

Concepts of Hizb ut-Tahrir

(Mafahim Hizb ut-Tahrir)

Taqiuddin an-Nabhani
Hizb ut-Tahrir

(Translated from the Arabic edition)

For exact meanings of words and sentences,
please refer to the original Arabic book Mafahim Hizb ut-Tahrir.

Khilafah Publications
Suite 298
56 Gloucester Road
London SW7 4UB
e-mail: info@1924.org
website: <http://www.1924.org>

Translation of the Qur'an

It should be perfectly clear that the Qur'an is only authentic in its original language, Arabic. Since perfect translation of the Qur'an is impossible, we have used the translation of the meaning of the Qur'an throughout the book, as the result is only a crude meaning of the Arabic text.

Qur'anic *Ayat* and transliterated words have been *italicised*.

Ahadith appear in **Bold**.

ﷻ - subhanahu wa ta'ala
ﷺ - sallallahu 'alaihi wa sallam
ﷻ - radhi allaho anha/anho
AH - After Hijrah
CE - Christian Era

Since the middle of the twelfth century *Hijri* (eighteenth century C.E.) the Islamic world has been rapidly declining from its correct position and sinking horribly to the abyss of decline. Numerous attempts have been undertaken to revive it, or at least to halt the decline, but to no avail. The Islamic world remains in a state of gloom, anarchy and decline, and it still suffers the consequences of such backwardness and disorder.

The reason for its decline is due to one single factor, the severe weakness that destroyed the ability of the minds in understanding Islam. The cause for this weakness was the detachment of the capacity of the Arabic language from the capacity of Islam when the Arabic language was ignored both in understanding and carrying Islam from the beginning of the seventh century *Hijri* onwards. Accordingly, unless the capacity of the Arabic language is mixed with the capacity of Islam by making the Arabic language the language of Islam as a fundamental and inseparable part of it, the decline will continue to drag the Muslims down. This is because it is the linguistic capacity that carried the capacity of Islam and consequently intermingled with it, such that the perfect carrying of Islam cannot be undertaken except by it; and if it is neglected, *Ijtihad* (deriving of *AHkam* from texts) in *Shar'a* (divine law) cannot be undertaken. Knowledge of the Arabic language is a fundamental condition in *Ijtihad*. Furthermore *Ijtihad* is necessary for the Ummah since progress within the Ummah cannot occur except by utilising it.

There are three reasons why the attempts undertaken to revive the Muslims with Islam failed; The first is the lack of an accurate understanding of the Islamic *fikrah* (idea) by those who assumed the burden of revival. The second is the lack of clarity of the *Tareeqah* (method) of Islam in implementing its *fikrah*. The third is the failure of those who assumed the burden of revival to link the Islamic *fikrah* with the Islamic *Tareeqah*

tightly and inseparably.

With regard to the Islamic *fikrah*, many factors affected it which diluted many of its details for the Muslims. Such factors arose at the start of the second century *Hijri* and continued until the arrival of imperialism. Foreign philosophies, such as Indian, Persian and Greek had an impact on some Muslims, leading them to make attempts to reconcile Islam with these philosophies, despite the complete contradiction between the two. These conciliatory attempts led to erroneous interpretations and explanations that confused and eliminated some Islamic facts from the mind of the Muslims or at least weakened their understanding. Furthermore, some individuals who harboured ill feeling towards Islam embraced it hypocritically and began introducing concepts alien to Islam and even contradicting it. This led to an erroneous understanding of Islam by many Muslims. Additionally in the seventh century *Hijri*, the negligence of the Arabic language arose in the conveying of Islam. All of these factors announced the decline of Muslims. From the end of the eleventh century *hijri* (seventeenth century C.E.) up to the present day, the Islamic world has been subjected to cultural and missionary invasions, followed by the political invasion of the West, which added insult to injury and created further complications in the Islamic society. All this had an effective influence on the Muslims incorrect understanding of the Islamic *fikrah*, thus true crystallisation in the minds of the Muslims was lost.

Regarding the Islamic *Tareeqah*, Muslims gradually lost the clarity of its understanding. The Muslims used to understand their existence in life was for the sake of Islam, that

the Muslims duty in life was to carry the *da'wah* of Islam, that the duty of the Islamic State is to implement Islam and execute its rules internally and carrying the *da'wah* for it externally, and that the method for this is *Jihad*, performed by the State. We say that then after the Muslims clearly understood this, they began viewing the main duty of Muslims as the acquisition of life firstly, and secondly preaching and giving guidance whenever the conditions permitted. The State began to see no fault or sin in its complacency in executing Islamic rules, and did not see any shame in abandoning *Jihad fee sabeel lillah* (in the way of Allah) to spread Islam. The Muslims after they lost their State - despite its weakness and shortcomings - saw the return of Islam in the building of *masajids*, the publishing of books and the educating of morals (*Aqblaag*) whilst they kept silent over the domination of *kufr* on them and about its colonisation upon them.

With regards to the linkage between the Islamic *fikrah* and *Tareeqah*, Muslims started to study the *AHkam Shara'iah* related to treatment of the problems, i.e. related to the *fikrah*, and did not pay attention to the rules that demonstrate the manner of the treatment, i.e. demonstrate the *Tareeqah*. Thus, they studied the rules detached from their method of execution. They also concentrated on studying the rules of prayer and fasting, marriage and divorce, and they neglected the study of the rules of *jihad*, *al-Ghanaim* (spoils), *Khilafah*, the judiciary, land taxation (*al Kharaj*) and so on. Thus they detached the *fikrah* from the *Tareeqah*, which resulted in the implementation of the *fikrah* becoming inconceivable without its *Tareeqah*.

At the end of the 13th century *Hijri* (19th century C.E.) the misunderstanding of the Islamic *Shari'ah* and its application on the society became obvious. Islam was interpreted in ways incompatible with its texts in order to adapt to the present society, although what was required was to change the society to adapt with Islam, and not the other way round. For the issue was the corruption of society which needed to be reformed by an ideology (*mabda'a*), so the ideology had to be applied as it is, and the society had to be changed completely and radically on the basis of this ideology. Thus, it was necessary for those who attempted to reform the society to apply the Islamic rules as they are, regardless of society, era, time or place. However, they didn't do this; rather they misinterpreted the Islamic rules to adapt them to contemporary life. The excesses of this error could be seen in the derivation of general and detailed principles. They derived general principles and detailed rules that agreed with this viewpoint. Thus, they established numerous erroneous general principles, such as; "*It is not prohibited to change the rules according to the changing of the time*", and like, "*Tradition is the arbiter*" etc. They issued *fatwas* without any support or evidence from *Shar'a*, and some of them even contradicted the definite Qur'anic text. For example, they permitted a little usury (*riba*) on the pretext that it is not multiple, and by the excuse of its necessity for the funds of the minor (*qassir*). The judge who was called a *Shar'ai* judge came to judge with usury (*riba*) on the deposits of the orphans. The judge, whom they called the regular judge also ruled with usury (*riba*). They gave *fatwa* to suspend *Hudood* (penal code) and allowed the *Hudood* to be taken from a source other than Islam. Thus they laid down rules contradicting *Shar'a* using the excuse that these agree more with the time, and it is necessary that Islam suit every age, time and place. This resulted in the detachment of Islam from life. This erroneous understanding and incorrect rules was used by the enemies of Islam to introduce their laws and principles. The Muslims did not see in them any contradiction with Islam, due to what had been established in their minds based on the erroneous understanding that

Islam suits every time and place. The misinterpretation of Islam to suit every school of thought, ideology, incident and every principle - even if the interpretation disagreed with the ideology of Islam and its viewpoint - became prevalent. This helped in the separation of Islam from life and consequently the failure of every reformist movement working according to this erroneous and poor comprehension was inevitable.

In the beginning of the 20th century C.E, a further problem was added that increased the obstacles that stand between Islam and life. This amplified the already existent problems that faced the Islamic movements. The Muslims, and in particular the scholars (*ulema*) and the educated people were characterised by three things:

Firstly, they studied Islam in a way different from the method of study required to understand it. Islam's method of study is to study the *Shari'ab* rules as practical questions for application by the State in what concerns it, and by the individuals in their affairs as an individual. Scholars have defined jurisprudence (fiqh) as being,

((علم بالمسائل الشرعية العملية المستنبطة من أدلتها

التفصيلية))

"the knowledge of the practical Shar'ai matters that are derived from their elaborated evidences (al-adillah al-tafsiliyyah)"

Such a study would produce knowledge for the student and action for the society by both the state and the individual. However, the *ulema* and educated people, even most

Muslims, studied Islam for the purpose of mere theoretical knowledge as though it were a fanciful philosophy. Through this the juristic rules (*AHkam*) became hypothetical and impractical, and *Shar'a* came to be studied as a set of spiritual and moral matters, and not as rules to treat the problems of life. This is as far as the study is concerned. As to the *Da'wah* for Islam, the way of preaching and guidance as practised by the missionaries prevailed instead of the method of study required by Islam. Thus the people who studied Islam became either inanimate *ulema*, or guiding preachers who regularly preach the boring sermons (*khutba*) without producing any effect in society. They did not understand the meaning of culturing with Islam, teaching Muslims the matters of their *Deen* in a way that produces a change in their emotions, and reminds them of the punishment and wrath of Allah, so that a Muslim becomes a dynamic personality when his emotions are linked to his mind as a result of learning the verses of Allah and the method of its teaching. Indeed, they understood none of this, and they replaced this deep effective method of teaching by the method of "preaching and guidance" (*wa'adb wa irshad*), which is confined to the shallow sermons (*khutba*). Due to this, people perceived that there was a contradiction between the way the problems of society were addressed and Islam, and this required reconciliation. Consequently it became common among people to interpret Islam in a way to make it adapt to the contemporary life.

In addition to this, they misunderstood the verses of Allah ﷻ, for example,

﴿وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ
مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا

إِيَّاهُمْ لَعَلَّهُمْ يَحْذَرُونَ ﴿١٢٢﴾

“And the believers should not all go out to fight. Of every troop of them, a party only should go forth, that they (who are left behind) may gain sound knowledge in the Deen and that they warn their folk when they return to them, so that they may beware.” [TMQ At-Tawba:122]

They interpreted this Ayah to mean that some people of each group should set off to acquire knowledge and to return to their people to teach them. Through this, they made learning of the *Deen fard kifayah* (a collective duty), thus conflicting with the *Hukm Shar'ai* and the meaning of the Ayah.

As for the *Hukm Shar'ai* - it is an obligation that every sane adult Muslim acquires knowledge from Islam covering the matters of their daily life. This is because they are commanded to perform all his actions based upon the commands and the prohibitions of Allah ﷻ. There is no way to fulfil this except through the knowledge of *AHkam Sharai'ah* related to their actions. Therefore, acquiring comprehensive knowledge in the *Deen* about the rules necessary for the Muslim to follow in life's affairs is an obligation upon every individual (*fard ayn*) not a *fard kifayah*. As for *Ijtihad*, that is to derive *AHkam*, it is a *fard kifayah*. With regards with their contradiction to the meaning of this Ayah - the verse is about *jihad*, which means that Muslims should not *all* go out to *jihad*. When a group sets out for *jihad* another group should remain to learn the *AHkam* at the hands of the Messenger ﷺ, so once the *mujahideen* returned back, those who stayed behind would teach them what they had missed of the rules of Allah in a way that would produce an effect on them. This is also indicated by the example of the *Sahabah* ؓ, who were so careful to learn the *AHkam* of the *Deen*, and to be in the company of the Messenger ﷺ. Some of them would set out on an

expedition for *jihad*, and some would stay behind to learn the *AHkam* of the *Deen*. When the *mujahideen* returned, those who remained would teach them the *AHkam* they had missed.

Secondly, the malicious West hateful of Islam and the Muslims attacked the *Deen* of Islam, defamed it, fabricated lies against it on the one hand and denounced some of its *AHkam* on the other, despite the fact that these rules are the correct solutions for the problems of life. So the position of Muslims, particularly the educated ones, was characterised by weakness in the face of this attack. Subsequently they allowed Islam to stand accused and became defensive, a matter which caused them to misinterpret the rules of Islam. For example they interpreted *jihad* as a defensive rather than offensive war. They contradicted the reality of *jihad*, for *jihad* is a war against anyone who stands in the face of the Islamic *Da'wab* whether he is an aggressor or not. In other words it is the removal of any obstacle standing in the face of the *Da'wab*, i.e. the call to Islam, and the fight for its sake; for the sake of Allah. When Muslims conducted *Jihad* against Persia, the Byzantine Empire, Egypt, North Africa, Spain and other places, they did so because the *Da'wab* required them to undertake *Jihad* to propagate Islam in these countries. So this erroneous interpretation of *Jihad* resulted from the weakness in not allowing Islam to be accused, and from defending it in a way that would satisfy the accuser. Similar to this is the question of polygamy, the question of cutting the thief's hand and other questions, which Muslims tried to respond to the disbeliever's accusations. They tried to interpret Islam in meanings that would contradict the Islamic thoughts. Accordingly this distanced Muslims from understanding Islam which subsequently removed it from action.

Thirdly, due to the waning authority of the Islamic State from many of the Islamic countries, its subjugation to the authority of *kufr* and later due to the collapse of the

Islamic State and its termination, the existence of the Islamic State in the minds of many Muslims became an impossibility, as well as the improbability of ruling with Islam alone. Therefore they came to accept being governed by other than what Allah had revealed. They did not see any harm in this as long as the name of Islam was kept, though there was no ruling by it. They started to call for the obligation of utilising other schools of thought (*mazhabs*) and ideologies to enable the application of Islam in life's affairs. This resulted in abstaining from actions to restore the Islamic State and the silence about the application of the rules of *kufr* on Muslims by their own hands.

Accordingly all the reformist movements established to revive Muslims and to restore the glory of Islam failed. It was expected that such movements would fail, because though they were Islamic movements, they created even more complex issues, complicated the problems and distanced the society from Islam instead of working to implement Islam in it due to their misunderstanding of Islam.

It thus became necessary to have an Islamic movement that understands Islam as a *fikrah* and *Tareeqah*, to make the link between them and work to resume the Islamic way of life in any country of the Islamic world. This country would then become the starting point (*nuqTat ibtidaa*), from which the Islamic call springs, and then becomes the departure point (*nuqTat inTilaq*) for the call to Islam.

