

Taqi ud Deen an-Nabahani

The System of Islam

(Translation from Arabic)

Taqi ud Deen An-Nabahani

The System of Islam

From the Publications of
Hizb ut Tahrir

First Edition
1372 AH – 1953 CE

Sixth Edition
(Certified Edition)
1422 AH - 2001 AD

Contents

<u>The Way to Belief.....</u>	<u>06</u>
<u>Predestined Fate and Destiny.....</u>	<u>16</u>
<u>The Intellectual Leadership of Islam.....</u>	<u>24</u>
<u>The Way to Carry the Islamic Da'wah.....</u>	<u>57</u>
<u>The Islamic Civilisation.....</u>	<u>62</u>
<u>The System of Islam.....</u>	<u>67</u>
<u>Legal Ruling.....</u>	<u>73</u>
<u>Types of Legal Rulings.....</u>	<u>75</u>
<u>Sunnah.....</u>	<u>76</u>
<u>Emulating the Actions of the Messenger (saw).....</u>	<u>77</u>
<u>Adopting Legal Rulings.....</u>	<u>79</u>
<u>Constitution and Canon.....</u>	<u>81</u>
<u>A Draft Constitution.....</u>	<u>86</u>
<u>General Rulings.....</u>	<u>87</u>
<u>The Ruling System.....</u>	<u>90</u>
<u>The Khaleefah.....</u>	<u>91</u>
<u>Assistants.....</u>	<u>97</u>
<u>Assistant of Execution.....</u>	<u>98</u>
<u>The Governors.....</u>	<u>99</u>
<u>The Amir of Jihad – the Military Department – the Army.....</u>	<u>101</u>
<u>The Internal Security.....</u>	<u>102</u>
<u>The Department of Foreign Affairs.....</u>	<u>103</u>
<u>The Department of Industry.....</u>	<u>103</u>
<u>The Judiciary.....</u>	<u>103</u>

<u>The Administrative System.....</u>	<u>107</u>
<u>The Treasury.....</u>	<u>108</u>
<u>The Media.....</u>	<u>108</u>
<u>Majlis al-Ummah.....</u>	<u>109</u>
<u>The Social System.....</u>	<u>111</u>
<u>The Economic System.....</u>	<u>112</u>
<u>Education Policy.....</u>	<u>120</u>
<u>Foreign Policy.....</u>	<u>122</u>
<u>Morals in Islam.....</u>	<u>125</u>

For exact meanings of words and sentences, please refer to the original Arabic book Nizaam ul-Islam, 6th edition.

[TMQ is Translation of the Meaning of Qur'an]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

The Way to Belief (Tareeq al-‘iman)

Man revives (yanhaDu) according to what he carries of thought (fikr) about universe, man and life, and about their relationship, as a whole, with what preceded this worldly life and what comes after it. Hence, in order for man to revive (yanhaD), it is necessary to radically and comprehensively change his current thought (fikr) and generate another thought (fikr) for him. This is because it is the thought (fikr) that generates the concepts about things and consolidates them. Man shapes his behaviour (sulook) in this worldly life according to his concepts (mafaahem) about it. So, man’s concepts (mafaahem) about a person he likes shape his behaviour (sulook) towards him. This is in contrast with his behaviour towards a person he dislikes and holds concepts of hatred. Also he will exhibit different behaviour (sulook) towards a person he does not know and nor holds any concepts (mafaahem) about. So, human behaviour (sulook) is linked to man’s concepts (mafaahem) and when we wish to change the behaviour (sulook) of the declined man and make it refined, it is imperative to change his concepts (mafaahem) first. Allah (swt) says: **إِنَّ اللَّهَ لَا يُعَيِّرُ مَا بِقَوْمٍ حَتَّىٰ يُعَيِّرُوهُمَا بِمَا تَأْتَفِسُهُمْ** “**Allah does not change the circumstances of any people until they have changed what is within themselves.**” [TMQ 13:11]

The only way to change man’s concepts (mafaahem) is by generating thought (fikr) about this worldly life in order to set up the correct concepts (mafaahem) about it. Thought about this worldly life will not be productively consolidated unless the thought about man, life and the universe, man and life and about what preceded this worldly life as well as what comes after this worldly life and its relationship with what is before and after it, is generated. This can be achieved by giving the comprehensive idea (al-fikrah al kulliyah) about man, life and the universe, man and life because it is the intellectual basis (al-qaa’idah al-fikriyyah) upon which all ideas about this worldly life are built. Giving this comprehensive thought (fikrah) about these matters is the solution to man’s greatest problem. Once this problem is solved all other problems are solved, because they are either partial compared to the main problem

or branch from it. This solution wouldn't lead to the correct revival (nahDah), unless it is a true solution, which is compatible with man's innate nature (fiTrah) and convinces the mind and thus fills one's heart with tranquillity.

The true solution cannot be reached except through the enlightened thought (al-fikr ul-mustaneer) about universe, man and life. Consequently, those who yearn for revival (nahDah) and pursue the path of elevation (ruqiy), must first solve this problem in a correct manner by utilising enlightened thought (fikr). This solution is none other than the 'Aqeedah which serves as the intellectual basis (al-qaa'idah al-fikriyyah) upon which every detailed thought about man's behaviour and the systems of life are built.

Islam addressed the greatest problem and solved it in a manner that agrees with man's nature (fitTrah), convinces his mind, and fills his heart with tranquility. Islam made the rational acceptance of this solution a condition for embracing it. Therefore, Islam is built upon one basis, i.e. the 'Aqeedah, which states there is behind universe, man and life a Creator (Khaaliq), who created all of them and created everything: He is Allah (swt). This Creator created everything out of nothing ('adam). His Existence is Indispensable (waajib ul-wujood) and He is not created - otherwise, He wouldn't be a Creator. The fact that He is a Creator makes it necessary that He is not created and that His existence is indispensable, because all things depend for their existence on Him and He does not depend on anything.

The reason that things must have a Creator, is because the things which are comprehensible by the mind that is universe, man and life are limited; so they are weak, imperfect and are in need for something other than themselves. Man is limited, because he grows in every aspect to a certain limit that he cannot surpass, so he is limited. Life is limited, because it manifests itself only in individuals, and what is noticed by the senses is that it is concluded with the individual, thus it is limited. The universe is limited, because it is the sum of celestial bodies, and each body is limited; and the sum of limited things is self-evidently limited. Thus, man, life, and the universe are definitely limited. When we ponder

on the limited (thing), we see that it is not azali (eternal - limitless), otherwise it would not have been limited, and therefore, it must be created by something else, which is the Creator of man, life and the universe. This Creator is either created by someone else, creator of oneself, or azali (eternal - limitless) whose existence is indispensable (wajib ul-wujood). It is absolutely false that He is created by someone else, because He would then be limited. It is also false that He is the creator of himself and could not be rationally considered as the Creator. As for being self-created, the ramification of which would be He is created by oneself and creator of oneself simultaneously. This is simply absurd. Hence, the creator must be azali (eternal – limitless) whose existence is indispensable. He is Allah (swt).

Anyone who has the mental faculty can comprehend from things that can be sensed that they have a Creator. This is because what is noticed in all of them is that they are imperfect, weak and dependent, so they are definitely created. Therefore, it is sufficient to draw one's attention to anything in the universe, life and man to conclude from that the existence of the Creator and Organiser. Hence, looking at any celestial body of the universe, contemplating upon any facet of life, or comprehending any aspect of man, indicates definitely of the existence of Allah (swt). Therefore, we see that the Quraan draws attention to these things and instructs man to ponder upon them, their surroundings, and what is related to them, and to conclude from his pondering the existence of Allah (swt). Thus man looks at things how they are in need of other things, so he definitely concludes from this the existence of Allah (swt), the Creator. There are hundreds of Qur'anic aayaat expressing this meaning. In soorat Aali-'Imraan, Allah (swt) says: **إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَالاخْتِلافِ اللَّيْلِ وَالنَّهَارِ آيَاتٍ لِأُولِي الْأَبْصَارِ** **Behold! In the creation of the heavens and the earth and the alteration of night and day, these are indeed signs for men of understanding.** [TMQ 3:190] And in Soorat ar-Room, He (swt) says: **وَمِنْ آيَاتِهِ خَلْقُ السَّمَاوَاتِ وَالْأَرْضِ وَالاخْتِلافِ اللَّيْلِ وَالنَّهَارِ آيَاتٍ لِلْمُحْسِنِينَ** **And of His signs is the creation of the heavens and the earth, and the difference of your languages and colours. Behold! Herein indeed are signs for men of knowledge.** [TMQ 30:22] And in Soorat al-Ghaashiyah, He (swt) says: **أَفَلَا يَنْظُرُونَ إِلَى**

الإِبِلِ كَيْفَ خُلِقَتْ (17) وَإِلَى السَّمَاءِ كَيْفَ رُفِعَتْ (18) وَإِلَى الْجِبَالِ كَيْفَ نُصِبَتْ (19) وَإِلَى الْأَرْضِ كَيْفَ سُطِحَتْ (20)” [TMQ 88:17-20]. And in Soorat at-Taariq, He (swt) says: فَلْيَنْظُرِ الْإِنْسَانُ مِمَّ خُلِقَ (5) خُلِقَ مِنْ مَّاءٍ دَافِقٍ (6)” [TMQ 86:5-6]. And in Soorat al-Baqarah, He (swt) says: إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ وَالْفُلْكِ الَّتِي تَجْرِي فِي الْبَحْرِ بِمَا يَنْفَعُ النَّاسَ وَمَا أَنْزَلَ اللَّهُ مِنَ السَّمَاءِ مِنْ مَّاءٍ فَأَحْيَا بِهِ الْأَرْضَ بَعْدَ مَوْتِهَا وَبَثَّ فِيهَا مِنْ كُلِّ دَابَّةٍ وَتَصْرِيفِ الرِّيَّاحِ وَالسَّحَابِ الْمُسَخَّرِ بَيْنَ السَّمَاءِ وَالْأَرْضِ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ “Behold! in the creation of the heavens and the earth and the difference of night and day, and the ships which run upon the sea with that which is of use to men, and the water which Allah sends down from the sky, thereby reviving the earth after its death, and dispersing all kinds of beasts therein, and in the ordinance of the winds, and the clouds obedient between heaven and earth are signs (of Allah’s sovereignty) for people who have sense.” [TMQ 2:164] In addition, there are so many ayaat that call upon man to ponder deeply upon things and their surroundings and that which is related to them, thereby concluding from that the existence of the Creator, the Organiser. Thus belief in Allah is firmly established through reason and clear evidence.

Indeed, belief in the Creator is natural in every human being. However such innate belief comes through his emotions, a path that neither leads to trustworthy results nor to stability if left alone. The emotions (wijdaan) often add mythical and unfounded ideas to the original belief.

These unwarranted elements of belief cause one to further stray from the correct belief and catapults one into Kufr and infidelity. Idolatry, superstitions, and mythology are but a result of mistakes of using emotions as a way for attaining belief. Therefore, Islam does not leave the emotions as the only way to belief, so as not to ascribe certain attributes contradictory to deity, or to consider Allah incarnated in material substances, or to perceive the possibility of drawing closer to

Him through worshipping material objects thus, leading to Kufr or shirk, or to delusions and superstitions; all of which are renounced by true `iman. That is why Islam compels the use of the mind with the emotions and obliges the Muslim to use his mind to believe in Allah and forbids imitation in ‘Aqeedah. Therefore, Islam assigned the mind as the arbitrator in `iman in Allah and forbids imitation in ‘Aqeedah. Allah (swt) says: **إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِأُولِي الْأَلْبَابِ** **“Behold! In the creation of the heavens and the earth, and the alteration of night and day, these are indeed signs for men of understanding.”** [TMQ 3:190]

Therefore it is obligatory (waajib) upon every Muslim to make his belief (`iman) result from thinking, study and contemplation and to make his mind the absolute arbitrator in the belief (`iman) in Allah (swt). The call to look deeply at the universe so as to understand its laws and to be guided to the `iman in its Creator is repeated in the Qur’an hundreds of times in its different soorahs, all of which are directed to man’s intellectual faculty, inviting him to think deeply and to ponder so as his `iman be based upon reason and clear evidence, and warning him not to adopt what he found his forefathers doing without investigating it, scrutinizing it, and being personally confident of its correctness. This is the `iman which Islam called for, and not the so called faith of the old people (ie the blind faith). It is the faith of the enlightened and absolutely assured person who searched and contemplated until he came through contemplation and thinking to the assured conviction in the existence of Allah (swt).

Despite the obligation to use the mind to arrive at the correct belief in Allah (swt), man is unable to comprehend things beyond the boundaries of his senses and mental faculty. This is because man’s mind is limited within boundaries it cannot surpass regardless of how much it develops and grows; hence, its ability to comprehend is limited. Therefore, the mind will fall short of comprehending the essence of Allah (swt), because He is beyond universe, man and life; and the human mind cannot comprehend what is beyond man. Thus the human mind is unable to comprehend the essence of Allah (swt). It should not be said how man believes in Allah with his mind while his mind cannot comprehend the

essence of Allah (swt). This is because belief (`iman) entails `iman in the existence of Allah (swt), whose existence is comprehended through the existence of His creation, i.e. universe, man and life. These creations are within the limits of what the mind can comprehend and thus, man comprehended them; and from comprehending them, man comprehended the existence of a creator (for these things) who is Allah (swt). Therefore, `iman in the existence of Allah is rational and within the limits of man's mental capacity. This is in contrast to the essence of Allah (swt), which is impossible since He is beyond universe, man and life; and hence He is beyond the capability of any mind. The mind is unable to comprehend what is beyond its bounds because of its inherent limitation to do so. This limitation should be one of the factors which strengthen the `iman and not a source of suspicion and doubt. Moreover, since our `iman in Allah (swt) is reached through our mind, our comprehension of His existence is complete. Since our sensation of His existence is linked with the mind, then our sensation of His existence is absolutely sure. Thus, this initiates in us a complete comprehension and assured feeling of all the divine attributes associated with the Creator. All of this convinces us that we will be unable to comprehend the essence of Allah (swt), despite our firm `iman in Him. Therefore, we have to submit to all that He has informed us about, of which the mind is incapable to comprehend or to arrive at its comprehension. This is due to the natural inability of the human mind, by its relative and limited standards, to comprehend what is beyond it; for this comprehension would need absolute and unlimited standards, matters which man neither possess nor can acquire.

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

Creator. Since the Creator has to convey this system to man, therefore there should be messengers to convey to the people the deen of Allah (swt).

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

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

It is false to say that the Qur'an comes from the Arabs because it challenged them to bring forth anything similar to it. **قُلْ فَأْتُوا بِعَشْرِ سُورٍ مِّثْلِهِ** [TMQ 11:13] **قُلْ فَأْتُوا بِسُورَةٍ مِّثْلِهِ** [TMQ 10:38] **قُلْ فَأْتُوا بِعَشْرِ سُورٍ مِّثْلِهِ** "Say, bring ten soorahs like unto it." **قُلْ فَأْتُوا بِسُورَةٍ مِّثْلِهِ** "Say, bring one soorahs like unto it." They tried to bring the like of it but they failed to do so. Hence, this book is not of their speech because they were unable to bring the like, of it, though it challenged them, and they tried to bring the like of it. It is also false to say that it is from Muhammad (saw), since Muhammad (saw) is one of the Arabs, and whatever the height of his genius, he is a human being and a member of his community and nation. Since the Arabs themselves had failed to bring the like of it, this also applies to Muhammad (saw), the Arab, that he could not bring the like of it. Thus, it is not from him. Moreover, Muhammad (saw) has left SaHeeH aHaadeeth and mutawaatir aHaadeeth, whose authenticity is beyond doubt. If any of these aHaadeeth were to be compared with any verse of the Qur'an, there

would be no similarity between them in style. He (saw) used to utter the revealed verse and say the Hadeeth at the same time and yet there is a difference between them in style. Whenever any man attempts to diversify his speech, it will remain similar in style, because it is a part of him. Since there is no similarity between the Hadeeth and the verse in style, the Qur'an is absolutely not Muhammad (saw) speech. Besides this, none of the Arabs, who were the most versed with the styles of the Arabic speech, alleged that the Qur'an is Muhammad (saw) speech, or that it is similar to his (saw) speech. The only thing that they claimed was that Muhammad (saw) had brought it from a Christian youth called Jabr. Allah (swt) refuted what they claimed and said: **وَلَقَدْ نَعْلَمُ أَنَّهُمْ يَقُولُونَ إِنَّمَا يُعَلِّمُهُ بَشَرٌ ۖ لِّسَانُ الَّذِي يُلْحِدُونَ إِلَيْهِ أَعْجَمِيٌّ وَهَذَا لِسَانٌ عَرَبِيٌّ مُبِينٌ** **“We know indeed that they say it is a man that taught him. The tongue of him they wickedly point to is notably foreign, while this is Arabic, pure and clear.”** [TMQ 16:103]

Since it is proved that the Qur'an is neither the speech of the Arabs nor the speech of Muhammad (saw), it is definitely the speech of Allah (swt), and consequently it is a miracle for the one who brought it.

Because Muhammad (saw) brought the Qur'an, and the Qur'an is the speech of Allah (swt) and His divine law, and because no one brings Allah's (swt) Sharee'ah (law) except the Prophets and the Messengers, then accordingly Muhammad (saw) must definitely be a prophet and messenger, by rational evidence.

This is an intellectual evidence for the `iman in Allah (swt) and in the message of Muhammad (saw), and that the Qur'an is the speech of Allah (swt).

Consequently, the `iman in Allah (swt) comes through the rational way and this `iman must be by the rational way. Thus, as such, it becomes the basis upon which the `iman in all matters beyond our senses and in all of that which Allah (swt) informed us is built. This is because we believe in Allah (swt), Who has the divine attributes, we must definitely believe in everything that He has informed us of, whether it is mentally comprehended or it is beyond the minds capability, simply because Allah (swt) informed us of it. We must believe in the Day of

Resurrection (ba'ath), in paradise (jannah) and hell (naar), in reckoning (Hisaab) and punishment ('ZHaab), in angels (malaaiakah), in jinn, in ShayaaTeen and all others that the Qur'an or a Hadeeth mutawaatir have mentioned. This `iman, though it is through narration and hearing (textual) it is originally rational, because its origin was proven by the mind (intellect). Therefore, the Muslim's 'Aqeedah must depend on the mind or on that whose origin is proven through the mind. Thus, Muslims must believe only in what is proven intellectually through the rational way or the definite and decisive texts, that is, what is proven by the Qur'an and the Hadeeth mutawaatir. Anything not proven through these two methods: the mind and the text of the book and of the definite Hadeeth is prohibited to believe in, because creeds (a'qaa'id) should not be taken except with certainty (yaqeen).

Therefore, there must be `iman in what is before this life, which is Allah (swt), and in what is after it, which is the Day of Resurrection. Since the commands of Allah (swt) constitute the relationship of the life of this world with what is before it, besides the relationship of creation; and the reckoning of ones deeds in this worldly life is the relationship of what is after this worldly life with this worldly life, in addition to the relationship of the Day of Judgement, then there should be a relationship between this worldly life with that which is before it and that which will be after it. Furthermore man's situation in this life must be restricted to this relationship. In other words, man must proceed in this worldly life in accordance with Allah's (swt) systems, and must believe that He will account him on his deeds on the Day of Judgement.

By this discussion, the enlightened thought has been established concerning what is beyond universe, man and life, and about what is before this worldly life and what is after it, and that it has a relationship with what is before it and what is after it. Thus, the greatest problem has been completely solved by the Islamic 'Aqeedah.

Once man has reached this solution, he can move to the thought about the life of this world and to establish sound and productive concepts about it. This solution becomes the basis upon which the ideology, which serves as the way of revival (nahDah), is built. It is also

the basis upon which the civilisation (HaDaarah) of this ideology rests, the basis from which its systems emanate, and the basis upon which its state is established. Thus, the basis upon which Islam is established, both the idea (fikrah) and method (Tareeqah), is the Islamic ‘Aqeedah.

Allah (swt) says, **يَا أَيُّهَا الَّذِينَ آمَنُوا آمِنُوا بِاللَّهِ وَرَسُولِهِ وَالْكِتَابِ الَّذِي نَزَّلَ عَلَيَّ** **رَسُولِهِ وَالْكِتَابِ الَّذِي أَنْزَلَ مِنْ قَبْلُ ۚ وَمَنْ يَكْفُرْ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ وَالْيَوْمِ الْآخِرِ فَقَدْ ضَلَّ ضَلَالًا بَعِيدًا** **“O you who believe! Believe in Allah and His messenger, and the Book which He sent to His Messenger and the Book which He sent to those before (him). Anyone who denies Allah, His Angels, His Books, His Messengers, and the Day of Judgement, has gone far, far astray.”** [TMQ 4:136]

After this has been proven and the `iman in it is an inevitable matter, every Muslim is obliged to believe in the Islamic Law as a whole, because it came in the glorious Qur’an, and the Messenger (saw) conveyed it, otherwise, he would be a Kafir. Therefore, it is Kufr to deny the AHkaam Sharee’ah as a whole, or any definite (qaT’ai) detailed Hukm of them. This is the case whether these aHkaam (rules) are connected with worships (ibaadaat), transactions (mu’aamalaat), punishments, food, etc. So the rejection of the verse, **وَأَقِيمُوا الصَّلَاةَ** **“So establish regular prayer”** [TMQ 2:43] Is the same as rejecting the verse of, **وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا**, **“But Allah has permitted trade and forbidden usury,”** [TMQ 2:275] And is the same as rejecting the following verses: **وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا حُرْمَتَ اللَّهِ عَلَيْهِمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أَهَلَ لِغَيْرِ** **“As to the thief, male or female, cut off his or her hands,”** [TMQ 5:38] **حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أَهَلَ لِغَيْرِ** **“Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which has been invoked the name of any other than Allah.”** [TMQ 5:3] `Iman in the Sharee’ah is not based on the mind. Rather, one must surrender completely to all that which was revealed from Allah (swt). **فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي** **“But no, by your Lord, they can have no (real) faith, until they make you judge in all the disputes between them, and find in their souls no resistance against your decisions, but accept them with the fullest submission.”** [TMQ 4:65]

Al-QaDaa wal Qadar (Predestined fate and Destiny)

وَمَا كَانَ لِنَفْسٍ أَنْ تَمُوتَ إِلَّا بِإِذْنِ اللَّهِ كِتَابًا مُوَجَّلًا
In Soorat Aali-`Imran, Allah (swt), says: **“Nor shall a soul die except by Allah’s leave, the term being fixed by writing.”** [TMQ 3:145] In Soorat al-A’araf, He (swt) says: **“To every people is a term appointed. When their term is reached, not an hour can they delay it, nor (by an hour) can they advance it (in anticipation).”** [TMQ 7:34] In Soorat al-Hadeed, He (swt) says: **مَا أَصَابَ مِنْ مُصِيبَةٍ فِي الْأَرْضِ وَلَا فِي أَنْفُسِكُمْ إِلَّا فِي كِتَابٍ مِّن قَبْلٍ أَنْ نَبْرَأَهَا ۚ إِنَّ ذَلِكَ عَلَى اللَّهِ يَسِيرٌ** **“No misfortune can happen on earth nor in your souls but it is recorded in a decree before We bring it into existence. That is truly easy for Allah.”** [TMQ 57:22] In Soorat at-Tawbah, He (swt) says: **قُلْ لَنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا ۗ وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ** **“Say: Nothing will happen to us except what Allah has decreed for us. He is our Protector and in Allah, let the believers place their trust.”** [TMQ 9:51] In Soorat Sabaa, He (swt) says: **لَا يَعْزُبُ عَنْهُ مِثْقَالُ ذَرَّةٍ فِي السَّمَاوَاتِ وَلَا فِي الْأَرْضِ وَلَا أَصْغَرُ مِنْ ذَلِكَ وَلَا أَكْبَرُ إِلَّا فِي كِتَابٍ مُّبِينٍ** **“From Whom is not hidden the least little atom in the heavens or on earth, nor is there anything less than that, or greater, but it is in the Clear Record.”** [TMQ 34:3] In Soorat al-An`aam, He (swt) says: **وَهُوَ الَّذِي يَتَوَفَّاكُم بِاللَّيْلِ وَيَعْلَمُ مَا جَرَحْتُم بِالنَّهَارِ ثُمَّ يَبْعَثُكُمْ فِيهِ لِيُقْضَىٰ أَجَلٌ مُّسَمًّى ۚ ثُمَّ إِلَيْهِ مَرْجِعُكُمْ ثُمَّ يُنَبِّئُكُم بِمَا كُنتُمْ تَعْمَلُونَ** **“He it is Who gathers you at night and knows that which you commit by day. Then He raises you again to life so that the term appointed (for you) may be fulfilled. And afterward unto Him is your return and He will show you the truth of all that you did.”** [TMQ 6:60] In Soorat an-Nisaa, He (swt) says: **أَيْنَمَا تَكُونُوا يُدْرِكَكُم الْمَوْتُ وَلَوْ كُنتُمْ فِي بُرُوجٍ مُّشِيدَةٍ ۚ وَإِنْ تُصِبْهُمْ حَسَنَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِ اللَّهِ ۚ وَإِنْ تُصِبْهُمْ سَيِّئَةٌ يَقُولُوا هَذِهِ مِنْ عِنْدِكَ ۚ قُلْ كُلٌّ مِّنْ عِنْدِ اللَّهِ ۗ فَمَالٌ هُوَ لَاءِ الْقَوْمِ لَا يَكَادُونَ يَفْقَهُونَ حَدِيثًا** **“If some good befalls them, they say: This is from Allah. But if evil, they say: This is from you (O Prophet). Say: All things are from Allah. But what has come to these people such that they fail to understand a single fact?”** [TMQ 4:78]

These aayaat of the Qur’an, and other aayaat similar in meaning, are used by many as evidences in the question of QaDaa and Qadar. They

take the understanding from these that man is compelled to undertake actions; man undertakes his actions under compulsion through the decree and will of Allah (swt); and that Allah (swt), created man and his actions. They try to support their opinion by the saying of Allah (swt): **وَاللَّهُ خَلَقَكُمْ** وَمَا تَعْمَلُونَ **“But Allah has created you and your handiwork!”** [TMQ 37:96] They also supported their point with the aHaadeeth of the Messenger (saw), such as: **نَفَثَ رُوحَ الْقُدُسِ فِي رُوعِي، لَنْ تَمُوتَ نَفْسٌ حَتَّى تَسْتَوْفِيَ** رِزْقَهَا وَأَجَلَهَا وَمَا قَدَّرَ لَهَا **“The Holy Spirit inspired in my soul that nobody will pass away until they receive in full their livelihood (rizq), term of life (ajal), and what is decreed for them (Qadar).”**

The question of QaDaa and Qadar has occupied a great deal of discussion amongst the Islamic schools of thought. Ahlus Sunnah held the opinion which in summary is man has Kasb Ikhtiyaari in carrying out his actions, so he is accounted because of this Kasb Ikhtiyaari. Al-Mu'tazilah were of the opinion that man is the one who creates his actions and so he is accounted on them because it is he who initiated them. Al-Jabriyah held the opinion that Allah (swt) is the one who creates man and his actions. Therefore man, in their view is compelled to carry out his actions and does not have free will, so he is like the feather which floats in the air according to where the wind carries it.

