyone, whether an individual or a company, because minerals may not be owned individually. They are part of public ownership, and therefore may not be private ownership, because they are owned by all Muslims. The Prophet ﷺ said, «**النَّاسُ شُرَكَاءُ فِي ثَلَاثٍ: الْمَاءِ وَالْكَلَأِ وَالنَّارِ**» **"People are partners in three: water, pasture, and fire."** The Messenger ﷺ reclaimed land that he had granted to Abyad ibn Hammal after he learned that it contained a salt mine. This is because a mineral, whether salt, gold, iron, copper, or silver, is owned by all Muslims collectively, and the state undertakes its extraction on behalf of the Muslims. Therefore, it is not permissible for it to be granted to an individual or a company so that it may monopolize it.

As for Article 71, which states that "it is not permissible to prosecute or arrest the deputies of the council because of the beliefs they have expressed, or because of the opinions they have given," this text

is general. It includes the case in which a Muslim deputy expresses a creed of disbelief (kufr) in the council, in which case he would not be held accountable or prosecuted for that, even though the Muslim who expresses a creed of kufr is held accountable for it, whether he is a ruler, a deputy, or an ordinary person. For whoever expresses a creed of kufr, it becomes obligatory that he be killed if he does not retract after being asked to repent. Therefore, it would be better if the article were drafted in the following form; "Every member of the council has the right to speak and express his opinion as he wishes, without restriction, within the limits of what the Shariah has permitted and within the limits of the internal regulations of the council."

As for Article 72, it states that "after the Council of Ministers is formed and announced, it must obtain the confidence of the council before any other action." This text is taken exactly from Western constitutions, and it is what Western states that adopt democracy proceed upon, since democracy makes the Ummah the source of the authorities. Therefore, it obliges the government formed by the head of state to obtain the confidence of the representatives of the people before it can exercise its powers.

However, this is not the Shariah ruling, because the Shariah has granted the Ummah authority, meaning governance. When it chooses the ruler and gives him the bay‘ah, the ruler thereby becomes the one possessing authority to govern it and administer its affairs. His appointment of ministers, meaning assistants, does not require the approval of the representatives of the Ummah, because he appoints them by virtue of the powers he possesses. It is not reported that the Messenger ﷺ nor his Khulafaa’ after him, sought the people’s approval in appointing ministers for themselves. However, the Ummah, or its Council of Deputies, has the right to express dissatisfaction with the ministers or governors appointed by the Khaleefah. If the Ummah, or its Council of Deputies, expresses dissatisfaction with them, the Khaleefah must remove them immediately.

As for the seventh chapter, which relates to the executive authority, Article 7 therein states that “the President of the Republic must be Muslim and of Iranian origin.” This confirms what we have previously said: that the drafter of the constitution conceived that he was drafting it for a national state, not for an Islamic State. This is because the Islamic State stipulates for its head only that he be a Muslim, male, free, sane, adult, and just. These are the

conditions of contractual validity that must be present in anyone elected as Khaleefah of the Muslims, and it is not permissible for him to lack any one of them. Nor is it permissible to restrict him to being from a particular nationality, whether Arab, Persian, Kurdish, or Turkish. Therefore, the text requiring the President of the Republic to be of Iranian origin contradicts the rulings of Islam and the rulings of the Islamic State.

As for Article 75, which states that "the President of the Republic bears responsibility for internal affairs, international relations, the implementation of the constitution, the organization of the relationship between the constitutional authority, and the presidency of the executive authority," this text does not give the head of state all the powers that Islam gives him. This is because the head of state, who is the Khaleefah in Islam, is the state, and he possesses all the powers that belong to the state. He is the one who makes the Shariah rulings related to the constitution and all other laws, which he adopts from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, effective; obedience to them becomes obligatory, and it is not permissible to violate them. He is responsible for the internal and

foreign policy of the state. He is the one who assumes actual command of the army, and he has the right to declare war, conclude peace, truces, and all other treaties, appoint ambassadors, and accept foreign ambassadors. He is the one who appoints and dismisses ministers and governors, just as he appoints the Amir of Jihad, the Chief Judge, the director of the state departments, and the director of the governors' department. He is also the one who appoints and dismisses the general staff, army commanders, their chiefs of staff, and the commanders of their brigades.

As for Article 77, which states that "the term of the President of the Republic is four years, and it is not permissible to renew the presidency for him except once."

This article is, first, influenced by the presidential law of the United States, in terms of fixing the term at four years and in terms of allowing renewal for the president only once. It is therefore an imitation of Western systems; indeed, it is taken from Western systems and not from the system of Islam. This is because the system of Islam is not republican; rather, it is a system of Khilafah, as we have previously explained. Islam also prohibits

setting a fixed time period for the head of state. Rather, he remains for the duration of his life so long as he is committed to implementing the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ and is capable of carrying out the burdens of governance. The hadith states, «اسْمَعُوا وَأَطِيعُوا وَلَوْ وُلِّيَ عَلَيْكُمْ عَبْدٌ حَبَشِيٌّ مَا أَقَامَ حُدُودَ اللهِ» **"Listen and obey, even if an Abyssinian is appointed over you, so long as he upholds the limits of Allah."** Thus, it made hearing and obedience obligatory to whoever assumes authority over the Muslims, so long as he upholds the limits of Allah, meaning that he applies the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. The Khulafaa' Rashidun (rightly-guided Caliphate) were not assigned a fixed time period, by the consensus of the Companions, and the wording of the bay'ah also evidences this: «نُبَايِعُ عَلَى السَّمْعِ وَالطَّاعَةِ عَلَى كِتَابِ اللهِ وَسُنَّةِ رَسُولِهِ» **"We give bay'ah upon hearing and obedience according to the Book of Allah and the Sunnah of His Messenger ﷺ."**

Therefore, fixing the term for a four year period and renewing the presidency only once is not a Shariah ruling.

As for Article 82, which relates to the oath taken by the President of the Republic, the wording of the oath has been placed as follows: "I swear before the

Iranian Ummah." This also confirms that the republic is a state for Iran alone, and not a state for all the Muslims.

As for Articles 83, 84, and 85, which make the issuance of laws among the functions of the President of the Republic, these articles make the President of the Republic restricted in issuing laws by the Prime Minister's office and by the Consultative Council. Therefore, if he does not agree to issue the laws within ten days from the date the law is submitted by the Prime Minister's office, the laws are not suspended and must be implemented, despite his opposition to them and his lack of approval of them, as stated in the text of Article 83.

Likewise, if the Consultative Council issues laws and the President of the Republic considers them contrary to the constitution or to the rulings of Islam, he does not possess the right to cancel or suspend them. Instead, he must return them to the Consultative Council so that it may reconsider them. If the Consultative Council does not withdraw them, these laws are referred to the Council for the Preservation of the Constitution, as stated in the text of Article 84. This is explicit that the President of the Republic cannot issue the law he deems appropriate, nor prevent any law with which he does not agree,

because this is not his right according to the draft constitution. This contradicts Islam, because issuing laws and adopting them belongs only to the head of state, not to the ministers and not to the Consultative Council, as we have previously explained.

As for Article 90, it states that "the President of the Republic has the right to reduce criminal sentences." This text contradicts Islam, because if a judge who possesses judicial authority issues a judgment, it is not permissible for anyone to overturn it, neither the head of state nor any other authority. The judgment of the judge is not overturned. This is from one perspective. From another perspective, if the Shariah punishments are ḥudūd, then it is not permissible to reduce them, and the limit established by the Shariah must be adhered to. If the punishments are qiṣāṣ, then they must be implemented if the blood-guardian insists upon them. If the punishments are discretionary punishments, then the judgment of the judge is not overturned and is not reduced.

As for Article 94, it states that "the treaties of the State of Iran with all other states shall be signed, as shall alliances relating to international unions..." Here, there are two matters:

The first is that the text of the article regarding the signing of treaties with all states is general. It includes states that are in the Islamic world and states that are not in the Islamic world, even though the Shariah ruling prevents the head of the Islamic State from concluding any treaty with any state existing in the Islamic world. Instead, all states existing in the Islamic world must join the Islamic State, and the Islamic State must work to annex all states existing in the Islamic world to itself, not conclude treaties and agreements with them. However, it did not occur to the drafter of the constitution that he was drafting it for an Islamic State that would include all Muslim lands.

The second matter is that the article states the permissibility of establishing alliances. International alliances, such as the Central Treaty Organization — CENTO — or the Saadabad Pact, are alliances that are not permissible according to the Shariah to conclude, because they are alliances that give the disbelievers control over the lands of the Muslims and make the Muslim die in the cause of the disbeliever, and this is not permissible according to the Shariah. As for the alliances of international postal and telegraph unions and the like, these are permissible. Therefore, there must be specification

so that the text is not general, including both military and non-military unions, and those that are permissible and those that are prohibited according to the Shariah.

This is in addition to the explicit text mentioning the State of Iran, meaning that it is undoubtedly a national state.