On this basis ***Hizb ut-Tahrir*** was established, and started to work for the resumption of the Islamic way of life in the Arab lands. This will result in the resumption of the Islamic way of life in the Islamic World by establishing the Islamic State in one or more of its countries as a support point (*nuqTat irtikaz*) for Islam. It would become a nucleus for the great Islamic State that resumes the Islamic way of life by the application of Islam completely in all Islamic lands and conveys the Islamic *Da'wah* to

the entire world.

After study, thought and investigation, **Hizb ut-Tahrir** adopted rules (*AHkam Shara'iah*), some of which relate to the treatment of individual problems that occur among individuals and in their relationship with each other, such as the prohibition of leasing land for farming. Some are relevant to the general opinions that are prevalent among Muslims and others (non Muslims), and others related to the relationship of Muslims with others (non Muslims), such as the permissibility of concluding emergency treaties (*Mu'abudat idtirariyyah*) and the *Da'wah* for Islam before starting the fight etc. Some are related to the thoughts, which are rules (*AHkam Shara'iah*) like the generally known rules such as collective principles and definitions, for example, the principle which says;

((ما لا يتم الواجب إلا به فهو واجب))

"That which is necessary to accomplish a duty (wajib) is itself a duty (wajib)"

And the definition of *Hukm Shara'i* as being,

((خطاب الشارع المتعلق بأفعال العباد))

"the speech of the Legislator related to man's actions" and so on.

The *Hizb* has adopted certain rules in every category and started advocating them in the process of calling to Islam. These are merely Islamic opinions, thoughts and rules,

none of which are non-Islamic, nor affected by any non-Islamic thing; they are purely Islamic, depending only on Islamic sources and texts. The *Hiżb* when adopting, depends on the thought, and considers the call for Islam to be based on thought, and that it should be delivered as an intellectual leadership. This is because life is based on the enlightened thought and man then progresses in accordance with it. Enlightened thought also shows the reality of things and issues in a way enabling their correct comprehension. Thought must be deep in order to be enlightened. The deep thought is the profound view of things, whilst the enlightened thought is the profound view of things, their conditions and everything which is related to them and drawing conclusion from this so as to reach sound judgements. In other words, it is a deep enlightened look towards things (and issues). Therefore it is necessary to have a deep enlightened view about man, life and the universe, and about human beings and their actions, so as to understand the rules assigned to them.

The deep enlightened thought about man, life and the universe, produces the collective thought about them, resolves the greatest problem of human beings, establishes the '*aqeedah*' for them and defines for them the purpose of life and the objective of the actions which they undertake in the life of this world. This is because human beings live in the universe; and unless the greatest problem about man, the life existent in them, and the universe, which is the location of their life and their existence, is solved, they will not be able to know the manner in which they have to behave. Hence, the '*aqeedah*' is the basis of everything.

The deep enlightened thought of man, life and the universe leads to the Islamic '*aqeedah*'. It explains clearly that a Creator creates them, and this Creator is He alone who directs them, preserves them and guides them according to a specific system; and that the life of this world is not eternal (*azali*) nor everlasting. Hence before this life

there is its Creator and Sovereign, and then there is the Day of Judgement after this life. Consequently the actions of human beings in this life must proceed in accordance with the commands and prohibitions of Allah ﷻ for we will be questioned about them on the Day of judgement. Therefore it is compulsory on human's to abide by the *Shar'a* of Allah, which the Messenger Muhammad ﷺ has conveyed to us.

The deep enlightened view of man, life and the universe shows that they are only material and not spirit, nor composed of material and spirit. By material we mean the thing that is tangible and can be comprehended, whether defined as that which occupies a space and has a weight, or defined as the overt or covert charged energy, be it visible or not. This is because the discussion here is not about the nature of the material, but rather about man, life and the universe - these tangible comprehended things - which the Creator has created. By spirit we mean here the realisation of the relationship with Allah, and not the 'secret of life'. This is because the discussion is not about the spirit in the sense of the secret of life; rather it is about the relationship of man, life and the universe with the unseen, i.e. with the Creator, and the realisation of such a relationship. In other words; is the realisation of the relationship between man, life and the universe with their Creator, a part of them or not?

As a matter of fact the deep enlightened view of man, life and the universe - concerning the meaning of the spirit as being the realisation of the relationship with Allah, not in regard of the spirit as being the secret of life - reveals that they are material only, not spirit, nor composed of material and spirit. As for being material; this means they are visible and not concealed because they are sensed and tangible. As for not being spirit, this is because the spirit is man's realisation of his relationship with Allah ﷻ. This realisation of man of his relationship with Allah is neither man, life nor the universe; rather it is different from them. As for not being composed of

material and spirit, this is clear in the reality of life and the universe. As for man, his realisation of his relationship with Allah ﷻ is not part of his structure, but an extraneous attribute, with the evidence being that the unbeliever denying the existence of Allah does not realise his relationship with Allah even though he is a human being.

What some people claim, that man is composed of material and spirit, so if the material in him dominates over the spirit he would become evil and if the spirit in him dominates over the material he would become good; and that he has to make the spirit dominate over the material in order to become good, is an incorrect claim. Man is not composed of material and spirit, because the spirit discussed in this chapter according to the view of all people who believe in the existence of a God is either the effect of the Creator, the effects of the unseen witnessed by them, or the realisation that the thing contains a matter which cannot exist save by Allah or the like i.e. the sense of spirituality or the spiritual aspect. The spirit, in the sense of spirituality or the spiritual aspect existent in man, is neither the secret of life nor resulting from it or related to it. It is completely different to that, with the evidence that an animal has the secret of life, and yet it has no spirituality or spiritual aspect, and nobody claims that an animal is composed of material and spirit. This confirms definitely that the spirit, in this context, is not the secret of life nor does it result from the secret of life and it has no relationship with the secret of life. As the animal is not composed of material and spirit though it has the secret of life, man is similar. This is because the spirit by which man is distinguished and which he possesses, is not connected with the secret of life and nor results from it, rather it is the realisation of the relationship with Allah. Accordingly it is not true to say that spirit is a part of man's structure, just because man has in himself the secret of life.

Since spirit discussed in this context is the realisation of man's relationship with Allah

and has no relationship with the secret of life, it cannot be a part of man's structure. The realisation of the relationship is not a part of his structure but rather an external attribute, with the evidence being that the non-believer who denies the existence of Allah, does not realise his relationship with Allah even though he is a human being.

Although man, life and the universe are material and not spirit, they do have a spiritual aspect in them; which is the fact they are created by Allah ﷻ, their Creator. That is, the universe is material, and being created by a Creator is the spiritual aspect which man realises. Likewise man is material, and being created by a Creator is the spiritual aspect which man realises. Life is also material, and being created by a creator is the spiritual aspect which man realises. Thus, the spiritual aspect does not result from man, life and the universe, but from their being created by a Creator, by Allah ﷻ. This relationship is the spiritual aspect.

The origin of the meaning of spirit is that people who believe in the existence of a God frequently use the words of spirit, spirituality, and spiritual aspect, to articulate the effect of the creator in a particular place, or what is witnessed of the effects of the unseen, or to comprehend in the thing an aspect that can not exist save by Allah. These meanings, which they call spirit, spirituality and the spiritual aspect and that which has a similar meaning, are general, ambiguous and are not crystallised meanings. They have a reality in their mind and a reality outside their mind, which is the unseen whose existence is realised and whose identity is not, and the effect of this unseen in things. However this reality they can sense but cannot really define it nor is it crystallised for them. Due to the lack of crystallisation of these meanings, their understanding of these terms were confused. This confusion led to understanding the spirit, as the secret of life. Thus due to their sensation of the existence of spirit in man, which is the secret of life as well as the existence of spirituality and spiritual

aspect, they came to say that man is composed of spirit and material. Hence they thought the spirit is the same as that or results from it, and they did not turn their attention to the fact that the animal has a spirit, i.e. the secret of life but it neither has spirituality nor the spiritual aspect. Moreover due to this ambiguity, man started to call what he feels in himself of stimulation as spirituality. Thus the individual would say about himself that he felt an incredible spirituality or that a certain person had a great spirituality. Also due to its ambiguity, a person would enter a place and feel a delight or elevation, so that place was described as having a spiritual aspect or spirituality. Because of its ambiguity, a person would starve himself, torment and weaken his body claiming that he wanted to strengthen his spirit. All this is a result of the ambiguity in understanding the meaning of spirit, spirituality and the spiritual aspect. A similar confusion occurred in the past when people tried to conceive the reality of the 'intellect' or the 'mind' (thinking). Mind is a word which means the comprehension and judgement upon a thing etc. However those of ancient times perceived comprehension and the like as effects of the 'mind' not the mind itself. The mind in their view had a reality which they felt but they were unable to comprehend its reality and was ambiguous to them. As a result of this ambiguity their perception of it differed, their perception of its location and their comprehension of its reality became more confused. Some of them claimed that it was located in the heart, to others it was in the head, to others it was in the brain, whilst another group held different opinions. In recent times some thinkers have proceeded to identify the meaning of the mind and define it, but they in turn were confused because they failed to comprehend its reality. Some of them said it is the reflection of material on the brain, while others claimed it is the reflection of brain on the material. A correct definition was in the end elaborated, by defining the 'mind' as the transmission of the reality to the brain via the senses together with previous information through which this reality is interpreted (or understood). By this definition the mind is correctly

comprehended. Likewise, it is necessary that some thinkers proceed to crystallise the meaning of spirit, spirituality and the spiritual aspect in order that the mind comprehends them and their reality. This is because there is a reality for spirit, spirituality and spiritual aspect. For it is witnessed and sensed by man that there are materialistic (tangible) things which man senses and touches, such as a loaf of bread and others that he may sense but do not touch, such as the service rendered by a doctor. There are moral things that man senses but does not touch, such as pride and praise; or spiritual things which man senses but does not touch, such as the fear of Allah and the submission to Him during times of calamity. These are three meanings, each has a reality which man can sense and each is distinct from the other. Accordingly, the spirit or the spiritual aspect or the spirituality has a specific reality, felt by the senses. It is then necessary to define this reality and crystallise it to the people, as the mind was defined and crystallised.

A close examination of the reality of the spirit, spirituality and the spiritual aspect reveals that they are not existent in the atheist who denies the existence of Allah, but only in those who believe in the existence of a God. This means that they are related to the belief in Allah, whenever faith exists they exist and they are absent whenever faith is absent. Belief in the existence of Allah means the conclusive conviction that a Creator, who definitely created them, creates things. Thus the subject of discussion is that a Creator creates things. The acknowledgement that a Creator creates them is belief, and the denial that a Creator creates them is disbelief. Once acknowledgement and definite belief is established the spiritual aspect is found, and what brought it into existence is the belief. In case of non-acknowledgement and denial, the spiritual aspect does not exist, for denial made it non-existent. Accordingly the spiritual aspect is the fact that things are created by a Creator, i.e. the relationship of things to their Creator in respect of being created out of nothingness. If the mind comprehends that

relationship of the things being created by a Creator, it will occur due to this appreciation of the might of the Creator, feeling fear of Him and feeling of His sanctification. So the realisation of this relationship, which yields such a feeling, is the spirituality. Thus the spirit is the realisation of the relationship with Allah, and the meaning of the spiritual aspect and that of the spirit becomes crystallised. Spiritual aspect and spirit are not merely terms that have linguistic connotations for which references are made to linguistics, nor are they technical terms set up by each people to mean what they like. They are rather expressions which have a precise reality regardless of whatever terms they are given. So the discussion is about the reality of these meanings not about the meaning of certain linguistic words. The reality of these meanings is that the spirit, in respect to the spiritual aspect in man, is the realisation of the relationship with Allah; and the spiritual aspect in man, life and the universe is the fact of being created by a Creator. Whenever these terms are mentioned they indicate these meanings because it is these meanings that have a sensed reality which can be proved. This sensed reality is also the rational and external reality to the people believing in God, i.e. in the existence of a Creator of things.

As for the secret of life (*roob*), it definitely exists and is proven in the definite Qur'anic texts so we must believe in it. However it is not the subject of this discussion.

The term spirit '*roob*' is a common term like the word '*ein*' in Arabic – that has more than one meaning; such as 'water source', 'eye', 'spy', 'gold', 'silver' and others. The term *roob* came in the *Qur'an* with numerous meanings, such as the secret of life;

﴿وَيَسْأَلُونَكَ عَنِ الرُّوحِ قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي وَمَا

أُوتِيْتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيْلًا ﴿٨٥﴾

“They will ask you concerning the spirit ; say, ‘the spirit is by command of my Lord, of knowledge it is only a little that is communicated to you, (O men!).” [TMQ Isra’a:85]

Or as Gibreel,

﴿نَزَلَ بِهِ الرُّوحُ الْأَمِينُ * عَلَى قَلْبِكَ لِتَكُونَ مِنَ
الْمُنذِرِينَ﴾

“Which the true spirit have brought down. Upon your heart, that you be (one) of the warners.”
[TMQ Ash-Shura:193-194]

Or as the *Shari’ah* of Allah,

﴿وَكَذَلِكَ أَوْحَيْنَا إِلَيْكَ رُوحًا مِنْ أَمْرِنَا﴾

“And thus have We inspired to you (Mohammed) a spirit of Our command.” [TMQ Ash-Shura:52]

All those meanings are not intended when saying there is in it a spiritual aspect or this is a spiritual thing or detachment of the material from the spirit etc... There is no relationship between this statement about the spirit and the meanings of spirit (*rooh*)

mentioned in the *Qur'an*. What is meant by the spirit in the usage explained earlier is the meaning related to the creation of the material, i.e. in respect of things being created by a Creator who is Allah ﷻ, and man's realisation of the relationship of things with their Creator.