If one was to come to an accurate understanding of the subject of al-QaDaa wal Qadar he must first have an understanding of the correct basis upon which the argument is built. This basis should not be whether the actions of man are created by himself or by Allah (swt). It is also not the knowledge of Allah (swt) ('ilmullah), in terms of the fact that He (swt) knows that man will perform such an action and that His (swt) knowledge encompasses it. Nor is it the decree of Allah (swt) (iraadatullah) in terms that His (swt) decree was related to the servant's action, i.e., that the action must happen because of this will. It also shouldn't be that the servant's action is recorded in the Al Lawh Al MaHfooZH (Protected Decree or Register), so as a result he is inevitably going to carry out this action in accordance with what is recorded.

Indeed, the basis upon which the subject is built is neither of these matters, since they have no relationship to the subject in terms of reward

and punishment. They are rather related to the subject in terms of creation, the knowledge that encompasses everything and the will of the Creator, which is related to all the possible matters, and the inclusion in Al Lawh Al MaHfooZH of everything. This relationship is detached from the subject of reward and punishment for the action. In other words, is man compelled to perform an action, good or bad, or does he have a choice? And does man have the choice to perform an action or abandon it? Or does he not have the choice?

Any individual who studies the actions of man accurately will observe that man lives within two spheres: one of them he dominates, which is the sphere that falls within the domain of his free will. His actions occur, within this sphere according to his free will. The other sphere dominates him and it is the sphere within whose domain he lives and within it the actions, which he has no free will over, occur; whether they occur from him or not.

In regards to the actions that fall within the sphere that dominates man, man has nothing to do with them or in their existence. They can be divided into two types: A type which is required by the law of the world (wujood), and a type within which actions that are beyond man's control, but are not within the law of the world (wujood) occur. As far as the actions, which are within the laws of the world (wujood), man is in complete submission to them. Therefore, he is forced to proceed in accordance with them because he proceeds with the universe and life subject to a particular law that does not change. Subsequently, man's actions in this sphere occur without his will and he is compelled and has no choice. Man came to this life without his will and he shall leave it without his will. He cannot fly in the air with his body only, walk in his natural being on water, nor create the colour of his eyes. Man did not produce the shape of his head, and nor the size of his body. Indeed, it was Allah (swt) Who created all of this without the created servant having any say in that. This is because Allah (swt) created the law of the world (wujood), made it the regulator of the universe, and made the universe proceed in accordance to it, without being able to function differently.

As for the actions, which are beyond man's control, which he is unable to avoid and they are not within the laws of the universe, they are the actions which man initiates, or they fall on him against his will without him ever being able to avoid them. Examples of such actions are, if someone on a wall accidentally falls on a person and thus kills that person; or if someone shoots at a bird and the shot hits a person he was not aware of and kills him; or if a car goes off the road or a train derails, or a plane crashes. All of these are due to an unexpected failure without any ability on the part of the pilot or the driver to avoid the accident, thus causing the death of the passengers. All of these examples of actions and the like which occurred from man or fell on him, are not within the law of the universe, yet they occurred from man or on him without his will and it was beyond his ability to control them. All of these actions, which occur within the sphere that dominates man, are termed QaDaa, because Allah (swt) alone is the one who has predetermined them. Therefore, man is not reckoned about these actions, whether they are classified as beneficial, or harmful, or whether he liked or disliked them - though Allah (swt) alone knows the good (khair) and bad (sharr) in these actions - because man has no influence on them. He has no information about them or the manner in which they came about; nor is he able to drive them away or avoid them at all. Man thus must believe in this QaDaa and that this QaDaa is from Allah (swt).

As for Qadar, it is evident that the actions, which occur either in the sphere that dominates man or in the sphere that man dominates, occur involving objects in the universe, man and life. Allah (swt) created certain attributes in these objects. For example, He created in fire the attribute of burning, in wood the attribute of catching fire, and in the blade the attribute of cutting. He made the attributes indispensable in objects according to the law of the universe such that they do not change. When it appears that an attribute changes, it means Allah (swt) has eliminated the attribute of that object and such an event would defy the law of the world (wujood). These are miracles (mu'jizah) that happen to the Messengers. As Allah (swt) created attributes in the objects, He created in man instincts and organic needs. He created in the instincts and organic needs specific attributes. Hence, He created in the instinct of

reproduction the attribute of sexual inclination. He created in the organic needs attributes such as hunger and thirst and the like. He made these attributes inseparable from them according to the law of the universe. These particular attributes that Allah (swt) has created in objects, instincts and organic needs are called al-Qadar. This is because Allah (swt) alone created the objects, instincts, and organic needs and predetermined (Qaddara) in them their attributes. These attributes are not brought about by the objects nor does man have anything to do with them nor an influence on their existence. Therefore, man must have `iman that it is Allah (swt) who has predetermined these attributes in objects. However, these attributes have the capacity for man to perform by means of utilising them an action either according to the commands of Allah (swt) and thus it is good (khair), or contradicting His commands and thus it is bad (sharr). So when performing actions utilising objects with their attributes or in responding to the instincts and organic needs, if (these actions) were according to the commands and prohibitions of Allah (swt) they would be termed good actions, and would be termed bad actions if they were in disagreement to the commands and prohibitions of Allah (swt).

Accordingly, all actions - good or bad - that occur within the sphere that dominates man are from Allah (swt). All the attributes of objects and in the instincts and organic needs - whether resulting in good or bad - are also from Allah (swt). Consequently, a Muslim must believe that QaDaa - good or bad - is from Allah (swt), i.e. he should believe that actions beyond his sphere of influence are from Allah (swt). He must also believe that Qadar - good or bad - is from Allah (swt) i.e. he must believe that the innate attributes of the objects are from Allah (swt), whether they result in good or bad, and man, the created has no effect on them. Thus man's lifespan (ajal), provision (rizq), and soul (rooh) are all from Allah (swt). On the same token, the sexual inclination, and inclination towards ownership existing in the instincts of reproduction and survival, together with thirst and hunger, existing in the organic needs, is all from Allah (swt).

This is in respect to the actions that occur within the sphere that dominates man and the attributes of all objects. As for the sphere that

man dominates, it is the sphere in which he proceeds freely according to the system he chooses, whether it is the law of Allah (swt) (Sharee'ah) or any other. This is the sphere in which actions that emanate from man or fall upon him occur with his free will. For example, he walks, eats, drinks and travels, whenever he likes. Likewise, he refrains from doing any of these actions whenever he likes. He also burns with fire and cuts with a knife when he chooses. He satisfies the instincts of reproduction and ownership and hunger of his stomach, as he likes. He freely performs that or abstains from it. Therefore, man is reckoned on these actions, which he performs within this sphere.

Though the attributes in objects, instincts, and organic needs, which Allah (swt) predetermined in them and also made them intrinsic have an affect on the outcome of the action, their attributes by themselves do not initiate action, it is man who initiates the action when using them. Hence, the sexual inclination in the instinct of reproduction has the potential for good and bad; and the hunger present in the organic need has the potential for good and bad. However, the one who performs actions that are good or bad is man and not the instinct or the organic need. This is because Allah (swt) created for man the mind that comprehends and He gave the mind the quality of comprehension and judgement. He also guided man to know the path of good and bad. **وَهَدَيْنَاهُ النَّجْدَيْنِ** “**And we showed him (the man) the two paths (of good and bad).**” [TMQ 90:10] Allah (swt) also created in man the ability to comprehend vice and righteousness. **فَأَلْهَمَهَا فُجُورَهَا وَتَقْوَاهَا** “**And He inspired it as to its wrong (fujoor) and its right (taqwa).**” [TMQ 91:8]

When man responds to his instincts and organic needs in a manner agreeing with the commands and prohibitions of Allah (swt), then he performs the good action and proceeds in the path of righteousness. When he responds to the instincts and organic needs deviating from the commands and prohibitions of Allah (swt), then he performs the bad action and proceeds in the path of vice. Therefore, in all of that, the good and bad emanate from man. He responds to the needs according to the commands and prohibitions of Allah (swt) and thus does good, or responds to them deviating from Allah's (swt) commands and

prohibitions and thus does bad. Consequently man is reckoned on his actions, which occur in the sphere that he dominates, thus he is either rewarded or punished because he has undertaken those actions freely without any coercion. Although the attributes of the instincts and organic needs are from Allah (swt), and their potential for good and bad is also from Allah (swt), Allah (swt) didn't fashion the attribute in a manner that forces man to use it, whether in a way that pleases or displeases Allah (swt), i.e. in good or bad. Likewise the attribute of burning was not fashioned in a manner that compels man to burn anything, whether this pleases or displeases Allah (swt), i.e. in good or bad. Rather, these attributes are fashioned in the objects, instincts, and organic needs, in a way that they result in these attributes when anybody uses these matters (objects, instincts and organic needs) in the proper manner.

When Allah (swt) created man with his instincts, organic needs, and the mind, He (swt) endowed him with the choice to carry out or abstain from an action. Allah (swt) did not compel him to carry out or to abstain from the action. Furthermore, He did not make the attributes of the objects, instincts and organic needs in a manner that compels man to carry out or abstain from an action. Man is therefore free, to perform or abstain from an action by the use of what He granted him of the distinguishing mind, and He made it the place of shar'i responsibility. Accordingly, Allah (swt) will reward man for performing the good because his mind chose to perform actions according to the commands of Allah (swt) and abstain from His prohibitions. He would also punish him for performing the bad actions because his mind chose to disobey the commands of Allah (swt) and do what He prohibited by responding to his instincts and organic needs in a way contrary to the orders of Allah (swt). Therefore, man's accountability is right and just, because he is free to carry out his action and is not compelled. In this question, the QaDaa and Qadar is irrelevant. It is rather to do with man carrying out his actions freely and therefore he is responsible for his actions. Allah (swt) says: **كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ** **“Every soul is a pledge for what it earned”** [TMQ 74:38]

As for the knowledge of Allah (swt) ('ilmullah), this does not force man to carry out an action. Allah (swt) knows that man is going to

freely undertake an action. To carry out this action is not based on the knowledge of Allah (swt), rather, the eternal knowledge of Allah (swt) means that He knows that man is going to carry out the action. With regards to "the writing in the Al Lawh Al MaHfooZH", it is an expression that the knowledge of Allah (swt) encompasses everything.

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

This is the issue of al qaDaa wal qadar which will drive man to do good and avoid bad when he realises that Allah (swt) is watching him and will account him (for his actions); and that He has endowed him with the choice to act or abstain; and if he does not choose the right actions, he will be severely repr`imanded and punished. Therefore, we find the true believer, who understands sincerely the concept of al qaDaa wal qadar and who is fully acquainted with the mental faculties and choice that Allah (swt) has endowed him with, is very conscious in observing Allah's (swt) orders and being afraid of Him. He endeavours to comply with the commands of Allah (swt) and to abstain from the prohibitions, because of his fear of the punishment of Allah (swt), his desire to be in His Jannah, and his yearning in attaining that which is greater than all of this, namely the pleasure of Allah (swt) (RiDwaan Allah).

The Intellectual Leadership of Islam (Al-Qiyadatul Fikriyyah fil Islam)

Whenever the level of thinking declines, the patriotic bond (raabiTah al waTaniyyah) amongst people arises, due to them living in one land and being attached to it. The survival instinct drives them to defend themselves, the country they live in and the land they live off. Hence the patriotic bond arises. This patriotic bond is the weakest and lowest level of bonds. It is present amongst animals and birds as well as human beings. It manifests itself in an emotional way. It comes about in the event of a foreign aggression against the homeland, either when attacked or occupied. The patriotic bond has no effect when the homeland is safe from aggression. It ceases when the foreigner is repelled or banished from the homeland. Therefore, this bond is of a low level.

Moreover, when the thinking level is narrow, a nationalistic bond (raabiTah qawmiyyah) arises. It is a family bond though in a broader sense. This is because when the survival instinct becomes deeply rooted in the individual, love of dominance appears in him. This love of dominance is individualistic in the man of low intellect. However, as the awareness of an individual broadens his love of dominance widens, thus he considers the dominance of his family. Once his awareness has broadened and widened, he considers the dominance of his people in his homeland. Once this is achieved he considers their dominance over all other peoples. Therefore, due to this aspect local feuds arise amongst the members of the family. Hence, once the dominance within the family is settled then the feud transfers to a feud between his family and other families until the dominance is settled in favour of one family or a group of people from different families. In the end, the conflict arises between his people and others for sovereignty and achieving a high standard of living. Therefore, tribalism (‘aSabiyyah) prevails amongst the adherents of this bond. As a result of this, whims and assisting one another against others prevail amongst them. Consequently, it is an animalistic bond and it remains exposed to internal feuds if they are not preoccupied instead with external conflicts.

Therefore, the patriotic bond is unsuitable for the following three reasons: Firstly, because it is a low level bond, which is not good to bind man with man in his quest for revival. Secondly, because it is an emotional bond that arises from the survival instinct of defending oneself. Such an emotional bond is liable to change and alteration, so it is not fit to be a permanent bond between human beings. Thirdly, because it is a temporary bond that exists in the case of defence (from a threat), but in the state of stability, which is the normal state of man, it does not exist. Therefore, the patriotic bond is not fit to be a bond amongst humankind.

Similarly the nationalistic bond is also unsuitable for the following three reasons: Firstly, because it is a tribal bond which is not appropriate to bind man with man in his quest for revival. Secondly, because it is an emotional bond that arises from the survival instinct, thus resulting in the love for dominance. Thirdly, because it is an animalistic bond for it causes conflicts among people over supremacy and domination. Therefore, it is not suitable to be a bond between human beings.

The other invalid bonds, which are mistakenly taken as bonds between people are: the bonds of self-interest (raabiTah maSlaHiyyah) and the spiritual bond (raabiTah rooHiyyah) from which no system emanates.

The bond of self-interest is a temporary bond and it is not suitable to bind humankind, for it is subject to compromise in the pursuit of greater interests; so it ceases to exist when the interests are outweighed. It also comes to an end and separates people from each other when the interests conflict. Furthermore, when the interests are fulfilled this bond ceases to exist. Therefore, it is a dangerous bond for its adherents.

The spiritual bond from which no system emanates appears in the case of religiousness and does not manifest itself in the realm of life. Therefore, the spiritual bond is a partial and impractical bond; it is not suitable to bind people in the affairs of life. Consequently, the Christian creed did not serve as a bond amongst the European nations, though they all embrace it, because it is a spiritual bond devoid of a system.

Consequently all the aforementioned bonds are not suitable to bind man with man in his quest for revival. The only correct bond, which binds humankind in life, is the rational doctrine ('Aqeedah) from which a system emanates; that is the ideological bond (raabiTah mabda'iyyah).

The ideology (mabda`) is a rational doctrine from which a system emanates. The 'Aqeedah (doctrine) is a comprehensive idea about universe, man and life, what preceded this worldly life, what is to follow it, and the relationship of this worldly life with what preceded it and what is to follow it. As for the system that emanates from this Aqeedah, it is the solutions for man's problems, the method for implementing those solutions, preserving the doctrine and conveying the ideology to others. The method of implementing the solutions, preserving the doctrine and conveying the ideology constitutes the Tareeqah (method), while anything else, which is the 'Aqeedah and the solutions, is the fikrah (idea). Consequently, the ideology is composed of an idea (fikrah) and a method (Tareeqah).

The ideology (mabda`) must come into existence in the mind of a man either by revelation (waHi) from Allah (swt) with a command for him to convey it or through a quality of genius that shines in that man. As for the ideology (mabda`) that originates in the mind of a man by revelation from Allah (swt). This is the correct ideology (mabda`) since it is from Allah (swt) who is the Creator of universe, man and life. Therefore, it is definitely the correct ideology (mabda`). Whereas, the ideology (mabda`), which originates in the mind of a man through a spark of genius in him is false since it originates from a limited mind, which is incapable of comprehending everything in the universe. Furthermore, man's ability in organisation is liable to disparity, differences, contradictions and being influenced by the environment in which he lives. This consequently produces a contradictory system that leads to man's misery. Therefore, the ideology, which originates in a man's mind, is false in its 'Aqeedah and the system that emanates from this 'Aqeedah.

Consequently, the foundation of the ideology is the comprehensive idea (al-fikrah al-kulliyyah) about universe, man and life, and the method, which brings the ideology into existence and

implementation in all the walks of life is indispensable to ensure the existence of the ideology. The comprehensive idea is the foundation of the ideology since it is the ‘Aqeedah and the intellectual leadership. On the basis of this comprehensive idea the intellectual direction of man and his viewpoint towards life is defined. Moreover, all thoughts are built upon it and the solutions for the worldly life’s problems emanate from it. The fact that the Tareeqah (method) is essential, is because if the system that emanates from the ‘aqeedah (doctrine) does not include the manner of implementing such a system, preserving the ‘Aqeedah and conveying the da’wah to it, then the idea would become a hypothetical and fanciful philosophy that remains recorded in the books without having any effect in this world. Hence, the ‘Aqeedah (doctrine), the solutions for the problems and the Tareeqah (method) are all necessary for the ideology to come into existence. However, the mere presence of the idea (fikrah) and the method (Tareeqah) from which a system emanates does not indicate that the ideology (mabda`) is correct; it simply indicates that it is an ideology (mabda`) and nothing more. The matter that proves the validity of the ideology (mabda`) is the ‘Aqeedah. This is because the ‘Aqeedah is the intellectual basis (al-qaa’idah al-fikriyyah) upon which every thought is built, views are defined and from which every solution and method emanates. Therefore, if the intellectual basis (al-qaa’idah al-fikriyyah) is correct the ideology (mabda`) will be correct and if it is false the ideology (mabda`) will be false from its basis.

If the comprehensive idea (doctrine) agrees with man’s nature (fiTrah) and is built upon the mind it will be correct. However, if it disagrees with man’s nature (fiTrah) and is not built upon the mind it will be false. The compatibility with man’s nature means that the ‘Aqeedah recognises the natural weakness of man and his need for the Creator, the Sovereign, i.e., it agrees with the instinct of religiousness (tadayyun). Building the ‘Aqeedah (doctrine) on the mind means that it is not built on matter or a solution arrived through compromise.

If we examine the ideologies that exist in the world, we will find only three: Capitalism, Communism and Islam. The first two ideologies are adopted by states, while Islam is not adopted by a state, but rather by

individuals within different peoples, nevertheless it is present internationally in the whole globe.

Capitalism is based upon the separation of religion from life. This idea (fikrah) is its 'Aqeedah (doctrine), its intellectual leadership (qiyaadah fikriyyah) and its intellectual basis (qaa'idah fikriyyah). According to this intellectual basis (al-qaa'idah al-fikriyyah) man lays down the system for this worldly life, so it is necessary to preserve for man the following types of freedom: freedom of belief (hurriyat ul-'Aqeedah), freedom of opinion (hurriyat ur-ra`i), freedom of ownership (hurriyat ul-milkiyyah) and personal freedom (al hurriyat ush-shakhSiyyah). The Capitalist economic system resulted from the freedom of ownership, so capitalism has become the most prominent feature in this mabda` and the most prominent matter that resulted from the doctrine ('Aqeedah) of this ideology (mabda`). Thus, this ideology (mabda`) is named Capitalism, after its most prominent element.

As for democracy, which is ascribed to this ideology, it stems from the fact that man lays down his own system. The nation is therefore, the source of authority. She lays down the system, she employs the ruler to govern her, and strips him of his authority when she wants and establishes and lays down to him the system she likes. This is because ruling is an employment contract between the people and the ruler to rule according to the system, which the people choose, so as to govern them with.

Though democracy is a part of capitalism, it is less prominent than the economic system. This is because the capitalist economic system in the West influences the government to the extent that the capitalists (owners of capital) are effectively the real rulers in the countries that adopt the capitalist ideology. Moreover, democracy is not limited to this ideology, since the Communists also claim to be democratic and call for giving the ruling to the nation (people). It is therefore more accurate to call this ideology the Capitalist Ideology or Capitalism.

This ideology originally emerged when the emperors and kings of Europe and Russia were using religion as a means to exploit the peoples, transgress against them and suck their blood. They used the

clergy as an instrument for this. There arose, as a result of this, a bloody struggle in which some philosophers and thinkers denied religion completely. Others acknowledged religion but called for its separation from this worldly life. Eventually, the opinion of the majority of the philosophers and thinkers settled on one idea, which is the separation of religion from this worldly life. It naturally resulted in the separation of religion from the state. Thus, the opinion settled on avoiding the discussion of religion, whether in denial or recognition and instead discussion was confined to the necessity of separating religion from this worldly life. This idea is considered a compromise (solution) between the clergy, on the one hand, who sought to control everything in the name of religion and the philosophers and thinkers, on the other hand, who denied religion and the authority of the clergy. Therefore, this idea did not deny religion nor did it allow it to interfere in the worldly life, instead it just separated it from worldly life. Consequently, the ‘aqeedah (doctrine), which the West embraced is the separation of religion from worldly life. This ‘aqeedah (doctrine) is the intellectual basis upon which all thoughts are built, upon its basis the intellectual direction of man and his viewpoint in life are determined and upon its basis all worldly life problems are solved. It is the intellectual leadership, which the West carries and calls the world to.

The separation of religion from worldly life implicitly recognises religion, and by doing so, it recognises that there is a Creator for universe, man and life, and that there will be a Day of Resurrection, because this is the foundation of religion as a religion. This acknowledgement provides an idea about the universe, man, life, what preceded this worldly life and what is to follow it, because it didn’t deny the existence of religion. Rather when it called for its separation from it, it implicitly confirmed its existence and gave an idea that there is no relationship between this worldly life with what preceded it and with what is to follow it, when it called for the separation of religion from worldly life and that religion is only a relationship between the individual and his Creator. Accordingly, this ‘aqeedah (doctrine) (separation of religion from the worldly life), by its all-inclusive concept, constitutes a comprehensive idea about

universe, man and life. Thus the Capitalist ideology, by this explanation, is an ideology like any other.

Socialism that led to Communism views universe, man and life as only matter and that matter is the origin of all things. Through the evolution of this matter all things came into existence and thus there is nothing at all beyond this matter. Therefore, this matter is eternal and pre-existent and not created by anyone i.e. it is indispensable (wajib-ul-wujood), is everlasting and self-existing i.e. not created by anyone. Communists, therefore, deny that matter is created by a Creator. They deny the spiritual aspect of matter and view the recognition of the existence of the spiritual aspect as a threat to worldly life. Consequently, they maintain that religion is the opium of the masses that sedates and hinders them from action. They believe in nothing but matter, even thought is viewed as reflection of matter on the brain. Hence, matter for them, is the origin of thought and the origin of everything, and through its materialistic evolution all things originate. Accordingly, they deny the existence of the Creator and consider matter to be eternal, thus, they deny what preceded this worldly life and what is to follow it, so they do not acknowledge anything except this worldly life.

In spite of the differences between these two ideologies in respect to their view about universe, man and life both agree that the ideals to be sought by man are the sublime values that man lays down for himself. So happiness, in their view, is to enjoy the optimum level of sensual pleasures, which in their opinion are the means to happiness, even happiness itself. The two ideologies also agree upon preserving the freedom of the individual, so man can act as he likes, however he desires, as long as he sees his happiness in that action. Therefore the personal behaviour or the personal freedom is a part of what is sanctified by these two ideologies.

Both ideologies differ in their view of the individual and society. Capitalism is an individualistic ideology, which assumes society to be composed of individuals. It pays secondary attention to society and singles out the individual for its attention. Therefore, it considers it necessary to secure the freedoms of the individual. In order to ensure his

freedom, every member works for the sake of society. Freedom of belief is, therefore, one of the things sanctified by this ideology. Freedom of ownership is also sanctified and not restricted by its philosophy but by the government which intervenes to guarantee the liberties. The government implements these restrictions by the police and through law enforcement. The state, however, is considered a means and not an end in itself. Sovereignty ultimately belongs to the individuals and not to the state. Accordingly, capitalism carries an intellectual leadership, which is the separation of religion from the worldly life; on the basis of this leadership capitalism implements its systems, calls for them and attempts to implement them everywhere.

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

As for Islam, it holds that beyond universe, man and life there is a Creator, who created them all. Therefore, its basis is the conviction in the existence of Allah (swt). This ‘Aqeedah is the one, which determined the spiritual aspect in everything, that is the fact that universe, man and life are created by a creator. Therefore, the relationship of the universe, as being created by Allah (swt) the creator and the relationship of the created life with Allah (swt) the creator, and the relationship of the created man with Allah (swt) the creator, such a relationship is the spiritual aspect in the universe, in life and in man. The spirit (rooh), therefore, is man’s comprehension of his relationship with Allah (swt).

The belief in Allah (swt) must also be linked with the belief in the Prophethood of Muhammad (saw), his Message and that the Qur’an is the speech of Allah (swt). Hence, it is obligatory to believe in everything he brought. Accordingly, the Islamic ‘aqeedah makes it compulsory to believe in what preceded this worldly life, which is Allah (swt), to believe in that which is after this worldly life – which is the Day of Resurrection and that man is restricted in this worldly life by the commands and prohibitions of Allah (swt) which represent the relationship of this worldly life with what preceded it. Man is also restricted with the accounting on following these commands and avoiding these prohibitions. This accountability represents the relationship of this worldly life with what follows it. Inevitably, a Muslim must realise his relationship with Allah (swt) when undertaking any action, thus he directs his actions according to the commands and prohibitions of Allah (swt). This is the meaning of mixing matter with spirit. The ultimate goal of directing the actions by the commands and prohibitions of Allah (swt) is to attain His pleasure. While the immediate aim from undertaking such actions is the value which the action achieves.

