

# **A Warm Call**

**from *Hizb ut-Tahrir*  
to the Muslims**



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### **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* in main part of the book.

Saying of the Messenger ﷺ appear in **bold**

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

# *A Warm Call from Hizb ut-Tahrir to the Muslims*



*Bismillah ir-Rahman ir-Rahim*

O Muslims!

**N**o one doubts that you have sunk low to the depths of spiritual descent, material and intellectual backwardness and political decline. No one doubts that the Islamic relationships in your society have been completely eradicated and that their place has been taken by Capitalist relationships, i.e. the relationships of the systems of *Kufr*. Who harbours doubt that the bond of Islamic brotherhood between the Islamic peoples has been severed, and its place has been taken by the bond of nationalism, i.e. the bonds of tribalism and partisanship? In reality, the bond of this Islamic brotherhood is even on its way to being cut off in a single region, let alone among one single people, so that the territorial bond known as patriotism may take its place. From the thoughts of Islam nothing remains with you except the rules of *'ibadaat* (worship), and from the Islamic emotions nothing remains except the priestly ones. All of this has become as clear as the sun to you. You comprehend it just as people from other nations comprehend it. However, what you do not perceive, but what is understood by your enemies, is that you are on the verge of witnessing the annihilation of this noble Islamic *Ummah*, in which her distinct characteristics are wiped out, her special qualities are destroyed, through which she loses her good *nafsiyyah* (disposition), and due to which her clear mentality deviates, and her Islamic personality withers away.

Especially now that the number of believers who hold their loyalty for Islam above all other loyalties have decreased in the *Ummah*. Those believers who put Allah, His Messenger and *Jihad* in His path at the height of their priorities rarely exist. The Muslims' bitter taste of defeat before the *Kuffar* has died, and is felt no more, except by a few who have no effect on the course of life.

The struggle between the Islamic *Ummah* as one *Ummah* and the *Kuffar* as peoples and nations continued for thirteen consecutive centuries. The conflict between Islam as a *Deen*, her unique way of life and *Kufr* also continued throughout these past thirteen centuries. At the advent of the thirteenth century (nineteenth century CE), the Capitalist system, which is a system of *Kufr*, challenged the system of Islam in its thoughts and emotions. It was but a short round before the Muslims fell defeated. It was an intellectual blow that was followed by the destructive political subjugation. However, Islam was not truly defeated and it will never be defeated, because it and it alone is the truth. How is it that Islam remains in the arena of conflict whilst its followers were defeated and they did not realise its position in the struggle? As for this challenge to Islam's thoughts, it took place by attacking the Islamic thoughts through bringing extensive criticism and falsification against them. The *Kafir* nations confronted the ummah demanding solutions for new and diverse problems: Demanding their rules (*Ahkaam*) and the manner in which they would be solved. The position of the Muslims as regards to these two issues was one of utter weakness. They tried to retaliate but with failed and twisted attempts. The Muslims were demoralised which led to indifference.

The Capitalists attacked polygamy by claiming that it was unjust for man to be allowed to marry two, three or four women. They accused Islam of disgracing the honour of the woman. The followers of Capitalism slandered the Islamic rules on divorce, articulating lies about the so-called betrayal of women and destruction of homes. "How can it be allowed for a man to divorce a woman whenever he wants when they were tied together with an eternal bond?" It attacked the Khilafah and labelled it a dictatorship. "How can the ruling be just if all of the mandatory powers are with one man who is prone to error and despotism?" They claimed that (for the Muslims) the Khaleefah had a religious sanctity that grants him immunity from any criticism or