As for Article 95, which restricts the President of the Republic by requiring the approval of the Consultative Council in declaring war, abandoning it, and in concluding treaties and truces, this contradicts Islam. This is because declaring war, stopping it, concluding peace, truces, and treaties are the right of the head of state alone, and do not depend on the approval of the Council of the Ummah. The Messenger ﷺ and the Khulafaa' after him were alone the ones who declared wars, stopped them, or concluded agreements, without this depending on the approval of the Ummah or those whom it deputized.

As for Article 97, which states the establishment of a temporary council for the presidency of the republic in the event of the absence or illness of the President of the Republic, so that it may perform the duties of the President of the Republic during his

absence, and that this council consists of the Prime Minister, the President of the Consultative Council, and the President of the Supreme Court of the country: regarding what appears in it, we say that forming a council composed of the Prime Minister, the President of the Consultative Council, and the President of the Supreme Court, so that they may collectively perform the duties of the President of the Republic, contradicts Islam. This is because responsibility and leadership in Islam are individualized, undertaken by one individual, and are not collective, undertaken by a grouping.

Therefore, the one who assumes the duties of the President of the Republic during his absence or illness must be one individual who deputizes for him in ruling the country and possesses the authority of the amir in governance. He does not possess the authority to adopt rulings and laws. It is permissible for him to have assistants with him; however, despite the presence of assistants, he remains the possessor of authority and the one responsible. The head of state, meaning the Khaleefah, may only be one. Likewise, when the Messenger ﷺ would go out on an expedition, he would appoint one person to deputize for him and take his place in managing the affairs of the people. The head of state is the one

who must appoint whoever deputizes for him, unless he is unable to do so. The provisions of this article also apply to Article 98.

As for the second section of the seventh chapter, relating to the Council of Ministers, its formation and powers, its being responsible before the National Consultative Council, the requirement that it obtains the confidence of the Consultative Council after its formation and before undertaking any ministerial work, and its being, as a council, responsible for managing the affairs of the country and bearing executive responsibility for all organs of the state, with its remaining in government conditioned upon its continued possession of the confidence of the Consultative Council, according to what appears in the articles included in this section — all of this indicates that the drafter of the constitution took the formation of the organs of the state from Western constitutions and did not take it from the Shariah rulings. This is because the organs of the state in the Islamic State differ from the organs of the state in Western systems, both in their composition and in their powers.

The state apparatus in Islam is based upon eight pillars, namely:

1. The Khaleefah
2. The Delegated Assistant
3. The Executive Assistant
4. The Amir of Jihad
5. The judiciary
6. The governors
7. The state departments
8. The Council (Majlis) of the Ummah

Therefore, the Khaleefah appoints with him a minister of delegation and a minister of execution; that is, a delegated assistant who assists the Khaleefah in all the works of the Khilafah. His powers are like the powers of the Khaleefah, except for the adoption of Shariah rulings. However, he does not acquire this authority intrinsically, but rather through the Khaleefah's appointment of him and his delegation to him with a general delegation. Thus, he is like the Khaleefah in his powers, except that he must inform the Khaleefah of every action he undertakes, because he is an assistant and not a Khaleefah. Therefore, he does not act independently by himself, but informs the Khaleefah of every action, whether small or great.

This differs from the ministry in Western democratic systems, because the ministry in the democratic system is the government. It is a group of individuals that governs as a particular group. Governance, according to them, belongs to the group and not to one person. The ruler who possesses all the authority of governance is the ministry, meaning the group of ministers collectively, not any one individual among them. No minister among them possesses all of governance absolutely. Instead, all authority of governance is confined to the entire ministry collectively. As for an individual minister, he is assigned to one aspect of governance, in which he possesses the powers determined for him by the ministry as a whole. Whatever the ministry does not determine for him in that aspect remains within the authority of the ministry and does not belong to him.

This is the reality of the ministry in the democratic system. From this, the complete difference between it and the ministry in the system of Islam becomes clear. The difference between them is vast. The minister in the system of Islam is the assistant to the Khaleefah in all the works of the Khilafah. He undertakes all of them and is not assigned to one department of the state or to one bureau, because his authority is general. However,

he must inform the head of state of what he undertakes. It is individual, possessed by an individual, because command and leadership in Islam are individual and not collective. In contrast, the ministry in the democratic system is collective and not individual. The minister in the democratic system possesses only a particular aspect of governance; he does not possess all of it, but only part of it. Thus, the contrast between the ministry in Islam and the ministry in the democratic system becomes clear.

As for the wazeer of execution, meaning the executive assistant of the Khaleefah, his work is from the works of administration and not from the works of ruling governance. His department is an apparatus for implementing what is issued by the Khaleefah to the internal and external bodies, and for conveying to the Khaleefah what comes to him from these bodies. It is therefore an intermediary between the Khaleefah and others, conveying from him and conveying to him. His role is not limited to conveyance; rather, he follows up the implementation of what he conveys.

As for the Amir of Jihad, he is the one who assumes the higher administration of foreign affairs, the military, internal security, and industry. His work

is administrative and not governance. He assumes all these departments because they all have a connection to jihad, through which the Islamic da‘wah is carried externally, and this is the fundamental work of the state after implementing Islam internally.

Through all of this, and through what we have previously explained regarding the difference between the Shariah rulings of Islam and this draft in relation to the powers of the Consultative Council, the judicial powers, and other matters, we see that the state apparatus in Islam differs completely from the state apparatus in Western democratic systems, in its form, composition, and powers.

As for the fourth section of the seventh chapter, which relates to the army, Article 121 states that “the army of the Islamic Republic of Iran is for the protection of the independence and national sovereignty of the country.” This article confirms that the Islamic Republic of Iran is for Iran, and is not an Islamic State for the Muslims. This is because the first duty of the army of the Islamic State, after protecting the country and maintaining security within it, is jihad to carry the da‘wah abroad, which is the original external work of the Islamic State. Therefore, the work of the Islamic army is not

restricted to protecting the state; rather, it is for carrying the da‘wah and for jihad.

As for Article 122, among what appears in it is the statement: “When foreign military forces pass through or reside in the country, this must be on the basis of observing the interests of the country.” This text indicates that it is permissible to grant foreign forces the right to pass through the Islamic lands and the right to reside in them. This is not permissible according to the Shariah, because it gives the disbelievers authority and control over the lands of the Muslims and allows them to establish military bases therein. In that lies great danger and peril for the country, the state, and the Muslims. Indeed, even most states that are agents of and connected to the disbelievers have not included in their constitutions such an article that permits the lands of the Muslims to become a passageway or a base for foreign military forces.

As for Article 123, it states that “the annual military budget is determined by the National Consultative Council.” This contradicts the Shariah ruling, because the one who determines the military budget of the army is only the head of state, meaning the Khaleefah or the Imam, because this is among his powers according to the Shariah. The

Consultative Council is not the one that determines the military budget, because this is not among its powers according to the Shariah.

As for the eighth chapter, which relates to the judicial authority, Articles 131, 132, 135, and 136 contain what indicates that positive civil law, meaning the laws taken from the West, are the laws that will be placed in the courts for application. Civil law and Western laws are not Islamic rulings; rather, they are rulings of kufr (disbelief). It is not permissible for Muslims to refer to them for judgment, nor to judge by them,

﴿وَأَنِ ٱحۡكُم بَيۡنَهُم بِمَآ أَنزَلَ ٱللَّهُ﴾

"And judge between them by what Allah has revealed" [TMQ Surah Al-Maa'idah: 49],

﴿وَمَن لَّمۡ يَحۡكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُوْلَٰٓئِكَ هُمُ ٱلۡكَٰفِرُونَ﴾

"And whoever does not judge by what Allah has revealed — those are the disbelievers" [TMQ Surah Al-Maa'idah: 44],

﴿وَمَن لَّمۡ يَحۡكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُوْلَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ﴾

"And whoever does not judge by what Allah has revealed — those are the oppressors" [TMQ Surah Al-Maa'idah: 45],

﴿وَمَن لَّمۡ يَحۡكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُوْلَٰٓئِكَ هُمُ ٱلۡفَٰسِقُونَ﴾

"And whoever does not judge by what Allah has revealed — those are the evil doers" [TMQ Surah Al-Maa'idah: 47].

As for the ninth chapter, which relates to the establishment of the Administrative Justice Bureau and its jurisdictions, and the tenth chapter, which relates to the establishment of the Council for Oversight of the Constitution, it would be more appropriate for the two to be merged into one chapter, and for the Court of Unjust Acts to be established in place of the Administrative Justice Bureau and the Council for Oversight of the Constitution. This is because the jurisdictions of the Administrative Justice Bureau and the Council for Oversight of the Constitution fall within the jurisdictions of the judge of the Court of Unjust Acts. Therefore, the establishment of the Court of Unjust Acts makes both of them unnecessary.

The Court of Unjust Acts has the authority to examine any grievance among the grievances, whether it relates to persons from the state apparatus, or to the Khaleefah's violation of the rulings of the Shariah, or to the meaning of a legislative text in the constitution, the laws, and all

other Shariah rulings within the Khaleefah's adoption, or to the imposition of a tax, or to anything else. The judge of the Court of Unjust Acts is appointed to remove every grievance committed by the state against any person living under the authority of the state, whether he is one of its subjects or not, and whether this grievance was committed by the Khaleefah (Caliph) or by those below him among the rulers and officials. From this, it becomes clear that the Court of Unjust Acts performs the functions of the Administrative Justice Bureau and the functions of the Council for Oversight of the Constitution.