Therefore, the ideal aims to protect the society are not laid down by man, but rather by the commands and prohibitions of Allah (swt), which are constant, neither changing nor evolving. Thus the protection of the human life, mind, human dignity, private property, religion, security and the state are all constant ideals that aim to protect society; they are not subject to change or development. Islam has laid down harsh punishments to protect these constant aims. It is obligatory to protect

these aims, because they are commands and prohibitions from Allah (swt), not because they achieve any material results (benefits). Accordingly, the Muslim and the state undertake all actions according to the commands and prohibitions of Allah (swt), because they (the commands and prohibitions alone) should organise all of man's affairs. Undertaking actions according to the commands and prohibitions of Allah (swt) is the only way that provides the Muslim with tranquillity. Hence, happiness is not satisfying the sensual pleasures, it is rather attaining the pleasure of Allah (swt).

In respect to man's organic needs and instincts, Islam has organised them in a way that ensures the satisfaction of them all, such as hunger, the need for procreation, the spiritual need etc. However, this organisation is not done by satisfying some of them at the expense of the others; nor by suppressing some of them, setting others loose, or setting all of them loose. Instead, Islam has co-ordinated all of them and satisfied all of them by a precise system which offers man delight and comfort and prevents him from lapsing to the level of the animal through satisfying the instincts in an anarchic manner.

To maintain this organisation of organic needs and instincts, Islam considers the community to be an indivisible whole and views the individual as an inseparable part of the community. However being a part of the community, does not mean the individual is not perceived as a spoke in a wheel; he is viewed as a part of the whole, like the hand being a part of the body. Therefore, Islam took care of the individual as part of a community and not separate from her, looking after him leads to the protection of the community. At the same time, Islam took care of the community not as being a whole devoid of parts, but in her capacity as a whole made of parts who are the individuals, such that looking after the community leads to the protection of these individuals, who are the parts of the community. The Messenger Muhammad (saw) said: **مَثَلُ الْقَائِمِ عَلَى حُدُودِ اللَّهِ وَالْوَاقِعِ فِيهَا كَمَثَلِ قَوْمٍ اسْتَهَمُوا عَلَى سَفِينَةٍ فَأَصَابَ بَعْضُهُمْ أَعْلَاهَا وَبَعْضُهُمْ أَسْفَلَهَا، فَكَانَ الَّذِينَ فِي أَسْفَلِهَا إِذَا اسْتَقَوْا مِنَ الْمَاءِ مَرُّوا عَلَى مَنْ فَوْقَهُمْ، فَقَالُوا: لَوْ أَنَا حَرَفْنَا فِي نَصِيبِنَا حَرْفًا وَلَمْ نُؤْذِ مَنْ فَوْقَنَا، فَإِنْ تَرَكَوهُمْ وَمَا أَرَادُوا هَلَكُوا جَمِيعًا، وَإِنْ أَخَذُوا عَلَى أَيْدِيهِمْ نَجَّوْا وَنَجَّوْا جَمِيعًا** "The example of those who maintain Allah's limits (Hudood) and those who surpass them is like the example of those

who share a boat. Some would occupy its upper deck and some its lower deck. The occupants of the lower deck would have to go to the upper deck to have access to the water. If they said, why don't we drill a hole in our part (to directly access the water) and do not cause any inconvenience to those above us. If those on the upper deck let them do what they wanted then all of the passengers would sink. However, if they prevented them from doing so then all would be saved."

This outlook to the community and the individual establishes a distinct concept about society. The individuals as part of the community must have thoughts (afkaar) that bind them together and by which they live. They must also share the same emotions (mashaa'ir) by which they are influenced and they proceed according to them. Additionally, they must have one system to address all of their worldly life's problems. Hence, society is composed of individuals, thoughts, emotions and systems. Man has to be bonded in this life by these thoughts, emotions and systems. Thus man is restricted in this worldly life by these thoughts, emotions and systems. A Muslim is, therefore, restricted in this worldly life by Islam and he does not have freedoms at all. So the 'aqeedah for the Muslim is restricted by the limits of Islam and is not left unrestricted. Consequently anyone who renounces Islam is considered to have committed a capital offense and his apostasy is met with capital punishment if he does not repent. Similarly, the personal aspect is restricted by the system of Islam. Hence, zina is a crime for which the fornicator is severely punished without compassion and in public. Allah (swt) says: **وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ** **"And let a party of the believers witness their punishment."** [TMQ 24:2]. Drinking khamr is a crime that also invokes punishment. Likewise, acts of aggression against others constitute a crime that is treated case by case according to the type of aggression, such as false accusation of zina, murder etc. The economic aspect is also restricted by the shara'. It is by the means of ownership that the shara' permitted the individual to possess (private property being the shar' permission to utilise the object). Consequently, violating these restrictions is considered a crime, which differs according to the type of this violation, such as theft, robbery etc. Therefore the state is necessary

to protect both the community and the individual and to apply the system in the society. It is also necessary that the ideology influence its adherents so that its protection comes naturally from the people. Accordingly, it is the ideology, which restricts and protects (the entire society) while it is the state that executes (the legislation). Sovereignty (siyaadah), therefore, belongs to the shar' and not to the state or the Ummah, though the authority (sulTaan) belongs to the ummah and it is manifested in the state. Hence, the state is the method for implementing the system, although the individual's piety (taqwa) of Allah (swt) is relied upon for his adherence to the rules of Islam. Therefore, it is necessary to have legislation implemented by the state and direction to the believer so as to comply with Islam, motivated by his taqwa. Islam is therefore comprised of an 'Aqeedah and Nizaam (systems) and the Islamic ideology is both a fikra (idea) and a Tareeqah (method), which is of the same nature as the fikrah. Its system emanates from its 'Aqeedah and its HaDaarah (civilisation) is a unique way of life. Islam's method in carrying the da'wah is by implementing it by the State and carrying it as an intellectual leadership to the world which should be the basis for understanding and practising Islam. Implementing Islam on the community, which is governed by its system is considered carrying the Islamic da'wah (to them), because applying Islam on non-Muslims is considered to be the practical method for the da'wah. This implementation had the greatest effect in creating the vast Islamic world.

To summarise, three ideologies exist in the world, Capitalism, Socialism and the third ideology is Islam. Each of these ideologies has its own doctrine ('Aqeedah) from which its systems emanate, a measure for man's actions in the worldly life, a specific view towards society and a method to implement the system.

As for 'Aqeedah, the Communist ideology holds that matter is the origin of things and that all things emanate from it by means of materialistic evolution. The Capitalist ideology believes that religion must be separated from the worldly life, which results in the separation of religion from the state. Hence, the Capitalists don't want to discuss the issue of whether a Creator exists or not, they rather discuss that the Creator has no right to interfere in worldly life, regardless of whether His

existence is acknowledged or not. Consequently, those acknowledging the existence of a Creator and those who deny it are equal in the Capitalist doctrine, which is the separation of religion from worldly life.

As for Islam, it believes that Allah (swt) is the creator of the existence (wujood) that He sent Messengers (ambiyaa') and messengers (Rusul) with His deen to human beings and that man will be accounted for his actions on the Day of Judgement. Therefore, the 'Aqeedah of Islam is the 'iman in Allah (swt), His angels, His books (kutub), His messengers (rusul), the Last Day (yawm ul aakhir) and the QaDaa and Qadar, the good and bad of which are from Allah (swt).

However, regarding the manner in which the system emanates from the 'aqeedah (doctrine), Communism maintains that the system is taken from the tools of production, thus the feudal system was the product of the dominant mode of production in the feudal society, that is the axe. The evolution of society to Capitalism made machinery the tool of production, thus the Capitalist system is taken from this mode of production through materialistic evolution. Capitalism, in separating religion from worldly life, maintains man has to set for himself a system from this worldly life. So he started to take his system from his reality and lays it down by himself. Islam considers that Allah (swt) has assigned a system for man to proceed in this worldly life. He (swt) has sent Muhammad (saw) with this system, which He revealed to him (saw), so man must follow it. Hence, a Muslim studies the problem and deduces its solution from the Qur'an and the Sunnah.

As the measure for actions, Communism considers materialism i.e. the materialistic system as the measure in this worldly life. So as matter evolves so does the measure. Capitalism considers the measure to be benefit; on this basis actions are evaluated and undertaken. Islam considers the halal and the Haraam as the measure i.e. the commands and prohibitions of Allah (swt). Accordingly, the halal is performed and the Haraam shunned. The measure neither evolves nor changes; it is not influenced by benefit, rather only the Shar' arbitrates.

As for society, Communism considers it consisting of a general collection comprising of earth, modes of production, nature and man which all are considered to be matter. When nature and its contents evolve man evolves with it, thus the whole society evolves. Consequently, society follows the materialistic evolution. Therefore, man has only to generate the contradictions to promote this evolutionary process. When the society evolves the individual evolves with it and thus man revolves with the society like a spoke in a wheel.

Capitalism views society as composed of individuals. Hence, if the individual's affairs are managed the society's affairs will be managed. Care is therefore only given to the individual. Thus the government acts only for the benefit of the individual and consequently, this ideology is individualistic. Islam views the 'Aqeedah as the basis of society, its thoughts, emotions (mashaa'ir) and the systems emanate from it. Thus, the Islamic society is brought into being when the Islamic thoughts and emotions dominate and the Islamic system is implemented on the people. Society is therefore comprised of man, thoughts, emotions and the systems. One person together with another person constitutes only a group and they do not make a society except when people adopt the same thoughts, share the same emotions and apply the same system upon them. This is because the matter that originates a relationship between two persons is only the interest (maSlaHah). However the relationship between two persons exists when the thoughts over the maSlaHah were unified together with their emotions thus unifying their approval (riDa) and rejection (ghaDab) and the system that solves the problems is the same. If the thoughts or emotions towards the interest (maSlaHah) differed i.e. the approval (riDa) and rejection (ghaDab) were not unified, or if the system that is implemented upon the people differed then the relationship between the people would not exist and consequently the society would not exist.

Therefore, society consists of man, thoughts, emotions and systems, because these are the matters, which originate the relationship and make a group of people a distinct society.

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

Concerning the implementation of the system, Communism considers that the state alone implements the system through the police force and harsh laws. The state develops the system and acts on behalf of the individual and community. The government in capitalism looks after the liberties. So if someone infringed upon the freedom of an individual, then the government will act to prevent the infringement. However, if someone did not infringe upon the freedom of another person even if he exploited him and took away his rights, but with his consent, then there would be no infringement upon freedoms. The state would not then interfere because the state exists to secure the liberties.

Islam considers that the system is implemented by the individual's consciousness of Allah (swt) (taqwa). It is also implemented by the state through the feeling of the community of its justice, by the co-operation of the nation (Ummah) with the ruler through al-amr bil maruf wa nahiyy anil munkar (enjoining the good and forbidding the evil) and the authority of the state. The state takes care of the community's affairs but not the individual's affairs unless he was unable to do so. The system does not evolve at all. The state has the authority to adopt the rules (AHkaam Shar'iyah) when there is more than one opinion of ijtihaad on an issue.

The intellectual leadership of Islam agrees with man's nature (fiTrah). In spite of its depth it is easily understood. One's heart and mind are quickly opened to it, eagerly trying to understand it and pondering over its details with appreciation. This is because religiousness is instinctive in man. Every man is religious by his nature and no power can remove from him this nature (FiTrah), because it is deeply rooted in him. Man, by nature, feels that he is incomplete and that there is a greater power that deserves to be sanctified. Man's instinct of religiousness is the need for the Creator the Organiser that arises from his natural

weakness. This instinct of religiousness is constant and has a specific manifestation, which is the sanctification (taqdees). Consequently, humankind is religious and has always worshipped something throughout history. Humanity has worshipped man, planets, stones, animals, fire and other things. Islam however, with its doctrine came to lead man away from worshipping created things to the worship of Allah (swt) who created everything. The advent of the materialistic ideology, which denies the existence of Allah (swt) and our relationship with Him (swt), could not put an end to this innate religiousness. However, it shifted man's conception of power greater than himself and of his sanctification of this power. It shifted all that to perceiving this power in men and made his sanctification to them alone. It is as if it went backward, and shifted people's sanctification from worshipping Allah (swt) to worshipping the servants (of Allah), away from venerating the aayaat of Allah (swt) to venerating the words of the created. So it was backward in that regard. It could not eliminate the nature (FiTrah) of religiousness; it rather, deceitfully shifted it backward. Therefore, the intellectual leadership of the materialistic ideology (Communism) is a negative leadership, which disagrees with man's nature. Therefore it is a failure from this perspective. It only manipulates the people through appealing to their stomach. It attracts the poor, the scared and the defeated ones. Those who adhere to it are those low in their thinking, the failures in worldly life and resentful of it and those mentally devious who aspire to be known as intellectuals when they chatter about the theory of dialectics whose falsehood and corruption are so visible by both the intellect and reality. It resorts to force to subjugate people to its ideology. Hence, oppression, suppression, anarchy, turmoil, destruction and instability are its most important instruments.

The Capitalistic intellectual leadership likewise disagrees with man's nature (fiTrah) i.e. the instinct of religiousness. This is because the instinct of religiousness manifests itself in sanctification as well as in management of man's affairs in worldly life. The inconsistency and contradictions appear when man undertakes this management; thus testifying to man's inability. Consequently, the deen (revealed from the Creator) must manage man's affairs in worldly life. Thus the separation

of the deen from worldly life contradicts man's nature (fiTrah). The presence of the deen in worldly life does not mean making the functions of worldly life religious rites. Rather, the presence of the deen in worldly life means making the system that Allah (swt) ordained, solve man's problems in worldly life. This system emanates from the 'Aqedah, which agrees with man's nature (fiTrah). Removing this system and replacing it with a system which emanates from a creed that disagrees with the instinct of religiousness disagrees with man's nature (fiTrah). Therefore, the intellectual leadership of Capitalism fails from the instinctive (fiTriy) aspect because it is a negative one, for it separates the deen from worldly life, banishes religiousness from worldly life and makes it an individualistic issue and removes Allah's (swt) system which He ordained, from solving man's problems.

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

The Communist intellectual leadership is built upon materialism and not the intellect even though they arrived at it through the mind. It considers that matter exists before thought and matter is the origin of all things, hence it is materialistic. The Capitalist intellectual leadership however, is based upon a compromise solution reached after a bloody struggle between the clergy and the intellectuals, which had lasted for many centuries and it resulted with the idea of separation of the deen from the state.

Therefore, both the Communist and Capitalist intellectual leaderships failed since they contradict man's nature (fiTrah) and are not built upon the intellect.

In conclusion, of the three intellectual leaderships, only the Islamic intellectual leadership is correct, because it is built upon the

mind, it agrees with man's nature (fiTrah) and, thus man positively responds to it. While the other intellectual leaderships are false because they are not built upon the mind and they disagree with man's nature (fiTrah). That is, the intellectual leadership in communism is built on materialism and not on the mind. This is because it maintains that matter precedes thought i.e. it precedes the mind. Thus when matter is reflected onto the brain it initiates thought in it, so it (the brain) thinks in the matter that was reflected on it. Prior to the reflection of the matter onto the brain there was no thought, and accordingly everything is built upon matter. Consequently, the origin of the Communist intellectual leadership is matter and not thought.

This perspective is wrong for two reasons: The first: There is no reflection between matter and brain; neither the brain is reflected on matter, nor matter is reflected on the brain. This is because reflection requires that objects be endowed with the characteristic of reflection, such as a mirror, for reflection to happen. This characteristic is not possessed by the brain or by the matter. Therefore, there is no reflection at all between matter and the brain, because matter is not reflected on the brain, nor is it transferred to it. Rather, the sensation of the matter is transferred to the brain through the senses. The sensation of matter to the brain is not a reflection of matter to the brain, nor a reflection of the brain to matter; it is only the sensation of matter. In this regard there is no difference between sight and the other senses in the sensing of matter. Thus sensation occurs by smelling, hearing, touching and tasting as it occurs by seeing. Therefore, what happens is not reflection on the brain but rather it is sensation of the things. Accordingly, man senses things through his five senses and things are not reflected on the brain.

The second: Sensation alone does not produce thought, but merely produces sensation i.e. a sensation of the tangible object. Sensation, plus sensation, plus a million sensations will still only produce a sensation and no thought at all. In order for man to think, he must have previous information through which he can explain the sensed matter. For example, if a book in the ancient Syriac language was given to someone who has no previous information about the Syriac language, and all his senses were made to fall on the book, by sight and touch, and

this was repeated a million times, he still would not be able to understand a single word of the book unless he is given the relevant information about the Syriac language. Thereafter, he will start thinking and understanding. Let us take another example of a child with sound senses but with no previous information. If we were to place in front of the child a piece of gold, brass and a stone and make all his senses sense these things the child would not be able to comprehend them, no matter how much this sensation was diversified and repeated. However, if the child was given previous information about them, he would use this information to comprehend them. Were the child to grow up to be twenty years of age without any information he would remain as his first day of life, regardless of the biological growth in the brain. Since it is not the brain that enables man to comprehend, rather it is the previous information together with the brain and the sensed object. As for the instinctual behaviour, in contrast to the intellectual process in man, it results as a mere response to the instincts and organic needs, a matter, which occurs with animals as well as man. For example, a baby recognises through giving him an apple and stone repeatedly, that the apple can be eaten while the stone cannot. Likewise, the donkey recognises that barley is edible but soil is not. This differentiation occurs not through thought or intellect, but through the response to the instincts and the organic needs, which are present in animals and man. Thus thought cannot be produced unless previous information is coupled with the transference of the sensed thing through the senses to the brain.

Accordingly, the mind, intellect, or comprehension can be defined as the transmission of a sensed object through the senses to the brain and the existence of previous information by which this reality is explained.

Therefore, the Communist intellectual leadership is both false and incorrect, because it is not built upon the mind and the meaning of the thought and mind in its understanding is false.

The Capitalist intellectual leadership is built on a compromise solution agreed upon by the clergy and the intellectuals after their bloody conflict that lasted for many centuries. This compromise solution is the

separation of the deen from worldly life i.e., the implicit acknowledgement of the deen while separating it from worldly life. Thus, the Capitalist intellectual leadership is not built on the mind; it is rather based on this compromise solution. Indeed, the idea of a compromise is deeply rooted in the Capitalists who draw the truth (Haqq) near to the falsehood (baaTil) and `iman near to Kufr, the light (noor) near the dark (ZHalaam). This is despite the fact that the compromise solution does not exist because the matter is either Haqq or baaTil, iman or Kufr and noor or ZHalaam. The compromise on which they have built their doctrine and intellectual leadership has made them swerve from the truth, the `iman and the light. Therefore, this intellectual leadership is not built on the mind thus it is false.

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

This is from the rational perspective. However with regards to man's nature (fiTrah), the Islamic intellectual leadership agrees with man's nature (fiTrah) since it recognises the existence of deen, its necessity in worldly life and the obligation to manage worldly life according to the commands and prohibitions of Allah (swt). Religiousness is innate (fiTriy) in man since it is one of man's instincts with its own response, namely sanctification, which is a natural response to a specific instinct that differs from all the other responses of other instincts. Thus, the belief in deen and the obligation to live according to the commands and prohibitions of Allah (swt) is instinctive. It agrees with man's nature (fiTrah) and therefore responds positively to man.

This differs from the Communist and the Capitalistic leaderships, each of which disagrees with man's nature (fiTrah). The Communist intellectual leadership denies the existence of deen absolutely and opposes its recognition. Accordingly, it contradicts man's nature

(fiTrah). The Capitalist intellectual leadership neither recognises nor denies deen. It does not make the recognition or denial of deen an issue for discussion. However, it insists on the separation of deen from life and advocates that worldly life be managed according to benefit with no relation to deen. Therefore, it contradicts man's nature (fiTrah). This disagrees with the nature (fiTrah) and stands far away from it.

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

One question remains: Did the Muslims implement Islam, or did they only embrace its doctrine while implementing other systems and laws? The answer to this question is that Muslims implemented only Islam through all the ages from the arrival of Rasool Allah (saw) to Madinah until 1336 A.H i.e. 1918 C.E when the Islamic State collapsed at the hands of colonialism. The Muslims' implementation of Islam was comprehensive and its success in their comprehensive implementation was overwhelming.

The practical implementation of Islam is undertaken by two entities having the responsibility to implement the system. They are: The judge who is responsible for settling disputes between people, and the ruler who governs the people. It has been narrated through successive reports (tawatur) that the judges, who settled the disputes between people from the time of the Messenger (saw) till the demise of the Khilafah in Istanbul, settled the disputes in all affairs with the laws of the Sharee'ah. This is whether the disputes were between Muslims or between Muslims and non-Muslims. The courts that settled disputes, such as infringement of rights, family matters, criminal prosecution, etc. were under one single court based on the Islamic Sharee'ah only. No one ever reported that even one case had been settled according to other than the Islamic Sharee'ah rules or even one court in the Islamic countries has ever judged with other than Islam before the courts were divided into Shar'i and nizami (civil) under the influence of colonialism. The clearest evidence of this is

contained in the records of the Shar'i courts preserved in the old cities of Jerusalem, Baghdad, Damascus, Cairo and Istanbul etc. These records are a conclusive evidence that only the Sharee'ah was implemented by the judges. Even non-Muslims used to study and write Islamic fiqh like Saleem al-Baz, who wrote a commentary on al-Majallah. Laws that were introduced towards the demise of the state, were introduced on the basis of the scholars fatwa that such laws do not contradict the AHkaam Shar'iyyah. Consequently, the 'Uthmani penal code was introduced for application in 1275 A.H (1857 C.E.) and the Law of Rights and Trade was introduced in 1276 A.H (1858 C.E). This was followed in 1288 A.H (1870 C.E) by dividing of the courts into two: Sharee'ah courts and official law courts and a decree was passed to arrange this division. In 1295 A.H (1877 C.E) a law was issued to regulate statutory courts. In 1296 A.H (1878 C.E) the Rights and Penalties Procedure was issued. Since the 'ulamaa' did not find any justification to use the civil law, it was put aside and the Sharee'ah magazine (al-Majallah) was issued in 1286 A.H (1868 C.E.) as a canon for transactions. All these canons were issued as rules permitted by Islam and were not enacted except, as clearly spelled out in the decrees introducing the canons, after a fatwa was given to allow them and after being permitted by the Sheikh al-Islam. The colonialist authorities since 1918 C.E. have occupied some Islamic lands and were settling disputes over the civil cases according to non-Islamic laws. Whereas, those countries which were not physically occupied by colonialist armies, although they are under its influence, continued to rule judicially according to Islam until recently, such as Afghanistan and the Arabian peninsula i.e. Hijaz, Najd and Kuwait, though the rulers in these countries no longer implement Islam. Accordingly, we observe that Islam was implemented judicially and no other law was applied in the judiciary throughout all the ages of the Islamic State.

The implementation of Islam by the ruler is represented in AHkaam Shar'iyyah related to five areas: social, economics, education, foreign affairs and ruling. The AHkaam Shar'iyyah relating to these matters were all implemented by the state. The social system defines the relationship between men and women and the matters that arise as a result of this relationship i.e. personal status. Alone the Sharee'ah is still

applied in the social system in spite of the presence of the colonial powers in the Islamic lands and the presence of Kufr ruling; definitely no other system has been implemented. Concerning the economic system, it is represented in two ways, firstly the way in which the state collects public revenue in order to look after the peoples' affairs, secondly, the way in which this revenue is spent. As far as collecting revenue is concerned, the State collects the zakat due on money, land and livestock as an obligatory worship and is exclusively distributed amongst the eight categories mentioned in the Qur'an. The State never used the zakat fund for managing its expenditures. The State collected the necessary funds for its expenditures according to the Sharee'ah. Thus, it collected kharaaj over the land, jizyah from non-Muslims, and customs duties in its capacity as the supervisor over internal and external trade. The State did not collect funds except according to the Sharee'ah. As for funds distribution, the state had a nafaqah system (financial support) for the disabled, placed the safeeh (incompetent) and mubaZH-ZHir (the one who spends his wealth on Haraam) under guardianship and established lodgings in every city and along the roads to the pilgrimage to assist the poor, destitute and the travellers. These relics can still be seen in major Muslim cities. The State's expenditure was solely governed by the Sharee'ah and by no other system. Any deficiency that may be noticed in this field was due to negligence and misapplication and not due to the absence of (shar') implementation.

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

The foreign policy of the Islamic State was founded upon Islam. The Islamic State built its relationship with all other states on the basis of Islam and all other states dealt with it as an Islamic State. All of its external relationships were based on Islam and the interest of Muslims. It is known all over the world that the foreign policy of the Islamic State was an Islamic policy, to the extent that no evidence is required.

With regards to the ruling system, the structure of the state in Islam is established upon eight pillars: the Khaleefah, i.e., the head of State, the Khaleefah's delegated assistants (Mu'aawin tafweeD), the Khaleefahs executing assistants (Mu'aawin tanfeeZH), the Ameer of Jihad, the Governors (Wulaah), the Judges (QuDaah), state departments, and the state assembly (Majlis al-Ummah). This structure existed and Muslims have never been without a Khaleefah until at the hands of Mustapha Kemal, the disbelieving (Kaafir) colonial powers abolished the Khilafah in 1342 A.H (1924 C.E). The existence of a Khaleefah for the Muslims, prior to its removal, had been continuous. Whenever a Khaleefah died or was removed, he was succeeded by another, even during the era of decline. Since the Islamic State is the Khaleefah, it means that when a Khaleefah is present the Islamic State exists. As for his assistants in ruling and execution they were present in all ages and were assistants and not wazeers. Although, they were named wazeers during the 'Abbassid era they were assistants and did not possess the capacity of ministers (wazeers) present in the democratic system at all, they were rather assistants in ruling and execution by authorisation from the Khaleefah, while all the executive powers were in the hands of the Khaleefah. The existence of the governors (wulah), judges (quDah) and state departments was obvious. When the kuffar occupied the lands, all their affairs had been running and there were therein governors, judges and state departments, a matter that does not need any evidence. As for the ameer of jihad, he used to run the affairs of the army in its capacity as an Islamic army all over the world, it was known to be undefeated. With regards to the Majlis al-Ummah, after the era of the Khulafaa ar-Rashidun, its existence was not given much attention. The reason for that is that it is one of the ruling structure but not one of its pillars. shoora is one of the rights of the people upon the Khaleefah. Thus, if he neglects it

he would be negligent, but the ruling system would still remain Islamic. This is because the shoorā (consultation) in Islam is for seeking the opinion and not for ruling. This is contrary to the parliamentary system in democracy, where sovereignty lies in the hand of the people; a matter which is considered a fundamental pillar of ruling system in democracy. This is in contrast to Islam where sovereignty is for shar'.. Therefore, it is clear that the Islamic ruling system was applied.