reproach. They attacked *Jihad* and said it was an aggression against others and that it meant the spilling of blood. Thus *Jihad* was labelled brutal beyond words. They attacked the concept of *al-qaDa`a wal-qadar* (the divine fate and destiny) by claiming that it meant submission to the events of the time and that it was holding the people back from assuming the burdens of life. In this manner they began to study the *Shar'i* rules and the Islamic thoughts, pursued them and brought extensive criticism and defamation against them; they portrayed them as corrupt thoughts that contradict the truth and treated problems incorrectly. In addition to this, they began to present their answers to the problems and asked what Islam's opinion was regarding these problems, questioning Islam in its capacity for solutions. They inquired about Islam's verdict on insurance. They asked about the trade relations between states and what is the *Shar'i* rule regarding them: "does Islam support the freedom of exchange or does it support trade protection?" They inquired over the issue of parliamentary system and free elections: "what is the stance of Islam regarding them?" They sought answers about inclinations in legislation: "does Islam prioritise the material inclination or the spiritual inclination?" Is the spirit of the text or its letter to be considered? They inquired about general freedoms such as the freedom of the individual, freedom of opinion and religious freedom. "Has Islam come with any of these freedoms?" They philosophised about the spiritual aspect: "is it thinking and thought? Or is it morals and virtuous acts? Or is it what the ancients said, that *Ruh* (spirit) is opposite to body and that man is composed of body and spirit?" With this approach, they highlighted problems that have taken place and that occur to man, problems that take place only in a society such as the Capitalist society and not in the Islamic society. So they asked about the solutions for these problems. These were questions of disapproval, implying that Islam was incapable in this regard, and that it did not contain any explanation for them and that Islam did not have the capacity to give solutions.

Capitalism was not content with just that, but proceeded to criticise Islamic emotions. Thus it denounced the Muslim's adherence to the rules of Islam. It said that adherence to the rules produces partisan bigotry and disgusting fanaticism and that people should rise against such things. They attacked the Muslim's hatred for *Kufr* and the *Kuffar*, and their love for Islam and the Muslims. They called this religious

bigotry. The Capitalists said that a human being is the brother of another human being whether he likes him or hates him. "There is no difference between a Muslim and a Jew." The *Kuffar* said each person is entitled to his own religion and his own opinion, and they are all merely opinions with no way of preferring one over another. "So why should there be discrimination between religions and discrimination in love and hate between human beings?" In addition to this, they stirred up nationalistic agitation. They provoked in the Turks the emotions of sovereignty and incited them against the Arabs. Simultaneously they provoked in the Arabs the emotions of sovereignty and provoked them against the Turks. They maligned the Islamic enthusiasm that becomes angry for the sanctities of Allah and said that it was religious prejudice. They began to advocate the abandoning of Islam and leaving the adherence to its rules. They called this religious tolerance. They also denounced the expression of anger at the critics of the Qur'an and those who insult the Prophet ﷺ or slander the *Sahabah* (r.a.). They claimed all this to be scholarly research and debate. They said, as examples, that the Qur'an narrates the story of Ibraheem, but in history there is no one by the name of Ibraheem to verify this story, and that Muhammad claimed that the Qur'an is from Allah, but Muhammad brought this Qur'an from his own genius and he claimed that it was from Allah so that the people would follow it. They said much more than this and then they insisted that the Muslims should not be enraged over these lies and that they should accept this blasphemy in the name of scholarly research! In this manner they began to pursue the emotions characterized by the thoughts of Islam, in terms of the emotions of happiness, anger, displeasure, approval, love and hate. They changed the motive behind such emotions so that they lose their quality as Islamic emotions.

A glaring challenge was thrown down to Islam by the systematic assault on its thoughts, rules and emotions. It was natural, even inevitable, that the Muslims should have accepted this challenge, and plunged themselves into the intellectual battlefield with the *Kuffar*. It was rather obligatory on them to carry the initiative against *Kufr* and the *Kuffar*, because they are *Da'wah* carriers and people who convey a Message. However, the reality was that the Muslims weakened before the challenge in a manner that incited derision and ridicule of them, and covered them with shame and humiliation. So they came up with excuses for Islam regarding its rules on polygamy. They began to defend it by saying that