The deep enlightened view of human beings reveal that we live within two spheres; one of them dominates us, and the other we control. With regards to that which dominates us, it is the sphere in which the laws of the universe apply upon us. So man, life and the universe proceeds according to a certain system, which does not slacken. Actions in this sphere fall upon us against our will; so we are controlled in this sphere and not free. We came to this world against our will, we shall leave it against our will, and we cannot stray from the system of the universe. Therefore human beings are not questioned about actions which occur from them or upon them in this sphere. As for the sphere which we control, it is the sphere in which we proceed freely within the system we choose, whether it is by adhering to the *Shari'ah* of Allah or any other. In this sphere the actions that occur are from human beings, or happen to them, according to their will. Thus we walk, eat, drink and travel any time we like and abstain from these any time we like. Human beings act and abstains freely and will therefore be questioned about their actions within this sphere.

Human beings like some things which occur from them or upon them in the sphere which they control and the sphere which dominates them, and dislikes some things in the two spheres, so they try to interpret this liking and disliking as *khair* (good) and *sharr* (bad). We incline to call what we like as *khair*, and what we dislike as *sharr*. Also we call some actions as *khair* and some actions as *sharr* according to the benefit we get from them and the harm they inflict upon us.

The truth is that the actions which occur from human beings in this sphere are not described as *khair* or *sharr* for their sake, because they are actions only, having no innate quality of being *khair* or *sharr*. Their depiction of being *khair* or *sharr* occurs due to factors different from the nature of the actions. Thus killing a human being is not called *khair* or *sharr*, it is only called killing, but it being describes as *khair* or *sharr* comes from a qualification external to it. For example, killing an enemy fighter at war is *khair* and killing a citizen, an individual under covenant or an asylum seeker is *sharr*. So the first person performing the killing is rewarded and the second is punished though they have both performed the same action. *Khair* and *sharr* result from those factors that drive humans to undertake actions and from the goal they pursue in their actions. So the factors which drive human beings to act and the goal which they pursue, are those which assign the quality of the action as *khair* and *sharr*, whether man likes the action or dislikes it, and whether they get benefit or harm from it.

Accordingly it is necessary to scrutinise those factors that drive human beings to perform an action, and to discuss the goal they pursue in order to correctly understand when the action is described as *khair* or *sharr*. The knowledge of the driving factors and the goal sought depends on the type of *'aqeedah* in which man believes. A Muslim who believes in Allah and believes that He ﷻ sent *Sayyidina* Muhammad ﷺ with the law (*Shari'ah*) of Islam which explains the commands and prohibitions of Allah, and organises his relationship with his Creator, with himself and with others; this Muslim must be directed in his actions by the commands and prohibitions of Allah, and the goal which he seeks from this is attaining the pleasure of Allah. Therefore an action is described as either angering Allah or pleasing Him. If it is of that which angers Allah, because it disagrees with His commands or it violates His prohibitions, it would be *sharr*; and if it was of that which pleases Allah, by obeying His commands and avoiding His prohibitions, it would be *khair*.

Hence we can say; *khair* from the viewpoint of a Muslim, is that which pleases Allah, and *sharr* is that which angers Him.

This applies to the actions which occur by man or upon him in the sphere which he dominates.

But in regard to the actions which occur from man or upon him in the sphere which dominates him, man describes them as *khair* or *sharr* according to his like or dislike, benefit or harm.

﴿إِنَّ الْإِنْسَانَ خُلِقَ هَلُوعًا * إِذَا مَسَّهُ الشَّرُّ جَزُوعًا *
وَإِذَا مَسَّهُ الْخَيْرُ مَنُوعًا﴾

“Truly man was created very impatient; fretful when evil befalls him and niggardly when good reaches.” [TMQ Al-Ma’arij: 19-21]

﴿وَإِنَّهُ لِحُبِّ الْخَيْرِ لَشَدِيدٌ﴾

“And lo! in the love of good (wealth) he is enthusiastic.” [TMQ Al-Adiyat:8]

However this description does not mean a description of its reality, because he may see something as *khair* while it is *sharr*, and he may see it as *sharr* while it is *khair*.

﴿وَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَنْ تُحِبُّوا
شَيْئًا وَهُوَ شَرٌّ لَّكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ﴾

“But it may happen that you hate a thing which is good for you, and it may happen that you love a thing which is bad for you. Allah knows and you know not.” [TMQ Al-Bakara: 216]

The deep enlightened view of man’s actions reveals that they are only material when detached from their associated circumstances and considerations. Being material they are not characterised with *hasn* (prettiness) or *qubb* (ugliness) in themselves but they are described as such because of external circumstances and considerations associated with them. The external (factors) which determines that an action is *hasan* (pretty) or *qabeeh* (ugly) is either just the mind, or the Islamic law only, or it is the mind but the Shari’ah is its proof, or it is the Shari’ah but the mind is its proof. Determining the actions by the mind alone is false because the mind is subject to disparity, difference and contradiction. That is because the mind’s evaluation of *hasn* or *qubb* can be affected by the environment in which man lives, and even it becomes disparate and differs with the succession of ages. So if the evaluation of *hasn* and *qubb* were left to the mind, the thing would be *qabeeh* for one group of people and *hasan* for others. Even the same thing could be *hasan* in one age and *qabeeh* in another. Islam as the everlasting and universal ideology determines that the description of actions as *qabeeh* and *hasan* should be the same for all human beings in all ages. Therefore the depiction of an action being *hasan* or *qabeeh* should come from a power beyond the mind; so it must come from the *Shari’ah*. Thus the characterisation of the human action as *qabeeh* and *hasan* comes from *Shari’ah*. We say treachery is *qabeeh* and loyalty is *hasan*, and sinfulness is *qabeeh* and piety is *hasan*, and the rebellion against the Islamic State is

qabeeh and correcting its deviation, if it deviated, is a *hasan* action, because *Shari'ah* has demonstrated that. As for using the mind as an arbitrator for *hasan* and *qabeeh*, we have proved this to be false. In regards to using the mind as an evidence for what the *Shari'ah* has denoted, this amounts to using the mind as an evidence for the divine rule (*Hukm Shar'ai*), though the evidence for the *Hukm Shar'ai* is the divine text and not the mind. The role of the mind is to understand the *Hukm Shar'ai* and not as an evidence for it. From this discussion, *hasan* and *qabeeh* are only determined as such by the *Shari'ah* and not by the mind.

Describing actions with *khair* or *shar* is in terms of their effect on the human's viewpoint and in terms of practising or abstaining from them. So human beings call the actions which harm them or which they dislike as *sharr*, and they call the actions which benefit them or which they like as *khair*, according to their effect on them, regardless of the *husn* and *qubbh* which is not considered by them in this case. Based on this view, they undertake the action or refrain from them. This view was corrected by stating that the action is not called *khair* or *sharr* based upon likes and dislikes or benefit and harm. Rather the evaluation of it being *khair* or *sharr* is the pleasure and displeasure of Allah ﷻ. So the discussion here is in regard to the criterion of *khair* and *sharr* which people became acquainted with, not in regard of the action itself.

Characterising actions as *husn* and *qubbh* is in terms of the judgement upon them by humans and in terms of the punishment and reward on them. Human beings gave themselves the authority to judge upon the action as *hasan* or *qabeeh* in comparison with things. When they found themselves able to judge upon the bitter thing as *qabeeh* and upon the sweet thing as *hasan* and on the disgusting shape as *qabeeh* and on the beautiful shape as *hasan*, they saw that they could judge on the truthfulness (*sidq*) as *hasan* and the lie as *qabeeh*, and upon keeping one's word as *hasan* and on treachery as

qabeeh. So they gave themselves the authority of judging upon actions as *hasan* or *qabeeh* regardless of the subject of *khair* or *sharr*, which in this case is not considered by them. Based on this judgement, human beings imposed punishments on the *qabeeh* action and placed rewards on the *hasan* action. This judgement is corrected to state that the action is not compared to the thing. The senses can appreciate the bitterness and the sweetness of something and hence the mind can judge upon it. This is contrary to the action which does not possess a matter that human beings can sense so as to judge upon it as *qubb* or *husn*. Accordingly, it is absolutely wrong for them to judge upon such an action as *husn* or *qubb* from the action itself. Thus they must take this judgement from another source, that is from Allah ﷻ. The subject here concerns judgement upon the action not in regard to evaluating it, and it is also in regard to punishment and reward on the actions, not in regard of undertaking them and refraining from them. Therefore there is a difference between *khair* and *sharr* and between the *husn* and *qubb*, which are two completely different subjects.

This is in regard of the description of actions. Concerning the aim of the action, every person must have an aim, for the sake of which they performed the action. This aim is the value of the action. Therefore every action must have a value that human beings seek to achieve when they undertake that action, otherwise it would be in vain. Human beings shouldn't undertake actions in vain and without purpose, but rather they must observe achieving the intended values of the actions undertaken.

The value of the action is either *maddiyyah* (materialistic), such as commercial, agricultural and industrial actions and the like; since the aim of undertaking these actions is to achieve materialistic benefits from them, which is profit; a value which has importance in life. The value of the action could be *insaniyyah* (humanitarian), such as saving a drowning person and helping a person who is needy or disturbed, with the

aim being to save the human being, regardless of his colour, race, religion or any consideration except humanitarian. The value of the action could also be *kebuhariyyah* (moralistic), such as truthfulness, trust, and mercy, with the aim being the moral aspect, regardless of the benefits or humanitarian considerations. This is because morals could also be towards creatures other than humans, like kindness to animals and birds. A materialistic loss could occur from the moral action, but the achievement of its value is necessary, which is the moral aspect. The value of the action could be *roohiyyah* (spiritual) such as *'ibadat*, accordingly the whole objective of it is not materialistic benefits or humanitarian aspects, nor moral matters, rather its aim is worship. Therefore, only its spiritual value should be achieved irrespective of all other values.

These are the values of all actions which human beings strive to achieve when they undertake all of their actions.

Evaluating the human societies in their worldly life is undertaken according to these values, and the evaluation would be in accordance of the level of achievement of these values in society and what their achievement secures of comfort and tranquillity. Muslims have to exert their efforts to achieve the value sought for every action they undertake when they perform actions, so as to contribute to the prosperity and elevation of the society, and to secure - at the same time - their own prosperity and tranquillity.

These values are not preferential over each other or equal, by themselves, because no common qualities exist among them in order to be equated with each other or to prefer some of them over the other. They are but results human beings sought when they undertook their actions. As a result, they cannot be put in one balance, nor

evaluated by one criterion, because they are in disagreement if not contradictory. Human beings however are used to differentiating between the values, to choose the best of them, though they are neither dissimilar nor equal. Yet human beings do not accept that, so they differentiate and equalise between them. This differentiation and equalisation is not according to the value itself but according to its effect on them. Thereupon, human beings built the differentiation and equalisation between values upon themselves and upon what this value produces of benefit or harm for them. They establish themselves as the measure (standard) or make the effect, which befalls them from these values as a measure. Thus this differentiation is actually between the effects of these values upon them, not between the values themselves. Since the inclinations of human beings vary in regard to the effects of the values, their differentiation between them differs accordingly.

People who are highly influenced by and inclined to spiritual emotions and ignore the materialistic value, prefer the spiritual value over the materialistic one. So they accordingly turn to prayer (individual *'ibadat*) and renounce the material world and its aspects. They neglect the life because it is material, and they account for materialistic backwardness; and because of them, the standard of living in the society they live in declines due to what prevails in it of laziness and lethargy.

People who are highly influenced by materialistic inclinations, are taken over by their whims and neglect the spiritual value, prefer the materialistic value and seek to achieve it. Therefore, the ideals to them become numerous, and because of them, the society they live in becomes disturbed and wickedness and corruption spread in it.

Accordingly it is wrong to leave human beings to evaluate these values; instead they must be evaluated by the Creator of them, who is Allah ﷻ. Therefore it is necessary

that the divine law (*Shar'a*) itself determines for them these values and assigns to them the time of their performance and according to *Shari'ah* man selects them.

The *Shar'a* has shown the solutions of life's problems through the commands and prohibitions of Allah, and has obliged man to proceed in this life according to these commands and prohibitions. It has also shown the actions that achieve the spiritual value which are the *Fard* (obligatory) and *mandub* (recommended) worships. It has also clarified those qualities that achieve the moral value, and left human beings to achieve the materialistic value necessary for them so as to satisfy with it their necessities and basic needs and what is even beyond their necessities and basic needs, in accordance with a certain system (*Shari'ah*) and commanded not to deviate from it. Human beings has but to act to achieve these values in accordance with the commands and prohibitions of Allah, and to evaluate them as the *Shar'a* has demonstrated.

Values are achieved in the society at the level it needs as a specific society and this society is evaluated using the standards of these values. Upon this basis, actions must be performed to achieve these values, to establish the Islamic society in accordance with the Islamic viewpoint of life's affairs.

In summary, human action is material which they perform materialistically. When actions are undertaken the relationship with Allah is realised, from the perspective that this action is permissible (*halal*) or prohibited (*haram*). Actions are undertaken or abstained from according to this basis. The realisation of this relationship with Allah is the spirit, which obliges human beings to know the *Shar'a* (law) of Allah to distinguish their actions. Human beings distinguish the *khair* from the *sharr* when they know those actions that please Allah and those which anger Him. They also distinguish the *qubb* from the *husn* when *Shar'a* assigns for them the *hasan* action and

the *qabeeh* action. They seek those values that are imperative for the Islamic life in the Islamic society according to what the *Shar'a* has assigned. When human beings undertake actions and realise their relationship with Allah, they will be able to engage in or abstain from an action in accordance with this realisation, because they have awareness of the type of action, its description and its value. Hence, the philosophy of Islam is the mixing of the material with the spirit, that is making the actions directed by the commands and prohibitions of Allah. This philosophy is constant and necessary for each action whether it is small or large, minute or great. This is how life is depicted. Since the Islamic '*aqeedah* (creed) is the basis of life, the basis of Islam's philosophy, the basis of the systems of life. Thus the Islamic *HaDarab* (civilisation) is the total concepts about life from the viewpoint of Islam. This is built upon one spiritual basis, which is the '*aqeedah* (creed); and its depiction of life is the mixing of the material with the spirit; and the meaning of happiness in its view is to attain the pleasure of Allah.

While the '*aqeedah*, which resolves the greatest problem of human beings, is the basis of actions and upon which the viewpoint in life is based, and Islam's philosophy controls the actions, then the systems which emanate from this '*aqeedah* address the problems of human beings and organise their actions accurately. Hence, the application of the systems is the criterion in determining whether a land is the land of *kufr* (*daar ul-kufr*) or the land of Islam (*daar ul-Islam*).