The judges of the Court of Unjust Acts should be mujtahids, because their powers require them to be mujtahids. As for what Article 142 states, namely that they must be mujtahids, persons of opinion in legal cases, and professors of law faculties in the country, this results from the fact that the drafter of the constitution had in mind that the constitution and laws to be placed into application would be non-Islamic. For this reason, he considered there to be a need for professors of law and persons of opinion in legal cases.

As for what the article states, namely that the National Consultative Council is the one that elects them, this contradicts the Shariah ruling, because the

one who appoints them is the head of state, meaning the Khaleefah or Imam, or the Chief Judge whom the head of state appoints. A fixed term should not be set for them. The decisions and judgments of the judges of the Court of Unjust Acts are final and must be implemented immediately upon their issuance, without any need for approval from the head of state and without any need to return them to the Consultative Council in the event that laws issued by it contradict the constitution or the rulings of Islam. This is because the judges of the Court of Unjust Acts are the final authority, after whom there is no further authority, because they represent the sovereignty of the Shariah.

As for the eleventh chapter, which relates to amending the constitution, Article 148 explains that "if the majority of the National Consultative Council, or the President of the Republic based on a proposal from the Council of Ministers, considers it necessary to reconsider one or several principles of the constitution, then a bill shall be prepared and reconsideration shall be undertaken by the National Council or the Council of Ministers, and it shall be presented for study by the National Consultative Council. After that, once the text is approved by three quarters of the deputies of the council, it shall be submitted to a public referendum."

This text contradicts Islam, because the authority to draft the constitution, change it, or change any article of it belongs only to the head of state. Neither the Council of Ministers nor the Consultative Council possesses this authority. This is because adopting rulings and making them effective in the state is among the powers reserved for the head of state alone.

As for the final chapter, which relates to radio and television networks, what appears in Article 151— namely making the organization and administration of these networks subject to the joint supervision of the three constitutional authorities: the legislative, judicial, and executive authorities — contradicts the Shariah ruling. This is because such matters fall within the jurisdiction of the head of state. He appoints whoever supervises them, and the Consultative Council or the judiciary has no relation to their administration or supervising their operation.

From all that has preceded, it becomes clear that this constitution is not an Islamic constitution; that it did not emanate from the Islamic ‘aqeedah (creed); and that it did not take its rulings from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ. It also becomes clear that its drafter is characterized by a Western mentality and does not possess an Islamic mentality or an Islamic disposition. Therefore, if this

constitution is adopted as the constitution of the state and placed into implementation and application, it will not make the state an Islamic State, nor will it transform the land into Dar Ul-Islam.

Therefore, this constitution must be set aside and not adopted, nor should any other non-Islamic constitution be adopted. An Islamic constitution must be adopted, one that emanates from the Islamic ‘aqeedah (creed), and all of whose articles are taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, and from that to which the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ have directed, so that by adopting it and placing it into implementation, the state becomes an Islamic State, and so that the land then becomes Dar Ul-Islam.

We present to you a complete Islamic constitution, ready for application, emanating from the Islamic ‘aqeedah (creed), and with all its articles taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, and from that to which they have indicated evidentially, namely Unanimous Consensus of the Companions (ra) and Shariah qiyaas, so that you may examine it, adopt it, and place it into application and implementation. If you want the reasons necessitating each article of this constitution and the evidence for each article from the Book and the Sunnah, we are prepared to provide them to you.

We ask Allah to inspire you with right guidance and sound judgment, and to take you by the hand so that you adopt an Islamic constitution emanating from the Islamic ‘aqeedah (creed), and all of whose articles are taken from the Book of Allah ﷻ and the Sunnah of His Messenger ﷺ, so that your state becomes an Islamic State, and so that your land becomes Dar Ul-Islam.

﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ ٱسۡتَجِيبُواْ لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمۡ لِمَا يُحۡيِيكُمۡۖ وَٱعۡلَمُوٓاْ أَنَّ ٱللَّهَ يَحُولُ بَيۡنَ ٱلۡمَرۡءِ وَقَلۡبِهِۦ وَأَنَّهُۥٓ إِلَيۡهِ تُحۡشَرُونَ﴾

“O you who believe, respond to Allah and to the Messenger when he calls you to that which gives you life. And know that Allah comes between a person and his heart, and that to Him you will be gathered.” [TMQ Surah Al-Anfal: 24]

Peace be upon you, and the mercy of Allah and His blessings.

Hizb ut Tahrir

Written on 7 Shawwal 1399 AH - 30 August 1979 CE

Copy to the Chairman of the Committee of Experts

Copy to the Revolutionary Council

Copy to the Islamic Republican Party

بسم الله الرحمن الرحيم

The Constitution

General Rulings

Article 1 — The Islamic ‘aqeedah (creed) is the basis of the state, such that nothing may exist in its entity, apparatus, accountability, or anything related to it, except by making the Islamic ‘aqeedah (creed) its basis. At the same time, it is the basis of the constitution and the Shariah laws, such that nothing related to either of them is permitted to exist unless it emanates from the Islamic ‘aqeedah (creed).

Article 2 — Dar Ul-Islam is the land in which the rulings of Islam are applied and whose security is by the security of Islam. Dar Ul-Kufr is the land in which the systems of kufr are applied, or whose security is by other than the security of Islam.

Article 3 — The Khaleefah adopts specific Shariah rulings, which he enacts as a constitution and laws. If he adopts a Shariah ruling in this regard, that ruling alone becomes the Shariah ruling that must be acted upon, and it then becomes an effective law whose obedience is obligatory upon every individual of the citizenry, outwardly and inwardly.

Article 4 — The Khaleefah does not adopt any specific Shariah ruling in acts of worship, except for Zakat and jihad, nor does he adopt any thought among the thoughts related to Islam's 'aqeedah.

Article 5 — All those who hold Islamic citizenship enjoy the Shariah rights and duties.

Article 6 — It is not permissible for the state to have any discrimination among individuals of the citizenry in matters of governance, judiciary, the management of affairs, or anything similar. Rather, it must view everyone with one and the same view, regardless of race, religion, colour, or anything else.

Article 7 — The state implements the Islamic Shariah upon all those who hold Islamic State citizenship, whether they are Muslims or non-Muslims, in the following manner:

a. All the rulings of Islam are implemented upon Muslims without any exception.

b. Non-Muslims are left to what they believe and what they worship.

c. Those who apostatize from Islam are subject to the ruling of the apostate if they themselves are the apostates. As for the children of apostates who were born non-Muslim, they are treated as non-

Muslims according to their existing status, whether they are polytheists or People of the Book.

d. Non-Muslims are treated in matters of food and clothing according to their religions, within what the Shariah rulings permit.

e. Matters of marriage and divorce among non-Muslims are settled according to their religions, while matters between them and Muslims are settled according to the rulings of Islam.

f. The state implements the rest of the Shariah rulings and all other matters of the Islamic Shariah, including transactions, punishments, evidences, systems of governance and economy, and other matters, upon everyone. Their implementation applies equally to Muslims and non-Muslims. They are also implemented upon treaty-holders, those granted security, and everyone under the authority of Islam, just as they are implemented upon individuals of the citizenry, except ambassadors, consuls, envoys, and those similar to them, for they have diplomatic immunity.

Article 8 — The Arabic language alone is the language of Islam, and it alone is the language used by the state.

Article 9 — Ijtihad is a collective obligation, and every Muslim has the right to perform Ijtihad if its conditions are fulfilled..

Article 10 — All Muslims bear the responsibility of Islam. There is no clergy in Islam, and the state must prevent anything among Muslims that gives the impression of their existence.

Article 11 — Carrying the Islamic da‘wah is the original work of the state.

Article 12 — The Book, the Sunnah, the consensus of the Companions, and qiyaas alone are the recognized evidences for Shariah rulings.

Article 13 — The original presumption is freedom from liability. No one may be punished except by a court judgment. It is absolutely impermissible to torture anyone, and anyone who does so shall be punished.

Article 14 — The original rule regarding actions is adherence to the Shariah ruling; therefore, no action is undertaken except after knowing its ruling. The original rule regarding things is permissibility, unless evidence of prohibition has been established.

Article 15 — The means to the prohibited is prohibited if two matters are fulfilled: first, that it

certainly leads to the prohibited such that it does not fail to do so; and second, that the Shariah has declared the act prohibited.

The System of Governance

Article 16 — The system of governance is a unitary system, not a federal system.

Article 17 — Governance shall be centralized, and administration shall be decentralized.

Article 18 — The rulers are four: the Khaleefah, the delegated assistant, the governor, and the district administrator. Those other than them are not considered rulers; rather, they are officials.

Article 19 — It is not permissible for anyone to assume governance, or any work considered to be part of governance, except a man who is free and just; and he may only be Muslim.

Article 20 — Holding the rulers accountable by the Muslims is one of their rights and a collective obligation upon them. Non-Muslim individuals of the citizenry have the right to express complaint regarding the ruler's injustice toward them, or the misapplication of the rulings of Islam upon them.