polygamy can take place only in a situation of justice. They avoided the fact that Islam allows divorce and said that it does not allow it except within certain conditions. They accepted the accusations against the Islamic Khilafah and were silent over it, and they tried at the end of the Ottoman era to change its system. After its destruction, they avoided mentioning it or did not find the courage to mention it in public. They retreated concerning the issue of *Jihad*, and considered it an accusation thrown on Islam. So they responded to this accusation by saying *Jihad* is defensive war and not offensive. They renounced the fact that *Jihad* is the fight against the *Kuffar* because they are disbelievers. They defended *al-qaDa`a wal-qadar* by saying that Islam has ordered us not to discuss it and thus interpreted this as a licence for inaction and submission. In this manner they consented to what the *Kuffar* said and allowed Islam to stand accused. They proceeded to defend Islam in a way that can only be interpreted as a shocking defeat in the confrontation against the *Kuffar*. A direct consequence of this humiliation was that all the rules under attack were abandoned and the rules and thoughts of Capitalism took their place. As for the new issues and the problems that only occur in the Capitalist society, they interpreted Islam and distorted it in relation to them. They said that Islam holds the opinion of *al-Massalih al-Mursalah* (unqualified interests), thus the law of Allah agrees with man's interests. They said that wisdom (*al-Hikmah*) is the lost property of the believer and he should take it wherever he finds it. Based on this, an attempt was made to reconcile the solution brought by the Capitalist system with Islam. They adopted it as Islam but Islam is immiscible with such ideas. They said Islam does not forbid *Sikurtah* (insurance). Justification was based on it being a contract. Others said there is no evidence to prohibit it, so it is allowed, for in origin all things are permitted (*mubah*). There were those amongst them who said that insurance is a permitted guarantee (*damanah*) allowed by Islam. They said concerning foreign trade that it should take place according to the Muslims' interest. So the state should facilitate it according to the interest, thus acting according to *al-Massalih al-Mursalah*. They allowed the system of parliament by saying that it was *Shura* and Islam permitted the *Shura*. They followed what the French civil law advocates of the state of mind and inclination in legislation, so they said: What matters is the spirit of the text, and the issue relates to the intention. They claimed on behalf of Islam that it maintains the principle: What matters in contracts are the aims and meanings and not the words and phrases. As proof they cited the saying

of the Messenger ﷺ:

انما الاعمال بالنيات وان لكل امرئ ما نوى

"Indeed, actions are judged according to the intentions." They also claimed that Islam came with general freedoms and ordered people to adhere to them, and that Islam is the religion of freedom. They proceeded like the Christians before them by saying that the spiritual aspect is the spirit as opposed to the body, and that man is composed of matter and spirit. So the spirit should not dominate the body and the body should not dominate the spirit. In this manner they became confused and bewildered before the *Kuffar's* challenge. They did not study problems in order to derive solutions or to study the rules in the *Kitab* and *Sunnah*. Rather they adopted the West's solutions to these problems wholeheartedly. Muslims then accepted them as Islamic solutions on the basis that Islam does not forbid them. Some adopted them on the basis of the opinion of *al-Masaalih al-Mursalah* as held by certain Imams, and not according to what the Qur'an and *Hadith* had brought. The Capitalist rules were therefore introduced by claiming them to be from Islam. It was inevitable that the laws in society and the societal transactions (*Mu'amalat*) of the Muslims would proceed without any regard for whether they were Islamic or not. Thus the Capitalist rules became established and Islam was forgotten. This facilitated the changing of the common emotions as long as it was easy to change the thoughts. Thus aversion to the strict adherence to the rules of Islam became widespread because the people considered it as religious fanaticism. Then the aversion moved to encompass the discrimination between the Muslims and the *Kuffar*, and between Islam and other religions. The concept of 'nationalism' came to stir the emotions and the Islamic zeal was buried. Thus, showing anger towards any attack on the Qur'an came to be seen as a sign of backwardness and decline. This is because, in their view, this assault constituted impartial scholarly research. With this the Islamic sentiments were wiped out. Nothing remained of the Islamic emotions except the priestly emotions, the emotions of worship. This was the shocking defeat that the Muslims faced before the Capitalist system's contest with Islam. This would almost have been a defeat for Islam, if the Islamic thoughts that were attacked were not in fact correct and true, rather false as the attackers described them; and on the other side, the attacking Capitalist thoughts were not false, as they described them, but even true and agreed with the