A question may arise concerning the bai'ah (pledge) to the Khaleefah. It is an established fact that there was no hereditary system in the Khilafah. In other words, the hereditary system was not established in the state, by which ruling i.e. the state leadership was acquired, as is the case in a monarchy. Instead, the State leadership would be acquired through receiving the bai'ah from the Muslims in some eras, from the influential people (ahl-ul-Halli wal 'aqd) in later eras or as what occurred towards the demise of the state from the Sheikh al-Islam. Throughout the ages of the Islamic State, the procedure was that no Khaleefah was appointed without receiving bai'ah. Never was a single incident reported that the Khaleefah was appointed through inheritance without receiving bai'ah. However, notwithstanding this, the manner of attaining bai'ah was misapplied. Thus, a Khaleefah would take a bai'ah from the people before his death for his son, brother, cousin, or any other individual of the family. After the death of the Khaleefah the bai'ah was renewed for that person. This is a misapplication of the bai'ah but it neither constitutes hereditary rule or succession to the throne. Likewise, the misapplication of the elections in a parliamentary or a democratic system is still called elections and not an appointment even if the government-backed candidates succeed in the elections. Consequently, one must acknowledge that the Islamic system was applied throughout all periods of the Islamic State.

As for the practical success of the Islamic intellectual leadership, it was without parallel particularly in the following two matters:

Firstly, the Islamic ideology transferred all of the Arabs from a low level of intellect in which they were acting haphazardly in the darkness of bloody family feuds and ignorance to an age of intellectual

revival glittering in the light of Islam whose sunrise was not restricted to the Arabs but prevailed all over the world. Muslims rushed in conveying Islam to the world, conquering in the process Persia, Iraq, the lands of ash-Sham, Egypt and North Africa. Each of these peoples had their own religion, nationality, language, customs and traditions. All were different from one another. The nationality of Persians differed from that of the Romans of Sham, from that of the Copts of Egypt and from that of the Berbers of North Africa. Once they lived under the rule of Islam and understood it, they all embraced it and became one Ummah, the Islamic Ummah. Therefore the success of the Islamic intellectual leadership in melting these peoples and nationalities into one nation was unparalleled. This is in spite of the fact that the means of transportation at the time was the camel and the means of communication was the word of the mouth and the writing of the pen.

Al-FatH (the conquests), however were to remove by force the physical obstacles to give the people free access towards what their minds and their innate nature (FiTrah) guides them to. In this manner people entered Islam in masses. On the other hand the oppressive conquests of other countries alienate the conquerors from the conquered. For example, the colonisation of the East by Western imperialism lasted for decades without gaining any result. If it was not for the influence of the deceptive Western culture and the oppression of its agents which will soon vanish, then the return to the domain of Islam in its ideology and system would be quicker than the blink of an eye. Accordingly, the success of the Islamic intellectual leadership in forging all the various peoples into one Islamic Ummah is without parallel. These peoples have remained as Muslims to this day, in spite of the colonialists afflictions, its wickedness and its plotting to corrupt the creeds and poison the thoughts. These people will remain one Islamic Ummah until the Last Hour. It has never happened that any people (or ethnic group) which had embraced Islam have apostatised from it.

As for the Muslims of Andalus (Spain), they were massacred by the courts of the Inquisition with the guillotine and burnt in the ovens of the executioners. The Muslims of Bukhara, the Caucasus and Turkistan met with the same disastrous fate as those before them. The fact that these

people embraced Islam and became one Ummah that was concerned to protect her ‘Aqeedah, portrays, as evidence the degree of success of the Islamic intellectual leadership and the application of Islam by the Islamic State.

The second matter, which denotes the success of this ideology, is the fact that the Islamic Ummah was the leading Ummah in the world in respect to civilisation, material advancement, culture and science. For twelve centuries, dating from the seventh century C.E to the middle of the eighteenth century C.E, the Islamic State remained as the leading and most powerful state in the world. Throughout this period it was the flower of the globe and the rising sun amongst the nations, a fact that confirms the success of this intellectual leadership and the success of Islam in implementing its system and ‘Aqeedah upon the people. When the Islamic State and Ummah abandoned carrying its intellectual leadership and fell short in understanding and applying Islam, it lapsed and declined among other nations.

Therefore, we say that only the Islamic intellectual leadership is correct and it alone should be carried to the world. When the Islamic State, which carries this leadership, is established, the success of this leadership will be realised today as it was before.

We have proven that Islam with its ‘Aqeedah and its system, which emanates from it, agrees with man’s nature (fiTrah). Consequently, Islam does not view man as a mechanical being functioning accurately like a machine and implementing the system on the basis of fine mathematical measures without disparity. On the contrary, from the Islamic perspective man is a social being who applies the system with varying capabilities and qualities. Thus, it is natural for Islam, on the one hand, to narrow the gap between people without making everyone equal while guaranteeing tranquillity for all. On the other hand, it is also natural to find some individuals who deviate from the system and thus don’t comply with it and others who do not respond or who turn away from the system. Inevitably, there will be in the society evildoers (fussaaq), people who indulge in vices (fujjaar), unbelievers (kuffaar), hypocrites (munafiqoon), apostates (murtuddoon) and atheists

(mulHidoon). The important thing is that the society as a whole, from the point of view of its thoughts, emotions, systems and people, is considered as an Islamic society, which applies Islam when these elements manifest themselves as Islamic.

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

Islam continued to be applied on the entire Islamic Ummah, Arab and non-Arabs, from the time the Messenger (saw) settled down in Madinah until the colonial powers occupied the Islamic lands and replaced Islam with the Capitalist system.

Thus, Islam was implemented from the first year of the Hijrah until 1336A.H (1918 C.E) and the Islamic Ummah did not apply any system other than Islam throughout this period.

Although the Muslims translated books of philosophy, science and different foreign cultures into Arabic, they never translated any legislation, system, or canon of other nations neither for research nor for application. Considering Islam to be a system, some people applied it well and others misapplied it. This depended on the strength or weakness of the state and on the degree of its comprehension of Islam or lack of understanding and according to whether it was strong or complacent in carrying its intellectual leadership. Consequently, the misapplication of Islam in some ages brought about some decline in the Islamic society, but this is something, which no system can avoid, because the application of the system depends on human beings. However, the misapplication does not mean that Islam was not implemented. Surely Islam was implemented and no other system or ideology was applied. This is because the crucial point is in the applying of canons and systems enacted by the state. In this respect the state did not adopt any canon or system alien to Islam. What occurred was the misapplication of some of its rules

by some rulers. However, notwithstanding this, one must observe two points when examining the implementation of Islam throughout its history. The first point is that history must not be taken from the enemies of Islam who harbour hatred towards it. Instead history must be taken from Muslims after extensive research so as not to adopt a distorted image. The second point is that the generalisation in study of the society should not be taken from the history of individuals or from one aspect of the society. For example, it would be wrong to pass judgment on the history of Ummayyad era by studying the history of Yazid's reign. It is also wrong to pass judgment on the history of the Abbassid era from some incidents of their Khulafaa. Likewise, we must not pass judgment on the society of the Abbassid era from Kitaab al-Aghaani (book of songs) which was written to narrate the stories of recklessly extravagant people, poets and authors or from reading the books of asceticism (zuhd) and the like and thus start thinking that the entire society was in a state of extravagance and sin or asceticism and isolation. Rather, we have to study the whole society. We have to acknowledge however that the whole history of the Islamic society as a society in any era was never written. What has been written rather are the affairs of the rulers and some officials. Those who wrote such history were not trustworthy, they were either slanderers or adulators and whatever they wrote can't be accepted without investigation.

When the Islamic society is studied on this basis i.e. to study it from all its aspects and through thorough investigation it can be found to be the best society. Since, it was so for the first, second and third centuries, in fact, right up to the middle of the twelfth century hijrah. One finds that the society applied Islam throughout all its ages right up to the end of the Ottoman State as an Islamic state. However, history should not be taken as the source for studying the system and fiqh. Rather, the system should be taken from the sources of jurisprudence and not from history, since history is not its source. Accordingly, to understand the Communist system, one does not draw conclusions from the history of Russia, but from the books of the Communist ideology itself. Likewise; to understand the English jurisprudence one should not take it from the

history of England, but rather from the books of English jurisprudence. This applies to any system or canon.

Islam is an ideology with its own ‘Aqeedah and system. Consequently, those who wish to understand it must not use its history as a source, neither for knowledge nor for deducing rules i.e. aHkaam.

The source of understanding Islam is the books of Islamic Fiqh, and the source for deducing its rules is their detailed evidences. Thus, history is not the correct source of the Islamic system, neither for its understanding nor for its deduction. It is therefore incorrect to take the history of Omar bin al-Khattab or Umar bin ‘Abdul-‘Aziz or Haroun ar-Rasheed, whether from the historical events ascribed to them or from the books written during their respective periods, as a source for the aHkaam shar’iyyah. If an opinion of Umar is followed in a question, it is followed in its capacity as a Hukm Shar’i deduced and applied by Umar, as is the case with the Hukm Shar’i deduced by Abu Hanifah, Shafi’i, Ja’far and others. It is not adopted as an historical event. History, accordingly, has nothing to do with adopting or knowing the system. Moreover ascertaining whether or not the system was applied, fiqh, rather than history, is the reference for determining that. This is because every era has its own problems, which were tackled by a system. So in order to find the system used to solve problems, one must refer to the Islamic fiqh, and not to the events of history, because it only reports to us the news as they are. When reference is made to the Islamic Fiqh, one neither finds in it any system taken by the Muslims from others, nor any system chosen by the Muslims from themselves. Instead, one finds it completely as aHkaam shar’iyyah deduced from the Shar’i evidences. Muslims were very careful to sift into the jurisprudence by removing any deficient opinions i.e. deficient ijtihaad. They even prohibited others from acting according to the deficient (Da’eef) opinion, even if it was ascribed to a mujtahid muTlaq (absolute mujtahid).

As a result, there is not one legislative text other than the Islamic Fiqh throughout the Islamic world. The fact only one body of jurisprudence exists in an Ummah, without any other accompanying text, signifies that the Ummah did not use any other text in its legislation.

If it were permitted to give attention to history, this would be confined to examining the way of applying the system. History might also contain political events, from which the way of application can be seen. Even this should not be taken except after a thorough research and from Muslims. History has three sources: History books, archaeological objects and narration. Historical books should not be considered as a source because they are influenced by the political conditions of the time. They are filled with lies, either supporting the people at whose time these books were written or attacking those at the time before these books were written. A recent example of this is the history of the Allawite family in Egypt. Prior to 1952 C.E it had a bright image in history books, but after 1952C.E its image was dark. The same applies to the history of other political events now and in the past. For this reason, history books should not be considered as a source for history, even if they were biographies written by their people.

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

As for the third source i.e. narration, it is a correct source, which can be relied on if the narration was correct and the method followed in collecting the narration was the same as the method followed in collecting the aHaadeeth. This is the manner in which history should be recorded. The Muslims followed this method of narration when they commenced writing. The classical books of history, such as the History of at-Tabari, seerah of Ibn Hisham etc. were written according to this method. Muslims should not teach their children from the books of history whose sources are other books of history. An overview of the application of the Islamic system should not be taken from those books

of history either. In conclusion, it is evident that Islam alone was implemented and nothing else was applied throughout all the periods.

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

It is a low superficial thinking to replace our system by any other system and it is a shallow thinking to consider that if the Ummah applied the system without its 'Aqeedah, it would save her. The Ummah must embrace the 'Aqeedah first and then apply the system emanating from this 'Aqeedah. The implementation of the system and embracing of the 'Aqeedah will then be a saviour. This applies to the Ummah, which is built upon an ideology and the state, which is established on this basis. As for the other peoples and nations, it is not necessary that they embrace the ideology as a prerequisite for applying the ideology upon them. The Ummah, which embraces the ideology and conveys it to others, can apply it on any people or nation, even if they do not believe in it. This is because the ideology will also result in the revival of that nation and will attract them to believe in it. Thus embracing the ideology is not a condition for those on which it is applied, it is rather an essential condition for those who implement it.

It is dangerous to adopt nationalism in conjunction with Socialism. Socialism cannot be separated from its materialist idea, because it will not be productive or influential. Neither can Socialism be adopted together with its materialistic idea, since it is a negative thought, which contradicts with man's nature (fiTrah). Furthermore, its adoption would mean that the Islamic Ummah would have to abandon the Islamic 'Aqeedah. We cannot adopt Socialism and simultaneously retain the spiritual aspect of Islam. This would result in adopting neither Islam nor

Socialism, by virtue of the fact that they contradict each other and whatever was adopted would be incomplete. Similarly, we cannot adopt the system of Islam devoid of its 'Aqeedah from which its system emanates as this means the adoption of an imperious system devoid of spirit. Instead, we must adopt Islam wholly with its doctrine ('Aqeedah) and systems and convey its intellectual leadership when we carry the da'wah for it.

Accordingly, there is only one way to achieve our revival that is by the resumption of the Islamic way of life and there is no way to resume the Islamic way of life except through establishing the Islamic State. This cannot be achieved unless we totally adopt Islam both as an 'Aqeedah, which solves the greatest problem and upon which man's viewpoint in this life is concentrated, and as a system, which emanates from this doctrine ('Aqeedah). The basis of such a system is the Book of Allah (swt) and the Sunnah of His Messenger (saw). Its cultural treasures are the: fiqh, hadeeth, tafseer, Arabic language and others. No method can achieve this except by carrying the Islamic intellectual leadership completely through the da'wah to Islam and establishing Islam completely everywhere. Once the intellectual leadership has been transmitted to the Ummah as a whole and to the Islamic State, we embark upon carrying the intellectual leadership to the world.

This is the only way to achieve the revival: to convey the Islamic intellectual leadership to Muslims so as to resume the Islamic way of life and to deliver it to all of humankind by means of the Islamic State thereafter.

The Way to Carry the Islamic Da'wah

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

It should be noted that carrying the intellectual leadership by carrying the Islamic da'wah in order to revive the Muslims is undertaken because Islam alone can reform the world, and the true revival cannot be achieved without Islam, whether for the Muslims or others. It is on this basis that the da'wah should be carried.

The da'wah must be carried to the world as an intellectual leadership from which all systems emanate, and upon this leadership all thoughts are built, and from such thoughts emanate all the concepts that influence one's viewpoint in life, without exception.

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

Thus, carrying the da'wah demands frankness, courage, strength, thought and to challenge all that contradicts the fikrah and Tareeqah (idea

and method) of Islam by facing it and exposing its falsehood, irrespective of the situation and its consequences.

Carrying the Islamic da'wah necessitates that the ultimate sovereignty (siyaadah) belongs to the Islamic ideology, regardless of whether it agrees or disagrees with the masses and whether they accept it or reject it and oppose it, or whether it is in accordance with the people's customs or not.

The da'wah carrier (Haamil-ud-da'wah) does not flatter the people, is not courteous to the authorities or cares for the people's customs and traditions, and does not give any attention to whether the people will accept him or not. Rather he must adhere to the ideology alone and solely express it paying no regard to anything except the ideology. It is not allowed to tell the followers of other ideologies to adhere to their ideologies. Instead, they are invited without compulsion to embrace the ideology (of Islam) because the da'wah requires that there be no other ideology alongside Islam and that the sovereignty be for Islam alone. **هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ** **“It is He who has sent His Messenger with the guidance and deen of Haqq, to prevail over all other religions even though the idolaters may abhor it.”** [TMQ 9:33]

The Messenger (saw) came to this world with his Message and openly challenged the whole world. He (saw) believed in the Truth he (saw) was inviting the people to and declared war against the red and black (people) i.e. everyone, irrespective of their traditions, customs, religions, doctrines, rulers and masses. He (saw) paid no attention to anything other than the message of Islam. He (saw) commenced the da'wah by discrediting the false deities of Quraysh. He (saw) challenged them in their doctrines, discredited them while he was alone, isolated, with no helper and no weapon except his unshakeable and deeply rooted conviction in Islam to which he was inviting. He (saw) did not care for the Arab customs, traditions, religions, or doctrines. In this respect, he (saw) was not courteous nor gave them any regard.

Similarly, the da'wah carrier has to challenge everything. This includes challenging the customs, traditions, erroneous thoughts and

concepts, the public opinion when it is wrong even if he has to struggle against it. He has to challenge the doctrines and religions despite the fact that he might be exposed to the fanaticism of their followers and the hostility of those who stick to their distortions.

Delivering the da'wah requires a concern for the complete implementation of the rules of Islam without the slightest concession. The carrier does not accept any truce nor concession, negligence or postponement. Instead, he maintains the matter as a whole and definitively settles it immediately. He does not accept any intercession which would obstruct the truth. Rasool Allah (saw) did not accept the request of Thaqif's delegation to be allowed to retain their idol, Allat, for three years before it was demolished, neither did he exempt them from prayer, as pre-conditions for embracing Islam. He refused also to leave the Allat idol for two years or for one month as they had demanded. He refused this request firmly, and decisively, without any hesitation or leniency. This is simply because man has to either believe or not, after all, the result is either Paradise or Hell. However, Rasool Allah (saw) did accept their request not to have them demolish their idol by their hands. Instead, he asked Abu Sufyan and al-Mughirah ibn Shu'bah to demolish it. He definitely did not accept anything less than the complete 'Aqeedah and what it requires of implementation. As for the means and forms of carrying this implementation, the Rasool of Allah (saw) accepted them because they are not connected with the nature of the Islamic 'Aqeedah. Therefore, care must be taken in delivering the Islamic da'wah to preserve the completeness of the idea and the completeness of its implementation without any compromise in the fikrah and Tareeqah. There is no harm in using any wasaa'il (means) it demands.

Carrying of the Islamic da'wah necessitates that every one of its actions has to be carried out for a specific objective. The carrier should always be aware of this aim and work towards achieving it, exerting himself relentlessly to fulfil it. Therefore, the carrier would not be satisfied by thought without action and would deem it to be a hypnotic and fanciful philosophy. Likewise, he would not be satisfied by thought and action devoid of any objective, considering this to be a spiral motion which ultimately ends in apathy and despair. Instead, the da'wah carrier

has to insist upon connecting the thought with action and uniting the two in working for a specific objective which will be fulfilled in a practical manner and be brought into existence.

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

The call to Islam should clearly include correcting the prevalent doctrines, strengthening the relationship with Allah (swt), and it should provide solutions for the problems of the people, so that the da'wah becomes vivid in all fields of worldly life. The Messenger (saw) would recite to the people of Makkah the following verses: تَبَّتْ يَدَا أَبِي لَهَبٍ وَتَبَّ
“Perish the hands of Abu Lahab.” [TMQ 111:1] وَمَا هُوَ بِقَوْلٍ شَاعِرٍ إِنَّهُ إِنَّهُ
“This is verily the word of an honourable messenger. (40) It is not the words of a poet. Little it is that you believe. (41)” [TMQ 69:40-41] الَّذِينَ (1) وَيَلِّ لِلْمُطَفِّفِينَ (1) الْذِينَ
“Woe to those who deal in fraud, those who when they have to receive by measure from men, exact full measure, but when they have to give by measure or weight to men, give less than due.” [TMQ 83:1-3] إِنِّ الَّذِينَ آمَنُوا وَعَمِلُوا
“For those who believe and do righteous deeds, there will be gardens beneath which rivers flow; that is the great salvation (the fulfilment of all desires).”
 [TMQ 85:11] In Madinah, he (saw) recited: وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ
“Establish prayer and practice regular charity.” [TMQ 2:110] He (saw) also recited: انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ
“Go

forth (whether equipped) lightly or heavily, and strive and struggle with your property and yourselves in the cause of Allah.” [TMQ 9:41] And he (saw) would recite: يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ “O you who believe, when you deal with each other in a debt for a fixed period of time, reduce it to writing.” [TMQ 2:282] كَيْ لَا يَكُونَ دُولَةً لَا يَسْتَوِي أَصْحَابُ النَّارِ وَأَصْحَابُ الْجَنَّةِ ۗ أَصْحَابُ الْجَنَّةِ هُمُ الْفَائِزُونَ “(This is) in order that it does not become (merely) a circuit between the wealthy among you.” [TMQ 59:7] “Not equal are the Companions of the Fire and the Companions of the Garden. The Companions of the Garden are the victorious.” [TMQ 59:20]

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

It is impossible for the da’wah carriers to carry out the responsibility and to effectively discharge their duties unless they rooted within themselves the motivation towards perfection and completeness. They should constantly search for the truth, continuously scrutinize all that they know in order to purify their understandings (of issues) from any alien thoughts, and remove away from these understandings anything close to them (in meaning) that might incorrectly be associated to them. This will keep the idea they carry, pure and clear. The purity and clarity of the thoughts is the only guarantee for Islam’s success and the continuity of this success.

The da’wah carriers have to carry this duty as an obligation from Allah (swt). They have to embark upon it enthusiastically and delightedly expecting the pleasure of Allah (swt). They must not seek for their work any worldly reward or expect praises from people. They must acknowledge nothing except the pursuit of the pleasure of Allah (swt).

The Islamic Civilisation (al-HaDaarah al Islamiyyah)

There is a difference between the HaDaarah (civilisation) and the madaniyyah (material progress). The HaDaarah constitutes the whole concepts about worldly life, whereas the madaniyyah means the material forms of sensed objects used in worldly life's affairs. The HaDaarah is specific based on the point of view towards worldly life, while the madaniyyah can be specific or general. So objects that are product of HaDaarah, such as statues are specific. While material aspects produced by science and its progress, industry and its evolution are general and thus are not particular to a specific, rather they are universal, like industry and science.

This distinction between HaDaarah and madaniyyah must always be noted. One must also note the distinction between the madaniyyah forms resulting from HaDaarah and the madaniyyah forms resulting from science and industry. This is necessary, so that when taking madaniyyah, a distinction between its forms and differentiation between it and HaDaarah must be clear. There should be no objection in acquiring the Western madaniyyah resulting from science, industry, etc. However, Western madaniyyah resulting from the Western HaDaarah must not be adopted on any account, because we are not allowed to adopt the Western HaDaarah, for it contradicts the Islamic HaDaarah from the very basis upon which it is established, its point of view of life, and its understanding of the meaning of human happiness.

The Western HaDaarah is established upon the separation of deen from life and it denies deen from having any influence on any of worldly life's affairs and, hence it separated deen from the State. This separation is natural for those who separate deen from life and deny its role in worldly life. It was on this basis that worldly life and the system of worldly life were built. This HaDaarah views the entire life as the pursuit of benefit. Thus, its criterion for actions in worldly life is benefit. Therefore, benefit is the basis upon which the system is established and the HaDaarah is built. Benefit is the most prominent and apparent concept in its system and in the HaDaarah. This is because it portrays life

as benefit. Happiness, in their view, is providing man with the maximum share of sensual pleasures and furnishing him with their means. It follows that its Western HaDaarah is established on the desire to reap benefits and gives no consideration or even recognition to anything except benefit, thus rendering it the criterion of actions. The spiritual side is restricted to the individual and is not part of the social order. The spiritual affair of man is confined to the church and clergy. Consequently, there are no moral, spiritual or humanitarian values in the Western HaDaarah, rather only materialistic ones. Owing to this, humanitarian actions became affiliated to organisations separated from the State, such as the Red Cross and missionaries. Every value, apart from the materialistic value of benefit, was excluded from the worldly life. The Western HaDaarah thus consists of such host of concepts about worldly life.

As for the Islamic HaDaarah, it is established upon a basis contradicting the basis of the Western HaDaarah. Its viewpoint about worldly life and meaning of happiness are different from the Western HaDaarah. The Islamic HaDaarah is built upon the belief in Allah and that He has established a system for man, life and the universe. He (swt) sent Muhammad (saw) with Islam as the one and only deen for humankind. This means that the Islamic HaDaarah is established on the Islamic ‘Aqeedah, comprising the belief in Allah (swt), His (swt) Angels, His (swt) Books, His (swt) Messengers, the Hereafter, and al-QaDaa’ wal Qadar. Thus, the ‘Aqeedah is the basis of the HaDaarah and consequently the HaDaarah is founded upon a spiritual basis.

The worldly life in the Islamic HaDaarah is based on the philosophy of Islam which emanates from the Islamic doctrine or ‘Aqeedah, upon which worldly life and actions are both established. This philosophy which is mixing the matter with the spirit, i.e. making man’s actions conducted by the aHkaam shar’iyyah, constitutes the basis of worldly life. While man’s actions are material, his observation of his relationship with Allah (swt) when he undertakes the action as haraam or halaal constitutes the spirit (rooH). This means that the mixing of matter with spirit has taken place. Accordingly, the commands and prohibitions of Allah (swt) regulate the actions of a Muslim. The Muslim’s ultimate objective in carrying out his actions in accordance with the commands

and prohibitions of Allah (swt) is the attainment of Allah's (swt) pleasure and not benefit. However, the immediate aim of undertaking the action is the sought after value, which differs according to the type of action. The value may be materialistic for the person who engages in commerce or trade to make a profit. So his trade is a materialistic action, and he is directed in that by his realisation of his relationship with Allah (swt) through His commands and prohibitions, for the sake of attaining His (swt) pleasure. While the value that he aims to achieve from undertaking the action is the profit, which is a materialistic value.

The value may be spiritual, such as Salaah, zakah, Sawm or Hajj. The value may be moral, such as upholding the truth, being honest, or exhibiting loyalty. The value could be humanitarian, such as rescuing a drowning person or helping the poor. These values are noticed by man when he undertakes the action so that to achieve them. However, these values are not the driving force behind man's actions, and nor the ultimate objective he aims at. They are the values of the action which differ according to the type of action.