Article 21 — Muslims have the right to establish political parties in order to hold the rulers accountable, or to reach governance through the Ummah, on the condition that their basis is the Islamic ‘aqeedah (creed), and that the rulings they adopt are Shariah rulings. The establishment of a party does not require any licence, and any structure established on a basis other than Islam is prohibited.

Article 22 — The system of governance is based upon four principles:

1. Sovereignty belongs to the Shariah, not to the people.
2. Authority belongs to the Ummah.
3. Appointing one Khaleefah is an obligation upon the Muslims.
4. The Khaleefah alone has the right to adopt Shariah rulings; he is the one who enacts the constitution and all other laws.

Article 23 — The state apparatus is based upon eight pillars, namely:

1. The Khaleefah.
2. The delegated assistant.
3. The executive assistant.

4. The Amir of Jihad.
5. The judiciary.
6. The governors.
7. The state departments.
8. The Council of the Ummah.

The Khaleefah

Article 24 — The Khaleefah is the one who deputizes on behalf of the Ummah in authority and in the implementation of the Shariah.

Article 25 — The Khilafah is a contract of mutual consent and choice. No one may be compelled to accept it, and no one may be compelled to choose the one who assumes it.

Article 26 — Every adult, sane Muslim, whether male or female, has the right to elect the Khaleefah and to give him the bay‘ah. Non-Muslims have no right in this.

Article 27 — If the contract of Khilafah is concluded for one person through the bay‘ah of those by whom the bay‘ah is validly concluded, then the bay‘ah of the rest becomes a bay‘ah of

obedience, not a bay‘ah of contractual validity. Whoever is perceived as being possibly of rebellious is compelled to give the bay‘ah of obedience.

Article 28 — No one becomes Khaleefah unless the Muslims appoint him. No one possesses the powers of the Khilafah unless the contract is concluded for him according to the Shariah manner, like any contract among the contracts in Islam.

Article 29 — It is stipulated for the region or country that gives the Khaleefah the bay‘ah of contractual validity that its authority be self-standing authority based upon the Muslims alone, not upon any disbelieving state, and that the security of the Muslims in that region, internally and externally, be by the security of Islam, not by the security of kufr. As for the bay‘ah of obedience only from other lands, this condition is not required for it.

Article 30 — It is not stipulated for the one to whom bay‘ah is given for the Khilafah except that he fulfils the conditions of contractual validity, nothing more, even if he does not fulfil the conditions of preference, because consideration is given to the conditions of contractual validity.

Article 31 — Six conditions are stipulated in the Khaleefah for the leadership to be validly

contracted to him: that he be a man, Muslim, free, adult, sane, and just.

Article 32 — If the office of the Khilafah becomes vacant due to death, his resignation, or his removal, a Khaleefah must be appointed in his place within three days from the date on which the office of the Khilafah becomes vacant.

Article 33 — The method of appointing the Khaleefah is as follows:

a. The Muslim members of the Majlis of the Ummah shall restrict the candidates for this position, and their names shall be announced. The Muslims shall then be asked to elect one of them.

b. The result of the election shall be announced, and the Muslims shall know who has received the greatest number of votes from the electors.

c. The Muslims shall proceed to give bay‘ah to the one who has received the greatest number of votes as Khaleefah of the Muslims, upon acting according to the Book of Allah and the Sunnah of the Messenger of Allah ﷺ.

d. After the completion of the bay‘ah, the one who has become Khaleefah of the Muslims shall be announced publicly, so that news of his appointment

reaches the entire Ummah, with mention of his name and the fact that he possesses the qualities that make him eligible for the leadership of the state to be validly contracted to him.

Article 34 — The Ummah is the one that appoints the Khaleefah, but it does not possess the authority to remove him once his bay‘ah has been validly concluded according to the Shariah manner.

Article 35 — The Khaleefah is the state, and therefore he possesses all the powers that belong to the state. He possesses the following powers:

a. He is the one who makes the Shariah rulings effective when he adopts them; they then become laws whose obedience is obligatory and whose violation is impermissible.

b. He is responsible for the internal and foreign policy of the state together. He is the one who assumes command of the army, and he has the right to declare war, conclude peace, truces, and all other treaties.

c. He is the one who has the authority to accept and reject foreign ambassadors, and to appoint and dismiss Muslim ambassadors.

d. He is the one who appoints and dismisses the assistants and governors. All of them are responsible

before him, just as they are responsible before the Council of the Ummah.

e. He is the one who appoints and dismisses the Chief Judge, the directors of departments, the commanders of the army, and the commanders of its brigades. All of them are responsible before him but not before the Council of the Ummah.

f. He is the one who adopts the Shariah rulings according to which the state budget is prepared. He is the one who determines the sections of the budget and the amounts required for each body, whether this relates to revenues or expenditures.

Article 36 — The Khaleefah is restricted, in adoption, to the Shariah rulings. It is forbidden for him to adopt a ruling that has not been correctly derived from the Shariah evidences. He is bound by the rulings he has adopted and by the method of derivation to which he has committed himself. Therefore, it is not permissible for him to adopt a ruling derived according to a method that contradicts the method he has adopted, nor to issue an order that contradicts the rulings he has adopted.

Article 37 — The Khaleefah has unrestricted authority in managing the affairs of the citizenry according to his opinion and Ijtihad. However, it is

not permissible for him to violate any Shariah ruling under the pretext of interest. Thus, he may not prevent the citizenry from importing goods under the pretext of preserving the country's industry, for example; nor may he impose prices upon people under the pretext of preventing exploitation, for example; nor may he compel an owner to lease his property under the pretext of facilitating housing, for example; nor may he do anything else that violates the rulings of the Shariah. It is not permissible for him to prohibit what is permitted or permit what is prohibited.

Article 38 — The Khaleefah has no fixed term. So long as the Khaleefah preserves the Shariah, implements its rulings, and is capable of managing the affairs of the state, he remains Khaleefah unless his condition changes in a manner that removes him from being Khaleefah. If his condition changes in this way, he must be removed immediately.

Article 39 — The matters by which the condition of the Khaleefah changes, thereby removing him from the Khilafah, are three:

a. If one of the conditions for the valid contracting of the Khilafah is impaired, such as if he apostatizes, openly commits flagrant wrongdoing, becomes insane, or the like. This is because these

conditions are conditions of contractual validity and conditions of continuation.

b. Incapacity to carry out the burdens of the Khilafah for any reason.

c. Coercive domination that renders him incapable of managing the interests of the Muslims according to his own opinion and in accordance with the Shariah. If a coercive power dominates him to the extent that he becomes incapable of managing the interests of the citizenry by his own opinion alone according to the rulings of the Shariah, he is legally considered incapable of carrying out the burdens of the state, and by that he ceases to be Khaleefah. This may be imagined in two cases:

The first case: that one person or several persons from his entourage dominate him and monopolize the execution of affairs. If release from their domination is hoped for, he is warned for a specified period; then, if their domination is not removed, he is deposed. If release is not hoped for, he is deposed immediately.

The second case: that he becomes a captive in the hand of a dominating enemy, either by actual captivity or by falling under the control of his enemy. In this case, the matter is examined. If

release is hoped for, he is given respite until despair of his release occurs. If hope of his release is lost, he is deposed. If release is not hoped for from the outset, he is deposed immediately.

Article 40 — The Court of Unjust Acts alone decides whether the condition of the Khaleefah has changed in a manner that removes him from the Khilafah or not. It alone has the authority to remove him or warn him.

The Delegated Assistant

Article 41 — The Khaleefah (Caliph) appoints for himself a delegated assistant who bears responsibility for governance. The Khaleefah delegates to him the management of affairs according to his own opinion and the execution of them according to his Ijtihad.

Article 42 — The same conditions stipulated for the Khaleefah are stipulated for the delegated assistant; that is, he must be a man, free, Muslim, adult, sane, and just. In addition to this, it is stipulated that he be competent in the tasks entrusted to him.

Article 43 — It is stipulated in the appointment of the delegated assistant that his appointment

include two matters: general jurisdiction and deputization. Therefore, the Khaleefah must say to him, “I appoint you over what belongs to me, on my behalf,” or words of similar meaning that include general jurisdiction and deputization. If the appointment is not made in this manner, he does not become an assistant and does not possess the powers of the delegated assistant unless his appointment is made in this manner.

Article 44 — The work of the delegated assistant is to inform the Khaleefah of the management he has carried out and of the authority and appointments he has executed, so that he does not become, in his powers, like the Khaleefah. His work is to submit his report and to execute what he is ordered to execute.

Article 45 — The Khaleefah must review the actions of the delegated assistant and his management of affairs, so that he approves what accords with correctness and rectifies what is erroneous. This is because the management of the affairs of the Ummah is entrusted to the Khaleefah and is based upon his own Ijtihad.

Article 46 — If the delegated assistant manages a matter and the Khaleefah approves it, he may

execute it as the Khaleefah approved it, without addition or reduction. If the Khaleefah later objects to the assistant and seeks to reverse what he has executed, the matter is examined. If it was a judgment that he executed properly, or wealth that he placed in its rightful place, then the opinion of the assistant is the one that remains effective, because it was originally the opinion of the Khaleefah, and the Khaleefah may not retract what has been executed of judgments or what has been spent of wealth. If what the assistant executed was other than that, such as appointing a governor or preparing an army, then it is permissible for the Khaleefah to oppose the assistant, and the opinion of the Khaleefah is implemented while the action of the assistant is annulled. This is because the Khaleefah has the right to rectify such an action when done by himself, and therefore he has the right to rectify it when done by his assistant.