The land in which Islam's systems are applied, governed by that which Allah has revealed and its security is by the security of Islam, is considered a land of Islam (*daar ul-Islam*), even if the majority of its population are non-Muslim. While the land in which these two matters are not fulfilled is considered a land of *Kufr* (*daar ul-kufr*), even if the majority of its population are Muslim. Accordingly, after the doctrine, the

priority is given to the systems of Islam and their application in the walks of life. This is because application of these systems along with the doctrine naturally produces the Islamic mentality (*'aqliyyah*) and Islamic disposition (*nafsiyyah*) within the Ummah and makes the Muslim a distinguished and exalted personality.

Islam considers a human being as an integrated being (indivisible whole), and addresses his or her actions with *AHkam Sharai'ah* in a consistent and balanced manner regardless of the number and type of these actions. These *AHkam Sharai'ah* are the Islamic systems which address the problems of human beings. When problems are addressed, human beings deal with them considering that every problem requires a solution i.e. considering it as a problem that requires a *Hukm Shara'i*. Thus Islam addresses all problems as human problems and nothing else. So when Islam treats an economic problem such as the husband's financial support (*nafaqah*) of his wife or a ruling problem such as the appointment of a *Khaleefah* or a social problem such as marriage, it does not solve that problem as an economic, ruling or as a social problem but rather treats the problem as a human problem to which a solution should be derived i.e. a *Hukm shara'i* should be derived. Islam has one method in addressing the problems of human beings, which is to understand the reality of the problem and then derive the rule of Allah for it from the detailed *shar'ai* evidences.

The Islamic systems are composed of *AHkam Sharai'ah* related to *'ibadat*, morals, foodstuffs, clothing, *mu'amalat* (transactions) and penal code.

The divine rules related to *'ibadat*, morals, food-stuffs, and clothing cannot be reasoned by *'illah* (legal reason). The Messenger ﷺ said;

((حُرْمَتِ الْخَمْرِ لِعَيْنِهَا))

“Wine (khamr) was forbidden for itself.”

However the *AHkam Shara'iah* related to transactions and penal code are reasoned by an *'illah*. This is because the *Hukm Shar'ai* in these matters are built upon an *'illah*, which is the reason for legislating the rule. Many people have become used to justifying all the *Sharee'ah* rules according to benefit (*maslaHah*), because they are influenced by the Western ideology and Western culture, which views benefit alone as a criterion for actions. Such an understanding contradicts the Islamic intellectual leadership which considers spirit as the basis for all actions; and makes the mixing of the spirit with the material the regulator of all actions. The *AHkam Sharai'ah* related to *'ibadat*, morals, foodstuffs, and clothing are absolutely not reasoned, since there is no *'illah* for these rules. They should be taken as they came in the text and should not be based upon an *'illah*. Prayer (*Salaah*), fasting (*Sawm*), the *Hajj*, *zakaah*, the method of praying the *Salaah* and the number of its *rak'at*, the rites of *Hajj* and the minimum amount of property liable to payment of *zakaah* (*niSaab of zakaah*) and the like, should be taken, accepted and submitted to as they came in the text (*tawqeefyyah*) and no *'illah* is sought for them. The same thing applies to the prohibition of eating the meat of a dead animal, pork and the like. Seeking an *'illah* for these rules is wrong and dangerous. This is because if an *'illah* was sought the result would be that if the *'illah* of the rule ceased to exist then the rule would no longer exist. The *'illah* is connected to the rule in existence and absence. As an example, if we assumed cleanliness was the *'illah* for the *nudu*, and physical exercise as the *'illah* for *salaah*, and hygiene as the *'illah* for fasting (*Sawm*) etc., then in these situations, whenever the *'illah* does not exist, the rule would not exist either, though the matter is not like this. Therefore seeking an *'illah* is dangerous for the rule and its performance. Thus, it is obligatory to take rules of *'ibadat* as they are, without seeking an *'illah* for them. As for the *Hikmah* (wisdom) behind a rule, Allah alone knows it, since our mind cannot conceive the essence of

Allah, and hence we cannot comprehend His *Hikmah*. As for the *Hikmah* mentioned in the texts, such as the saying of Allah ﷻ,

﴿إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ﴾

“Lo! Prayer (*Salah*) preserves from lewdness and iniquity.” [TMQ Al-’Ankabut:45]

And Allah ﷻ words,

﴿لِيَشْهَدُوا مَنَافِعَ لَهُمْ﴾

“That they may witness the benefits (provided) for them” [TMQ Al-Hajj:28] and for His ﷻ words,

﴿وَمَا آتَيْتُمْ مِنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَٰئِكَ هُمُ
الْمُضْعِفُونَ﴾

“That which you give in *Zakah* seeking Allah’s countenance, has increased manifold.” [TMQ Ar-Rum:39]

And other sorts of *Hikmah* that are stated in the texts, they should be taken literally as mentioned in the text without making comparison to them. Unless the *Hikmah* of

the rule is mentioned in a text, neither *Hikmah* and nor an *'illah* has to be sought for the rule.

This is in respect to *'ibadat*. Morals (*Aqblaaq*) are however values for which rules have been established to illustrate the virtues and noble deeds and the things that contradict them. They also result from *'ibadat*, as well as being observed in *mu'amalat*. This is because Islam aims in its legislation to take man on the road towards perfection so as to reach the highest achievable level. Therefore man has to work towards acquiring the supreme qualities and to maintain them. The good *Aqblaaq* is a value which one intends to realise when exhibiting it. It is specific to the virtues (*faDaa'il*) stated by the *Shar'*, and its value is targeted when performing these virtues and acquiring them. *Aqblaaq* are a part of the Islamic *Shari'ah*, and a part of the commands and prohibitions of Allah, which must be achieved by every Muslim so that his observance of Islam becomes complete, and his undertaking of the commands and prohibitions of Allah is perfected.

A Muslim neither acquires *Aqblaaq* attributes for their sake, nor for the perceived benefit. Rather he or she acquires them only because Allah commanded him with them and for no other reason. So a Muslim is not characterised with truthfulness for the sake of truthfulness in itself, nor for the perceived benefit, rather because *Shar'a* ordered it.

As for the fact that the Muslim does not acquire *Aqblaaq* for the sake of *Aqblaaq*, this is because of the description of the actions. An action which human beings perform might be by itself *qabeeh* but they thought it *hasan* so they performed it. The attribute which human beings are characterised with might be by itself *qabeeh* but they consider it a *hasan* attribute so they acquire it and thus errors would arise because man observed

Aqblaaq for their own sake. Unless Islam defines for the Muslim the *hasan* attributes and the *qabeeh* attributes and unless the Muslim performs them according to this definition, then their acquiring of these attributes would not be in compliance with the *AHkam Sharai'ab*. Therefore Muslims should not be characterised with truthfulness for the sake of truthfulness, nor should they be characterised with compassion for the sake of compassion, nor should they be characterised with all the *Aqblaaq* for their own sake. Rather they should be characterised with them because they are commands from Allah because the fundamental fact is that these *Aqblaaq* are based on the Islamic '*aqeedah*'. Observing this issue would guarantee the acquisition of the *Aqblaaq* in individuals thus purifying the soul of any impurity and distancing it from any corrupting factors. The best way to protect *Aqblaaq* is to confine them to what is stated in the text (*Qur'an* and *Sunnah*), restrict them to the spiritual basis and build them upon the Islamic '*aqeedah*'.

As for not acquiring *Aqblaaq* for the sake of benefit, this is because one does not seek or aim to acquire benefit from the *Aqblaaq*, lest it corrupts it and makes it revolve around the benefit. *Aqblaaq* are attributes which man must be characterised with, freely and willingly, by the incentive of *taqwa* (the fear of Allah). Muslims do not abide by *Aqblaaq* simply because they benefit or harm them in life; rather they do so in response to the commands and prohibitions of Allah. With this understanding the characterisation with good *Aqblaaq* is constant and steadfast and does not revolve around benefit.

Such *Aqblaaq* built on the exchange of benefit would make the individual a hypocrite, revealing certain behaviour while concealing his true nature. This is because their *Aqblaaq* are built on benefit, so their *Aqblaaq* revolve around the benefit, for they make the reasoned rules revolve around their '*illah*' and they do not believe in the

existence of the rules nor in their obligation if the *'illab* ceased to be present.

Aqblaaq are not reasoned and should never be taken by their *'illab*. They must be accepted as they came in *Sbar'a*, irrespective of any *'illab*. It is erroneous and dangerous to seek *'illab* for *Aqblaaq*, so as not to abandon the characterisation with *Aqblaaq* when their *'illab* has ceased.

It becomes evident that the aim of the *'ibadat* is the spiritual value only and the aim of acquiring *Aqblaaq* is the moral value only. They must be restricted to these intended values. Benefit or interest should not be manifested in the *'ibadat* and *Aqblaaq*, because such a manifestation is dangerous, causing hypocrisy in those who worship and those who are virtuous people. It will also lead to the abandonment of the *'ibadat* and *Aqblaaq* when their benefit or interest does not appear.

In regard to the *AHkam Sharia'ah* related to man's actions in his relation with others, some of the texts that came as evidence to them include an *'illab* such as in respect to giving the spoils of Bani Nadhir to the Muhajireen and not the Ansar. Allah ﷻ says regarding this,

﴿كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ﴾

"that it does not become a commodity between the rich among you." [TMQ Al-Hashr:7]

While some other texts do not include an *'illab* at all such as,

﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾

“Allah has permitted *bai’a* (trading) and has forbidden *Riba* (interest).” [Al-Baqara:275]

Therefore any rules where the text included an *‘illah* are reasoned and *Qiyas* may be made to them; whereas for the rules whose text is without an *‘illah*, an *‘illah* is not sought and *Qiyas* cannot be used. The valid *‘illah* is the *Shar’ai ‘illah* that is mentioned in the text from *Qur’an* and *Sunnah*, for only these two are the *Shar’ai* texts. The *‘illah* upon which the reasoned *Hukm Shar’ai* is built is a *Shar’ai ‘illah* and not a rational *‘illah*. In other words the *‘illah* must be mentioned in the text either explicitly or implicitly or by deduction or through *Qiyas*. This *‘illah* is connected with the reasoned *Hukm* in presence and absence. Thus the rules revolve with their *‘illah*. So we find a thing is prohibited in a situation due to the existence of a *Shar’ai ‘illah*, and if this *‘illah* disappears that very thing becomes permissible. So the *Hukm Shar’ai* revolves with the *‘illah* in existence and in absence, when it exists the *Hukm* exists and if the *‘illah* does not exist the *Hukm* does not exist.

The absence of the *Hukm* due to the absence of the *‘illah* does not at all mean that the *Hukm Shar’ai* has changed, rather the *Hukm Shar’ai* of the question remains as it is without change. It is only that the *Hukm* is no longer applied due to the absence of the *‘illah* and will be applied if the *‘illah* is present.

The relationship of the rule with the *‘illah* in existence and in absence does not mean that the rules change due to the change of the time and place, therefore claiming that bringing about the benefit and preventing corruption is the *‘illah* of the *Hukm Shar’ai*, which changes as the time and place change, so the *Hukm Shar’ai* changes accordingly. Bringing about benefit and preventing harm are not at all the *‘illah* of the *AHKam*, since no text came to denote that bringing about benefit and preventing corruption are *‘illah* for all the *AHKam*, nor to denote that they are an *‘illah* for a specific *Hukm*.

Consequently, it cannot be taken as a *Shar'ai 'illab*.

The *Shar'ai 'illab* is that which is taken from a *Shar'ai* text and should be restricted to it and its meaning. The *Shar'ai* text has neither indicated that bringing about a benefit nor warding off corruption as being the *'illab*. The *Shar'ai 'illab* is that which the *Shar'ai* text has brought, not the bringing about of benefit or warding off corruption. That which is brought in the text is not indicated by the time or the place nor indicated by the action itself. It is rather indicated by the text in manifesting the *'illab* of the *Hukm*. This text never changes, so no consideration is given to the time and place in this context, nor is there a value to bringing about benefit and preventing corruption.

Consequently, *AHkam Shara'iah* do not change with the changing of the time and place, they remain as they are regardless of this change.

As for the change of traditions and customs of people, this does not have an effect in changing the rule, for the tradition is not an *'illab* of the *Hukm Shar'ai* and neither a source for it. The traditions may agree or disagree with the *Shar'a*. If they disagree with the *Shar'a* then the *Shar'a* has come to abrogate and change them, since the function of the *Shar'a* is to change the corrupted traditions and customs, because they are the factors that cause corruption in society. Hence they are not taken as a source for the *Hukm Shar'ai* nor an *'illab* for it and the *Hukm* does not change. If the traditions were in agreement with *shar'a*, then the *Hukm* is proved by its *Shar'ai* evidence and by its *Shar'ai 'illab* and not by these traditions, even if these traditions do not contradict the *Shar'a*. The customs cannot rule over the *Shar'a*, rather the *Shar'a* rules over the traditions and customs. The *AHkam Shara'iah* have their own evidences, which is the text and they have *Shar'ai 'illab* and the traditions and customs are not a

part of that at all.