Happiness is attaining Allah's (swt) pleasure and not the fulfilment of man's needs. Satisfying all such needs - organic needs and instinctual desires- is an essential means to preserve one's life, but happiness is not guaranteed by their fulfilment. In summary, this is the Islamic viewpoint about worldly life, and this is the basis upon which this viewpoint is built. This viewpoint is the basis of the Islamic HaDaarah. It is obvious that the Islamic HaDaarah contradicts the Western HaDaarah in every sense. The madaniyyah objects resulting from HaDaarah which is specific to the Islamic HaDaarah contradict the madaniyyah objects which results from the Western HaDaarah. For example, a photograph by itself is an object of madaniyyah. The Western HaDaarah considers the photograph of a naked woman that reveals all of her beauties a madaniyyah object consistent with its concepts in worldly life about women. Thus, an individual from the West, views the photograph to be a piece of art, which he could take pride in and a piece of art when it accomplishes artistic conditions. However, this object of madaniyyah contradicts with the Islamic HaDaarah and the Islamic concepts about women, which are considered as an honour that must be

protected. Consequently, such photographs are to be prevented, because they provoke the sexual drive that triggers moral laxity in the society. Likewise, if a Muslim was to build a house, another object of madaniyyah, he would have to take into consideration is that women inside it should not be seen by those outside. Accordingly, the Muslim builds around the house a wall, but the Westerner pays no attention to this. This applies to all objects of madaniyyah that result from the Western HaDaarah, such as statues and the like. Likewise, if clothes are specific to the unbelievers, the Muslims are then forbidden to wear them because they carry a specific viewpoint about life. However, if the clothes are otherwise, such as if they are used to wearing certain clothes for necessity or adornment and not because of their kufr, then they are considered to be of the general madaniyyah, which is permissible for Muslims to use.

Objects of madaniyyah which are products of science and industry such as laboratory equipment, medical and industrial tools, furniture, carpet, etc. are all universal objects of madaniyyah. The use of such objects which do not result from the HaDharah and nor related to it is permissible.

A cursory glance at the Western HaDaarah that dominates the world today reveals to us that it cannot guarantee tranquillity for human beings. On the contrary, the Western HaDaarah is the cause for man's deep-rooted misery and suffering. This HaDaarah which adopts as its basis the separation of deen from life's affairs is contradictory to man's fiTrah, thus giving no weight to the spiritual aspect in society, and it views life as only benefit and makes the attainment of benefit as the foundation for the relationship between humans. Thus it inevitably produces nothing but perpetual misery and anxiety. As long as benefit is the basis, conflict over it will naturally increase and the reliance on force to establish relationships between people will be natural. Thus, colonisation is natural to the followers of this HaDaarah since benefit alone remains the basis of worldly life, and any morals will be unstable. Hence, it is natural for any good morals to be shunned in worldly life in the same way that the spiritual values were neglected, and life is established upon competition, struggle, aggression and colonialism. The

spiritual crisis in the people, perpetual anxiety and widespread evil all over the world today serve as glaring and oppressively clear indictments of the results of this Western HaDaarah. It has dominated the world and has led to such grave results and consequently has constituted a great danger to the normal functioning of humanity.

A survey of the Islamic HaDaarah which dominated the world from the seventh century C.E until the end of the eighteenth century C.E reveals that it never had a colonialist policy. Indeed, colonialism is alien to Islam's nature, since it did not differentiate between the Muslims and other peoples. Thus it secured justice for all peoples who submitted to it throughout its reign. This is because it is a HaDaarah established upon a spiritual basis which fulfils all the values: materialistic, spiritual, moral, and humanitarian. 'Aqeedah is given the utmost importance in worldly life where it is depicted as being governed by the commands and prohibitions of Allah (swt). It views happiness solely as the attainment of Allah's (swt) pleasure. When this Islamic HaDaarah dominates again, as it did before, it will guarantee resolving the crises confronting the world and secure the welfare of humanity as a whole.

The System of Islam

Islam is the deen revealed by Allah (swt) upon Muhammad (saw) to organise the relationship of man with his Creator, with himself, and with other human beings. Man's relationship with his Creator includes the 'aqa'id (creeds) and the acts of worship. Man's relationship with himself includes the moral code, diet, and clothing. Man's relationship with other humans involves societal transactions and the penal code. Hence, Islam is an ideology addresses all of worldly life's affairs. It is not a theology that deals with priestly matters, whatsoever. It does away with autocracy (the dichotomy of clergy) for there is not a group called the clergy and another group called temporal. All those who embrace Islam are considered Muslims and are equal (in terms of obligation and rights) from the viewpoint of Islam. Hence there is no entity called clergy, neither secular and nor temporal men, for its spiritual aspect means that all things are created by a Creator and organised by His order. A profound view of universe, man and life, and what surrounds them and what is related to them shows that all of these are defective (naaqiS), deficient ('aajiz), and needy (muHtaaj). This confirms beyond doubt that all these are created by a Creator, governed by His commands and that man, when he proceeds in this worldly life, needs a system to organise the satisfaction and fulfilment of his instincts and organic needs. This system cannot emanate from man as he is deficient and lacks comprehensive knowledge. Furthermore, man's ability to set such a system is subject to differences, inconsistency, and contradiction. This will produce a system full of contradiction that will lead to man's misery. The system must, therefore, come from Allah (swt). Thus it is obligatory that man conduct his actions according to a system from Allah (swt). However, if man complied with the Islamic system based on the pursuit of the material benefit of this system and not because the system was from Allah (swt), it will be devoid of a spiritual aspect. Therefore, man must organise his actions in life by the commands and prohibitions of Allah (swt) based upon his comprehension of his relationship with Allah (swt) so that the spirit would exist when man undertake his actions. This is because spirit is man's observation of his relationship with Allah (swt). The mixing of matter with spirit is the presence of the comprehension of

the relationship with Allah (swt) the moment that the action is performed, so he (man) proceeds according to the commands and prohibitions of Allah, based on comprehending this relationship with Allah. An action is a matter; but man's comprehension of his relationship with Allah when performing this action is spirit (rooH). Thus directing one's actions according to the commands and prohibitions of Allah (swt) based on the comprehension of this relationship - is mixing matter with spirit (rooH). Accordingly, when non-Muslim acts according to the aHkaam shar'iyah, which are derived from the Qur'an and Sunnah, his actions are not directed by spirit; and the mixing of matter and spirit does not exist in his actions. This is due to the fact that he did not believe in Islam and did not comprehend the relationship with Allah (swt). He simply appreciated the system and thus organised his actions accordingly. This is in contrast to a Muslim who undertakes his actions according to Allah's (swt) commands and prohibitions based upon his comprehension of his relationship with Allah (swt) and whose goal in complying with the commands and prohibitions of Allah (swt) is attaining Allah's (swt) pleasure and not just the benefit the system provides. Therefore, it is necessary that the spiritual aspect exists in things and that the spirit (rooH) exists when undertaking actions. It must be clear for all that the spiritual aspect means that things and objects are created by a Creator i.e. the relationship of the created (thing) with the Creator. Also the spirit is the comprehension of this relationship, i.e. man's comprehension of his relationship with Allah (swt). This is the correct concept (of the spiritual aspect and of the spirit) and all other concepts are false. It is the profound and enlightened view of man, of universe, man and life that has led to the correct results and to this correct concept.

Some religions have maintained that the universe has two aspects, the sensorial (maHsoos) and the unseen (mughayyab). Man also embodies both spiritual ascension and physical yearning. Wrldly life includes both the materialistic and spiritual aspects. They assume that the sensorial contradicts the unseen, and the spiritual ascension can't be together with the physical yearning, and matter is separate from the spirit. They contend that these two sides are separated from one another due to their fundamental contradiction in nature. Thus, they cannot be mixed

and the increase in one leads to a deficit in the other. Consequently, those who desire in the Hereafter have to in the spiritual dimension. Based on this understanding, two authorities have arisen in Christianity, the spiritual and the temporal: “Render unto Caesar what is Caesar’s and unto God what is God’s”. The people yielding spiritual authority into their hands, the clergy and priests, endeavoured to acquire temporal authority so as to give the spiritual authority in worldly life preference over it. As a result, a severe conflict arose between the temporal and the spiritual authorities culminating with the church being confined to the spiritual authority and was prevented from interfering in temporal matters. Religion was then separated from worldly life because it is an ecclesiastic religion.

This separation between deen and life is the doctrine of the Capitalist ideology. It is the basis of the Western HaDaarah and the intellectual leadership, which the Western colonialists call for and subsequently convey to the world. It is the main pillar of its culture. Based on this doctrine they shake the Muslims belief in Islam. They measure Islam, by analogy, with Christianity, as being both religions. Thus, anyone who carries this notion, the separation of deen from life (secularism) is an indirect or direct agent directed by the Western intellectual leadership. He works intentionally or ignorantly as an agent of Western colonialism. He is either ignorant of the Islamic ideology or its enemy.

Islam views that object comprehended by our senses as being matter, and that the fact that a Creator has created such object determines the spiritual aspect in them. The spirit (rooH) is man’s comprehension of his relationship with Allah (swt). Thus, there does not exist a spiritual aspect separated from the materialistic aspect. Neither is there in man two competing sides, spiritual ascension versus physical desires. Rather, he has organic needs and instincts that need to be satisfied. One of the instincts in man is the instinct of religiousness, which means the need for the Creator, the Organiser, which results from the natural inability intrinsic in man. The satisfaction of the instincts cannot be labelled as materialistic or spiritual. Rather, it should be viewed only as a fulfilment. If man satisfied these organic needs and instincts in accordance with the

system revealed from Allah (swt) and in accordance with his relationship with Allah (swt), this satisfaction would be directed by the spirit. If the satisfaction was not based on a system or a system not revealed by Allah (swt), then the satisfaction will be purely materialistic and will lead to man's misery. If the instinct of reproduction (ghareezat an-nau') is satisfied without a system or with a system not from Allah it would lead to misery. However; if it were satisfied through the system of marriage, which is revealed by Allah (swt) according to the aHkaam of Islam, it would be a marriage resulting in tranquillity. If the instinct of religiousness (ghareezat at-tadayyun) is satisfied without a system, or with a system not coming from Allah (swt), such as by worshipping other human beings or idols, this would be polytheism (shirk) and disbelief (kufr). If it were to be satisfied with the aHkaam of Islam, it would be 'ibaadah (worship). It is therefore necessary to observe the spiritual aspect in all things and to perform all actions by following Allah's (swt) commands and prohibitions, based on man's comprehension of his relationship with Allah (swt). In other words, the actions are directed by the spirit. Therefore, there are no two parts in the action. The fact is that there is only one thing which is the action. Describing the action as purely material or directed by spirit (rooH) does not derive from the action as such but from either being directed according to the rules (aHkaam) of Islam or not. So, for example, when a Muslim kills his enemy in the battlefield his action is considered Jihaad for which he will be rewarded, since it is directed by the aHkaam of Islam. When the same person kills an innocent person, Muslim or otherwise, his action is considered a murder for which he will be punished, because it is against the commands and prohibitions of Allah's (swt). Both actions are the same, which is killing, and they stem from man. However, the killing would be worship when it is directed by the spirit and murder when it is not. A Muslim is thus obliged to direct his actions according to the spirit (rooH). Mixing of matter with spirit is not only possible; it is rather Waajib (obligatory). It is not permissible to separate matter from spirit. In other words, it is not allowed to separate any action from being carried out according to the commands and prohibitions of Allah (swt) on the basis of comprehending the relationship with Allah. Accordingly, everything that

implies the separation of the spiritual aspect from the material aspect should be removed. Thus, there is no clergy in Islam, no spiritual authority in the priestly sense and no temporal authority that is separated from deen. Rather, Islam is a deen of which the State is an integral part. The State is a body of aHkaam Shar'ayah in the same manner as the rule of prayer. It is the method to implement the rules of Islam and to carry the Islamic da'wah. Therefore, anything that confines deen to the spiritual sense, separating it from politics and ruling should be abolished. Thus all institutions established to exclusively oversee the spiritual aspects have to be abolished. So the department of mosques has to be dissolved and mosques should follow the department of education. The Shariah courts and the civil courts must also be dissolved making the court system one and based upon Islam. After all, the authority of Islam is one.

Islam is an 'aqeedah and system. The 'adeedah is the belief in Allah (swt), His Angels, His Books, His Messengers, the Day of Judgement, and al-QaDaâa wal Qadar, the good and the bad are from Allah (swt). Islam builds the 'aqeedah, which the mind can comprehend, on the mind. This includes the existence of Allah (swt), the Prophethood of Muhammad (saw) and the Qur'an. The aspects of the 'aqeedah which are beyond the senses (ghayb) such as the Day of Judgement, Angels, Paradise, and Hell, are all based upon and proved by conclusive textual evidences (daleel naqli) namely, the Qur'an ul-Kareem and the hadeeth mutawaatir which are themselves built upon rational evidences. Islam has made the intellect the foundation for (legal) responsibility.

The systems are aHkaam Shar'iyyah which organise man's affairs. The Islamic system handled all of man's affairs in general form and by general meanings, enabling one to derive detailed rules from these general meanings when carrying out the implementation. Thus Qur'an and Sunnah include general outlines i.e. general meanings to deal with man's problems in his capacity as a human being leaving the mujtahideen to deduce from these general meanings partial judgements for problems that occur throughout the different times and places.

Islam has one consistent approach in solving problems. It invites the mujtahid to thoroughly study the issue till he understands it and then to study the relevant Shar'ai texts and finally deduce the solution for the issue from the texts. The mujtahid thus deduces the Hukm Shar'i for this question from the shar'i evidences; and Islam has no use of any other method. Any issue facing man should be however studied as only a human problem. It should not be studied partially as an economic, social, political or any other type of question. It should be rather studied as a (human) question requiring Hukm Shar'i in order to know the Hukm of Allah (swt) related to it.

Legal Ruling (Hukm Shar'i)

Hukm Shar'i is the speech of the Legislator related to the actions of the servants ('ibaad). It is either conclusively proven (qat'iy uthuboot), such as the Qur'an and hadeeth mutawaatir or inconclusively proven (ZHanniy uthuboot) such as the non-mutawaatir hadeeth. If it is qat'iy uthuboot and its meaning is definitive (qat'iy ud-dalaalah), the Hukm will be conclusive. An example of this is the number of all prescribed raka'at in Salaah, as they are mentioned in the hadeeth mutawaatir. Likewise, the prohibition of riba, the amputation of the hand of the thief, and the lashing of the Zaani (fornicator) are conclusive rules whose correctness is definite, where there is only one single conclusively proven opinion.

If the speech of the Legislator is qat'iy uthuboot and does not yield a definite meaning (ZHanniy ud-dalaalah), then the included Hukm is inconclusive. For example, the aayah related to jizyah in the Qur'an. The aayah is qat'iy uthuboot but the meaning is not definite. The Hanafi school stipulated that it be called jizyah and those who are required to pay it must be in a state of humiliation when rendering payment. However, the Shafi'i school did not stipulate calling it jizyah and permitted jizyah to be called double zakaah. They did not require for the one paying it to be humiliated, but it is enough to submit to the Islamic rules.

If the speech of the Legislator is ZHanniy uthuboot, such as the non-mutawaatir hadeeth, then the Hukm included will not be conclusive, regardless of whether the meaning is qat'iy ud-dalaalah or not. For example, fasting of six days in Shawwaal or the prohibition of leasing agricultural land are both proven through Sunnah.

The Hukm Shar'i is understood from the speech of the Legislator (KhiTaab ash-Shaari') through a correct ijtihaad. Thus, the ijtihaad of a mujtahid produces the Hukm Shar'i. Accordingly, Allah (swt)'s Hukm for every mujtahid is the Hukm that mujtahid arrived at through his ijtihaad and what he most likely thinks to be correct.

It has been agreed upon amongst scholars that if a mukallaf (one under legal responsibility) fulfils the capacity of ijtihaad in one question

or more and makes ijtihaad and reaches thereupon a Hukm, he is not allowed to follow other mujtahideen in this issue, because it would be a taqleed of an opinion which is different to what is most likely correct in his opinion. The muttabi' is a person who has acquired some important knowledge in ijtihaad and consequently follows the Hukm after understanding its daleel. Accordingly, Allah's (swt) Hukm for this muttabi' is the opinion of the mujtahid whom he follows. The 'aammi is the person who does not possess some important knowledge in ijtihaad and hence follows the mujtahid without having knowledge of the daleel for the Hukm. This 'aammi has to follow the opinion of the mujtahideen and apply the aHkaam they have deduced. The Hukm Shar'i on his part is the one deduced by the mujtahid whom he follows. Therefore, the Hukm Shara'i is the Hukm deduced by the mujtahid who is qualified to practise ijtihaad. It is Allah's (swt) Hukm for him, and he is not allowed to leave it to follow another opinion, except in the cases mentioned previously. It is also Allah's (swt) Hukm for those who follow the mujtahid and they are not permitted to leave it.

If the muqallid follows a mujtahid in a Hukm of any issue and acts accordingly, he is not allowed to leave that Hukm for another mujtahid, except with Daleel (divine evidence). However, it is permissible for the muqallid to follow the mujtahid in other issues, because ijmaa' as-Sahabah permitted that a muqallid may ask a different 'aalim (scholar) on a different issue. If the muqallid assigned a certain School of Thought (maZHab), such as the Shafi'i and committed oneself to follow the entire maZHab, then the following applies upon him: The muqallid is not allowed to follow any other mujtahid on an issue he has already practised according to the maZHab he is following. Regarding the issues that he has not practised yet, he is allowed to follow the other mujtahideen. However, if a mujtahid reached a Hukm on an issue through his ijtihaad, he is allowed to abandon the result of his ijtihaad and follow another opinion, if it means the unification of all Muslims on one opinion, as happened at the bai'ah of 'Uthman (ra).

The Types of Legal Rulings (anwaa' al-aHkaam ash-Shar'iyyah)

The AHkaam shar'iyyah are divided into: the farD (compulsory), the Haraam (prohibited), the mandoob (recommended), the makrooh (undesirable) and the mubaaH (permissible). The Hukm Shar'i is either an order to perform an action or to abstain from performing an action. If the order (amr) to perform the action is decisive (jaazim), then it is classified as farD or waajib. Both these terms are synonymous. If the amr to do an action is indecisive, it is classified as mandoob. If the order to abstain is decisive, it is classified as Haraam or maHzur which are synonymous, whereas if the order to abstain is indecisive (ghair jazim), it is classified as Makrooh. Thus, with the farD or waajib, the performer is praised and the one who abstains from it is condemned. The person who neglects to perform the farD deserves to be punished. The person who performs the Haraam is condemned and the one who abstains from it is praised. The person who performs the Haraam deserves to be punished. The person who performs the mandoob is praised and rewarded and the one who abstains is not condemned i.e. he is rewarded for performing the action and not punished for abstaining from it. The person who does not perform the makrooh action is praised and rewarded i.e. abstaining from the makrooh is preferable. The mubaah is which the daleel as-sam'i (textual evidence) shows that the speech of the Legislator implies the choice between performing an action or abstaining from it.

Sunnah

Linguistically Sunnah means the method. However, in terms of the Sharee'ah it designates the naafilah that has been narrated from the Messenger (saw) such as the recommended raka'at (raka'at as-Sunnah), which are distinct from farD (compulsory). It should not be understood that the action is called Sunnah because it is from the Messenger (saw) and that the farD is from Allah (swt). The Sunnah and the farD are both from Allah (swt); and Rasool Allah (swt) is but a conveyor from Allah (swt), because the Rasool Allah (swt) uttered not out of whims but only that which was revealed to him from Allah (swt) i.e. wahy. Thus, although Sunnah is narrated from the Messenger (saw), nevertheless it is narrated as a recommended action i.e. naafilah that is why it is called sunnah; in the same way that the farD has been narrated as a compulsory action. Hence, the two compulsory raka'at of the dawn (fajr) prayer have been narrated from the Messenger (saw) through decisive reports, known as tawaatur, as being farD; and the two recommended raka'at of the fajr prayer have also been narrated through decisive reports (tawaatur) as being Sunnah (naafilah); and both are from Allah (swt) and not from Rasool Allah (saw). Thus the command (amr) is either farD or naafilah in actions of worship ('ibaadaat), and farD, mandoob or mubaaH in other actions. In other words, naafilah is the same as mandoob, but it is called naafilah, and called as Sunnah.

The Sunnah also means all the Shar'ai evidences which came from Rasool Allah (saw) other than the Qur'an. This includes his speech (qawl), actions (fi'l) and consent (taqreer) (his silence upon actions performed before him).

Emulating the Actions of the Messenger (saw) (At-ta`assi bi af`aal ar-rasool (saw))

The actions performed by the Messenger (saw) are of two kinds; the actions that are part of his human nature and other actions. Every action that is part of his nature, such as standing, sitting, drinking, and eating etc. are indisputably permitted (mubaaH) for both him and his Ummah. Consequently, they do not fall within the category of actions of the mandoob.

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

Those actions known to be clarification (bayaan) for us to follow are indisputable daleels (evidences). They are known by either explicit statement, such as: صَلُّوا كَمَا رَأَيْتُمُونِي أُصَلِّيَ “Pray the same as you have seen me pray,” and خُذُوا عَنِّي مَنَاسِكَكُمْ “Emulate me in all your rituals.” The evidence here denotes that his action is a clarification (bayaan) for us to follow. It may also be indicated by the circumstantial indication, such as amputating the hand of a thief from the wrist bone as a clarification of Allah’s (swt) saying, فَاقْطَعُوا أَيْدِيَهُمَا “Cut off their hands” [TMQ 5:38] This clarification of his action, either by speech or circumstantial indication (qaraain aHwaal), takes the same Hukm (rule) which has been clarified as either Wojoob (obligation), Nadb (recommended) or IbaHah (permissible) according to indication of the daleel.

As for those actions of the Messenger (saw) that are not indicated as being a clarification (bayaan) whether by a negation or affirmation from the Messenger (saw), they either show the intention of qurbah

(nearness to Allah (swt)) or not. If they show the intention qurbah they become mandoob, where the performer is rewarded for performing it and the abstainer is not punished. An example of this kind is the Sunnah of duHa. However, if the intention of qurbah to Allah (swt) is not evident, they fall within the permissible actions (mubaaH).

Adopting Legal Rulings (tabanni al-aHkaam ash-shar'iyah)

During the era of the SaHaabah (ra), the Muslims used to extract the AHkaam shar'iyah from the Book and the Sunnah by themselves. The judges, when tackling the disputes among people, would deduce by themselves the Hukm shar'i for every issue or event that they were faced with. The rulers, starting with the Ameer al-Mu'mineen to the Wulat and others, would themselves deduce the AHkaam shar'iyah to solve every problem that arose during their ruling. Abu-Musa al Ash'ari and ShuraiH (raa) were two judges (qaadi) who deduced the rules (AHkaam) and judged by their own ijtihaad. Mu'adh ibn Jabal (ra) was a governor (waali) at the time of the Messenger (saw) and used to deduce aHkaam and ruled in his wilayah by his own ijtihaad. Abu Bakr and Omar (ra) both deduced aHkaam by themselves during their ruling and both ruled the people with the ijtihaad each of them had deduced. Amr ibn al 'Aas (ra) and Muawiya were two governors who deduced aHkaam for themselves by their own ijtihaad and ruled people in accordance with it in their provinces. In spite of the ijtihaad undertaken by the judges and governors, the Khaleefah used to adopt certain aHkaam and to order their execution by the people who would be obliged themselves to implement the adopted rules and to leave their own opinion and ijtihaad on those rules. This is because the Hukm shar'i states that the Imam's decree is to be executed openly and covertly (amrul imaami naafidhan Zaahiran wa baaTina). Examples of this is the adoption of Abu Bakr (ra) that the pronouncement of divorce three times in one sitting constitutes only one divorce, and his adoption that funds should be equally distributed among Muslims irrespective of the time when they embraced Islam or any other matter. The Muslims followed Abu Bakr (ra) in these adoptions and the judges and governors executed them. When Omar (ra) came to office after him he adopted different opinions in the same questions. He obliged people to accept and execute the pronouncement of divorce three times in one sitting as three divorces, and he distributed the funds differently according to the time when the people had entered Islam and according to need. The Muslims followed Omar (ra) in these adoptions and the

judges and governors executed them. Omar (ra) also made the adoption that land obtained in war was a ghaneemah owned by the Bait ul Maal (House of Funds), wherein the original owners would retain possession and not distribute the land to the Muslim soldiers or the Muslims. The governors and judges followed him in this adoption and enacted the aHkaam he had adopted. Accordingly, the consensus of the Companions (ijmaa' as-SaHaabah) confirms that the Imam has the authority to adopt certain rules and order that they be executed and the Muslims must obey him, even if their ijtihaad differs from it. Among the well-known sharee'ah principles are: "The Sultan has the right to adopt decrees as numerous as the actual problems" (Lis-sulTaan an yuHditha minal aqDiyah bi qadari maa yaHduthu mim mushkilaat), "The Imam's decree resolves the discord" (amrul imaami yarfa'ul khilaaf); and "The Imam's command is executed openly and covertly" (amrul imaami naafidhun Zaahiran wa baaTina naafizhun). Henceforth, the Khulafaa adopted specific AHkaam. Haroon ar-Rasheed, for example, adopted the book Kitaab ul-Kharaaj in the economic affairs, and he obliged all the people to execute the AHkaam included within it.

Constitution and Canon (Ad-dustoor wal-Qaanoon)

Canon is a foreign technical term which means the decree issued by the ruler for people to enact. It has been defined as “the group of principles which the ruler obliges the people to enact in their relationships”. The basic law for every government is called a constitution; whereas law which emanates from the system decreed by the constitution is called a canon. The term constitution has been defined as the canon which outlines the shape of the state and its ruling system, and explains the limits and functions of every authority vested in it, or the canon which organises public authority, i.e. the government, defines its relationship with its subjects, and assigns both the State’s rights and duties towards the subjects and the subject’s duties and rights towards the State. Constitutions have different origins. Some have been issued in the form of a canon, and some have arisen through customs and norms, such as the British constitution, while others have been drafted by a committee of a national assembly - vested with the authority at that time - which passed the constitution, defined the procedure for revising it and then dissolved itself so as to be replaced by the authority established by the constitution, as happened in America and France. Constitutions and canons are taken from two sources. The first being the source from which they directly originate, such as norms, religion, the opinions of jurists, court precedents and the principles of justice and equity. This is known as the legislative source. Examples of this type of constitution are some of the Western states like Britain and America. The second is a historical source, i.e. the source from which the constitution or canon emerges or is taken, like the French Constitution and the constitutions of some of the states in the Islamic world, like Turkey, Egypt, Iraq and Syria.