Article 47 — The delegated assistant is not assigned to any particular department or to any specific category of work, because his authority is general. Likewise, he does not directly conduct administrative affairs, and his supervision over the administrative apparatus is general.

The Executive Assistant

Article 48 — The Khaleefah appoints an executive assistant. His work is administrative work, not governance. His department is an apparatus for implementing what is issued by the Khaleefah to internal and external bodies, and for conveying to him what comes from these bodies. It is therefore an intermediary between the Khaleefah and others, conveying from him and conveying to him.

Article 49 — It is stipulated that the executive assistant be Muslim, because he is part of the Khaleefah's close circle.

Article 50 — The executive assistant shall be directly connected to the Khaleefah, like the delegated assistant. He is considered an assistant, but in execution, not in governance.

The Amir of Jihad

Article 51 — The department of the Amir of Jihad consists of four departments: foreign affairs, military affairs, internal security, and industry. The Amir of Jihad supervises and manages them.

Article 52 — The Department of Foreign Affairs undertakes the external affairs related to the

state’s relationship with foreign states, whatever those affairs may be.

Article 53 — The Department of Military Affairs undertakes all affairs related to the armed forces, including the army, police, equipment, supplies, material, and the like; military colleges and military missions; everything required of Islamic culture and general culture for the army; and everything related to war and preparation for it.

Article 54 — The Department of Internal Security is the department that undertakes the management of everything connected to security, and undertakes the preservation of security in the country through the armed forces. It takes the police as the primary means for preserving security.

Article 55 — The Department of Industry is the department that undertakes all affairs related to industry, whether heavy industry, such as the manufacture of engines and machines, the manufacture of vehicle bodies, the manufacture of materials, and electronic industries; or light industry; and whether the factories are of the type of public ownership, or factories that fall under private ownership and have a relation to military industry. Factories of all types must be established on the basis of military policy.

The Army

Article 56 — Jihad is an obligation upon Muslims, and military training is compulsory. Every Muslim man who reaches the age of fifteen is obliged to train in military service in preparation for jihad. As for conscription, it is a collective obligation.

Article 57 — The army is of two divisions: a reserve division, consisting of all Muslims capable of carrying arms; and a permanent division in military service, for whom salaries are allocated in the state budget like officials.

Article 58 — The armed forces are one force, namely the army. Special units are selected from it, organized in a special organization and given a particular culture; these are the police.

Article 59 — The police are entrusted with preserving order, supervising internal security, and carrying out all executive aspects.

Article 60 — The army shall have banners and flags. The Khaleefah is the one who assigns the banner to whomever he appoints over the army. As for the flags, they are presented by the commanders of the brigades.

Article 61 — The Khaleefah is the commander of the army. He is the one who appoints the Chief of Staff, and he is the one who appoints an amir for every brigade and a commander for every division. As for the remaining ranks of the army, they are appointed by its commanders and the commanders of its brigades. As for appointing a person to the staff, this shall be according to the degree of his military culture, and he is appointed by the Chief of Staff.

Article 62 — The entire army shall be made one army placed in special camps. However, some of these camps must be placed in the various provinces, and some in strategic locations. Some of them shall be made permanently mobile camps, serving as strike forces. These camps shall be organized into multiple groups, each of which shall be called an army and assigned a number, such as the First Army or the Third Army, for example; or they may be named after one of the provinces or districts.

Article 63 — The army must be provided with higher military education at the highest level. Its intellectual level must be raised as much as possible, and every person in the army must be educated with an Islamic culture that enables him to have awareness of Islam, even if in a general manner.

Article 64 — Every camp must contain a sufficient number of staff officers who possess high military knowledge and experience in drawing up plans and directing battles. In the army generally, such staff officers must be made available in the greatest possible number.

Article 65 — The army must possess the weapons, equipment, supplies, provisions, and materiel that enable it to carry out its mission as an Islamic army.

The Judiciary

Article 66 — Judiciary is the pronouncement of the ruling in a binding manner. It settles disputes between people, prevents what harms the right of the community, or removes the dispute that occurs between people and any person from the apparatus of governance, whether rulers or officials, the Khaleefah or those below him.

Article 67 — The Khaleefah appoints a Chief Judge from among adult, free, Muslim, sane, and just men who are people of fiqh. He shall have the authority to appoint judges, discipline them, and remove them within the administrative regulations. As for the remaining court officials, they are

attached to the director of the department that undertakes the administration of court affairs.

Article 68 — Judges are of three types: first, the judge, who undertakes the settlement of disputes between people in transactions and punishments; second, the muḥtasib, who undertakes the settlement of violations that harm the right of the community; and third, the judge of the Court of Unjust Acts, who undertakes the removal of disputes that occur between people and the state.

Article 69 — It is stipulated for whoever assumes the judiciary that he be Muslim, free, adult, sane, just, knowledgeable in fiqh, and capable of applying rulings to realities. In addition to these conditions, it is stipulated for whoever assumes the judiciary of the Court of Unjust Acts that he be a man and a mujtahid.

Article 70 — It is permissible for the judge and the muḥtasib to be appointed with a general appointment in judiciary over all cases throughout all lands. It is also permissible for them to be appointed with a specific appointment restricted to place and to types of judicial matters. As for the judge of the Court of Unjust Acts, he may only be appointed with a general appointment in terms of judiciary. As for place, it is permissible for him to be

appointed throughout all the regions of the land, and it is also permissible for him to be appointed in one particular region.

Article 71 — A court may not be composed of more than one judge who possesses the authority to settle the case. It is permissible for another judge, or more than one, to be present with him, but they do not possess the authority to judge; rather, they possess only the authority to consult and give opinion, and their opinion is not binding upon him.

Article 72 — The judge may not judge except in a judicial session. Evidence and oath are not considered valid except in a judicial session.

Article 73 — It is permissible for the levels of judicial courts to be multiple with respect to the types of cases. Thus, it is permissible to assign certain judges to specific judicial matters up to a specified limit, and to entrust matters other than those cases to other courts.

Article 74 — There are no courts of appeal and no courts of cassation. Judiciary, in terms of deciding the case, is of one level. Therefore, when the judge pronounces the judgment, his judgment is effective, and it is never overturned by the judgment of another judge.

Article 75 — The muḥtasib is the judge who examines all cases that are public rights in which there is no claimant, provided that they do not fall under ḥudūd or criminal offences.

Article 76 — The muḥtasib possesses the authority to judge a violation immediately upon becoming aware of it, in any place, without needing a judicial session. A number of police shall be placed under his authority to implement his orders, and his judgment shall be implemented immediately.

Article 77 — The muḥtasib has the right to choose deputies on his behalf who fulfil the conditions of the muḥtasib. He may distribute them across different areas, and these deputies shall have the authority to carry out the function of ḥisbah in the region or locality assigned to them, in the matters delegated to them.

Article 78 — The judge of the Court of Unjust Acts is a judge appointed to remove every grievance committed against any person living under the authority of the state, whether he is one of its subjects or not, and whether this grievance was committed by the Khaleefah or by those below him among the rulers and officials.

Article 79 — The judge of the Court of Unjust Acts is appointed by the Khaleefah or by the Chief

Judge. However, neither the head of state nor the Chief Judge has the right to remove him. Rather, his actions are examined by the Court of Unjust Acts, and it alone possesses the authority to remove him.

Article 80 — The judge of the Court of Unjust Acts is not limited to one person or more. Rather, the head of state may appoint as many judges of the Court of Unjust Acts as are needed to remove grievances, regardless of their number. However, when judiciary is being exercised, the authority to judge belongs to only one judge and no one else. It is permissible for a number of judges of the Court of Unjust Acts to sit with him during the judicial session, but they possess only the authority to consult. He is not bound to take their opinion.

Article 81 — The Court of Unjust Acts has the right to remove any ruler or official in the state, just as it has the right to remove the Khaleefah.

Article 82 — The Court of Unjust Acts possesses the authority to examine any grievance among the grievances, whether it relates to persons from the state apparatus, or to the Khaleefah's violation of the rulings of the Shariah, or to the meaning of a legislative text in the constitution, the law, and all other Shariah rulings within the adoption of the head of state, or to the imposition of a tax, or to anything else.

Article 83 — A judicial session is not stipulated for the judiciary of the Court of Unjust Acts, nor is summoning the defendant required, nor the presence of a claimant. Instead, the Court of the Unjust Acts has the right to examine the grievance even if no one has filed a claim regarding it.

Article 84 — Every person has the right to appoint whomever he wishes to represent him in litigation and defence, whether Muslim or non-Muslim, male or female. There is no difference in this regard between the representative and the one who is represented. It is permissible for the representative to act for a fee, and he is entitled to the fee from the one he represented, in accordance with their mutual agreement.