As for the suitability of the Islamic *Shari'ah* for every time and place, it results from the fact that the Islamic *Shari'ah* addresses man's problems by its rules through all times and places and is capable of solving all problems of human beings irrespective of how diverse and numerous they are. This is because when it addresses their problems, it treats them in their capacity as a human being and not in any other capacity. Whatever the time and place, human beings remain the same with respect to their instincts and biological needs without changing at all. Hence the rules which solve their problems do not change. What does change for human beings, are the patterns of life, which do not affect their viewpoint about life. As for the constant new and numerous demands of human beings, they emerge as a result of the humans endeavour to satisfy their instincts and biological needs. The *Shari'ah* was revealed to solve such new and numerous demands, regardless of their number or how their patterns change. This was one of the factors which contributed towards the growth of *fiqh*. However this vast capacity of the *Shari'ah* does not mean that it is flexible and adapts to everything or to every issue even if it contradicts it. Nor does it mean that it evolves thereby it changes with time. It rather means that the texts have the capacity to derive numerous rules from them. It also means that the rules have the ability to apply on many issues. So for example, Allah ﷻ says;

﴿فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ﴾

“Then if they give suckle for you (your children) give them their due payment.” [TMQ At-Talaq: 6]

From this verse a *Hukm Shar'ai* is derived, that the divorced woman deserves a compensation for suckling the baby. Another *Hukm Shar'ai* is derived from it, that the hired person is entitled to a wage if he or she has carried out their work, whether they are a private or common employee. This rule applies to numerous areas, such as the government employee, the labourer in the factory, the farmer on the farm and the like. So every one of them is entitled to their wage if they have completed their work, this is because they are private employees. The same applies to the carpenter who makes the cupboard, the tailor who sews the dress, the shoemaker who makes the shoe and the like. All of them are entitled to their wage if they have carried out their work because they are common employees. Since the employment is a contract between an employer and an employee the ruler (*Haakim*) is not included, because he is not hired by the Ummah, but rather he executes the *AHKam Shar'aiyah* i.e. implements Islam. The *Khaleefah* is not entitled to a wage for carrying out his work, since he was given the pledge to implement the *Shar'a* and to convey the Islamic Da'wah, so he is not employed by the Ummah. Similarly, his assistants (deputies), i.e. the members of the executive and the *Walīs* (governors) are not entitled to a wage for carrying out their work since their work is ruling, thus they are not employees. They do not take a salary but an amount is assigned to them to meet their needs due to being kept preoccupied from practising their own affairs and occupations.

This capacity of the texts to derive many rules and the capacity of the rules to be applied to many problems is what makes the Islamic *Sharee'ah* suitable to address all problems in life at all places and times as well as to all peoples and generations. This cannot be described as flexibility and evolution.

The *Daleel* of the *Hukm Shar'ai* taken from the text, either *Qur'an* or *Sunnah*, is to address existing problems, because the Legislator intended that we follow the

meanings of the texts rather than halting at the literal meaning of the text. Therefore, when deriving the *AHkam Shar'iah*, attention has to be paid to the meaning of the *'illah* i.e. to observe the legislative aspect in the text when deducing the rule.

The *Daleel* may include an *'illah* for the *Hukm*, or the *'illah* may be taken from one or more other evidences. Although the *Hukm* is derived from the *daleel*, nevertheless the sense of the *'illah* in it is observed, without adhering to the mode mentioned in the text that came to treat the problem at that time. An example is that the saying of Allah ﷻ,

﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ
تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ﴾

“Prepare for them all you can of (armed) force and of horses tethered, that thereby you strike fear in the heart of the enemy of Allah and your enemy.” [TMQ Al-Anfal: 60]

The *Hukm* concerns the preparation of force. The issue addressed at the time is preparing the force (via the tethering of horses), and the meaning of the *'illah* from this *Hukm* is; **to strike fear in the enemy**. Therefore, when we derive today the rule of preparation of force from this *daleel*, we also observe the meaning of the *'illah* from the *Hukm*, and accordingly we prepare whatever is needed to alarm the enemy; without restricting ourselves to the mode mentioned in the text (i.e. tethering the horses), in treating the problem at hand at the time.

Therefore this approach should be followed in every *daleel* from which a *Hukm* is

derived, since the purpose is to fulfil the meaning of *'illah* intended from the *Hukm*. Accordingly, the Islamic *Sharee'ah* requires that the rules related to the societal relations (*mu'amalat*) be based upon their *'illah* and that we observe the legislative aspect in the texts and not the form that they came in when deriving the rules from these texts.

Just as the text of the *Qur'an* and *Sunnah* are an evidence for the *Hukm Shar'ai*, the *Ijma'a* (consensus) of the *Sababah* (companions) and the *Qiyas* (analogical deduction) are also considered as an evidence for the *Hukm Shar'ai*. Accordingly, the general evidences (*adillah ijmaaliyyah*) for the *shar'ai* rules are; the *Qur'an*, the *Sunnah*, *Ijma'a as-Sababa* and *Qiyas*. As for the opinion of a *Sababi* related to matters of his *Ijtihad*, it is not a *daleel*, because the *Sababi* is like any *Mujtabid*, and is subject to error. In addition, the *Sababah* differed over some issues, holding differing opinions to one another. So if the opinion of the *Sababi* was taken as a *daleel*, then the proofs would be different and contradictory. Consequently, the opinion of the *Sababi* is not considered a *shar'ai daleel*, but rather it is allowed to be followed like the other acknowledged opinions and schools of thought (*madhhabib*). The rules that are agreed upon by the *Sababah* are not a *madhhab* for them, but rather they are *Ijma'a*.

As for the *Shar'a* of the earlier nations (*Shar'a min qablina*), it is neither considered a *Shar'a* for us, nor is it considered to be a source of legislation. Although the Islamic *'aqeedah* mandates for us to believe in all the prophets and messengers, and in the Books revealed to them. The meaning of the belief in them is belief in their prophethood and their messages and in the Books revealed to them, and does not mean to follow them. After the prophethood of Muhammad ﷺ all peoples are ordered to give up their *Deen* and to embrace Islam, since no *Deen* other than Islam is accepted. Allah ﷻ said,

﴿إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ﴾

“Lo! The Deen with Allah is Islam.” [TMQ Al-i-Imran:19]

Allah ﷻ also says,

﴿وَمَنْ يَتَّبِعْ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ﴾

“And whosoever seeks a Deen other than Islam it will not be accepted from him.” [TMQ Al-i-Imran:85]

This ayah is explicit (*SareeH*) in meaning. From this ayah the following principle was derived,

((شَرْعٌ مِنْ قَبْلِنَا لَيْسَ شَرْعًا لَنَا))

“Shar’a of the people before us is not a Shar’a for us.”

Another evidence for this principle is the fact that the *SaHaabah* had a consensus (Ijmaa’) that the *Shari’ah* of Muhammad ﷺ abrogates all the previous *Shari’ah* (divine laws). Also Allah ﷻ says,

﴿وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنْ

الْكِتَابِ وَمُهِمَّنَا عَلَيْهِ ﴿﴾

“And unto you have We revealed the Book with the truth, confirming whatever Book was before it and controlling over it.” [TMQ Al-Maida:48]

i.e. to have control and supremacy over it. The supremacy of the *Qur'an* over the previous Books means the abrogation of the previous *Sharee'abs* i.e. the *Qur'an* confirms and abrogates the previous *Sharee'abs*. It was narrated that when the Messenger ﷺ saw 'Umar Ibn Al-Khattab reading from a leaf of the Torah, he ﷺ got angry and said,

((ألم آت بها بيضاء نقية ولو أدركني أخي موسى لما وسعه إلا

إتباعي))

“Didn't I bring it pure and clean, and By Allah, had my brother Musa been present now he would have no choice but to follow me.”

Many of the rituals of *Hajj* such as *Tawaf* around the *Ka'abah*, touching and kissing the black stone and running between *Safa* and *Marwah* were practised at the time of *jahiliyyah*. However when we perform them as *'ibadat*, we don't practise them considering them as rituals of a previous *Shari'ah*. Rather we perform them as part of the Islamic *Shari'ah*, since Islam brought them as new *AHkam Sharai'ah*, and not as part of a previous *Shari'ah*. Similarly, we do not at all perform nor abide by what

previous Deens prescribed, rather we only follow what Islam brought us. The Christians and the Jews are addressed with the Islamic *Shari'ab* and ordered to leave theirs, because Islam abrogated it. If this is the obligation on the followers of the Jewish *Shari'ab* and they are Jews and the Christians, then how can a Muslim be ordered to take the previous *Sharee'abs* as his *Sharee'ab*? With regards to the saying of Allah ﷻ,

﴿إِنَّا أَوْحَيْنَا إِلَيْكَ كَمَا أَوْحَيْنَا إِلَى نُوحٍ﴾

“We revealed to you as we revealed to Noah.” [TMQ An-Nisaa:163]

What is meant by this is that He ﷻ revealed to Muhammad ﷺ the same way as He revealed to the other prophets. And,

﴿شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا﴾

“He has ordained for you that Deen which He commanded unto Noah.” [Tmq Ash-Shura:13]

This means that He ordained the origin of *tanHeed*, which He ordained for Noah. In the Ayah,

﴿ثُمَّ أَوْحَيْنَا إِلَيْكَ أَنْ اتَّبِعْ مِلَّةَ إِبْرَاهِيمَ حَنِيفًا﴾

“Then we revealed to you to follow the faith (*mellab*) of Ibrahim.” [TMQ An-Nahl:123]

This means to follow the origin of *tawHid*, because ‘*mellab*’ means the origin of *tawHeed*. The understanding of all these verses and the like is that the Messenger ﷺ is not an innovator among the messengers (of Allah), rather he was sent (as a messenger) like them and that the origin of *tawHeed* is the Deen common to all prophets and messengers. Every messenger had been sent with a specific Deen; Allah ﷻ says,

﴿لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَا جَا﴾

“For each we have appointed a *Sharee’ah* and an open way.” [TMQ Al-Maidah:48]

Accordingly the *Shar’a* of previous nations is neither a *Shar’a* for us and nor is it considered one of the legislative sources from which the rules are derived.

Deriving *AHkam* is performed by *mujtahids*, because knowing the *Hukm* of Allah on a specific issue cannot be reached except by *Ijtihad*. There must be *Ijtihad*. The scholars of *usool* have stated that *Ijtihad* is a *fard kifayah* (collective obligation) on Muslims and that no generation should be without a *mujtahid*. If all Muslims agree to leave *Ijtihad* they would be sinful, this is because the only way of finding out the divine rules is by *Ijtihad*. If any generation was without a *mujtahid* who is able to derive *AHkam*, this would result in the abandoning of *Shari’ah* and lead to the elimination of the *shar’ai* rules, a matter which is expressly forbidden. Nevertheless, *Ijtihad* has conditions which have been elaborated by the scholars of *usool*. It requires broad knowledge, a correct understanding of the texts and a satisfactory knowledge of Arabic linguistics and it needs knowledge of the *Shar’ai* matters and an understanding of their evidences

(*adillab*).

Extracting *AHkam* without careful study and without careful examination is not called *Istinbat* (deriving rules). Likewise, the mere presence of a benefit in a certain *Hukm* followed by misconstruing the texts and misinterpreting them to derive that rule is not called *Ijtihad*, it is rather an insult to the *Deen* of Allah ﷻ, and whoever commits that deserves the punishment of Allah ﷻ.

It is true that the door of *Ijtihad* is open but it is open for the scholars (ulema) not for the ignorant. *mujtahids* are of three types; *mujtahid mutlaq* and *mujtahid madhab*, these two have specific prerequisites. As for the third type it is the *mujtahid* who performs *Ijtihad* on one issue (*mujtahid masa'alah*). Such a *mujtahid* should be capable of understanding the text and to pursue the issue, its *daleel* and the *daleel* of other *mujtahids* concerning the issue. This type of *Ijtihad* is necessary for every Muslim who needs to know the *AHkam* of Allah, since *Shar'a* has originally ordained that Muslims derive by themselves the *Hukm* from the evidence, i.e. to be a *mujtahid* in the issues of the *Deen* necessary to them.

However, after recording the *madhabs* of the *mujtahids* and the principles of *Ijtihad* and the *AHkam* were derived, the notion of *Ijtihad* became weak amongst individuals and the number of *mujtahids* decreased. *Taqleed* became prevalent amongst the Muslims and *Ijtihad* amongst them became unusual until the concept of *taqleed* prevailed to such an extent that some people started to call for closing the door of *Ijtihad* and to speak of *taqleed* as obligatory. Accordingly the overwhelming majority of Muslims, if not all of them, became *muqallideen* (followers).

The *muqallid* is of two types; *muttabi'a* (follower) and *'aammi* (layman). The difference

between the *muttabi'a* and the *'aammi* is that the *muttabi'a* takes the rule derived by a *mujtabid* after they are convinced of the *daleel* which the *mujtabid* depended upon, and they do not follow it unless they are aware of the *daleel*. The *'aammi* is the one who follows the *mujtabid* in the *shar'ai* rule without looking for the *daleel*. The *muttabi'a* has a better level than the *'aammi* and most of the earlier generations were the *muttabi'a*, for they were greatly concerned with learning the *daleel*. When the age of decline came and it became difficult for the people to follow the *mujtabids*, they began to follow the scholars and *mujtabids* in the rules concerning them without seeking the *daleel*. What encouraged this situation was the silence and consent of the *ulema* that a person could be *'ammi* even if he was an educated person. The *ulema* were silent about this because *taqleed* is permissible, whether the *muqallid* is a *muttabi'a* or *'ammi*. However, the Muslim should originally be able to take the *AHkam* from its *daleel*, although they are allowed to imitate thus they are allowed to be *muttabi'a*, i.e. they know the rule and knows its *daleel* and becomes convinced of it. This makes the Muslim qualified for *Ijtihad*, even in a single issue, a matter which is necessary for us in our current age. However, issuing a fatwa is not considered *Ijtihad* in an issue, because it does not belong to the category of *Ijtihad*. It is of the worst type of writings in *fiqh*. This is because after the age of the *mujtabids*, their students and the students of their students followed and these turned to elaborating on the opinions of the *madhab*, laying down its foundations and consolidating its opinions. That age was considered to be the golden age of *fiqh* in which the master references of *fiqh* books in the various *madhabs* were written. These books are considered the backbone of the issues of *fiqh*. This era continued until the seventh century C.E., after which the decline of *fiqh* followed. In these ages commenting and footnotes began, most lacking originality, *Istinbat* (deduction of rules) and *Ijtihad* even on just a single issue. Then came an age in which the decline was deeper, where the *ulema* followed the way of listing the issues and the rules without making reference to their different aspects and details. They called these

issues *fatawa*. It is incorrect to make these *fatawa* as a reference in *fiqh* and it is incorrect to take them as a reference for the *AHkam Sharee'ah* as well, because they do not follow the method of *Ijtihad* in deriving the rules.