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

The question that now faces the Muslims is whether or not it is permissible to use these terms? The answer to this question is that if foreign terms contain meanings or logical connotations that contradict the terminology of Muslims, they are prohibited for use: such as the term “social justice”, which implies a specific system that is manifested in the form of guaranteeing education, medical care for the poor and guaranteeing the rights of employees and workers. This connotation contradicts the Muslims terminological meaning for justice, because in Islam justice (‘adl) means the opposite of injustice (Zulm). As for securing of education and medical care it is a right for rich and poor, and protecting the rights of the weak and needy is a right secured to all those who hold citizenship of the Islamic State, whether they are employees, labourers or farmers etc. However, if the meaning of the terminology is consistent with what the Muslims have then it is permissible to use that term, such as the term tax, which means the funds collected from the people for the management of the state. The Muslims do have funds collected by the State for the management of their affairs and, thus, it is correct to use the term tax. The terms constitution and canon mean that the state adopts certain rules, announces them to the people and obliges them to act according to them and it governs them on their basis. This meaning is consistent with Islam. Accordingly, we do not find anything to prevent the use of the terms constitution and canons, which means the rules adopted by the Khaleefah from the aHkaam shar’iyyah. However, there is a difference between the Islamic constitution and canons, on the one hand, and other constitutions and canons, on the other. The source of the other constitutions and canons is the traditions and verdicts of their courts etc. and the origin is an institutional committee which lays down the constitution, and councils elected by the people to enact canons, for they consider the people to be the source of authority and sovereignty. As for the Islamic constitution and canons, their source is the Qur’an and Sunnah only, and their origin is the ijtihaad of the mujtahideen from which the Khaleefah adopts certain rules, where he enacts them and obliges the people to act according to them. This is because sovereignty is for the sharee’ah and ijtihaad is a right for all Muslims and a farD

kifaayah upon them to deduce aHkaam shar'iiyyah. Only the Khaleefah has the right to adopt the aHkaam shar'iiyyah.

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

The question that arises is whether or not it is in the interest of the Muslims to lay down a comprehensive constitution and general canons? The answer to this question is that the presence of a comprehensive constitution and general canons for all rules hinders creativity and ijtihaad. Hence, the Khulafaa` in the age of the SaHaabah, the followers of the Companions (tabi'een), and the followers of the followers of the Companions (taabi' at- tabi'een), avoided adopting all the rules. They merely restricted adoption to specific rules where adoption was required to maintain the unity of ruling, legislation and administration. Therefore, for the sake of maintaining creativity and ijtihaad, it is preferable for the State not to have a comprehensive constitution which includes all the rules, but rather a constitution that includes general rules which define the form of the State and which guarantees the continuity of its unity, and leaves ijtihaad and deduction to the governors and judges. This is the case if ijtihaad is feasible and people are mujtahideen as in the time of the Sahabah, tabe'ieen, and tab'ii et-tabe'ieen. But if all the people are muqallideen, and mujtahideen are rare, it is obligatory for the State to adopt rules by which the State, i.e. the Khaleefah, wulah (governors) and qudaah (judges) govern the people. This is because otherwise ruling by what Allah (swt) has revealed would not be easy and the governors and judges will suffer from differences and contradicting taqleed. However, adoption should come after studying the subject matter and daleel. Allowing the wulaah and judges to rule from their own knowledge will lead to the existence of different and contradicting rules within the same

state, even in the same province, and it could even lead to them judging with other than what Allah (swt) has revealed. Therefore, because ignorance of Islam is prevalent these days, it is obligatory for the Islamic State to adopt certain rules confined to the transactions and punishments, excluding adoption in ‘Aqeedah and the ibadaat. This adoption should be inclusive for all the rules so as to punctuate the state’s affairs and to conduct all the affairs of the Muslims in accordance with the rules of Allah (swt). When the state adopts the rules and establishes the constitution and canons, it must restrict itself solely to the aHkaam shar’iyyah. It must not adopt, or even study, anything other than the aHkaam shar’iyyah, whether it agrees with Islam or not. For example, it must not adopt the nationalisation of property. Instead, it must lay down the rule (Hukm) of public property. The state has to restrict itself by the aHkaam shar’iyyah in every matter connected with the thought (fikrah) and the method (Tareeqah). But as for the canons and systems that are not connected with the fikrah and Tareeqah and thus do not denote a certain view point of life, such as the administrative canons and departmental structures etc. they are considered to be means and styles, like the sciences, industries and technology, which the state may adopt to manage its affairs, as happened with Umar ibn al-Khattab (ra) when he established the army registers (deewaans) which were taken over from the Persians. These administrative and technical matters are not part of the constitution or the aHkaam shar’iyyah and, therefore, are not included in the constitution. Thus, the duty of the Islamic State is to observe that its constitution be aHkaam shar’iyyah i.e. that its constitution and canon be Islamic. When it adopts any rule it has to adopt it based on the strength of the daleel shar’i with the correct understanding of the subject matter. Hence, first it has to study the problem in order to understand it - because understanding the problem is essential. It must then understand the Hukm shar’i related to this problem. Then it has to study daleel of the Hukm shar’i. The state then adopts this rule, based on the strength of daleel, on condition that these are adopted either from the opinion of one of the mujtahids - after looking through the daleel and assured of its strength - or through ijtihaad shar’i, even in the single issue, from the Qur’an and Sunnah, ijmaa’ as-SaHaabah, or qiyaas. Thus, for example, if the State

wished to adopt forbidding insurance on goods, it has first to understand the nature of insurance on goods. It must study the means of possession. Allah's (swt) law concerning property would be applied on insurance and this would subsequently be adopted as the Hukm shar'ai in this question. Accordingly, there should be an introduction to the constitution and to each canon that clearly explains the madh-hab from which each article has been deduced, the daleel relied upon. If the article was deduced by a correct ijtihaad, an explanation of the daleel from which the article has been deduced has to be provided, so that the Muslims know that the rules which the state has adopted in the constitution and canons are AHkaam shar'iyyah reached by correct ijtihaad. This is because the Muslims are not obliged to obey the laws of the State unless they are AHkaam shar'iyyah adopted by the State. According to this basis, the State adopts AHkaam shar'iyyah in the form of a constitution and canons in order to govern the people who hold its citizenship.

As an illustration of this, we place in the hands of Muslims a draft constitution for the Islamic State in the Islamic world, to be studied by Muslims while they are working to establish the Islamic State that will carry the Islamic da'wah to the world. It should be noticed that this constitution is not meant for a particular country or intended to be specific to any region or country but for the Islamic State in the Islamic world.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A Draft Constitution

This is a draft constitution for the Khilafah State, which we put in the hands of the Muslims - whilst are working to establish the Khilafah State, and re-establish ruling by all that Allah (swt) has revealed - to envision the reality of the Islamic State, its structure and systems and what it will implement from the systems and legal rulings of Islam.

This constitution is an Islamic constitution, derived from the Islamic 'aqeedah, and taken from the legal rulings, based on the strength of evidence.

It is verified in its extraction from the Book of Allah (swt), the Sunnah of His Messenger (saw), and the Consensus of the Companions (ra) and the Qiyas.

It is an Islamic constitution and not other than that. There is nothing in it that is un-Islamic. It is a constitution that is not restricted with a specific region, or a specific country. Instead, it is for the Khilafah State in the Islamic World, in fact, in the whole world, considering that the Khilafah State will carry Islam as a message of light and guidance to the whole world, and it works to take care of its affairs, to annex it and to apply the legal rulings of Islam upon it.

And “**Hizb ut Tahrir**” presents this draft to the Muslims and asks Allah (swt) to honor them and to accelerate the achievement of the goal of the believers, endeavoring to establish a Khilafah Rashidah and to return to ruling by all that Allah (swt) has revealed, so that this draft is instituted as a constitution for the Khilafah State. **“وَمَا ذَلِكَ عَلَى اللَّهِ بِعَزِيزٍ”** [TMQ 14:20] **And that is not difficult for Allah.”**

General Rulings

Article 1: The Islamic ‘Aqeedah constitutes the foundation of the State. Nothing is permitted to exist in the government’s structure, accountability, or any other aspect connected with the government, that does not take the ‘Aqeedah as its source. The ‘Aqeedah is also the source for the State’s constitution and shar’i canons. Nothing connected to the constitution or canons is permitted to exist unless it emanates from the Islamic ‘Aqeedah.

Article 2: The domain of Islam (Daar ul-Islam) is that entity which applies the rules of Islam in life’s affairs and whose security is maintained by Muslims. The domain of disbelief (Daar ul-Kufr) is that entity which applies the rules of kufr and whose security is maintained by the kuffaar

Article 3: The Khaleefah is empowered to adopt divine rules (aHkaam shar’iyyah) enacted as constitution and canons. Once the Khaleefah has adopted a divine rule, that rule alone becomes the divine rule that must be enacted and then implemented. Every citizen must openly and secretly obey that adopted rule.

Article 4: The Khaleefah does not adopt divine rules pertaining to worship, i.e. ibadaat, except in connection with alms (zakaah) and war (jihaad). Also, he does not adopt any of the thoughts connected with the Islamic ‘Aqeedah.

Article 5: All citizens of the Islamic State are entitled to enjoy the divine rights and duties.

Article 6: All citizens of the State shall be treated equally regardless of religion, race, colour or any other matter. The State is forbidden to discriminate among its citizens in all matters, be it ruling or judicial, or caring of affairs.

Article 7: The State implements the aHkaam shar’iyyah on all citizens who hold citizenship of the Islamic State, whether Muslims or not, in the following manner:

a. The aHkaam shar'iyyah is implemented in its entirety, without exception, on all Muslims.

b. Non-Muslims are allowed to follow their own beliefs and worships.

c. Those who are guilty of apostasy (murtadd) from Islam are to be executed according to the rule of apostasy, provided they have by themselves renounced Islam. If they are born as non-Muslims, i.e., if they are the sons of apostates, then they are treated as non-Muslims according to their status as being either polytheists (mushriks) or People of the Book.

d. In matters of food and clothing the non-Muslims are treated according to their religions within the limits allowed by ahkam Shara'iah.

e. Marital affairs (including divorce) among non-Muslims are settled in accordance with their religions, but between non-Muslims and Muslims they are settled according to the aHkaam shar'iyyah.

f. All the remaining shar'i matters and rules, such as: the application of transactions, punishments and evidences (at court), the system of ruling and economics are implemented by the State upon everyone, Muslim and non-Muslim alike. This includes the people of treaties (mu'aahid), the protected subjects (ahlu ZHimmah) and all who submit to the authority of Islam. The implementation on these people is the same as the implementation on the subjects of the State. Ambassadors and envoys enjoy diplomatic immunity.

Article 8: Arabic is the language of Islam and the sole language of the State.

Article 9: Ijtihad (juristic exertion to derive the Islamic rule) is farD kifaayah (a collective duty). Every Muslim has the right to exercise ijtihad if he has acquired the necessary conditions to perform it.

Article 10: There is no such thing as a clergy in Islam as all Muslims bear the responsibility for Islam. The State will prevent anything that indicates the existence of a clergy among Muslims.

Article 11: The primary function of the State is the propagation of the invitation (da'wah) to Islam.

Article 12: The only evidences to be considered for the divine rules (aHkaam shar'iyyah) are: the Qur'an, the Sunnah, the consensus of the Companions (ijmaa' as-SaHaabah) and analogy (qiyaas). Legislation cannot be taken from any source other than these evidences.

Article 13: Every individual is innocent until proven guilty. No person shall be punished without a court sentence. Torturing is absolutely forbidden and whoever inflicts torture on anyone shall be punished.

Article 14: All human actions are, in origin, restricted by the divine rules (aHkaam shar'iyyah), and no action shall be undertaken until its rule (Hukm) is known. Every thing or object is permitted, i.e., Halaal, unless there is an evidence of prohibition.

Article 15: Any means that most likely leads to a prohibition (Haraam) is itself Haraam. However if it was (only) feared that it may lead to a prohibition, then it would not be Haraam.

The Ruling System

Article 16: The ruling system of the State is that of a unitary ruling system and not a federation.

Article 17: Ruling is centralised and administration is de-centralised.

Article 18: There are four positions of ruling in the State. They are: The Khaleefah, the delegated assistant (mu'aawin at-tafweeD), the governor (wali), the provincial mayor (a'mil). All other officials of the State are employees and not rulers.

Article 19: No one is permitted to take charge of ruling, or any action considered to be of the nature of ruling, except a male who is free (Hurr), i.e. not a slave, mature (baaligh), sane ('aaqil), trustworthy ('adl), competent; and he must not be save a muslim.

Article 20: Calling upon the rulers to account for their actions is both a right for the Muslims and a farD kifaayah (collective duty) upon them. Non-Muslim subjects have the right to make known their complaints about the rulers' injustice and misapplication of the Islamic rules upon them.

Article 21: Muslims are entitled to establish political parties to question the rulers and to access the positions of ruling through the Ummah on condition that the parties are based on the 'Aqeedah of Islam and their adopted rules are aHkaam shar'iyyah; the establishment of such a party does not require a license by the State. Any party not established on the basis of Islam is prohibited.

Article 22: The ruling system is founded upon four principles. They are:

1. Sovereignty belongs to the divine law (shara') and not to the people.
2. Authority belongs to the people, i.e., the Ummah.
3. The appointment of one Khaleefah into office is an obligation upon all Muslims.

4. Only the Khaleefah has the right to adopt the aHkaam shar'iyyah and thus he passes the constitution and the various canons.

Article 23: The state apparatus is established upon thirteen institutions:

1. The Khalifah (Leader of the State)
2. The Assistants (delegated ministers)
3. Executive ministers
4. The Governors
5. The Amir of Jihad
6. The Internal Security
7. The Foreign Affairs
8. Industry
9. The Judiciary
10. The People's Affairs (administrative apparatus)
11. The Treasury (Bayt al-Mal)
12. Communication/ Information
13. The Shura (consultative) Council

The Khaleefah

Article 24: The Khaleefah is deputised by the Ummah with authority to implement the shar'.

Article 25: The Khilafah is a contract upon choice and consent, so no one is compelled to accept it, and no one is compelled to choose the one who would undertake it.

Article 26: Every mature male and female Muslim, who is sane, has the right to participate in the election of the Khaleefah and in giving him the pledge (ba'iah). Non-Muslims have no right in this regard.

Article 27: Once the contract of the Khilafah has been concluded on a person through the ba'iah of those by whom the ba'iah is legitimately concluded, the ba'iah of the remaining people is a ba'iah of obedience and not contract. Consequently, those who might disobey or rebel are obliged to give ba'iah.

Article 28: Nobody can become Khaleefah without being appointed by the Muslims. Nobody can hold the power of the Khilafah unless it is conveyed to him legitimately, as is the case with any contract in Islam.

Article 29: Any country that wishes to give the Khaleefah the ba'iah of contract, her sulTaan (authority) must be self-acting, that depends on Muslims only and not on any kaafir state. The security of the Muslims in that country, both internally and externally, must be maintained by the security of Islam and not kufr.

As for the ba'iah of obedience only, it can be taken from any other country without such conditions.

Article 30: The individual who is given the ba'iah for Khilafah need only to fulfill the contracting conditions, even if he did not fulfil the preferable conditions, because what is essential is the conditions of contracting.

Article 31: There are seven conditions needed in the Khaleefah so that the Khilafah can be contracted to him. They are to be a male, Muslim, free (Hurr), mature (baaligh), sane ('aaqil), trustworthy ('adl) and able (qaadir).

Article 32: If the post of the Khaleefah becomes vacant, due to death, resignation or dismissal, the appointment of a new Khaleefah must take place within three days, which includes the nights from the date when it became vacant.

Article 33: A temporary leader is appointed to take charge of the affairs of the Muslims, and to prepare for the election of the new Khalifah after the vacation of the position of the Khilafah according to the following process:

- a. When the previous Khalifah feels that his life is coming to an end, or is committed to resigning, he has the right to appoint the temporary leader.
- b. If the Khalifah dies or resigns before appointing the temporary leader, or the position of the Khalifah becomes vacant due to another reason, then the eldest of the assistants becomes the temporary leader unless he intended to be a candidate for the Khalifah in which case the next senior assistant is to be given the position and so on.
- c. If all of the assistants intend to be candidates, then the eldest of the executive ministers will become the temporary leader or the one after him in seniority if he intends to be a candidate, and so on.
- d. If all of the executive ministers intend to be candidates for the Khalifah, then the position of the temporary leader is given to the youngest executive minister.
- e. The temporary leader does not have the right to adopt rules.
- f. The temporary leader makes all effort to complete the appointment of a new Khalifah within three days, and it is not permitted for this to be extended except due to overwhelming circumstances that the Madhalim court has to confirm.

Article 34: The method of appointing the Khalifah is the pledge of allegiance (Bay'a). The practical steps to appoint the Khalifah and his Bay'a are:

- a. The Madhalim court announces the vacancy of the position of the Khalifah
- b. The temporary leader takes control of his responsibility and announcing the opening of the nomination procedure immediately
- c. Applications of the candidates fulfilling the contracting conditions would be accepted, excluding the other applications, by the decision from the Madhalim court.
- d. The candidates who have been accepted by the Madhalim court, are then selected by the Muslim members of the Shura council in the

following two stage procedure: first to select the six candidates who received the most votes from them, and the second stage to select the two candidates who received the most votes

e. The names of the two are announced and the Muslims are requested to vote for one of them

f. The result of the elections is announced and the Muslims are informed as to who received the most votes.

g. The Muslims promptly set out to give the pledge to whoever received the most votes, as the Khalifah of the Muslims upon the Book of Allah (swt) and the Sunnah of His Messenger (saw).

h. Once the pledge has been completed, the Khalifah is announced to the public, until the news of his appointment has reached the whole Ummah, with mention of his name and that he fulfilled the characteristics that mean he is suitable to contract the Khilafah.

i. After completing the steps to appoint the new Khalifah the responsibility of the temporary leader ends.

Article 35: The Ummah has the authority to appoint the Khaleefah but she has no right to dismiss him after he has legitimately attained the ba'iah of contracting.

Article 36: The Khalifah possesses the following powers:

a. He is the one who adopts the Shari'ah rules derived by a correct Ijtihad from the Book of Allah (swt) and the Sunnah of his Messenger necessary for managing the affairs of the Ummah since when he adopts them they are enacted, at which point they become laws (qawanin) which are obligatory to obey, and it is not permitted to oppose them.

b. He is responsible for governing the domestic and foreign affairs of the State, and he takes command of the leadership of the Army; he has the right to announce war, to sign peace treaties, truces and all other types of agreements.

c. He is the one who can accept or refuse to meet foreign ambassadors and appoint and remove the Muslim ambassadors.

d. He is the one who appoints and removes the assistants and governors. They are all responsible to him as they are responsible to the Shura council.

e. He is the one who appoints and removes the head judge and judges with the exception of the Madhalim judge in the event of his looking into a case regarding the Khalifah, his assistants or his head judge. He also has the power to appoint and remove the department managers, the commanders of the army, and the standard bearers. All of these are responsible to him and not to the Shura council.

f. He is the one who adopts the Shari'ah laws that are drafted according to the budget of the State and decides the sections of the budget and the amount given to each aspect, irrespective to whether it was related to revenue or expenditure.

Article 37: The Khaleefah is restricted in what he adopts by the aHkaam shar'iyyah. He is forbidden to adopt any rule that is not soundly deduced from the divine texts. He is restricted to the rules he has adopted and to the method for deduction that he has chosen. Accordingly, he is prevented from adopting a rule deduced by a method that contradicts the method he has adopted, and he must not enact any command that contradicts the rules he has adopted.

Article 38: The Khaleefah has the absolute right to conduct the citizens' affairs according to his ijtihaad, so he has the right to adopt of the mubaaH matters anything he wants to run the State affairs and to look after the affairs of the citizens. However, he is not allowed to disagree with a Hukm shar'i under the name of interest. For example; he cannot prevent a family from having more than one child under the pretext of the shortage in food. Nor can he fix prices on the pretext of preventing exploitation; or appoint a kaafir or a woman as a waali on the pretext of caring for affairs or the interest, nor anything that disagrees with sharee'ah rules. The Khaleefah must not forbid any Halaal thing or allow any Haraam thing.

Article 39: There is no limitation on the Khaleefah's period in office. So as long as he abides by the shara', implements its rules and is able to

manage the State's affairs, he continues as a Khaleefah unless his situation changes in such a way as to discharge him from the office of Khilafah. He is to be dismissed immediately, once such a situation occurred.

Article 40: There are three matters by which the situation of the Khaleefah changes; and by such he is discharged from the office of Khilafah. They are:

a. If one of the qualifying conditions of the Khilafah contract becomes void, such as apostatising from Islam, insanity or manifest sinfulness (fisq) and the like. This is because these are conditions for contracting the Khilafah and for its continuity.

b. His inability to undertake the responsibilities of the Khilafah post, for any reason.

c. In the event of sub-dual, whereby the Khaleefah is rendered unable to conduct the affairs of the Muslims by his own opinion according to the shar'. If the Khaleefah is subdued by any force to an extent that he is unable to manage the citizens affairs by his own opinion alone according to the rules of shara', he is considered to be legitimately incapable of undertaking the functions of the state, and thus he ceases to be a Khaleefah. This situation may arise under two circumstances. They are:

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

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

Article 41: The responsibility of deciding whether or not the Khaleefah's situation has altered in such a way as to warrant his dismissal is the prerogative of the Court for the Acts of Injustice (maHkamat al-maZaalim). It alone has the authority to admonish or dismiss the Khaleefah.

Delegated Assistant (Mu'aawin ut-tafweeD)

Article 42: The Khaleefah appoints a delegated assistant with the authority to assist him in undertaking the responsibility of ruling. He deputises to him to manage affairs with his own point of view and ijtihaad.

On the death of the Khalifah, the role of his assistants ends, and they do not continue in their work except for the period of the temporary leader.

Article 43: The Mu'aawin ut-tafweeD must be qualified with the same essential qualifications of the Khaleefah, i.e. that he should be male, free, Muslim mature, sane, and 'adl (trustworthy). Additionally he must be competent in the tasks for which he is deputised to undertake.

Article 44: The appointment of the Mu'aawin ut-tafweeD must entail both deputation and a general responsibility. Thus, in the appointment of the assistant, the Khaleefah must pronounce a statement to the effect of "I appoint you on my behalf as my deputy" or any other statement that confers both deputation and general responsibility. Unless the Mu'aawin ut-tafweeD is appointed in this manner he would not be a Mu'aawin ut-tafweeD and nor hold the authority of a delegated assistant. This authorisation enables the Khalifah to send the assistants to specific locations, or transfer them to other places and other work as is required as the assistant of the Khalifah, and without the need for a new authorisation since it all falls under the original empowerment.

Article 45: The function of the delegated assistant, so as to distinguish between him and the Khaleefah in his authority, is to inform the Khaleefah of the matters he has managed and the appointments and delegated duties he has implemented. Therefore, the function of the

Mu'aawin ut-tafweeD is to inform the Khaleefah of his analysis and, unless the Khaleefah prevents him, to carry it out.

Article 46: The Khaleefah has to examine the actions and dispositions of the Mu'aawin ut-tafweeD so as to confirm what is sound and to adjust that, which is wrong. This is because the management of the Ummah's affairs is entrusted to the Khaleefah and subject to his own ijtihaad.

Article 47: Once the Mu'aawin ut-tafweeD has managed a matter with the agreement of the Khaleefah, he has the right to carry it out - as acknowledged - without any alteration. If the Khaleefah revises the matter and objects to what the Mu'aawin ut-tafweeD has executed, the following considerations apply: If the Khaleefah has objected to what the Mu'aawin ut-tafweeD has carried out in regard to a rule implemented soundly, or a fund spent justly, then the view of the Mu'aawin ut-tafweeD must be enacted. This is because it is originally the view of the Khaleefah and the Khaleefah must not redress laws that he has implemented and funds that he has spent. However if the Mu'aawin ut-tafweeD has implemented something else, such as the appointment of a waali or the equipping of the army, then the Khaleefah has the right to object and to overrule the decision of the Mu'aawin ut-tafweeD. This is because the Khaleefah has the right to redress his own decisions in such cases and hence those of the Mu'aawin ut-tafweeD.

Article 48: The Mu'aawin ut-tafweeD has a general deputation and therefore he must not be assigned to specific departments or specific types of action. He undertakes general supervision of the administrative system but does not undertake administrative matters for this is the task of civil servants and not the rulers. He is not commissioned to any specific area of actions since his guardianship is general.

Assistant (Wazir) of Execution (Mu'aawin ut-tanfeeDh)

Article 49: The Khalifah appoints assistants for implementation and their work is administrative. They are not rulers and their department is the

body to execute what the Khalifah issues in both internal and foreign affairs authorities and to submit what comes to him from these authorities. The department is the intermediary between the Khalifah and others, conveying to and from him in the following matters:

- a. Relations with the people
- b. International relations
- c. The military
- d. The institutions of the State other than the military

Article 50: The Mu'aawin ut-tanfeeZH must be a Muslim because he is one of the Khaleefah's entourage.

Article 51: The Mu'aawin ut-tanfeedh is always in direct contact with the Khaleefah the same way the Mu'aawin ut-tafweeD is. The Mu'aawin ut-tanfeedh is considered an assistant but in execution rather than ruling.

The Governors (Wulaa)

Article 52: The lands which are ruled by the State are divided into units and each unit is called a Wilayah (province). Each province is divided into units and each unit is called an 'Imalah (district). The one who governs the province is called the Wali (governor) or Amir and the one who governs the 'Imalah is called the 'Aamil (worker) or Hakim (ruler).

Article 53: The Khalifah appoints the governors. The 'Ummal (workers) are appointed by the Khalifah and by the governors if they have been delegated that power. The preconditions of the governors and 'Ummal are the same as the conditions for the assistants, so it is imperative that they are free, just, Muslim, adult men and are from the people who have the capability to do what they are assigned to, and they are chosen from the people of taqwa (God fearing) and power.

Article 54: The governor has the mandatory powers of ruling and responsibility over the actions of the departments in his governorship as a delegate of the Khalifah. So he has all the powers in his province that

the assistant has in the State. He has leadership over the people of his province and control over everything that is connected with it apart from the finances, judiciary and Army. However, the police come under his leadership from the angle of implementation not administration.