Article 85 — A person who possesses authority in any private matter, such as an executor or guardian, or in any public matter, such as the Khaleefah (Caliph), ruler, official, judge of the Court of Unjust Acts, or muḥtasib, may appoint someone in his place as his representative in litigation and defense, by virtue of his being an executor, guardian, head of state, ruler, official, judge of the Court of Unjust Acts, or muḥtasib. There is no difference in this between his being a claimant or a defendant.

The Governors

Article 86 — The lands governed by the state shall be divided into units, each unit being called a province. Each province shall be divided into units, each of which shall be called a district. Whoever assumes authority over a province shall be called a governor or amir, and whoever assumes authority over a district shall be called a district administrator or ruler.

Article 87 — Governors are appointed by the Khaleefah (Caliph), and district administrators are appointed by the Khaleefah and by the governors if this has been delegated to them. The same conditions stipulated for the assistants are also stipulated for governors and district administrators. They must be men, free, Muslim, adult, sane, and just. They must be competent in the tasks entrusted to them. They must be selected from among the pious and capable.

Article 88 — The governor has the authority of governance and supervision over the work of the departments in his province on behalf of the Khaleefah. He possesses, within his province, all the powers that the delegated assistant possesses in the state. He has authority over the people of his province and oversight over everything related to it, except finance, judiciary, and the army. However,

the police are placed under his authority in terms of execution, not in terms of administration.

Article 89 — The governor is not obliged to inform the Khaleefah (Caliph) of what he executes in his work according to the requirements of his authority, except by choice. If a new and unprecedented matter arises, he shall suspend it until he informs the Khaleefah, and then act according to what he is ordered. If he fears that waiting would cause harm to the matter, he shall carry out the matter and must then inform the Khaleefah of the matter and of the reason for not informing him before undertaking his action.

Article 90 — In every province there shall be a council elected from its people, presided over by the governor. This council shall have the authority to participate in giving opinion in administrative affairs, not in matters of governance, and its opinion is not binding upon the governor.

Article 91 — The term of one person's governorship over a province should not be prolonged. Rather, he shall be relieved of his governorship over it whenever it is seen that he has become established in the land, or that people have become attached to him.

Article 92 — A governor is not transferred from one province to another, because his appointment is

one of general jurisdiction restricted to place. However, he may be relieved and appointed again.

Article 93 — The governor shall be removed if the Khaleefah deems it necessary to remove him, or if the Council of the Ummah expresses dissatisfaction with him, with or without cause, or if the majority of the people of his province show discontent with him. His removal is carried out only by the Khaleefah.

Article 94 — The Khaleefah must investigate the actions of the governors, keep strict watch over them, appoint someone to deputize for him in examining their conditions and inspecting them, gather them or some of them from time to time, and listen to the complaints of the citizenry against them.

The Administrative Apparatus

Article 95 — The management of the affairs of the state and the interests of the people shall be undertaken by departments, bureaus, and administrations that work to carry out the affairs of the state and fulfil the interests of the people.

Article 96 — The policy for managing departments, bureaus, and administrations is based

on simplicity in the system, speed in completing work, and competence in administrators.

Article 97 — Every person who holds citizenship and possesses competence, whether male or female, Muslim or non-Muslim, may be appointed as director of any department or administration, and may be an official within it.

Article 98 — A general director shall be appointed for every department, and a director for every bureau and administration, who shall assume its management and be directly responsible for it. These directors shall be responsible before the one who assumes the higher administration of their departments, bureaus, or administrations in relation to their work, and responsible before the governor and the district administrator in relation to adherence to the general rulings and regulations.

Article 99 — Directors in all departments, bureaus, and administrations shall not be removed except for a reason within the administrative regulations. However, it is permissible to transfer them from one work to another, and it is permissible to suspend them from work. Their appointment, transfer, suspension, discipline and removal shall be carried out by the one who assumes the higher

administration of their respective departments, bureaus, or administrations.

Article 100 — Officials other than directors shall be appointed, transferred, suspended, disciplined, and removed by the one who assumes the higher administration of their departments, bureaus, or administrations.

The Council (Majlis) of the Ummah

Article 101 — The persons who represent the Muslims in opinion, so that the Khaleefah may refer to them, are the Council of the Ummah. It is permissible for non-Muslims to be in the Council of the Ummah for the purpose of complaining about the injustice of the rulers, or about the misapplication of the rulings of Islam.

Article 102 — The members of the Council of the Ummah shall be elected.

Article 103 — Every person who holds citizenship, if he is adult and sane, has the right to be a member of the Council of the Ummah, whether male or female, Muslim or non-Muslim. However, the membership of a non-Muslim is limited to expressing complaint about the injustice of the rulers, or about the misapplication of Islam.

Article 104 — Shoora (consultation) is the taking of opinion absolutely, while mashoora is the taking of a binding opinion. Legislation, definition, intellectual matters such as uncovering realities, and technical and scientific matters are not part of mashoora. As for opinions other than these, they all fall under mashoora.

Article 105 — Shoora (consultation) is a right of Muslims only. Non-Muslims have no right in Shoora. As for expressing opinion, it is permissible for all individuals of the citizenry, whether Muslims or non-Muslims.

Article 106 — In matters that fall under Shoora and are of the type of consultation, the opinion of the majority is taken, regardless of whether it is correct or incorrect. As for matters other than these that fall under Shoora, correctness is sought, regardless of majority or minority.

Article 107 — The Council of the Ummah has four powers, namely:

First — **a**. In everything that falls under what the word consultation applies to among internal affairs, the opinion of the Council of the Ummah must be taken. This includes matters such as governance, education, health, the economy, and the like, and its opinion is binding. As for anything that

does not fall under what the word consultation applies to, the opinion of the Consultative Council does not have to be taken. Its opinion does not have to be taken in foreign policy, finance, or the army.

b. The Council of the Ummah has the right to hold the state accountable for all actions that actually take place in the state, whether they are internal, external, financial, or military matters. Its opinion is binding if it does not contradict the Shariah. If the Council of the Ummah and the rulers differ regarding an action from the Shariah perspective, the opinion of the Court of Unjust Acts is referred to.

Second — The Council of the Ummah has the right to express dissatisfaction with the governors or assistants. Its opinion in this matter is binding, and the Khaleefah must remove them immediately.

Third — The Khaleefah refers to the Council of the Ummah the rulings that he wishes to adopt in the constitution or laws. The Muslim members of the council have the right to discuss them and give their opinion on them, but their opinion in this matter is not binding.

Fourth — The Muslim members of the Council of the Ummah have the right to restrict the candidates for the Khilafah. Their opinion in this matter is binding, and no nomination shall be accepted except from those nominated by them.

The Social System

Article 108 — The original role of the woman is that she is a mother and manager of the household, and she is an honour that must be protected.

Article 109 — The original rule is that men and women are separate and do not gather except for a need approved by the Shariah, such as trade, and for which gathering is approved, such as Hajj.

Article 110 — A woman is given the rights given to a man, and the duties imposed upon him are imposed upon her, except for what Islam has made specific to her, or made specific to the man, by Shariah evidences. She has the right to engage in commerce, agriculture, and industry; to undertake contracts and transactions; to own all types of property; to develop her wealth by herself or through others; and to conduct all affairs of life by herself.

Article 111 — It is permissible for a woman to be appointed to state positions, to elect members of the Council of the Ummah, to be a member of it, and to participate in electing the Khaleefah and giving him the bay‘ah.

Article 112 — It is not permissible for a woman to assume governance. Therefore, she may not be

Khaleefah, assistant, governor, or district administrator, nor may she undertake any work considered part of governance.

Article 113 — A woman lives in public life and private life. In public life, it is permissible for her to live with women, her maḥram men, and non-maḥram men, provided that nothing appears from her except her face and hands, and provided that she is neither displaying adornment nor indecently dressed. As for private life, it is not permissible for her to live except with women or with her maḥrams, and it is not permissible for her to live with non-maḥram men. In both forms of life, she is bound by all the rulings of the Shariah.

Article 114 — Seclusion (khulwah) with other than a maḥram is prohibited, and displaying adornment and exposing the ʻawrah before non-maḥrams are prohibited.

Article 115 — Both men and women are prohibited from undertaking any work that poses a danger to morals or causes corruption in society, if it falls under one of the Shariah rulings, such as employing a woman or a young man for men to derive benefit from attraction toward them, such as an air hostess, or an attractive boy at barbershops or in restaurants.

Article 116 — Married life is a life of tranquillity, and the companionship between spouses is one of mutual companionship. The husband's qiwāmah over the wife is qiwāmah of care, not qiwāmah of rule. Obedience has been imposed upon her, and her maintenance, providing according to what is commonly appropriate for someone like her, has been imposed upon him.

Article 117 — The spouses cooperate fully in carrying out the work of the household. The husband must undertake all work that is performed outside the home, and the wife must undertake all work that is performed inside the home according to her ability. He must provide her with servants to the extent sufficient to fulfil the needs that she is unable to carry out.

Article 118 — The custody of young children is an obligation upon the woman and a right belonging to her, whether she is Muslim or non-Muslim, so long as the child is in need of this custody. If the child no longer needs it, the matter is examined. If the custodian and the guardian are both Muslims, the child is given the choice to reside with whom he wishes, and whoever he chooses has the right to have him join them, whether male or female. There is no difference regarding the child between being

male or female. However, if one of them is non-Muslim, the child is not given a choice between them; rather, he joins the Muslim one.