It is not permitted to refer to reference works written along the lines of the codification of western law books as a reference for *Sharee'ah* rules. This is because these books are a form of imitation of Western laws and such codification reduces the *fiqh* and is dominated by taking *fiqh* issues without any *daleel* or with a weak *daleel*. It is also dominated by the notion of adapting to the age and twisted interpretations to comply with the Western viewpoint in solving the problems. This is in addition to the lack of the legislative aspect and the absence of *Ijtihad* in these books. So they are not suitable for application or as a reference. Their existence was a disaster for *fiqh* and legislation because it was an attempt at imitation that weakened the people's perception of Islamic *fiqh*. This is in spite of the vast amount of Islamic *fiqh* and it being the richest jurisprudence of all nations. This *fiqh* is indispensable for the judges and rulers, but codifying it in a form which imitates the canonical format has reduced and disgraced it and made the judges, when they confined themselves to the knowledge of these canons, ignorant in *fiqh*. In addition, these books lack the appropriate legal wording, because they are a host of jurisprudence texts of some jurists that have been introduced under numerical listing. No attempt has been made to generate general principles that could then themselves be taken as the subject of the articles under which different issues would fall. Instead the issues themselves were arranged as separate articles and this is incompatible with the canonical format. Even when some of the articles came in the form of principles they were not stated in a comprehensive manner. Rather they were no more than definitions from the *fiqh* books and almost all articles followed this style. Consequently, it is not permissible to take those canons as a reference, because of their erroneous style, superficial

information, and remoteness from the recognised *Sharee'ah* rules which are based on the detailed evidences (*adillah tafSeeliyyah*).

In order to put together a constitution and cannons that can be comprehended and followed by the judges and rulers, the following method in legislation should be followed:

1. Human problems have to be studied, so a general constitution is written addressing them in the form of general comprehensive principles or comprehensive Shar'ai rules. These principles and rules have to be derived from Islamic *fiqh*, on condition that they are either taken from one of the *mujtabids*, mentioning their *daleel* and being convinced of them or from the *Qur'an*, the *Sunnah*, *Ijma'a as-Sahaba* or *Qiyas*, but only through a correct *Ijtihad*, even if it is *Ijtihad* on a single issue. In the introduction for each article, the *madhab* from which it is taken together with its *daleel*, or the *daleel* from which it was deduced, must be mentioned. Neither the influence of the bad situation of the Muslims nor the situation of the other nations or the non-Islamic systems should be taken into consideration when putting down such a constitution.

2. *AHKam Shara'iah* should be put down as draft canons for the penal code (*'uqubaat*), rights (*Huqooq*) and testimonial proofs (*bayyinaat*). This should be according to the aforementioned criteria, be compatible with the constitution, with reference to the *madhab* and the *daleel* on the condition that its legal composition is with general principles so to serve as a reference for the judges and the rulers.

3. The *Shar'ai* texts, the Islamic *fiqh* and *usool-ul-fiqh* should be the reference point when interpreting the constitution and the laws by the judges and rulers, in order to facilitate the means of deep understanding.

The judge is not permitted to issue verdicts contradictory to what the state has adopted because,

((أمر الإمام نافذ ظاهرا وباطنا))

“The decree of the Imam is to be executed overtly and covertly.”

In cases where the State has not adopted rules, the judge will issue the verdict based on the *Hukm Shar'ai* he views as applicable to the case, whether this opinion is of one from the *mujtabids* or an opinion derived by his own *Ijtihad*.

4. When deriving the rules and adopting them, it is necessary to understand the reality (of the issue and comprehend it) and to understand what is necessary to treat the reality from the *Shar'ai* evidence; in other words to understand the rule of Allah ﷻ on this issue and then to apply the rule on the reality. That is, to arrive at the *Hukm Shar'ai* by understanding and fully comprehending the reality of the issue.

The state implements the Islamic *Shar'a* upon all those who hold citizenship, whether Muslim or otherwise. With regards to non-Muslims they should be left to practise their own belief and worships. They are treated in the matters of foodstuffs and clothes according to their religion within the framework of public order. The matters of family affairs amongst themselves, such as marriage and divorce, will be settled according to their religions. As for the rest of the Islamic *Shari'ah* like matters of transactions (*mu'amalat*), penal code, ruling and economic systems, they are implemented upon all citizens, both Muslims and non-Muslims alike. With regards to Muslims, the state implements the entire Islamic *Shari'ah* upon them, whether in the

area of worship, morals, transactions, penal code and so on. The duty of the state is to implement Islam completely and to consider its implementation upon non-Muslims as *Da'wah* for them to Islam. This is because the *Sharee'ah* is universal to mankind; and the state implements it in every country under its rule in order to convey the call to its people. The secret of success behind the Islamic conquests is to deliver the call to Islam to the non-Muslims.

Islam has an '*aqeedah*' from which a system emanates. This system consists of the *Sharee'ah* rules derived from the detailed evidences. Islam has demonstrated in its system how its rules are to be implemented via the *Sharee'ah* rules. The *Shar'ai* rules which demonstrate the manner of implementation are the method (*Tareeqah*); and all rules beyond that are parts of the idea (*fikrah*). Accordingly, Islam is a *fikrah* (idea) and *Tareeqah* (method). Thus, the '*aqeedah*' and the *Shar'ai* rules which solve man's problems make-up the *fikrah*, and the *Shari'ah* rules which demonstrate the manner of implementing these solutions, protecting the creed and the way to carry the *da'wah* are the *Tareeqah*. Islam's *Tareeqah* is of the same nature as its *fikrah* and it is a part of Islam. It is not allowed to confine the call for Islam to only demonstrating its *fikrah* but rather the call must also include the *Tareeqah* as well. Therefore, the *mabda'a* (ideology) is a combination of the *fikrah* and *Tareeqah*. The belief in the *Tareeqah* is as important as the belief in the *fikrah*. It is necessary that the *Tareeqah* and the *fikrah* be an indivisible whole, linked together tightly such that nothing but the Islamic *Tareeqah* is used in the implementation of the Islamic *fikrah*. Both of them form Islam by which it is governed and for which the call is conveyed. Since the *Tareeqah* exists in the *Shari'ah*, it should be restricted to that which the *Shari'ah* has brought and what is derived from its texts. As the rules of the *fikrah* were included in the *Qur'an* and the *Sunnah*, likewise the rules of the *Tareeqah* were also embodied in the *Qur'an* and *Sunnah*. When Allah ﷻ says;

﴿وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَأَنْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ﴾

“And if you fear treachery from any folk, then throw back to them (their treaty) fairly.” [TMQ Al-Anfal:58]

This is from the rules of the *Tareeqah*. Also, the saying of the Prophet ﷺ,

((لا تتمنوا لقاء العدو وإذا لقيتموه فاصبروا))

“Don’t wish to face the enemy and if you face him, be patient”, is from the rules of the *Tareeqah*. Subsequently, all the rules of the *Tareeqah*, like all other rules, are derived by *ijtihad* from the *Qur’an*, *Sunnab*, *Ijma’a* and *Qiyas*. Since the *Sunnab* is an explanation of the *Qur’an*, the *fikrah* is summed up in the *Qur’an* and detailed in the *Sunnab*. The *Tareeqah* is also summed up in the *Qur’an* and detailed in the *Sunnab*. It is obligatory to take as the light of guidance *Sayyidinaa* Muhammad ﷺ, the Messenger of Allah. We should take the rules of the *Tareeqah* from his deeds, which exist in his *Sirab* (life) and from his speech and consent as we take them from the *Qur’an*, since all that is *Shari’ab*. We make our example in understanding the *Sirab*, the rightly guided *Khulafa’a* and all the other *Sahabab*; and we make our rational understanding the effective means in the understanding and derivation (of rules) according to the *Shar’ai* method.

The *Shar’ai* rules that explain the way of implementation indicate actions. These actions must be performed, whether related to implementation or to carrying the *da’wab*. These actions cannot be viewed as a means, because means (*waseelah*) are a

device used when performing an action. These means differ when the actions differ, and they change according to the situation and are determined by the type of action. Therefore it does not take one form. However the actions indicated by the *Tareeqab* do not change, rather they should be performed based upon the text. So it should be noted that no action other than that explained by the *Sbar'a* could be undertaken. Additionally, no action should be undertaken except in the context defined by *Hukm Shar'ai*.

On examining those actions which are defined by the *Sbar'ai* rules related to the *Tareeqab*, we find that they are materialistic actions achieving tangible results. They are not actions aimed at achieving non-tangible results, even though both actions achieve the same value. For example, supplication (*dua'a*) is a materialistic action that achieves a spiritual value, and *jihad* is also a materialistic action that achieves a spiritual value. However, *dua'a*, although being a materialistic action, it achieves a non-tangible result which is the reward even if the intention of its performer was to achieve a spiritual value. This is in contrast to *jihad*, fighting against the enemy is a materialistic action which achieves a tangible result, e.g. the opening of a fortress or city, or killing the enemy and the like, even if the intention of the *mujahid* was to achieve the spiritual value. The actions of the *Tareeqab* are materialistic actions that achieve tangible results and they differ from other actions. Therefore, *dua'a* is not taken as a method for *jihad*, though the *mujahid* prays to Allah. Likewise, preaching is not taken as a method to deter the thief, though he is advised and instructed. Allah ﷻ says,

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلَّهِ﴾

“And fight them until persecution is no more, and all deen is for Allah.” [TMQ Al-Baqarah:193]

Allah ﷻ also says;

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾

“And for the thief, both male and female, cut off their hands.” [TMQ Al-Maidah:38]

It is completely unacceptable that all actions used to implement the Islamic *Fikrah* be those actions that achieve non-tangible results. This is contrary to the nature of the Islamic *Tareeqah*. In this respect there is no difference between actions used to implement the rules related to the solving of the problems or actions used to convey the Islamic *da'wah*. *Salah*, for example, is considered part of the *fikrah*, and the *Tareeqah* of its implementation is the state. It is not permissible for the state to use education and instruction alone as a *Tareeqah* to make people perform the *salah*. Rather the state has to punish anyone who abandons prayer, for example by material actions such as imprisonment, even though the state undertakes education and instruction. Similarly carrying the Islamic *da'wah* is part of the *fikrah*, and the *Tareeqah* of its implementation by the state is *jihad*, i.e. fighting against the enemies. So it is not permissible for the state to use the reading of *Sahih Al-Bukhari* as a method to remove the materialistic obstacles from the way of the *da'wah*. Instead the state must use *jihad* as a *Tareeqah* which is the materialistic fight against the enemies. The same applies to all actions related to the *Tareeqah*.

It must be noted that though the action indicated by the *Tareeqah* is a materialistic action which achieves tangible results, this action should be directed by the commands and prohibitions of Allah with the intention of earning Allah ﷻ pleasure. The Muslim must also be dominated by his awareness of his relationship with Allah, so he seeks

nearness to Allah through *salah*, *dua'a*, recitation of the *Qur'an* and so on. He must also believe that *Nasr* is from Allah. It is necessary that Muslims maintain *taqwa* established in the heart to implement the rules of Allah. It is also necessary to make *dua'a* and to remember Allah (*dhikr*), and to maintain the relationship with Allah whenever undertaking all actions.

This is regarding the *Tareeqah* being *Shar'ai* rules which we must follow and are not allowed to disagree with and concerning these actions and the fact they achieve tangible results. However in regards of achieving the results, we should follow the practical principle, which means that actions should be based on the thought and it should be for the sake of a specific goal. This is because the sensation of a reality connected with the previous information should produce thought. This thought should be linked with the action and the thought, and action should be for the sake of a specific objective and all this should be based on the *iman*, in order to keep the individual permanently in the atmosphere of *iman*. It is not permitted at all to separate action from thought or from the specific objective or from *iman*, since this separation, no matter how small, is very harmful on the action itself, on its results and to its continuity. This specific objective should be understood and clear for each individual who wants to perform any action before they can embark on this action. It is also obligatory that the sensory perception be the basis, i.e. the understanding and thought be the result of sensation and not of mere hypothetical assumption or imagination. The sensation of the reality should be carried to the brain thus generating, together with any previous information (on the issue) brain activity, which is the thought. This is what guarantees depth in thinking and productivity in the action. Sensory perception leads to intellectual sensation, i.e. sensation that is strengthened in the individual by the thought. For example, the sensation of the carriers of the *da'wah*, once they have understood the *da'wah* becomes stronger than before.

It is dangerous for humans to jump from sensation to action without thinking. Such behaviour will never change the reality. Instead it will make the person succumb to reality and become reactionary proceeding in life with declined thinking and making reality the source of thinking rather than the subject of the thinking. Therefore, sensation should first lead to thought, and then this thought should lead to action. This is the approach that enables man to rise above the reality and enables the effort to move to better situations in a radical way. Any person acting on the basis of his sensation alone will never be able to change the reality but rather adapts himself to it. Thus he will remain backward and in a state of decline. While the one who senses the reality then thinks of the methodology of changing it and then acts according to this thought is the one who changes the reality according to his ideology, and changes it completely. This is the type of person who complies with the radical method, which is the only method to resume the Islamic way of life. This is because this method mandates that thought should result from sensation (of the situation) and this thought be crystallised in a way that the blueprint of the *Fikrah* and the *Tareeqah* are well understood. The individual will then understand the ideology correctly leading him to undertake the action. In such a way a complete radical change occurs in the thought, so man proceeds then to prepare the people, societies and environment with this thought, producing a radical change in public opinion after generating general awareness of the ideology (as a *Fikrah* and *Tareeqah*). Based upon this and through the ruling authority the ideology will be implemented radically, without accepting any gradual or patchwork implementation. Such a radical method necessitates that the thought should arise from sensation, be linked to the action and aim at a specific objective. Nothing could lead to this except the deep thought.

This deep thought is in need of that which initiates it, develops it and enhances it. Additionally the radical method (of change) requires building people and preparing

society with the Islamic Ideology. Generating this deep thought and the preparing of people by the ideology requires from those who work for the change to undertake a detailed study of Islam and society. This cannot be achieved except through culturing the mind with information. Study is the easiest and shortest way to communicate information to the mind in order to help generate the thought.