Article 55: The governor is not obliged to inform the Khalifah of what he has carried out within his authorised command. If a new problem arises which was not well known, he has to wait until he has informed the Khalifah about it, and then proceeds according to the instructions of the Khalifah. If he was afraid that the problem would be exacerbated due to the delay, he carries out the action and then must inform the Khalifah later on about the reason for not informing him beforehand.

Article 56: Every province has an assembly elected from its people and headed by the governor. The assembly has the authority to participate in expressing opinions on administrative matters and not in ruling and this would be for two objectives:

Firstly - providing the necessary information about the situation of the governorate and its needs to the governor and to express their opinion about that.

Secondly - in order to express their contentment or complaint about the rule of the governor over them.

The opinion of the assembly is not binding in the first instance and is binding in the second – if they complain about the governor he is removed.

Article 57: The governor's term of office in a particular province is not to be long. He must be discharged whenever he becomes firmly established in his province or the people become enchanted with him.

Article 58: The governor is not moved from one province to another since his appointment was for a general control in a specific area. Therefore he has to be discharged first and then reappointed.

Article 59: The governor can be discharged if the Khalifah decides so or if the Shura council expresses dissatisfaction with him - whether justified

or not - or if the provincial council appears displeased with him. However, the governor can only be dismissed by the Khalifah.

Article 60: The Khalifah must examine the actions of the governors and continually assess their performance strictly. He must deputise people to monitor their situations, investigate them, and periodically gather all or some of them, and listen to the complaints of the subjects regarding them.

The Amir of Jihad – the Military Department – the Army

Article 61: The War Department is in charge of all the affairs connected to the armed forces of the Army and police, and the treaties, objectives, military equipment and similar. They are also responsible for the military colleges, expeditions and everything that is necessary from the Islamic culture and the general cultural necessary for the Army, as well as everything connected to war and its preparation, and the head of this department is called the Amir of Jihad

Article 62: Jihad is obligatory upon the Muslims and military training is compulsory. Every male Muslim who has reached the age of 15 is obligated to undertake military training in order to prepare him for Jihad. Recruitment is an obligation of sufficiency.

Article 63: The Army has two sections: the reserve section, which is all those Muslims who are capable of carrying arms, and the section of regular soldiers, who get salaries from the State budget in the same manner as the civil servants.

Article 64: The Army is given banners and flags and the Head of State (the Khalifah) gives the banners to whomever he appoints as leader to the Army, whereas the flags are introduced by the brigadiers.

Article 65: The Khalifah is the Commander of the Army and he appoints the Chief of General Staff, a general for each brigade, and a commander for every division. The remaining ranks in the Army are appointed by the brigadiers and commanders. The appointment of general staff is

according to their level of military expertise and is carried out by the Chief of General Staff.

Article 66: The Army is a unified entity which has specific bases. However, it is necessary that some of these bases are placed in different provinces and others in strategic locations. Some of the bases should be permanently mobile fighting forces. These bases are organised in numerous groups, with each group being given a number as a name, such as the first Army, the third Army, or they can be named after a province or district.

Article 67: It is obligatory to provide the Army with the highest level of military education and raise its intellectual level as far as possible. Every individual in the Army should be cultured Islamically to enable him to have an awareness of Islam, to at least a general level.

Article 68: It is obligatory that each base should have a sufficient number of officers of the general staff who possess expert military knowledge and experience in drawing up plans and directing battles. The Army as a whole should possess as many of these officers as possible.

Article 69: It is obligatory to provide the Army with weapons, supplies and equipments as well as all necessities and requirements, which enable it to carry out its mission as an Islamic Army.

The Internal Security

Article 70: The Department of Internal Security is responsible for everything related to security, and prevents everything that threatens the internal security. It protects the security of the land through the police, and does not resort to the Army except by the order of the Khalifah. The head of this department is called the manager of the internal security. This department has branches in the provinces which are called section of internal security and the head of the section is called the Police Chief, Sahib al-Shurtah, in the province.

Article 71: The police (shurtah) have two branches: the military police, who are under the command of the Amir of Jihad, in other words, the war

department, and the police who are under the control of the Ruler to protect the security, and they are under the authority of the Department of Internal Security. The two branches have specific training and specific culture in order for them to carry out their responsibilities in the best manner.

Article 72: The most prominent issues that threaten the internal security that are under the responsibility of the Department of Internal Security to treat are: apostasy, rebellion and banditry, attacks on people's wealth, attacking people and their honour and co-operating with the people of suspicion who spy for the disbelievers who are at war.

The Department of Foreign Affairs

Article 73: The Department of Foreign Affairs is in charge of all the affairs connected to the relations of the Khilafah state with the foreign states, whether from the political angle, or economic, industrial, agricultural and trade aspects, or postal, cable and wireless connections and so on.

The Department of Industry

Article 74: The Department of Industry is in charge of all the affairs connected to industry, whether heavy industry such as the manufacturing of engines, machines, vehicles, materials and electrical equipment, or light industry. Similarly, whether the factories are of the public property type or they are included in the private property and have a relationship to the military industry. All types of factories must be established upon the basis of military policy.

The Judiciary – QaDaa

Article 75: Judgeship is the pronouncement of the verdict in a binding way. It settles the disputes among people, prevents that which harms the

community's rights and eliminates the disputes arising between people and members of the ruling apparatus - rulers and employees - including the Khaleefah and those of lesser rank.

Article 76: The Khalifah appoints a supreme judge to the judiciary from the male, adult, free, Muslim, sane, just people who know jurisprudence, and if he was given the power to appoint and remove the Madhalim judge, and had the power of judgement in the Madhalim, then he would have to be a Mujtahid. He would have the power to appoint judges, discipline them, and remove them as part of the administrative systems. As for the remainder of the civil servants of the courts, they are connected to the Department Manager who is responsible for the courts' affairs.

Article 77: There are three types of judges. They are:

1. The judge who settles the disputes among people in transactions (Mu'aamalaat) and punishments ('Uqooabaat).
2. The muHtasib who settles the violations of the community's rights.
3. The judge of the Court for the Unjust Acts (maHkaamat ul-maDHalim) who settles disputes between people and officials of the State.

Article 78: All judges must be qualified by being Muslim, mature, free, and sane, 'adl, and a jurist being aware of how to apply rules to incidents. Judges of maHkaamat ul-maDHalim must additionally be qualified with being male and a mujtahid, i.e., a person capable of making ijtihaad.

Article 79: The judge, the muHtasib and maDHalim judge may be given a general appointment to pronounce judgement on all problems throughout the State, or alternatively they can be given an appointment to a particular location and to give judgement on particular cases.

Article 80: The courts should be comprised of only one judge who has the authority to pronounce verdict. One or more judges are however permitted to accompany him with only the authority of advising and assisting. They have no authority to pronounce verdict and their opinion is not binding on the judge who has the sole authority to give judgement.

Article 81: The judge cannot pronounce verdict except in a court session. Evidence and oaths are not considered except in a court session as well.

Article 82: It is permissible to vary the grades of courts in respect to the type of cases. Some judges may thus be assigned to certain cases of particular grades, and other courts authorised to judge the other cases.

Article 83: There are no courts of appeal or cassation, because all judgements are of equal standing. Thus, once the judge has pronounced the verdict it becomes effective and no other judge's decision can overturn it, unless he judged with other than Islam, disagreed with a definite text in the Qur'an, Sunnah or Ijmaa' as-SaHaabah or it appeared that he judged in contradictory to a true reality.

Article 84: The muHtasib is the judge who investigates all cases, in the absence of an individual litigation, involving the rights of the public that are non-criminal and not involving the Hudood (i.e., the punishments.)

Article 85: The muHtasib has the authority to judge upon violations, at any place as soon as he gains knowledge of these violations without the need to hold a court session. A number of policemen are put at the muhtasib's disposal to carry out his orders and to execute his verdicts immediately.

Article 86: The muHtasib has the right to appoint deputies to himself, that possess the same qualifications as the muHtasib, and to assign them to various locations where they exercise the same authority as the muHtasib in the location and the cases assigned to them.

Article 87: The judge of the maHkaamat ul-maDHalim is appointed to remove all unjust acts, committed by the Khaleefah, governor(s), or any official of the State, that have been inflicted upon anyone - whether that person is a citizen or not - living in the domain of the State.

Article 88: Judges in the maHkaamat ul-maDhalim of Injustice are appointed by the Khaleefah or the chief judge. As for their accounting, disciplining and dismissal, this is carried by the Khaleefah, the maHkaamat ul-maDHalim or the chief judge if authorised by the Khaleefah to do so. However, it is not allowed to dismiss him during his investigation in an unjust act against the khaleefah, mua'win ut-tafweeDH or the chief judge; rather the power to remove him in these circumstances is the Court of Injustices (Madhalim).

Article 89: There is no limit on the number of judges that can be appointed for the Unjust Acts. The Khaleefah can appoint as many as he may deem necessary to eradicate the unjust acts. Although it is permitted for more than one judge to sit in a court session, only one judge has the authority to pronounce a verdict. The other judges only assist and provide advice, and their advice is not binding on the judge authorised to pronounce the verdict.

Article 90: The Court of Injustices (Madhalim) has the right to remove any ruler or civil servant in the State, in the same way that it has the right to remove the Khalifah, if the elimination of the Madhlamah required this removal.

Article 91: The maHkaamat ul-maDHalim has the authority to investigate any case of iniquity, whether it be connected with officials of the State, the Khaleefah's deviation from the divine rules, interpretation of the legislative texts in the constitution, canons and divine rules within the framework adopted by the Khaleefah or the imposition of a tax, etc.

Article 92: The judiciary of the Injustices (Madhalim) is not restricted by a court session or the request of the defendant or the presence of the plaintiff. It has the authority to look into any case of injustice even if there is no plaintiff.

Article 93: Everyone, both in prosecution and defence, has the right to appoint a proxy, whether male or female, Muslim or not, to act on his or her behalf. There is no distinction in this matter between the attorney and to the individual granting power to the attorney. The proxy has the right to be appointed in return of a fee according to the terms agreed upon between the two parties in question.

Article 94: It is permitted for the one who holds office, such as the Khaleefah, waali, official, muHtasib and judge of the Court for the Unjust Acts, or persons who have been vested with a specific responsibility, like a custodian or guardian, to appoint a person to his position as a proxy - within the bounds of his authority - for the purpose of appearing on his/her behalf as the plaintiff or defendant, and for no other reason.

Article 95: The contracts, transactions, and verdicts which were ratified and whose implementation was completed before the establishment of the Khilafah are not nullified by the judges of the Khilafah and nor do they review them, unless the case:

- a. Has a continued effect which contradicts Islam, so it is obligatory to review it.
- b. Or if it was connected with harm to Islam and the Muslims which was brought about by the previous rulers and their followers, and so it is permitted for the Khalifah to review these cases.
- c. Or if it was connected to wealth which had been misappropriated and still remains in the hands of the one who had taken it.

The Administrative System

Article 96: Management of the government's and people's affairs is carried out by offices, departments, and administrations, whose task is to ensure the management of the State's business and the carrying out of the people's interests.

Article 97: The policy of the administrations, directorates and departments is built upon the simplicity of the system, speed in carrying out the tasks and competence in those who are in charge of management.

Article 98: Any subject of the State, male or female, Muslim or not, who is suitably competent may be appointed as head or a civil servant of any administration, directorate or department.

Article 99: Every office has a general manager appointed, and every department and administration has a manager who is responsible for its management, and is directly responsible for it, and they are accountable in terms of their work to whoever is in charge of the highest administration for their offices, departments or administrations, and are accountable in terms of their adherence to the general rules and systems to the governor and 'Amil.

Article 100: The managers and directors of all the administrations, directorates and departments are to be dismissed only for reasons connected with administrative regulations. It is permitted to move them from one post to another and to suspend them by the one who is in charge of the highest administration of their office, department, or administration.

Article 101: Employees other than the directors and the managers, are appointed, transferred, suspended, questioned, disciplined or dismissed by those who are in charge of their administration, directorate or department.

The Treasury (Bayt al-Mal)

Article 102: The treasury (Bayt al-Mal) is the administration responsible for the revenues and expenditure in accordance with the Shari'ah rules in terms of their collection, storage and spending. The head of the office of the treasury is called the Treasurer of the Treasury (Khazin Bayt al-Mal). The offices in the provinces fall under it and the head of each office is called the Trustee of the Treasury (Sahib Bayt al-Mal).

The Media

Article 103: The institution of the Media Office is responsible for drawing up and executing the political media strategy for the State in order to support the interests of Islam and the Muslims. Internally, it works to build an Islamic society that is strong and cohesive, and it refutes that which is malicious while confirming that which is good. In external affairs it is to promote Islam during peace and war, in a manner that explains the greatness of Islam, its justice and the strength of its soldiers, and expose the corruption and oppression of the manmade system and the weakness of their soldiers.

Article 104: The media owned by any citizen of the State does not require a permit; rather they are simply required to inform the media

office, such that the office knows about the media outlets that are being established. The owner and the editors of the media are responsible for every article they publish and are accounted for anything which contradicts the Shari'ah in the same manner as any other citizen.

Majlis al-Ummah (Consultation and Accountability)

Article 105: The members of the Majlis al-Ummah are those people who represent the Muslims in respect of expressing their views to the Khaleefah when consulted. Non-Muslims are allowed to be members of the Majlis al-Ummah so that they can voice their complaints in respect to unjust acts performed by the rulers or the misapplication of the Islamic laws.

Article 106: The members of the Provincial Councils are directly elected by the people in their provinces, and the number of members of the Provincial Councils is limited according to their proportion to the numbers of inhabitants in each of the provinces. The members of the Ummah Council are elected directly by the Provincial Councils. The start and end of the terms of the Ummah Council are the same as those of the Provincial Councils.

Article 107: Every citizen of the State has the right to become a member of the Majlis al-Ummah, or the Provincial Council, provided he or she is both mature and sane. This applies to Muslim and non-Muslim. However, membership to non-Muslims is confined to their voicing of complaints in respect to unjust acts performed by the rulers or the misapplication of Islam upon them.

Article 108: Consultation (Shoora) and the mashoora are the seeking of views in absolute terms. These views are not binding in legislation, definitions, intellectual matters such as discovering the facts and the technical and scientific matters. However they are binding when the Khaleefah consults in other practical matters and actions that do not require scrutiny or research.

Article 109: Shura (consultation) is a right for the Muslims alone and the non-Muslims do not have a right to it. It is permitted for all of the subjects to put forward opinions, whether Muslim or not.

Article 110: All issues that fall under the binding Shoorah, when the Khaleefah seeks opinion, are decided on the basis of the majority opinion, irrespective of whether it is considered to be correct or not. In all other matters of Shoorah, the correct opinion is sought, whether it is a majority or minority view.

Article 111: The Majlis al-Ummah is charged with five duties. They are:

(1) (a) To be consulted by the Khaleefah or to advise him on the practical matters and actions which do not need scrutiny or research, such as: affairs of ruling, education, health, and the economy, industry, farming and the like; and its opinion in that is binding.

(b) However in the matters which require scrutiny and research and the technical matters, the financial, the military and the foreign policy, the Khaleefah has the right to refer to the Majlis for consultation and seeking an opinion; however the opinion of Majlis in such matters is not binding..

(2) The Majlis has the right to account the Khaleefah regarding all the actions that the state has actually executed, whether they were of the domestic or foreign matters, or the finance or the army and the like. The view of the Majlis is binding wherever the majority opinion is binding and not binding wherever the majority opinion is not.

(3). The Majlis has the right to express dissatisfaction with the assistants, governors, and mayors; and in this matter the view of the Majlis is binding and the Khaleefah must discharge them at once.

(4). The Khaleefah may refer to the Majlis the rules, the constitution and canons, that he intends to adopt. Muslim members of the Majlis have the right to discuss them and express their views about them, but their opinion is not binding.

(v). The Majlis has the right to select the list of candidates standing for the position of Khaleefah; no candidate excluded from this list may stand

and the decision of the Majlis is binding. Only Muslim members of the majlis may participate in drawing up this list.

The Social System

Article 112: The primary role of a woman is that of a mother and a housewife. She is an honour ('ird) that must be protected.

Article 113: Segregation of the sexes is fundamental, they should not meet together except for a need that the shar' allows or for a purpose the shar' allows men and women to meet for, such as trading or pilgrimage (Hajj).

Article 114: Women have the same rights and obligations as men, except for those specified by the shar'i evidences to be for him or her. Thus, she has the right to practice in trading, farming, and industry; to partake in contracts and transactions; to possess all form of property; to invest her funds by herself (or by others); and to conduct all of life's affairs by herself.

Article 115: It is permitted for a woman to be appointed to the civil service and positions in the judiciary apart from the Court of Injustices. She can elect members of the Ummah's council, and be a member herself, and she can participate in the election of the Head of State and in giving him the pledge of allegiance.

Article 116: Women are not allowed to take charge of ruling, thus women cannot hold the positions of Khaleefah mu'aawin, wali, 'aamil nor to practice any actions of ruling. She is not allowed to be a chief judge, a judge in maHkaamat ul-MuDHalim nor ameer of Jihad.

Article 117: Women live within a public and private life. Within their public life, they are allowed to live with other women, maHram males [males forbidden to them in marriage] and foreign men (whom they can marry) on condition that nothing of the women's body is revealed, apart from her face and hands, and that the clothing is not revealing nor her charms displayed. Within the private life she is not allowed to live except with women or her maHram males and she is not allowed to live together

with foreign men. In both cases she has to restrict herself with the rules of shar'.

Article 118: Women are forbidden to be in private (khulwah) with any men they can marry, they are also forbidden to display their charms or to reveal their body in front of foreign men.

Article 119: Men and women must not practice any work that poses danger to the morals or causes corruption in society.

Article 120: Marital life is one of tranquillity and companionship. The responsibility of the husband over his wife (qiwaamah) is one of taking care, and not ruling. She is obliged to obey her husband and he is obliged to meet the costs of her livelihood according to a fair standard of living (ma'roof).

Article 121: The married couple must fully assist each other in performing the household duties, with the husband performing all the actions normally undertaken outside of the house, and the woman performing those actions normally undertaken inside the house as best as she can. The husband should provide home help as required to assist with the household tasks she cannot manage herself.

Article 122: The custody of children is both a right and duty of the mother, whether Muslim or not so long as the child is in need of this care. When children, girls or boys, are no longer in need of care, they are to choose which parent they wish to live with, whether the child is male or female. If only one of the parents is Muslim, there is no choice for the child but to join the Muslim parent.

The Economic System

Article 123: The management of economics is the view of what the society ought to be when addressing the satisfaction of (human) needs, so the type of society we ought to have is made as the basis for satisfying the needs.

Article 124: The fundamental economic problem is how to distribute funds and benefits/ services to all subjects of the State, and to facilitate all the subjects to utilise these funds and benefits/ services by enabling them to strive and possess them.

Article 125: Every individual must have all his basic needs provided for completely by the State, and he/she must be guaranteed to satisfy his extra needs (non-basic needs) to the highest possible level.

Article 126: Allah is alone the owner of property and He has made human beings trustees on it. By this general entrust, humankind has acquired the right to possess property. As a consequence of Allah's (swt) permission for the individual to possess property, man has the actual possession.

Article 127: There are three types of property: private property, public property, and State property.

Article 128: Private property is a divine rule determined by the property itself or the benefit from it. As a result of this possession, the person who possesses it either obtains its benefit or receives a return for it.

Article 129: The public property is the sharee'ah's permission for the community to participate in getting benefit from the property itself.

Article 130: State property comprises any property whose expenditure is determined solely by the view of the Khaleefah and his ijtihaad, such as: the funds of taxes, land tax (kharaaj) and head tax (jizya).

Article 131: Private property consisting of liquid and fixed assets is restricted by the following divine means (asbaab):

- a. Work.
- b. Inheritance.
- c. Acquisition of property to survive.
- d. A donation from State funds to a citizen.
- e. Funds obtained by individuals neither by effort and nor through purchase.

Article 132: The disposal of property is restricted by the permission of the Legislator, i.e., Allah, (swt) whether it is spending or investing of property. Squandering, extravagance and miserliness are forbidden. Also forbidden are the capitalist companies, co-operatives, all other illegal transactions, usury (riba), fraud, monopolies, gambling and the like.

Article 133: Tithed land (al-‘Ushriyyah) constitutes land within the Arabian peninsular and land whose owners had embraced Islam whilst possessing the land, (i.e. before their land been conquered by jihad). Tax land (al-Kharaajiyah) is all land, other than the Arabian Peninsula, which was opened by jihad, i.e. war or peace. Al- Ushriyyah land, together with its benefits, is owned by individuals. Al Kharaajiyah land is owned by the State, and individuals own its benefits. Everyone has the right to exchange, through shar’i contracts, tithed land and the benefits of kharaji land. All people can inherit these, the same as with other properties.

Article 134: Uncultivated (muwaat) land is acquired by reviving it, i.e. irrigating it, or by protecting it, i.e. erecting fencing. Cultivated land can only be acquired by way of shar’ means, such as: inheritance, purchasing or through a donation from the State.

Article 135: Leasing land, whether al- Ushriyyah land or al al-Kharaajiyah land, for agriculture is forbidden. Sharecropping of land planted with trees is permitted, and sharecropping on all other land is forbidden.

Article 136: Every landlord is obliged to use his land; those who need financial help are to be given a loan from the treasury (bayt ul-maal) to facilitate this. Anyone who leaves his land fallow, i.e., does not use the land, for three continuous years will have it taken from him to be given to another.

Article 137: The following three categories constitute public property:

- a. Public utilities, such as the town parks.
- b. Vast mineral resources, like oil fields.

c. Things that, by their nature, cannot be owned by individuals, such as rivers.

Article 138: Factories by their nature are private property. However, they follow the rule of the product manufactured within them. If the product is private property, the factory is considered to be private property, like a textile mill. If the product is a public property, like iron ore, then the factory is considered to be a public property.

Article 139: The State has no right to change private property into public property, because public property is determined by its nature and not by the view of the State.

Article 140: Everybody in the State has the right to utilise public property, and the State has no right to allow any individual to singularly possess, own or utilise public property.

Article 141: The State is allowed to protect parts of the uncultivated land or public property on behalf of any of the citizens' interests.

Article 142: Hoarding funds, even if zakaah is paid on it, is forbidden.

Article 143: Zakaah is collected from Muslims on their properties that are specified by shar', i.e. money, trading goods, cattle and grain. It is not taken from anything not specified by the shar'. Zakaah is taken from every owner whether legally responsible (mukallaf), i.e. mature and sane, or not, i.e. immature and insane. It is recorded in a specific account of the bayt ul-maal and is not to be spent except for one or more of the eight categories of people mentioned in the Glorious Qur'an.

Article 144: Jizyah (head-tax) is collected from the non-Muslims (dhimmis). It is to be taken from the mature men if they are financially capable of paying it. It is not taken from women or children.

Article 145: Kharaaj (land-tax) is collected on al-Kharaajiyah land according to its potential production. However, in respect of al-Ushriyyah land zakaah is payable on it, on the basis of its actual production.

Article 146: The Muslims only pay the tax that shar' has permitted to cover the expenditure of bayt ul-mal, on condition that it is levied on that which is surplus to the individual's needs. The tax must be sufficient to cover the demands of the State.

Article 147: The State has the right to collect tax from the Ummah when the funds of bayt ul-maal are inadequate to cover the expenditure required to undertake all the functions the shar' has obliged the Muslims to perform. The State is not allowed to impose a tax on the people for a function the shar' has not obliged the Muslims to undertake. Thus, the State is not allowed to collect fees for the courts or departments or administrations, or for accomplishing any service.

Article 148: The budget of the State has permanent sources decided by the AHkaam shar'iyyah. The budget is further divided into sections. The funds assigned to each section and the matters for which the funds are allocated are all decided by the view of the Khaleefah and his ijtihaad.

Article 149: The permanent sources of revenues for bayt ul-maal are: spoils (fei`), jizyah, kharaaj, a fifth of the buried treasure (rikaaz) and zakaah. All these funds are collected, whether there is a need for them or not, on a continuous basis.

Article 150: If the revenues derived from the permanent sources of income for bayt ul-maal are insufficient to cover the expenditure of the State, it is permitted to collect taxes from the Muslims to cover the expenditure obliged on bayt ul-maal. The obligations are the following:

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

Article 151: Income derived from public and State property, people dying without heirs, properties of the apostates and customs levied at the state's borders (thoghoor), are all recorded in bayt ul-maal.

Article 152: The expenditure of bayt ul-maal is distributed among the following six categories of people as follows:

- a. The eight categories of people entitled to partake of the zakaah funds.
- b. The poor, the needy, the wayfarers, the debtors and jihad are funded from the permanent sources of revenues whenever there are insufficient funds in the zakaah account. When there are inadequate funds from the permanent revenues, the debtors are not to receive assistance. The poor, the needy, the wayfarers and jihad must be funded from the taxes collected for this purpose; and if required - to prevent them from falling into disorder 'fasaad' - they are to be funded from loans raised by the State for this purpose.
- c. Bayt ul-maal must fund those people who perform certain duties or services for the State, such as employees, rulers and soldiers. If there are insufficient funds for this purpose, taxes must be collected immediately to meet their expenses, and loans should be raised if it is feared that corruption might ensue.
- d. Bayt ul-maal shall fund the essential services and utilities such as the roads, mosques, hospitals and schools. If there are insufficient funds, taxes must be collected to cover their cost.
- e. Non-essential services and utilities are funded by bayt ul-maal, but when there are insufficient funds available they are not financed and accordingly delayed.
- f. Disasters, such as earthquakes and floods, must be financed by bayt ul-maal; if there are insufficient funds available, loans are to be raised immediately, and will be repaid later from taxes.

Article 153: The State should guarantee work for all subjects holding citizenship of the State.

Article 154: Company employees and the self-employed have the same rights and duties as employees of the State. Everyone who works for a wage, irrespective of the nature of the work, is considered an employee. In matters of dispute, between employer and employee over salary levels, the salary level is to be assessed on the basis of the market. If they disagree over something else, the employment contract is to be assessed according to the rules of the shar’.

Article 155: The salary is to be determined according to the benefit of the work, or the benefit of the employee, and not according to the knowledge or qualifications of the employee. There have to be no annual increments for employees. Instead, they have to be given the full value of the salary they deserve for the work they do.

Article 156: The State is to guarantee the living expenses of the one who has no money, no work and no relatives responsible for his financial maintenance. The State is responsible for housing and maintaining the disabled and handicapped people.