The Economic System

Article 119 — Economic policy is the view of what society must be when considering the satisfaction of needs; thus, what society must be is made the basis for satisfying needs.

Article 120 — The economic problem is the distribution of wealth and benefits to all individuals of the citizenry, and enabling them to benefit from them by enabling them to possess them and to strive for them.

Article 121 — The satisfaction of all basic needs of all individuals, one by one, must be guaranteed completely. It must also be guaranteed that every individual is enabled to satisfy the complementary needs at the highest possible level.

Article 122 — Wealth belongs to Allah alone. He is the One who appointed the children of man as successors over it, so by this general vicegerency they acquired the right of ownership over it. He is the One who permitted the individual to possess it,

so by this specific permission he acquired actual ownership over it.

Article 123 — Ownership is of three types: private ownership, public ownership, and ownership of the state.

Article 124 — Private ownership is a Shariah ruling assigned to an asset or benefit, requiring that the one to whom it is attached be enabled to benefit from the asset and to take compensation for it.

Article 125 — Public ownership is the permission of the Lawgiver for the community to share in benefiting from a substance.

Article 126 — Every wealth whose disposal is dependent upon the opinion and Ijtihad of the Khaleefah is considered state ownership, such as the wealth of taxes, Kharaj, and jizyah.

Article 127 — Private ownership of movable and immovable wealth is restricted to the five Shariah causes, namely:

a. Work.

b. Inheritance.

c. Need for wealth for the sake of life.

d. The state giving from its wealth to the citizenry.

e. Wealth that individuals acquire without compensation of wealth or effort.

Article 128 — Disposal of ownership is restricted by the permission of the Lawgiver, whether it is disposal through spending or disposal through developing ownership. Extravagance, luxury, and miserliness are prohibited. Capitalist companies, cooperative associations, and all transactions contrary to the Shariah are prohibited. Riba, gross unfairness, monopoly or hoarding, gambling, and the like are prohibited.

Article 129 — ‘Ushri land is land whose people embraced Islam while it was in their possession, and the land of the Arabian Peninsula. Kharaji land is land that was conquered by war or by treaty, excluding the Arabian Peninsula. In ‘Ushri land, individuals own both its corpus and its benefit. As for Kharaji land, its corpus is owned by the state, while its benefit is owned by individuals. Every individual has the right to exchange ‘Ushri land and the benefit of Kharaji land through Shariah contracts, and they are inherited from them like all other wealth.

Article 130 — Dead land is owned through revival and demarcation. As for land that is not dead, it is not owned except through a Shariah cause, such as inheritance, purchase, or grant.

Article 131 — Leasing land for agriculture is absolutely prohibited, whether the land is Kharaji or ‘Ushri. Muzara‘ah is also prohibited. As for musaqah, it is absolutely permissible.

Article 132 — Everyone who owns land is compelled to use it productively. The needy person shall be given from the Bayt al-Mal whatever enables him to make such use of it. Anyone who neglects land for three years without using it productively shall have it taken from him and given to someone else.

Article 133 — Public ownership is realized in three things:

a. Everything that is among the facilities of the community, such as town squares.

b. Minerals that do not cease, such as petroleum sources.

c. Things whose nature prevents an individual from exclusively possessing them, such as rivers.

Article 134 — A factory, in itself, is private property. However, the factory takes the ruling of the material that it produces. If the material is private property, the factory is private property, such as textile factories. If the material is public property, the factory is public property, such as factories for extracting iron.

Article 135 — It is not permissible for the state to convert private ownership into public ownership, because public ownership is established by the nature and attribute of the wealth, not by the opinion of the state.

Article 136 — Every individual of the Ummah has the right to benefit from what falls under public ownership. It is not permissible for the state to permit one person, to the exclusion of the rest of the citizenry, to own or exploit public properties.

Article 137 — It is permissible for the state to reserve from dead land and from what falls under public ownership for any interest it sees among the interests of the citizenry.

Article 138 — Hoarding wealth is prohibited, even if its Zakat has been paid.

Article 139 — Zakat is collected from Muslims, and is taken from the types of wealth from which the Shariah has specified that it be taken: currency, trade goods, livestock, and crops. It is not taken from anything other than what the Shariah has mentioned. It is taken from every owner, whether legally accountable, such as an adult sane person, or not legally accountable, such as a child or an insane person. It is placed in a special section of the Bayt

al-Mal, and is spent only on one or more of the eight categories mentioned by the Noble Qur'an.

Article 140 — Jizyah is collected from the dhimmīs (non-Muslim citizens). It is taken from adult men if they are able to bear it, and it is not taken from women or children.

Article 141 — Kharaj is collected on Kharaji land according to its capacity. As for 'Ushri land, Zakat is collected from its actual produce.

Article 142 — The tax that the Shariah has permitted to be collected from Muslims shall be collected in order to meet the expenditures of the Bayt al-Mal, on the condition that it is collected from what exceeds the needs that must be provided for the owner of the wealth according to what is commonly appropriate, and that its sufficiency to meet the needs of the state is observed. No tax whatsoever shall be taken from non-Muslims, and no wealth shall be collected from them except jizyah.

Article 143 — Every work that the Shariah has obligated the Ummah to undertake, for which there is no wealth in the Bayt al-Mal to carry it out, has its obligation transferred to the Ummah. The state then has the right to collect it from the Ummah by imposing a tax upon it. As for what the Ummah is

not obligated by the Shariah to undertake, it is not permissible for the state to impose any tax for it. Thus, it is not permissible for it to take fees for courts, departments, or the fulfilment of any interest.

Article 144 — The state budget has permanent sections determined by Shariah rulings. As for the chapters of the budget, the amounts contained in each chapter, and the matters for which these amounts are allocated in each chapter, this is entrusted to the opinion and Ijtihad of the Khaleefah.

Article 145 — The permanent revenues of the Bayt al-Mal are all fay', jizyah, Kharaj, one fifth of buried treasure, and Zakat. These funds are taken permanently, whether there is a need or not.

Article 146 — If the permanent revenues of the Bayt al-Mal are not sufficient for the expenditures of the state, then the state may collect taxes from the Muslims. In collecting taxes, it must proceed in the following manner:

a. To meet the expenditures obligatory upon the Bayt al-Mal for the poor, the needy, the traveller, and for carrying out the obligation of jihad.

b. To meet the expenditures obligatory upon the Bayt al-Mal by way of compensation, such as the expenditures of officials, the provisions of soldiers, and the allowances of rulers.

c. To meet the expenditures obligatory upon the Bayt al-Mal by way of public interest and facilitation, without compensation, such as building roads, extracting water, and building mosques, schools, and hospitals.

d. To meet the expenditures obligatory upon the Bayt al-Mal by way of necessity, such as an incident that befalls the citizenry, including famine, flood, or earthquake.

Article 147 — Among the revenues placed in the Bayt al-Mal are the funds taken from customs at the frontiers of the country, the funds resulting from public ownership or state ownership, and the wealth inherited from one who has no heir.

Article 148 — The expenditures of the Bayt al-Mal are divided into six categories:

a. The eight categories entitled to Zakat funds must be paid from the Zakat section. If there are no funds in the Zakat section, nothing is paid to them.

b. The poor, the needy, the traveller, jihad, and those in debt: if there is no wealth in the Zakat funds section, they shall be paid from the permanent revenues of the Bayt al-Mal. If there is none, nothing shall be paid to those in debt. As for the poor, the

needy, the traveller, and jihad, taxes shall be collected to meet their expenditures, and borrowing shall be undertaken for this purpose in the event of fear of harm.

c. Persons who perform services for the state, such as officials, rulers, and soldiers, shall be paid from the Bayt al-Mal. If the wealth of the Bayt al-Mal is insufficient, taxes shall be collected immediately to meet these expenditures, and borrowing shall be undertaken for them in the event of fear of harm.

d. Essential interests and facilities, such as roads, mosques, hospitals, and schools, shall be funded from the Bayt al-Mal. If what is in the Bayt al-Mal is insufficient, taxes shall be collected immediately to meet these expenditures.

e. Complementary interests and facilities shall be funded from the Bayt al-Mal. If there is not enough in the Bayt al-Mal for them, nothing shall be spent on them and they shall be deferred.

f. Sudden incidents, such as earthquakes and floods, shall be funded from the Bayt al-Mal. If there is no wealth available, money shall be borrowed for them immediately and then repaid from the taxes collected.

Article 149 — The state guarantees the creation of work for everyone who holds citizenship.

Article 150 — Employees working for individuals and companies are like employees working for the state in all rights and duties. Everyone who works for a wage is an employee, regardless of the type of work or worker. If the employee and the employer differ over the wage, the wage of an equivalent worker shall be judged. As for disagreement over anything else, the employment contract shall be judged according to the rulings of the Shariah.

Article 151 — It is permissible for the wage to be according to the benefit of the work, and for it to be according to the benefit of the worker. It shall not be according to the employee's information or academic certificates. There are no promotions for employees; rather, they are given all that they deserve of wage, whether based on the work or on the worker.