reality. This would have also been the case if the Islamic emotions, which were attacked, were not fit for man in the sense that they are emotions that contradict the sublime values and nature of man. If this were the case, then the defeat would not have been restricted to the Muslims only, as regards the thoughts they carry, the relationships according to which they deal with one another, and the political situation. Rather this defeat would have led to the eradication of Islam from intellectual and emotional existence in the same way as it was removed from political existence. However, the reality is contrary to that, for the defeat before the Capitalist system's crusade against Islam was a defeat of Muslims and not of Islam. That is why the factors of waging the attack again against the Capitalist system and *Kufr* still exist the same way they existed when they defeated *Kufr* and *Kuffar*. These factors are the thoughts and emotions of Islam. This is what gives reason for hope and reminds us of the days of victory, instigates the revival, moves the human disposition (*FiTrah*) and makes the return to carrying the Islamic *Da'wah* to the world an impending reality and not just a desire and yearning.

As for the thoughts of Islam being the only true and correct thoughts, and the Capitalist aggressor's thoughts being false and untrue, this is proven from the reality of the thoughts themselves. Thus, the Capitalist thoughts that consider polygamy a mistake, while considering it correct to restrict the man to one wife, are solutions applied to the reality of the human being and not some logical hypotheses. So where exists a society in the world, in which there is no more than one woman for a man? There is no society in the world where there aren't at least some men who have more than one wife. However, some of them call their partners mistresses or girlfriends and some of them call them wives. Do the rules allowing polygamy, which leave the choice for a man to practise it or leave it, thus making the second, third or fourth woman a legally recognised wife and not a mistress or girlfriend, do they agree with the natural disposition (*FiTrah*) of man and address the problem? Or do the rules that prohibit polygamy agree with the natural disposition (*FiTrah*) of man and solve the problem? This is particularly when they remain silent at having relations with more than a woman illegally, since it is not allowed more than one. Or is making the living together of spouses one of companionship and choice:

فَأَمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ {البقرة: 229}

"either you retain her on reasonable terms or release her with kindness." [TMQ Al-Baqarah: 229].

He would keep her if living together in a state of happiness for both spouses or he would divorce her if living together is the cause of their misery; does this not accord with the happiness and tranquillity of the spouses? Or does the imposition of a forced life together, even if it causes the worst type of misery, achieve the happiness and tranquillity of the spouses.

The reality of ruling is that the *Ummah* has the authority to give the responsibility to whomever she wishes. In terms of practising this authority, this cannot be done except by one person; it will not be for two or more as an absolute matter of fact. However, this one person will restrict himself to a specific program that he believes to be correct and he cannot go beyond it. What controls this single ruler, in addition to the motives of his belief in the system by which he is restricted, i.e. in addition to his taqwa or what is known as his own conscience, is the nation he rules accounting him by speech if he misapplies the system or by force if he betrays the system. This is on condition that the *Ummah* does not disobey him in what he orders of the Fard, Mandoob and Mubaah, but does not obey him in any forbidden and sinful action. This is the reality of the Khilafah. So which one of the two ruling systems agrees with reality and is correct in its application: the system of Islam or the democratic system, which claims that it is the nation that practises the ruling? This claim is impossible to implement, therefore it is a lie, for the only one who holds authority in a Democracy is the prime minister with the assistance of the ministers.