Islam has its own specific method of study. Following this method alone produces the results of this study. This method mandates that the information be studied to be practised, and the one who studies them should receive them in an effective intellectual way that affects their emotions. This makes their feeling of the life and its responsibilities the result of an effective thought, so as to produce in the one who receives the information the warmth, enthusiasm, thought and broad knowledge simultaneously, making the implementation an inevitable result. This method generates understanding in the individual and ability to communicate that which they understand in an effective manner. It broadens the thought and connects it with the feeling and also provides the individual with the facts he or she needs to address the affairs of his or her daily life. Abstract study for the sake of knowledge only should be avoided, so that the individual does not become a walking book. This study should not also be by abstract preaching and instructions; otherwise it becomes shallow and void of the warmth of *iman*. Similarly the one who studies Islam should not consider the study only as academic knowledge and theoretical preaching. Rather, they should consider it harmful to the work of *da'wah* and potentially distracting and paralysing it if it was received as such.

To achieve the objective for which the action was performed, it should be conceived that achieving this objective requires seriousness, attention and adherence to the duties obliged by the Hizbi responsibilities in addition to the obligations placed by

Islam. Islam has ordered us to perform specific obligations and refrain from certain things covering financial, physical and emotional aspects. Amongst such obligations, some are compulsory and obligatory on everybody, and some are above the compulsory (*fards*) and obligatory (*wajib*), fulfilled optionally by those who have intellectual and spiritual elevation. They are those who want to increase their nearness to Allah ﷻ. Fulfilling these obligations is necessary to achieve the objective. Therefore, everyone should compel their souls and force themselves to fulfil the compulsory obligations in all their aspects; financial, physical and emotional, in order that the hope in achieving the objective exists.

In order that the action be productive it is necessary to define the place where to commence the action and the people with which the work is to be started. Indeed Islam is universal and views all of humankind as the same. In the *da'wah*, Islam gives no weight to the difference of environment, situation and place etc. Islam considers all humankind as having the ability to embrace the *da'wah*, and considers Muslims responsible for carrying this *da'wah* to all of humankind. Despite this, carrying the *da'wah* to Islam cannot start globally, for if such a start took place it will fail and will not lead to any result. Instead, it should start with the individual, and end with the world. Therefore, the *da'wah* should be carried in a place where once it is established, this place becomes the starting point (*nuqTat el-ibtidaa*). Thereafter, this place or any other place where the *da'wah* was established is then considered as a departure point (*nuqTat el-inTilaq*) from which the *da'wah* will proceed on its course. This place or other places are then considered as a support point (*nuqTat el-irtikaz*) in which the state will be established. Then the state establishes the *da'wah* in this place and proceeds in its natural way, the way of *jihad*. However it must be known that although the places are taken as locations for action in every point, it is the *da'wah*, not the place, which transfers from one point to another and the *da'wah* transfers simultaneously in all the

places where it works. Though it is necessary to define a place to be the starting point after which there will be a departure point and a support point, but determining the place of these three points is not within the sphere which man controls, because man does not possess such knowledge. This issue is within the sphere which dominates man. Man should only proceed in his action within the sphere which he controls. Whereas the actions which are in the other sphere will occur according to the Will and Decree of Allah ﷻ.

With regards to determining the starting point, it is surely the area where the person in whose mind the first spark of the *da'wab* is ignited and whom Allah has prepared to convey it, lives. More than one person may share the same sensations, but the person whom Allah has prepared to convey the *da'wab* would not be known until he appears. The *da'wab* starts then in the area where he lives, and that area would be the starting point.

The definition of the area which will be the departure point depends on the readiness of the societies, because societies are not the same in their thoughts, emotions and systems. Therefore the area in which the society and the atmosphere are more conducive towards the new idea becomes a departure point. More than likely the area which was the starting point will also be the departure point. though that is not inevitable, since the most favourable place to be the departure point is that place where political and economic oppression prevails, and where atheism and corruption have become excessive and prevalent.

With regards to the support point (*nuqTat el-irtikaz*), this depends on the success of the *da'wab* in a specific society. Any place where the *da'wab* does not create impact on the society and could not create a suitable environment for itself cannot be considered

as a support point (*nuqTat el-irtikaʒ*) regardless of how great the number of the people who carry the ideology. However, the place where the *Fikrah* and the *Tareeqah* are embraced by the society and they dominate its environment is suitable as a support point (*nuqTat el-irtikaʒ*), irrespective of the number of people who carry the ideology.

Those who carry the *da'wab* should not assess the *da'wab* by their number. Such assessment is absolutely wrong and harmful to the *da'wab* because it distracts the *da'wab* carriers from focusing on the society to focusing on the individuals. This will cause the *da'wab* to slowdown and perhaps cause failure in that place. The reason behind this is that society is not composed of individuals as many people think. Rather the individuals are parts of the group (community). What bonds the individuals in the society are other components such as their thoughts, emotions and systems. The *da'wab* is carried in order to change the thoughts, emotions and systems. It is collective *da'wab* and a *da'wab* taken to the society and not to the individuals. Reforming the individuals is only to make them become part of a group (bloc) that carries the *da'wab* to the society. Therefore those who carry the *da'wab* and have a deep understanding of its nature rely on society to carry the *da'wab* to it. They will consider that reforming the individual will not lead to reform in the society. It will not even guarantee the permanent reform of any individual. Instead, reforming the individual comes through reforming the society, for once the society is reformed, the individual is reformed. Therefore the *da'wab* should focus its attention to the society at large, following the principle;

((أصلح المجتمع يصلح الفرد ويستمر إصلاحه))

“Reform the society, this will lead to reform of the individual constantly.”

The society is similar to water in a large kettle; If anything that causes the temperature to drop is placed beneath the kettle then the water freezes and transforms to ice. Similarly, if corrupted ideologies are introduced into the society then it would freeze in corruption and continue in deterioration and decline. However if a contradictory ideology were introduced into society, then contradictions would appear in it, and the society would struggle with these contradictions and instability will prevail. However if flaming heat was put under the kettle, the water would warm and then boil and effuse an intense stirring vapour. Similarly, if the correct ideology was introduced into the society it would be a flame whose heat would transform the society to boiling point and then to a dynamic force. It then applies the ideology and carries its *da'wah* to other societies. Although, the transformation of society from one state to the opposite state cannot be noticed just like the transformation of the water in the kettle is not noticed, those who are aware of societies and have confidence that the ideology which they carry is the fire and light which will burn and enlighten, know that society is in a state of transformation and it will definitely reach boiling point and the points of movement and dynamism. Therefore, they give attention to societies (and not number of individuals).

As a matter of fact the place which is suitable to become the support point (*nuqTat el-irtikaz*), cannot be known because it depends on the readiness of the society and not solely on the strength of the *da'wah* in that place. The Islamic *da'wah* in Makkah was strong, and although it was the starting point (*nuqTat el-ibtidaa*) for the *da'wah*, and was also suitable to become a departure point – where the *da'wah* launched - yet it was not suitable to become a support point. Rather, it was Madinah which became the support point (*nuqTat el-irtikaz*) to which the Messenger ﷺ migrated after being satisfied with the situation in the society there. There he established the state, which conveyed the strength of the *da'wah* to the different regions of the Arab peninsula and later on to

the different parts of the world.

Accordingly, we can say that the carriers of the *da'wah* will not know the place which would be suitable as a departure point (*nuqTat el-inTilaq*), nor that which could become a support point, nor would they be able to identify it, regardless of their intelligence and analysis. Only Allah ﷻ is aware of this and therefore the *da'wah* carriers should depend on one thing only, this is their *iman*, belief in Allah ﷻ. Also all their effort should be built only on this belief and not anything else, because the success of the *da'wah* will be through *iman* in Allah and nothing else.

The belief in Allah ﷻ requires true *Tawakkul* (dependence) on Him as well as seeking help from Him. Allah ﷻ alone knows the secrets and what is hidden, and Allah ﷻ is the One Who grants the *da'wah* carriers success and guides them towards the right path. It is necessary to have strong *iman*, and complete *Tawakkul* in Allah as well as the continuous seeking of help from Him. *Iman* requires that the believer believes in the ideology, that *iman* in Islam, because it is from Allah ﷻ. It is necessary that this conviction be firmly established without any doubt, or the smallest possibility of any doubt in it. This is because the smallest doubt in the Islamic ideology will lead to failure. It could even lead to *kufir* and rebellion, may Allah forbid.

This strong unquestionable *iman* is an inevitable matter for the *da'wah* carriers, for it guarantees the continuity of progress of the *da'wah* in quick and lengthy steps in its right path. This *iman* makes it obligatory that the *da'wah* be open and challenges everything, the customs and traditions, the incorrect thoughts and the distorted concepts; challenging even the public opinion if it is wrong, even if it has to struggle against it; challenging the false creeds and the false *deens* regardless of the

stubbornness and bigotry of their adherents. Therefore, the *da'wab* based on the Islamic *'aqeedah*, is distinguished by frankness, daring, strength, thought and the challenge to everything that disagrees with the *Fikrah* and the *Tareekah* and exposing their fallacy, irrespective of the consequences and circumstances and of whether the ideology agrees or disagrees with the masses, and whether the people accept, reject or oppose it. The carrier of the *da'wab* does not flatter the people, nor compromise with them. He does not praise the ruler or influential people in the society, nor does he court them, rather he adheres to the ideology and to it alone, without giving any account for anything else. This belief mandates that the sovereignty (*siyadah*) belongs to the ideology, i.e. to Islam alone and not to any other thing, and to consider other ideologies as *kufir*, no matter how diverse and numerous these ideologies are,

﴿إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ﴾

“Lo! The Deen with Allah is Islam.” [TMQ Al-i-Imran:19]

From the Islamic point of view whoever disbelieves in Islam is a *kafir*. It is absolutely forbidden for the Islamic *da'wab* carriers to say to those who embrace other than Islam, whether it is a religion or an ideology; “Adhere to your ideology or religion”. Rather, it is necessary to call them to Islam through the *hikmah* and rational evidences so as to embrace it. This is because the *da'wab* requires from its carriers to work to ensure the sovereignty for Islam alone. Leaving non-Muslims to what they believe in does not mean acknowledgement of their beliefs and religions, rather it is in response to the order of Allah ﷻ Who prohibits forcing peoples to embrace Islam. It is Allah’s order which obliges us to leave the individuals to their creeds, beliefs and rituals, as long as they are restricted to their personal and not public affairs, provided they do

not have their own entity within the entity of Islam. Islam does not permit the existence of non-Islamic political parties or bloc formations that are established on any basis contradicting Islam, and it permits parties and structures within the limits of Islam. Belief in the Islamic ideology necessitates that the ideology alone will be sovereign in the society without being associated in that by anything else.

Iman in Islam is different from understanding its rules and legislations. *Iman* in Islam is established through intellect or through evidences proven by intellect. Therefore there is no room for any doubt. Whereas understanding the rules does not depend on the mind alone but also on knowing the Arabic language, having the ability to make derivations and being able to distinguish authentic *abadith* from the weak *abadith*. Therefore, the *da'awah* carriers should consider their understanding of the rules as correct, with the possibility that they may be wrong, while the understanding of other people wrong, with the possibility that they may be correct. This is in order to proceed with the *da'wah* for Islam and its rules according to their understanding and derivation of them, trying to change the opinions of others which they consider wrong, but could possibly be correct. It is totally incorrect for the *da'wah* carriers to view their understanding as if it is the opinion of Islam, rather they have to present their opinion as an Islamic opinion. The *mujtabids* who established the schools of *Fiqh (madhabs)* used to consider their deduction of the rules as correct, accepting the possibility of it being wrong. Each one of them used to say;

((إذا صح الحديث فهو مذهبي واضربوا بقولي عرض

الحائط))

“If a hadith was correct then it will be my *mazhab*, and don't consider my opinion.”

Likewise the carriers of the *da'wah* should also consider their opinions which they adopt or derive from Islam in terms of their understanding of such opinions, as being correct but open to error, but their belief in Islam as an '*aqeedah*' must not contain any doubt whatsoever. Such an attitude of the *da'wah* carriers regarding their understanding is because the *da'wah* implants in their souls the yearning towards perfection, and mandates them to continuously explore the truth, and scrutinise whatever they know or understand. Such a process will purify their knowledge from any alien idea and remove from it anything which has the potential to be considered part of it if it remains close to it. This is to ensure that their understanding remains sound, the thought deep and consequently the *Fikrah* remains pure and clear. This is because they will truly be able to perform the *da'wah* as long as the *Fikrah* remains pure and clear. Indeed the purity of the *Fikrah* and the clarity of the *Tareeqah* are the only guarantee for the success of the *da'wah* and its continuity.

However *da'wah* carriers exploring the truth and continuously seeking the correct ideas, does not in any way mean that their understanding is not firmly established. It should rather remain firm, because it emanates from a deep thought that is more firmly established than any other understanding. The *da'wah* carriers should be aware of their *da'wah* and of their understanding and cautious not to be diverted from this understanding by others. For this diversion is the most dangerous thing for the *da'wah*. Therefore, Allah warned His Prophet ﷺ of this; He ﷺ said to him,

﴿وَاحْذَرُهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ﴾

“Beware of them lest they seduce you from some part of that which Allah revealed to you”. [TMQ Al-Maidah:49]

It is reported that Omar ؓ said to his judge ShuraiH when he advised him to look in the Book of Allah ﷻ, he said to him

((ولا يلفتك عنه الرجال))

“Don’t let the people turn you away from it.”

The *da’wah* carriers should be aware of any word that contradicts Islam though it may come from an honest person, or any opinion viewed by a person concerned about the *da’wah* and trying to push for it under the pretext of *maslahah* even though it contradicts Islam. So they should be aware of this and not allow anybody to deviate them from this. If this happens, then it will be a clear deviation. It is necessary to differentiate between the *da’wah* to Islam and the *da’wah* to resume an Islamic way of life, and also to differentiate between the *da’wah* carried by a group as an Islamic group in an Ummah and the *da’wah*, which is carried by the Islamic state.

The distinction between the *da’wah* to Islam and the *da’wah* to resume the Islamic way of life is to define the objective which the *da’wah* aims at. The *da’wah* to Islam is carried to non-Muslims who are invited to embrace Islam and enter its domain. The practical method to invite these people is to be governed by Islam by the Islamic State, so as to see the light of Islam. They’ll be invited to Islam through the manifestation of its creed and its rules so as to appreciate the greatness of Islam. Therefore, it is necessary that the call to Islam be carried by an Islamic state.