Article 152 — The state guarantees the maintenance of anyone who has no wealth, no work, and no one upon whom his maintenance is obligatory. It shall undertake the sheltering of the incapacitated and persons with disabilities.

Article 153 — The state works to circulate wealth among the citizenry and prevents it from circulating only among a specific group.

Article 154 — The state addresses enabling every individual of the citizenry to satisfy his secondary needs, and establishing balance in society, in the following manner:

a. By giving wealth, movable or immovable, from the wealth it owns in the Bayt al-Mal, and from fay' and what is similar to it.

b. By granting cultivated lands to those who do not own sufficient land. As for those who own land but do not exploit it, it does not give them. It gives those unable to farm wealth that enables them to acquire the ability to farm.

c. By paying the debts of those unable to repay, from the wealth of Zakat and from fay' and what is similar to it.

Article 155 — The state supervises agricultural affairs and their produce according to what is required by the agricultural policy that achieves the exploitation of land at the highest level of production.

Article 156 — The state supervises industrial affairs in their entirety. The state directly undertakes the industries related to public ownership.

Article 157 — Foreign trade is considered according to the citizenship of the trader, not according to the origin of the goods. Belligerent traders are prohibited from trading in our lands except with special permission for the trader or for the wealth. Treaty traders are treated according to the treaties between us and them. Traders who are from the citizenry are prohibited from exporting materials needed by the country and from exporting strategic materials, but they are not prohibited from importing any wealth they own.

Article 158 — All individuals of the citizenry have the right to establish scientific laboratories related to all affairs of life, and the state must itself establish such laboratories.

Article 159 — Individuals are prohibited from owning laboratories that produce materials whose ownership by them would lead to harm to the Ummah or to the state.

Article 160 — The state provides all health services free of charge to everyone. However, it does not prohibit hiring doctors or selling medicines.

Article 161 — The exploitation and investment of foreign wealth in the country are prohibited, just as granting concessions to any foreigner is prohibited.

Article 162 — The state issues its own currency, which is independent. It is not permissible for it to be pegged to any foreign currency.

Article 163 — The currency of the state is gold and silver, whether minted or un-minted. It is not permissible for it to have any currency other than these two. It is permissible for the state to issue something else in place of gold and silver, on the condition that there is in the state treasury an equivalent amount of gold and silver. Therefore, it is permissible for the state to issue copper, bronze, paper, or anything else, and to mint it in its name as its currency, if it has an exact equivalent backing of gold and silver.

Article 164 — The opening of banks is absolutely prohibited. There shall be no bank except the State Bank. It shall not deal in riba, and it shall be one of the departments of the Bayt al-Mal. It shall lend wealth according to the Shariah rulings and facilitate financial and monetary transactions.

Article 165 — Exchange between the currency of the state and the currencies of other states is permissible, just as exchange between the state's own currency is permissible equally. It is permissible for the exchange between them to differ if they are

of different types, on the condition that it is hand to hand, and it is not valid for it to be deferred. Changing the exchange rate is permitted without any restriction so long as the two types are different. Every individual of the citizenry may purchase the currency he wants from inside or outside the country, and may purchase with it without any need for currency permission or anything else.

Education Policy

Article 166 — The basis upon which the education curriculum is built must be the Islamic ‘aqeedah (creed). All study materials and methods of teaching shall therefore be arranged in such a manner that no departure from this basis occurs in education.

Article 167 — Education policy is the formation of the Islamic mentality and the Islamic disposition. Accordingly, all study materials intended to be taught shall be arranged on the basis of this policy.

Article 168 — The purpose of education is to produce the Islamic personality and to provide people with sciences and knowledge related to the affairs of life. The methods of education shall

therefore be arranged in a manner that achieves this purpose, and every method that leads to anything other than this purpose shall be prohibited.

Article 169 — The weekly periods for Islamic sciences and Arabic must be made equal to the periods for the rest of the sciences, both in number and in time.

Article 170 — A distinction must be made in education between experimental sciences and what is attached to them, such as mathematics, and cultural knowledge. Experimental sciences and what is attached to them shall be taught according to need, and shall not be restricted at any stage of education. As for cultural knowledge, it shall be taken in the early stages before higher education according to a specific policy that does not contradict the thoughts and rulings of Islam. As for the higher stage, it shall be taken as knowledge, on the condition that it does not lead to any departure from the policy and purpose of education.

Article 171 — Islamic culture must be taught at all stages of education. In the higher stage, branches must be allocated for the various Islamic disciplines, just as branches are allocated therein for medicine, engineering, natural sciences, and the like.

Article 172 — Arts and industries may be attached to science in one respect, such as commercial arts, navigation, and agriculture, and these are taken without restriction or condition. They may also be attached to culture when they are influenced by a specific viewpoint, such as drawing and sculpture; in that case, they are not taken if they contradict the viewpoint of Islam.

Article 173 — The education programme shall be one programme. No programme other than the state programme shall be permitted. Private schools shall not be prohibited so long as they are bound by the state programme, based upon the education curriculum, and the education policy and its purpose are realized within them, provided that they are not foreign.

Article 174 — Teaching what is necessary for a person in the struggle of life is an obligation upon every individual, male or female. Education shall therefore be compulsory for everyone in the first and second stages, and the state must provide this for everyone free of charge. The opportunity for higher education shall also be made available free of charge to everyone to the greatest extent possible.

Article 175 — The state shall prepare libraries, laboratories, and all other means of knowledge outside schools and universities, in order to enable

those who wish to continue research in the various fields of knowledge — including fiqh, uṣūl al-fiqh, hadith, tafsīr, thought, medicine, engineering, chemistry, inventions, discoveries, and other fields — so that there may exist within the Ummah a large body of mujtahids, creative minds, and inventors.

Article 176 — Exploiting authorship for education at all its stages is prohibited. No one, whether an author or not, owns printing and publishing rights once the book has been printed and published. As for ideas that he possesses which have not been printed or published, it is permissible for him to take payment for giving them to people, just as he takes payment for teaching.

Foreign Policy

Article 177 — Politics is the management of the affairs of the Ummah internally and externally, and it is carried out by the state and the Ummah. The state is the one that practically undertakes this management, and the Ummah is the one that holds the state accountable for it.

Article 178 — It is not permissible for any individual, party, structure, or group to have any relationship whatsoever with any foreign state.

Relations with states are confined to the state alone, because it alone has the right to practically manage the affairs of the Ummah. The Ummah and the structures must hold the state accountable for these foreign relations.

Article 179 — The end does not justify the means, because the method (tareeqah) is of the same nature as the idea (fikrah). Therefore, the prohibited matter may not be used to reach the obligatory or the permissible. The political means may not contradict the method of politics.

Article 180 — Political manoeuvres are necessary in foreign policy, and strength in them lies in making actions public while concealing objectives.

Article 181 — Boldness in exposing the crimes of states, clarifying the danger of false policies, uncovering malicious conspiracies, and destroying misleading personalities is among the most important political methods.

Article 182 — Demonstrating the greatness of Islamic thoughts in managing the affairs of individuals, nations, and states is considered among the greatest political methods.

Article 183 — The political cause of the Ummah is Islam, embodied in the strength of the

personality of its state, the excellence of implementing its rulings, and the constant effort to carry its da‘wah to the world.

Article 184 — Carrying the Islamic da‘wah is the axis around which foreign policy revolves, and upon it the state’s relationship with all states is built.

Article 185 — The relationship of the state with other existing states in the world is based upon four considerations:

First: The existing states in the Muslim World are considered as though they exist in one land. They do not fall under foreign relations. Relations with them are not considered as part of foreign policy. Work must be undertaken to unify all of them into a single state.

Second: States with which we have economic treaties, trade treaties, good-neighbourliness treaties, or cultural treaties are treated according to what the treaties stipulate. Their citizens have the right to enter the country with identity documents without needing a passport if the treaty stipulates this, on the condition of actual reciprocal treatment. Economic and trade relations with them shall be limited to specific matters and specific characteristics,

provided that they are necessary and do not lead to strengthening them.

Third: States with which we have no treaties, actual colonialist states such as England, America, and France, and states that covet our lands, such as Russia, are considered legally belligerent states. All precautions shall be taken regarding them, and it is not valid to establish any diplomatic relations with them. The citizens of these states may enter our lands only with a passport and a special visa for each individual and for each journey.

Fourth: States that are actually belligerent, such as “Israel,” for example, must be treated on the basis of a state of war in all dealings. They shall be treated as though we and they are in an actual war, whether or not there is a truce between us and them. All their citizens are prohibited from entering the country.

Article 186 — Military treaties, and anything of their kind or attached to them, such as political treaties and agreements for leasing bases and airports, are absolutely prohibited. It is permissible to conclude good-neighbourliness treaties, economic, trade, financial, and cultural treaties, and truce treaties.

Article 187 — Organizations that are established on a basis other than Islam, or that apply rulings other than the rulings of Islam, are not permissible for the state to participate in. This includes international organizations such as the United Nations, the International Court of Justice, the International Monetary Fund, and the World Bank, as well as regional organizations such as the Arab League.