As for *Jihad*, it is slander against Islam to say that it is only a defensive war. Furthermore, such a statement contradicts the reality of *Jihad* in the time of the Messenger ﷺ until the end of the Islamic state. This is because Muslims themselves used to initiate the fighting with the *Kuffar* and they used to adopt this as a method to spread Islam. It is a lie against the Qur'an, for Allah ﷻ said in the explicit verses of the His Book:

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ  
وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ  
يَدٍ وَهُمْ صَاغِرُونَ {التوبة: 29}

"Fight against those who do not believe in Allah, nor in the Last Day, nor forbid that which has been forbidden by Allah and His Messenger and those who do not acknowledge the religion of truth among the people of the Scripture, until they pay the Jizya with willing submission, and feel themselves subdued" [TMQ At-Tauba: 29].

He ﷺ also said:

قَاتِلُوا الَّذِينَ يَلُونَكُمْ مِنَ الْكُفَّارِ وَلِيَجِدُوا فِيكُمْ غِلْظَةً {التوبة: 123}

"Fight those of the disbelievers who are close to you, and let them find harshness in you" [TMQ At-Tauba:123].

He ﷺ also said:

يَا أَيُّهَا النَّبِيُّ حَرِّضِ الْمُؤْمِنِينَ عَلَى الْقِتَالِ {الأنفال: 65}

"O Prophet [saw]! Urge the believers to fight" [TMQ Al-Anfal: 65].

It is evident that *Jihad* is a material war against *Kuffar* in order to establish the rule of Islam. Its cause is to fight the *Kuffar* who have refused Islam after it has been presented to them in a manner that draws attention, i.e. Islam should be offered in a state that attracts attention, and then *Jihad* will take place. This is what any ideology that is believed in by any nation dictates upon her. She prepares the material power and attains a strong military spirit in addition to this. Based on this material power she begins political battles and diplomatic manoeuvres, thus creating a situation through which the *Da'wah* is conveyed and the political status of the state is promoted. When the material friction takes place then fighting is inevitable. The Cold War represented nothing other than this situation, when each of the two camps attempted to spread their own ideology. Their well-equipped military forces were thus prepared to engage in fighting, but this ultimately did not materialise.

Likewise, there existed a similar situation before the advent of World War II between the Nazis and the so-called free world. Before that it was between Islam and Capitalism and so on and so forth. The reality of life is that there are thoughts that are contrary to each other. These thoughts are embodied in states and material power is utilised to spread them and defend them using political, cultural, economic and military means. This is the reality of *Jihad*. It is to fight using material force for the sake of the thought after exhausting the political and cultural styles. However, the Islamic army or the spirit of *Jihad* is not like the German military that is a military power for the purpose of putting the (German) people above the other peoples. Rather, it is the military force that removes the material obstacles in front of the Islamic Call, in order to make the people embrace Islam and join with the rest of the Muslims to form one *Ummah*, in which there is no superiority for one Muslim over another except in *Taqwa* (the fear of Allah).

*Al-qaDaa' wal-qadar*, as a meaning of these two words together, is the actions that fall within the sphere that controls man, i.e. which take place against his will, together with the attributes of objects. As for the specific meaning of the word *qadar*, it is the knowledge of Allah. Thus it has nothing to do with the voluntary actions of man for which he is accounted by Allah, just as he is accounted in the *Dunya* by the state, parents and guardians. Where is the fatalism in this understanding of *al-qDdaa' wal-qadar*? Where was the fatalism when the Muslims, with this understanding, conquered the world and subdued other nations? Moreover, adoption of this concept forces the person to investigate, study, and assess the outcome and consequences of an action before undertaking it, so that he is clear on the aspects of blame and accountability. There is also the view of the action after it has occurred whether with or without his choice, is that it has occurred and it is finished. Thus, one must accept that it has happened, but not necessarily accept what has happened, and thus act to change it. Thus the event that happened as a *qadar* (fate) according to the knowledge of Allah, man must accept that it has happened and is finished. He should not feel agitation or worry. Neither he should accept what has happened, thus leaving it without remedy. Rather, he should not accept the situation that arose due to what happened, so as to treat it after it happened. Those two views together are indispensable such that life continues with vitality and force in a real and practical manner in accordance with high

values.