Article 157: The State must endeavour to circulate wealth among all the subjects and forbid the circulation of wealth among only a sector of society.

Article 158: The State tackles the task of enabling every subject to satisfy his luxuries (non-basic needs) and to achieve equality in society in accordance with the funds available to her, in the following way:

- a. The State grants all its citizens liquid and fixed assets from those owned by bayt ul-maal, and from the war booties, etc.
- b. The State donates from its cultivated land to those who have insufficient or no land. Those who possess land but do not use it are not given land. Those who are unable to use their land are given financial assistance to enable them to use their land.
- c. Those that are unable to settle their debts are given funds from zakaah, and the war booty, etc.

Article 159: The State supervises agricultural affairs and their products in accordance with the needs of the agricultural policy, so as to achieve the potential of the land to its greatest level of production.

Article 160: The State supervises the whole affairs of industry. It directly undertakes those industries related to the public property.

Article 161: Foreign trade is assessed on the basis of the citizenship of the trader and not the origin of the goods. Merchants from countries in a state of war with the State are prevented from trading in the State, unless given a special permission for the merchant or the goods. Merchants from countries that have treaties with the State are treated according to the terms of the treaties. Merchants who are subjects of the State are prevented from exporting any goods that the enemies could benefit of militarily, industrially or economically. However, they are not prevented from importing any property they own. Any country that we have real war between us and its citizens (such as Israel) is excluded from these rules. The rules applicable to the actual land of war apply to such a country in all the relations with it whether trade or otherwise.

Article 162: All individual subjects of the State have the right to establish research and development laboratories connected with all life's affairs. The State should also establish such laboratories.

Article 163: Individuals are prevented from possessing laboratories producing materials that could harm the Ummah or the state or materials that the Shari'ah forbade.

Article 164: The State provides free health care for all, but it does not prevent using private medical care and nor the sale of medicine.

Article 165: Development and investment by foreign funds within the State is forbidden. It is also prohibited to grant franchises to foreigners.

Article 166: The State issues its own currency, which is independent of all foreign currencies.

Article 167: The currency of the State is to be restricted to gold and silver, whether minted or not. No other form of currency for the State is permitted. The State can issue coinage not of gold or silver provided that

the treasury of the State (bayt ul-maal) has the equivalent amount of gold and silver to cover the issued coinage. Thus, the State may issue coinage in its name from brass, bronze or paper notes etc. as long as it is covered completely by gold and silver.

Article 168: It is permissible to have exchange between the State currency and the currency of other states like the exchange between the state's own currencies. It is permissible for the exchange rate between two currencies to differ provided the currencies are different from each other. However, such transactions must be undertaken in a hand-to-hand manner and constitute a direct transaction with no delay involved. The exchange-rate can change or fluctuate without any restrictions as long as it is between two different currencies. All citizens can buy whatever currency they require from within or outside the State and they can purchase the required currency without obtaining prior permission or the like.

Article 169: It is completely prohibited to open banks, and the only one permitted will be the State bank and there are no transactions upon interest. This will be dealt with by a particular department of the Bayt al-Mal. Financial loans will be undertaken in accordance with the rules of the Shari'ah and the financial and currency transactions will be facilitated.

Education Policy

Article 170: It is imperative that Islamic 'Aqidah is the basis for the education curriculum. The syllabi and the ways of teaching are all drafted in a manner that does not deviate from this basis.

Article 171: The purpose of education is to form the Islamic personality in thought and behaviour. Therefore, all subjects in the curriculum must be chosen on this basis.

Article 172: The goal of education is to produce the Islamic personality and to provide people with the knowledge connected with life's affairs.

Teaching methods are established to achieve this goal; any method that leads to other than this goal is prevented.

Article 173: There must be weekly classes in Islamic sciences and Arabic, with the same time and amount allocated as the classes for the rest of the sciences.

Article 174: Distinction should be drawn between the empirical sciences such as mathematics, on the one hand, and the cultural sciences, on the other. The empirical sciences, and all that is related to them, are taught according to the need and are not restricted to any stage of education. As for the cultural sciences, they are taught at the primary and secondary levels according to a specific policy which does not contradict Islamic thoughts and rules. In higher education, these cultural sciences are studied like other sciences provided they do not lead to a departure from the stated policy and goal of the education.

Article 175: The Islamic culture must be taught at all levels of education. In higher education, departments should be assigned to the various Islamic disciplines as will be done with medicine, engineering, physics etc.

Article 176: Arts and crafts may be related to science, such as commerce, navigation and agriculture. In such cases, they are studied without restriction or conditions. Sometimes, however, arts and crafts are connected to culture and influenced by a particular viewpoint of life, such as painting and sculpting. If this viewpoint of life contradicts the Islamic viewpoint of life, these arts and crafts are not taken.

Article 177: The state's curriculum is only one and no curriculum other than that of the state is allowed to be taught. Private schools provided they are not foreign, are allowed as long as they adopt the state's curriculum and establish themselves on the State's educational policy and accomplish the goal of education set by the State. Teaching in such schools should not be mixed between males and females, whether the students or the teachers; and they should not be specific for certain deen, mazhab, race or colour.

Article 178: It is an obligation upon the State to teach every individual, male or female, those things which are necessary for the mainstream of life. This should be obligatory and provided freely in the primary and secondary levels of education. The State should, to the best of its ability, provide the opportunity for everyone to continue higher education free of charge.

Article 179: The State ought to provide the means of developing knowledge, such as libraries and laboratories, in addition to schools and universities, to enable those who want to continue their research in the various fields of knowledge, like fiqh, Hadeeth and tafseer of Qur'an, thought, medicine, engineering and chemistry, inventions and discoveries etc. This is done to create an abundance of mujtahideen, outstanding scientists and inventors.

Article 180: The exploitation of writing for educational purposes, such as copyrighting, at whatever level is strictly forbidden. Once a book has been printed and published, nobody has the right to reserve the publishing and printing rights, including the author. However, if the book has not been printed and published, and thus is still an idea, the owner has the right to take payment for transferring these ideas to the public, the same way he can take payment for teaching them.

Foreign Policy

Article 181: Politics is taking care of the nation's affairs inside and outside the State. It is performed by the State and the nation. The State conducts it and the nation accounts the State about it.

Article 182: It is absolutely forbidden for any individual, party, group or association to have relations with a foreign state. Relations with foreign countries are restricted only to the State, because the State has the sole right to look after the Ummah's affairs. The Ummah is to account the State regarding this task of looking after its foreign affairs.

Article 183: Ends do not justify the means, because the method is integral to the thought. Thus, the duty (wajib) and the permitted

(mubaaH) cannot be attained by performing a forbidden action (Haraam). Political means must not contradict the political methods.

Article 184: Political manoeuvres are necessary in foreign policy, and the effectiveness of these manoeuvres is dependent on concealing (your) aims and disclosing (your) acts.

Article 185: Some of the most important political means are exposing the crimes of other states, demonstrating the danger of erroneous politics, exposing harmful conspiracies and undermining misleading personalities.

Article 186: One of the most important political methods is the manifestation of the greatness of the Islamic thoughts in taking care of the affairs of individuals, nations and states.

Article 187: The political cause of the Ummah is Islam, in the might of the State, the improvement of the implementation of its rules, and continuity in its call (da'wah) to humankind.

Article 188: The foreign policy revolves around carrying the call to Islam, and the relationship between the State and all the other states is built upon its basis.

Article 189: The State's relations with other states are built upon four considerations. These are:

1. States in the current Islamic world are considered to belong to one state and, therefore, they are not included within the sphere of foreign affairs. Relations with these countries are not considered to be in the realm of foreign policy and every effort should be expended to unify all these countries into one state.

2. States that have economic, commercial, friendly or cultural treaties with our State are to be treated according to the terms of the treaties. If the treaty states so, their subjects have the right to enter the State with an identity card without the need for a passport provided our subjects are treated in a like manner. The economic and commercial relations with such states must be restricted to specific items and specific characters that

are deemed necessary and which, at the same time, do not lead to the strengthening of these states.

3. States with whom we do not have treaties, the actual imperialist states, like Britain, America and France and those states that have designs on the State, like Russia are considered to be potentially belligerent states. All precautions must be taken towards them and it would be wrong to establish diplomatic relations with them. Their subjects may enter the Islamic State only with a passport and a visa specific to every individual and for every visit, unless it became a real belligerent country

4. With states that are actually belligerent states, like Israel, a state of war must be taken as the basis for all measures and dealings with them. They must be dealt with as if a real war existed between us - whether an armistice exists or not - and all their subjects are prevented from entering the State.

Article 190: All military treaties and pacts, of any type, are absolutely forbidden. This includes political treaties and agreements covering the leasing of military bases and airfields. It is permitted to conclude good neighbouring, economic, commercial, financial, and cultural and armistice treaties.

Article 191: The State is forbidden to belong to any organisation which is based on something other than Islam or which applies non-Islamic rules. This includes international organisations like the United Nations, the International Court of Justice, the International Monetary Fund and the World Bank, and regional organisations like the Arab League.

Morals in Islam (al-Akhlaaq fil Islam)

Islam is defined as the Deen that Allah (swt) has revealed to our Messenger Muhammad (saw) to organise man's relationship with his Creator, himself and with other human beings. Man's relationship with his Creator revolves around the 'Aqaa'id and 'Ibaadaat.. His relationship with himself includes morals, foodstuffs and clothing. While his relationship with other human beings involves mu'aamalaat (transactions) and 'uqoobaat (punishments).

Islam tackles all of man's problems and looks upon man as an indivisible whole. Consequently, it solves man's problems according to one method. Furthermore, Islam has built its system on a spiritual basis, i.e., its creed ('Aqeedah). Accordingly, the spiritual aspect is the basis of its HaDaarah (civilization), state, and Sharee'ah.

Although the Islamic sharee'ah explained the various systems in precise details, such as the 'ibaadaat, mu'aamalaat and 'uqoobaat, Islam did not put forward a detailed system for the akhlaaq. Rather, it treated the rules of akhlaaq as commands and prohibitions from Allah (swt), without viewing their details as akhlaaq that should be given special care greater than others. To the contrary, the details of their rules are less than other rules and they are given no particular section in Islamic fiqh. Thus, one does not find in the books of fiqh that contain the aHkaam shar'iyyah chapters titled "Akhlaaq". Furthermore, the Fuqaha'a and Mujtahidoon have not paid much attention, in deduction and study, to the subject area of moral rules.

Akhlaaq do not affect the building of a society, because society is built upon the systems of life and is affected by thoughts and emotions. Akhlaaq have no effect in establishing the society or determining its revival or decline. The effective factor is the general traditions that arise from the concepts about worldly life. The driving factor in society is not akhlaaq but the systems applied within it and the thoughts and emotions people carry. Indeed, akhlaaq stem from the thoughts, emotions and result from the implementation of the system.

Accordingly, since akhlaaq are the product of Allah's (swt) commands and they ensue from the call to the 'Aqeedah and from the implementation of Islam in general, it is not allowed to carry da'wah for akhlaaq in society. The call for akhlaaq actually reverses the Islamic concepts about life; it keeps people away from understanding the reality and the basic elements of society. It gives people a false satisfaction with individualistic virtues and thus leads to the negligence of the true means of the revival in life. Therefore, to turn the Islamic call into a call for akhlaaq is dangerous, for it deludes people into thinking the Islamic call is a call for morality and, consequently, obliterates the intellectual character of Islam and diverts people away from the only method that leads to the application of Islam, i.e. the establishment of the Islamic State. When the Islamic Sharee'ah tackled man's relationship with himself, in accordance with the AHkaam shar'iyyah connected with the moral characteristics, it did not make that a system as it did with the 'ibaadaat and mu'aamalaat. Instead, these aHkaam shar'iyyah observed the fulfilment of certain values that Allah (swt) has commanded, such as truthfulness, honesty, shunning envy and deceit etc. These values are achieved only by the command of Allah (taala) in respect to moral values, such as noble characteristics and virtues. Honesty, for instance, is a moral quality commanded by Allah (swt). Its moral quality should be observed - when it is enacted. It is something which achieves the moral value and so it is called a moral. However, when these moral characteristics are produced as a result of actions and transactions, like purity produced from prayers, and honesty produced from trading, the moral value is not attained, because the aim was not to achieve the moral value when undertaking the action. Rather, the characteristics accrued as a result of performing these actions with the obligatory observance of their rules are moral characteristics of the believer when he worships Allah (swt) and undertakes his transactions. In prayer, the believer fulfils the primary aim of obtaining the spiritual value, and in trading the believer fulfils the aim of achieving the materialistic value while he is characterised with moral characters at the same time.

The shara' has identified those virtues, the possessor of which is considered to have good akhlaaq, and those characteristics the possessor

of which is considered to have bad akhlaaq. It has encouraged acquiring good akhlaaq, and has forbidden bad akhlaaq. It has encouraged truthfulness, honesty, cheerfulness, modesty, honouring parents, good relationships with relatives (Silat-ur-raHm), rescuing people from hardships, and wishing for others what one wishes for himself, etc. The shara' considers these matters and the like as encouragement to people to follow the commands of Allah (swt). While it has forbidden the acquisition of opposing characteristics, such as: lying, dishonesty, envy, debauchery and the like and considers these matters and the like as a prohibition of what Allah (swt) forbade.

Akhlaaq are a part of this Sharee'ah and a branch of the commands and prohibitions that a Muslim should verify in oneself so as to complete his observance of Islam and the commands of Allah. However, the way in which the whole society attains these akhlaaq is by establishing the Islamic emotions and thoughts. Once the community has attained them, the individuals will inevitably acquire them. Most definitely, the way to acquire akhlaaq is not through the call to akhlaaq in itself, but by the way mentioned above which is establishing the thoughts and emotions. However, the initiation of this process necessitates the preparation of a group by Islam - in its complete form wherein the individuals are part of the group and not independent individuals - to carry the complete Islamic da'wah in the society, and thus bring into existence the Islamic emotions and thoughts. This makes the people embrace akhlaaq in huge groups as a result of their embracing Islam in huge groups. It should be clearly understood that our view of akhlaaq (discussed here) makes akhlaaq absolutely indispensable for (observing) the commands of Allah and applying Islam. It also emphasises the need for Muslims to be characterised by the good akhlaaq.

Allah (swt) has mentioned in many surahs of the Glorious Qur'an those characteristics which man should acquire and endeavour to possess. These characteristics consist of the 'Aqeedah, ibaadaat, mu'aamalaat, and akhlaaq. These four characteristics should form an integrated whole. Allah (swt) says in Soorat Luqman: **وَإِذْ قَالَ لُقْمَانُ لِابْنِهِ وَهُوَ يَعِظُهُ يَا بُنَيَّ لَا تُشْرِكْ بِاللَّهِ ۚ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ (13) وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلِيًّا وَهْنٌ وَفِصَالَةٌ**

فِي عَامَيْنِ أَنْ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ (14) وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا ۖ وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا ۖ وَاتَّبِعْ سَبِيلَ مَنْ أَنْابَ إِلَيَّ ۖ ثُمَّ إِلَيَّ مَرْجِعُكُمْ فَأُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ (15) يَا بَنِيَّ إِنَّهَا إِنَّ تَكُ مِنْكَ حَبَّةُ مِنْ خَرْدَلٍ فَتَكُنْ فِي صَخْرَةٍ أَوْ فِي السَّمَاوَاتِ أَوْ فِي الْأَرْضِ يَأْتِ بِهَا اللَّهُ ۖ إِنَّ اللَّهَ لَطِيفٌ خَبِيرٌ (16) يَا بَنِيَّ أَقِمِ الصَّلَاةَ وَامْرُؤًا بِالْمَعْرُوفِ وَانَّهُ عَنِ الْمُنْكَرِ وَأَصْبِرْ عَلَىٰ مَا أَصَابَكَ ۖ إِنَّ ذَلِكَ مِنْ عَزْمِ الْأُمُورِ (17) وَلَا تُصَعِّرْ خَدَّكَ لِلنَّاسِ وَلَا تَمْشِ فِي الْأَرْضِ مَرْحًا ۖ إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ (18) وَأَقْصِدْ فِي

Behold, Luqman said to his son by way of instruction: O my son! Join not in worship (others) with Allah, for false worship (polytheism) is indeed the highest wrong-doing. (13) And we have enjoined on man (to be good) to his parents, in travail upon travail did his mother bear him, and in years twain was his weaning, (hear the command) show gratitude to Me and to your parents, to Me is (your final) Goal. (14) But if they strive to make you join worship with Me things of which you have no knowledge, obey them not, yet bear their company in this life with justice (and consideration), and follow the way of those who turn to Me (in love), in the end the return of you all is to Me, and I will tell you the truth (and meaning) of all that you did. (15) O my son! (said Luqman), if there be (but) the weight of a mustard seed and it were (hidden) in a rock, or (anywhere) in the heavens or on earth, Allah will bring it forth: For Allah understands the finest mysteries, (and) is well acquainted (with them). (16) O my son! establish regular prayer, enjoy what is just, and forbid what is wrong, and bear with patient constancy whatever happens to you, for this is firmness (of purpose) in (the conduct of) affairs. (17) And swell not your cheek (for pride) at men, nor walk in insolence through the earth, for Allah loves not any arrogant boaster. (18) And be moderate in your pace, and lower your voice, for the harshest of sounds without doubt is the braying of the ass. (19)” [TMQ 31:13-19] Allah (swt) says in Soorat al-Furqan: وَعِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَإِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا (63) وَالَّذِينَ يَبِيتُونَ لِرَبِّهِمْ سُجَّدًا وَقِيَامًا (64) وَالَّذِينَ يَقُولُونَ رَبَّنَا اصْرِفْ عَنَّا عَذَابَ جَهَنَّمَ ۗ إِنَّ عَذَابَهَا كَانَ غَرَامًا (65) إِنَّهَا سَاعَتْ مُسْتَقَرًّا وَمُقَامًا (66) وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا (67) وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ ۗ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا (68) يَضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَانًا (69) إِلَّا مَنْ تَابَ وَآمَنَ وَعَمِلَ عَمَلًا صَالِحًا فَأُولَٰئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ ۗ

وَكَانَ اللَّهُ غَفُورًا رَحِيمًا (70) وَمَنْ تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا (71) وَالَّذِينَ لَا يَشْهَدُونَ الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا (72) وَالَّذِينَ إِذَا دُكِّرُوا بِآيَاتِ رَبِّهِمْ لَمْ يَخْرُوْا عَلَيْهَا صُمًّا وَعُمْيَانًا (73) وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا فَرَةً أَعْيُنٌ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا (74) أُولَئِكَ يُجْزَوْنَ الْغُرْفَةَ بِمَا صَبَرُوا وَيُلَقَّوْنَ فِيهَا تَحِيَّةً وَسَلَامًا (75) خَالِدِينَ فِيهَا ۗ

“And the servants of (Allah) most Gracious are those who walk on the earth in humility, and when the ignorant (people) address them, they say, Peace! (63) Those are who spend the night in adoration of their Lord prostrating and standing. (64) Those who say, Our Lord! Avert from us the Wrath of Hell, for its Wrath is indeed an affliction grievous; (65) Evil indeed is it as an abode, and as a place to rest in; (66) Those who, when they spend, are not extravagant and not niggardly, but hold just (balance) between those (extremes); (67) Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause, nor commit fornication, and any that does this (not only) meets punishment; (68) (But) the Penalty on the Day of Judgment will be doubled to him, and he will dwell therein in disgrace; (69) Unless he repents, believes, and works righteous deeds, for Allah is oft-forgiving, most merciful; (70) And whoever repents and does good has truly turned to Allah with an (acceptable) conversion; (71) Those who witness no falsehood, and, if they pass by futility, they pass by it with honourable (avoidance); (72) Those who, when they are admonished with the Signs of their Lord, droop not down at them as if they were deaf or blind; (73) And those who pray; Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous; (74) Those are the ones who will be rewarded with the highest place in heaven, because of their patient constancy; therein shall they be met with salutation and peace; (75). Dwelling therein, how beautiful an abode and place of rest! (76)” [TMQ 25: 63-76] Allah (swt) says in Soorat al-Israâa:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا ۖ إِمَّا يَنْبَغُ عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا آفٌ وَلَا تُنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا (23) وَأَخْفِضْ لَهُمَا جَنَاحَ الذَّلِيلِ مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْتَنِي صَغِيرًا (24) رَبُّكُمْ أَعْلَمُ بِمَا فِي نُفُوسِكُمْ ۚ إِنْ تَكُونُوا صَالِحِينَ فَإِنَّهُ كَانَ لِلأَوَّابِينَ غَفُورًا (25) وَآتَ ذَا الْقُرْبَىٰ حَقَّهُ وَالْمَسْكِينِ وَابْنَ السَّبِيلِ وَلَا تُبْدِرْ تَبْدِيرًا (26) إِنَّ الْمُبْدِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ ۗ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا (27) وَإِمَّا تَعْرِضْ عَنْهُمْ

ابْتِغَاءَ رَحْمَةٍ مِّن رَّبِّكَ تَرْجُوهَا فَقُلْ لَّهُمْ قَوْلًا مَّيْسُورًا (28) وَلَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَىٰ عُنُقِكَ وَلَا تَبْسُطْهَا كُلَّ الْبَسْطِ فَتَقْعُدَ مَلُومًا مَّحْسُورًا (29) إِنَّ رَبَّكَ بِنَبَإِ الرَّزْقِ لَمَن يَشَاءُ وَيَقْدِرُ ۗ إِنَّهُ كَانَ بِعِبَادِهِ خَبِيرًا بَصِيرًا (30) وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ۗ نَّحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ ۗ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا (31) وَلَا تَقْرَبُوا الزَّوْجَ ۗ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا (32) وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ۗ وَمَن قَتَلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يَسْرِف فِي الْقَتْلِ ۗ إِنَّهُ كَانَ مَنْصُورًا (33) وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ ۗ وَأَوْفُوا بِالْعَهْدِ ۗ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا (34) وَأَوْفُوا الْكَيْلَ إِذَا كِلْتُمَ وَرِنُوا بِالْقِسْطِاسِ الْمُسْتَقِيمِ ۗ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (35) وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ ۗ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَٰئِكَ كَانَ عَنْهُ مَسْئُولًا (36) وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا ۗ إِنَّكَ لَن تَخْرِقَ الْأَرْضَ وَلَن تَبْلُغَ الْجِبَالَ طُولًا (37) Thy Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them, but address them in terms of honour. (23) And out of kindness, lower to them the wing of humility, and say: My Lord! Bestow on them Thy Mercy even as they cherished me in childhood. (24) Your Lord knows best what is in your hearts: If you do deeds of righteousness, verily He is Most Forgiving to those who turn to Him again and again (in true penitence). (25) And render to the kindred their due rights, as (also) to those in want, and to the wayfarer: But squander not (your wealth) in the manner of a spendthrift. (26) Verily spendthrifts are brothers of the Evil Ones, and the Evil One is to his Lord (Himself) ungrateful. (27) And even if you have to turn away from them in pursuit of the Mercy from thy Lord which you do expect, yet speak to them a word of easy kindness. (28) Make not your hand tied (like a niggard's) to your neck, nor stretch it forth to its utmost reach, so that you become blameworthy and destitute. (29) Verily thy Lord does provide sustenance in abundance for that He pleases, and He provides in a just measure. This is because He does know all His servants. (30) Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin. (31) Nor come nigh to adultery, for it is a shameful (deed) and an evil, opening the road (to other evils). (32) Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand Qisas or to forgive); but let

him not exceed bounds in the matter of taking life; for he is helped (by the Law). (33) Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfils (every) engagement, for (every) engagement will be inquired into (on the Day of Reckoning). (34) Give full measure when you measure, and weigh with a balance that is straight; that is the most fitting and the most advantageous in the final determination. (35) And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned. (36) And do not walk upon the earth exultantly. Indeed, you will never tear the earth [apart], and you will never reach the mountains in height. (37) All that - its evil is ever, in the sight of your Lord, detested. (38)" [TMQ 17:23-38]

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

Accordingly, the Muslim should be characterised with moral virtues and perform them obediently and submissively for they are linked with taqwa since akhlaaq result from 'ibaadaat: **إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ** "Prayer forbids lewdness and abomination," [29:45] and are

observed during mu'aamalaat, **الدِّينُ الْمَعَامَلَةُ** “**The Deen is the treatment (of others),**” in addition to their being specific commands and prohibitions, then this reinforces them in the Muslim and makes them an indispensable attribute of his character. Therefore, the merging of the akhlaaq with the rest of life's systems - though they are independent characteristics - allows the Muslim to be thoroughly and correctly prepared, especially because the acquisition of a moral is in response to the commands of Allah (swt) or in avoiding His (swt) prohibitions, and not because such morality benefits or harms in this life. This makes the acquisition of good akhlaaq permanent and resolute as long as the Muslim continues to apply Islam and does not revolve around benefit. This is because the objective of akhlaaq is not benefit, but the moral value is acquired for itself and not for materialistic, humanitarian or spiritual values. These values should not be involved in the moral value so as no disorder occurs in performing it or acquiring them. Moreover, the attention must be paid to the fact that the materialistic value has to be separated from the akhlaaq. Likewise performing the moral for the sake of gains and benefits should be avoided, for it constitutes a danger unto it.

In conclusion, akhlaaq do not constitute fundamental pillars of a society, but rather they are individualistic. Consequently, society is not bettered by akhlaaq but by Islamic thoughts and Islamic emotions, and by the implementation of the Islamic systems. Although akhlaaq constitute one of the basic elements of the individual, they are not and should not constitute the sole ones; akhlaaq should be accompanied by the aqa'id, 'ibaadaat and mu'aamalaat. Therefore, the individual who possesses good akhlaaq but his 'Aqeedah is not Islamic warrants no consideration as he is a Kafir, and there is no sin bigger than Kufr. Likewise, the person who has good akhlaaq but does not perform the 'ibaadaat nor practices mu'aamalaat according to the AHkaam shar'iyah, is not given any regard. Consequently, it is essential to observe the 'aqeedah, the 'ibaadaat, the mu'aamalaat and the akhlaaq in reforming an individual. It is Haraam to treat akhlaaq alone and to leave the other characteristics. Moreover, it is forbidden to give attention to anything before having full confidence in the 'aqeedah. The fundamental

feature of akhlaaq is that they should be built upon the Islamic ‘aqeedah and that the believer should be characterised with them as commands and prohibitions from Allah (swt).