Regarding the *da'wah* to resume the Islamic way of life, it must be carried by a group and not individuals. This *da'wah* to resume the Islamic way of life is viewed as follows; the society whose individuals by their majority are Muslims but not governed by Islam is a non-Islamic society, i.e. *Daar al kufr* (land of kufr). The *da'wah* in this society is carried to establish an Islamic State to implement Islam in it and carries the Islamic *da'wah* to other societies. This is the case when there is no Islamic State. However if there is an Islamic State that implements Islam completely, the *da'wah* is carried in that society so that it becomes one of the provinces of the Islamic State, to be governed by Islam through the State and become part of it. So it carries the Islamic *da'wah* that enables it to become an Islamic society on which the definition of *Daar al-Islam* (land of Islam) applies. This is because it is not permitted for a Muslim to live in *Daar al-Kufr*. In case the *Daar al-Islam* in which they live becomes *Daar al-Kufr*, they must work to make it *Daar al-Islam*, or emigrate to *Daar al-Islam*.

The distinction between the *da'wah* carried by a group within an Islamic Ummah, and the *da'wah* carried by an Islamic State is important in order to know the type of action to be undertaken by the *da'wah* carriers. The *da'wah* carried by the Islamic State is manifested in practical terms, where the State implements Islam internally and in totality, so that it brings happiness to Muslims and the non-Muslims who live in *Daar al-Islam* will perceive the light of Islam and embrace it freely and willingly and with consent and confidence. The state carries also the *da'wah* externally not just by way of publicity and explanation of the rules of Islam, but also by preparing the necessary forces for jihad in the way of Allah, so as to rule the neighbouring territories with Islam. Ruling them in this manner is considered the practical method of the *da'wah*, and it is the method used by the Messenger ﷺ, and the Khulafa'a after him until the end of the Islamic State. Carrying the *da'wah* by the State is the practical aspect of the *da'wah* internally and externally.

Concerning the *da'wab* carried by a group or a structure, all its actions are limited to the intellectual aspect and not related to any other actions. It takes the intellectual aspect and not the practical aspect. The group carries out what *Shar'a* has mandated upon it in such situations, until the Islamic State is established, where then the practical aspects start in the state. Thus, *da'wab* is directed to the Muslims, to understand Islam in order that the Islamic way of life may be resumed and it challenges those who oppose the *da'wab* using the styles required by the struggle against them.

The life of the Messenger ﷺ in Makkah should be taken as a model to follow in the *da'wab*. The *da'wab* should first start with understanding and performing all the obligations defined by Islam, as was the case in the House of Al-Arqam. Then those who have studied and understood Islam and sincerely believed in it will move to interact with the Ummah, until the Ummah understands Islam and realises the necessity of establishing the Islamic State. The party bloc should take the initiative by addressing the corruption of the people and challenging them in their erroneous concepts and corrupt opinions. The reality of Islam and the essence of its *da'wab* then must be demonstrated and explained, so that public awareness about the *da'wab* is established. The *da'wab* carriers have to be part of the Ummah and the Ummah must be with them as an indivisible whole so that the Ummah as a whole carries the productive effort under the leadership of the party bloc carrying the *da'wab*, until they assume the ruling authority and bring the Islamic State into existence. Then the life of the Prophet ﷺ in Medinah should be taken as the model to follow in the implementation of Islam and in carrying the *da'wab* to the world. The Islamic party bloc which carries the *da'wab* has nothing to do with the practical aspects of Islam, and does not occupy itself with anything other than the *da'wab*. It considers the involvement in any other action other than the *da'wab* as a distraction that could

paralyse and delay the *da'wah*. Accordingly the group is absolutely not allowed to engage in any of these actions. The Messenger ﷺ used to call for Islam in Makkah when it was full of evil and immorality. He did not undertake any physical actions to remove it. The tyranny and oppression, poverty and need were quite apparent, and it has been narrated he did not perform any action to ease or remove these things. He would pray in the *Ka'abah*, while the idols were above his head, but he didn't destroy any of them. All he did was to undermine the Makkans' gods, belittle their thinking, expose their actions as erroneous and restrict himself to the verbal and intellectual aspects. This is in contrast to when he established the state in Medina and opened Makkah, then he destroyed the idols, removed *fisq* (viciousness) and *fujoor* (immorality), abolished oppression and suppression, and poverty and need.

Therefore the party bloc while it carries the *da'wah*, is not allowed to carry out as a group, any other actions and should limit itself to the Islamic thought and *da'wah*. The individuals within the group are not prevented from performing what they like of the charitable deeds, but the group does not perform these, since its function is to establish a state that will carry the *da'wah*.

Though the life of the Messenger ﷺ in Makkah has to be taken as the model to follow in the *da'wah*, one must notice the difference between the people of Makkah in being called to Islam, and the Muslims today in being called to resume the Islamic way of life. The Messenger ﷺ used to call the Kuffar to Islam, while the *da'wah* nowadays is to call Muslims to understand Islam and to act according to it.

It is vital that the party bloc does not consider itself as an entity separate from the Ummah it lives with. Rather it must consider itself a part of this Ummah, because the Ummah are Muslims like the members of the bloc. The members of the party bloc

are not better than any of the Muslims, even if they understand Islam and work for it. The members of the bloc have a heavier responsibility and greater accountability in serving the Muslims and working for Islam in the sight of Allah. The members of the Islamic group should know they are worthless regardless of the size of the group without the Ummah, which they work amongst. Consequently their duty is to interact with the Ummah and to proceed with her in the struggle, ensuring that the Ummah should feel that she is the one who is working for the struggle. The bloc (party) has to stay away from any action, word or remark, regardless of its size, that would imply that the bloc is separate and distinct from the Ummah. This is because this alienates the Ummah from the party and its *da'wah*, and makes the bloc a problem added to the host of problems in the society which prevents its revival. So the Ummah is an indivisible single entity and the party bloc rises to establish the state and to be the guardian for Islam in the Ummah and in the state, ensuring that no deviation can take place. If it notices any of that in the Ummah, it will instil in the Ummah her *iman* and her ingenuity. If it notices any deviation in the state then it will work together with the Ummah to rectify it according to Islam. Thus, the Da'wah carried by the group will successfully proceed along its natural path with excellence.

The objective of the group should be to resume the Islamic way of life in the Islamic Lands, and to carry the Islamic *da'wah* to the world. Its method to achieve this objective is through ruling (government). Its method to attain the ruling is through the study and comprehension of Islam and culturing people with it in a way producing the effect in the building of the Islamic mentality (*'aqliyyah*) and the Islamic disposition (*nafsiyyah*), so as to form the Islamic personality (*shakhsiyyah*). It also interacts with the Ummah by making her understand Islam and realising her true interests and showing that Islam addresses these interests and secures their achievement together with adopting the interests of the Muslims. This interaction and struggle in the way of the

da'wah should proceed simultaneously with the study of Islam. These actions of the party bloc are political; therefore it is necessary that the prominent appearance of this block be political, for it is the first practical way in which that *da'wah* for Islam starts. However, this does not mean *da'wah* is for politics alone or for ruling alone. Rather it means *da'wah* to Islam and the political struggle to gain the authority so as to establish the state, which will implement Islam and carry its *da'wah*. The bloc that carries the Islamic *da'wah* should be political. It should not be spiritual, moralistic, academic, scholarly, educational or any of these.

Hizb ut-Tahrir, is a *Hizb* based on Islam and a political *Hizb* that deals with politics, and works to culture the Ummah with the Islamic culture in which the political aspect is prominently manifested. The *Hizb* condemns what the colonialists and their agents are doing by preventing students and employees from engaging in politics and attempting to distance the masses from it as well. The *Hizb* views the necessity that the masses know politics and that the political culture should be maintained in them. Political activity does not mean showing that Islam includes politics or the political principles in Islam are such and such. Politics means taking care of the affairs of the whole Ummah internally and externally and that these affairs be conducted on the basis of Islam alone. This should be done by the state and by the Ummah in her responsibility of accounting the state. To achieve this practically, the *Hizb* must undertake such responsibility in regards to the Ummah and ruling. ***Hizb ut-Tahrir*** carries the Da'wah to Islam comprehensively and cultures the Ummah with the *AHkam Shar'iah* that address the problems of daily life. The *Hizb* works in order to govern by Islam and strives against the *Kafir* colonialists to uproot their influence. It also struggles against the agents of colonialism, whether those who adopt its intellectual leadership and ideas or those who implement its policy and thoughts.

Carrying the Islamic *da'wah* and the political struggle for its cause can be undertaken only in the society which the party has defined as its area for activity (*majal*). **Hizb ut-Tahrir** considers the society in all the Islamic lands to be one society because its entire cause lies in one case, Islam. However it takes the Arab lands that are a part of the Islamic Lands as a starting point. It considers the establishment of an Islamic state in the Arab countries as a nucleus for the Islamic state as a natural step.

The society in the Islamic world has politically declined and most of it was occupied by the Western States. It is still dominated by them despite the apparent autonomy enjoyed by some areas of the Islamic World. It has been subjugated completely to the democratic capitalist intellectual leadership. In government and politics it is ruled by the system of democracy, in economics by capitalism and in the military field it is shackled by the foreigners, in its weapons, the training of the Muslim armies and the various military arts of war. In external affairs the Islamic world follows the West who dominates it. We can say that the Islamic countries are still colonised and that colonialism is still entrenched in them. This is because colonialism is the imposition of military, political, economical, and cultural power on the weak peoples to exploit them. Colonialism deploys all its forces to impose its intellectual leadership and to consolidate its viewpoint of life. The different forms of colonialism include annexing the colonised countries and establishing colonies, establishing governments that are nominally independent yet practically subject to the colonialist states. This is the current situation in the Islamic countries which are all subject to Western hegemony and they proceed culturally according to the Western colonialist programmes and ideas. Despite their subjugation to the domination of Western colonialism they were at the same time a target for the former Soviet Union, which used to work in the Islamic countries through its agents to make people embrace Communism, and for the domination of its intellectual leadership and its viewpoint of life, by calling to the

Communist ideology.

The Islamic countries are colonised by the Western states, and are a platform for the foreign intellectual leaderships. They were also the target of the former Soviet Union and an aim for its invasion and occupation of them. This was done not to colonise them but rather transform them into communist countries and to change the whole society from an Islamic society to a communist society where all signs of Islam would be removed. However through the downfall of the former Soviet Union, all this disappeared, though there are some who join the communist parties in the Islamic countries but without having any effect. It is essential that political work be undertaken in the struggle against the current colonialism and fight against the foreign intellectual leaderships. We should also work to protect our lands from the foreign invasion which targets them. Carrying the Islamic *da'wah* in the correct manner will withstand the danger of the foreign intellectual leaderships. The struggle against Western colonisation should be the cornerstone in the political struggle.

Political struggle requires that we do not seek help from the foreigner regardless of their nationality and regardless of the form this assistance may take. Any political assistance from any foreigner and any promotion for him is considered a betrayal of the Ummah. Political struggle also obliges us to work to build the internal structure of the Islamic world in a sound manner so that the Islamic State becomes the leading power with its distinct structure and sublime society. This power will work to take the leadership from both camps in order to carry the Islamic *da'wah* to the entire world and to maintain its initiative. Political struggle means we must also stand against the systems, canons and laws of the West and all forms of colonialism. We must reject all Western projects, particularly those of the British and Americans, whether they are technical, financial, political or in any form. It also necessitates the total rejection of

Western civilisation, without rejecting material objects, since the *madaniyya* (material objects) can be taken, for they are the product of science and technological development. It requires is to remove the foreign intellectual leadership and reject the foreign culture, which contradicts the Islamic viewpoint. This does not include scientific ideas, because they are universal, which must be taken from any country because they are of the most important elements for material progression in life's affairs.

Political struggle means we must be aware that the Western colonialists, especially the British and the Americans, work in every colonised country to help their agents including those who are passive, those who want to live in the darkness, those who advocate colonialist policies and their intellectual leadership, in addition to the ruling class. These colonialists will do everything to provide assistance to their agents in the different regions so as to obstruct this Islamic liberation movement. The West will provide these agents with funds and all the assistance and forces they need to destroy this movement. For example, the colonialists and their agents will embark on a slandering campaign against this Islamic liberation movement, by making false accusations, such as; it is being employed by the colonialists, it is inciting internal feuds, or trying to provoke the world against the Muslims, or its ideas contradict with Islam, etc. Those involved in this struggle should be aware of the colonialist policies and of its plans and styles so as to expose the colonialist's plans internally, and externally in due course. This is because one of the most important aspects of the struggle is to expose the plans of the colonialists.

Therefore, ***Hizb ut-Tahrir***, works to liberate the Islamic lands from all forms of colonialism. It stands against colonialism without hesitation and it seeks neither military evacuation of the Islamic lands nor their false independence, rather it works

for removing the situations established by the kafir colonialists, by liberating the lands, institutions, and the thoughts from occupation, whether it is military, intellectual, cultural, economical or other. The *Hizb* stands against anyone who defends or advocates any aspect of colonialism, until the Islamic way of life is resumed through the establishment of the Islamic state, which will carry the message of Islam to the whole world. We ask Allah ﷻ, and pray to Him that He ﷻ provides us with His help, so we may carry out these heavy responsibilities. Truly He is *As-Samee'a, Al-Mujeeb*.

Hizb ut-Tahrir

Hizb ut-Tahrir is a political party, whose ideology is Islam and its goal is to resume the Islamic way of life by establishing the Islamic state which implements Islam and carries its *da'wah* to the world. The *Hizb* has developed a party culture, which includes Islamic rules about life's affairs. The *Hizb* calls for Islam as an intellectual leadership from which emanate systems that address all problems faced by human beings, whether political, economical, cultural, social and others. It is a political *Hizb* whose members include both men and women. It calls all people to Islam and to adopt its concepts and systems and views them, no matter what their nationalities and schools of thought, from the Islamic outlook. It relies on interaction with the Ummah to achieve its goal. It stands against colonialism in all its forms and aims to liberate the Ummah from the colonialist intellectual leadership and to remove its cultural, political, military, and economical influence from the Islamic lands. It also aims to change the erroneous and distorted concepts spread by colonialism that restrict Islam to personal worship and morals.