It is a fact is that he is accounted for the voluntary actions, whereas he is not blamed for the non-voluntary actions, because they are not within his ability to repel them. Beside that, every action that has happened would not have happened except in accordance with the knowledge (*'ilm*) of Allah. This is the fact that every action that has happened would not have happened except according to the knowledge of Allah. All of that insures the presence of those two viewpoints. In other words, it makes a person proceed in his actions not based on imagination, theoretical hypotheses, or whims, nor linked to continuous sorrow and sadness over what has already occurred; rather he moves forcefully in a real and practical manner, in accordance with the high values required by life. That is why the view of *qadar* on its own and *qaDaa'* and *qadar* together incites man and makes him active, and it protects him from hopelessness and sorrow, just as it protects him from laziness and lethargy. The focus is not regarding the voluntary actions before undertaking the actions; rather it is regarding the actions after they have been carried out and the actions that took place outside the sphere of his control. This is because such events have occurred and the matter is finished. So he must not feel sorrow or pain that torments the soul and deviates it from its sublime goal in life and from entering the mainstream of life. How far is this from what the Capitalists have in terms of agonising pain and distressful sorrow felt by the losers, which make the word 'luck' play such a big role in their lives? Consequently, belief in *qadar* and belief in *qaDaa'* and *qadar* is one of the greatest blessings for the mind and one of the greatest incentives to plunge into the battlefield of life with courage and dignity. This is because in the sphere that man controls, he is responsible for all his voluntary actions. He is obliged to be aware of them and bear responsibility. If a mistake or misguided act took place then he must bear the consequences. However, he must also realise that what has happened, whether correct or incorrect, has happened with the Knowledge and Comprehension of Allah ﷻ. It was inevitable that it would happen. Therefore he should not be preoccupied by it, rather he should move on, i.e. persevere in life. As for the sphere which controls him and in which the actions occur without his choice, he is not responsible for them and he will not bear their consequences. Furthermore, they happened with the Knowledge and Comprehension of Allah ﷻ, so it was inevitable that they would happen. Therefore man

is not allowed to stand preoccupied with what happened; rather he must move on. This is the greatest of characteristics a person can possess in this life.

This is the reality of some of the Islamic thoughts that were savaged by the *Kafir* colonialists. This is also the reality of the Capitalist thoughts with which the Islamic thoughts were criticised. From this reality it becomes clear that the thoughts being attacked are true and that the thoughts that were attacking are false. The intellectual weakness of the carrier of the true thought in comprehending it does not mean it is not true, just because the one who carries it was not able to explain it or because he consented to it standing accused. Also the eloquence of the carrier of falsehood does not mean it is not fabricated, just because its carrier was able to disguise falsehood as truth. Rather the true thought is the one that agrees with the reality that it indicates, or it agrees with a natural disposition (Fitrah) with which man has been created. In other words, truth is that which agrees with the reality, whilst falsehood is that which does not agree with the reality. So what matters is the nature of the thought and its reality and not its carrier, whether he could explain it forcefully or not. For example, the Communists say that thoughts are the reflection of matter on the brain. This means that the comprehension of matter is the impression of the reality on the brain, and from this one gains comprehension. This thought, if it is true, will agree with the reality, and if false its non-agreement will be apparent. When attack or criticism comes from any human being, in deciding whether it is true or false, we do not look at the eloquence or rhetoric of the attacker in his explanation, nor do we consider his inability to express any weakness in explanation, rather we look at the reality of the thought with which he attacks. Hizb ut-Tahrir has attacked this concept and said this definition of thought is mistaken from two angles: first, no reflection takes place between matter and the brain at all. This is because reflection of light, for example, is that it falls off matter; it is reflected from it like the reflection of the light from a lamp on a wall etc. Nothing like this takes place from the matter. There is no reflection, whether from the matter on the brain or from the brain on the matter. What exists is the sensing of the matter by one of the senses. So the issue is one of sensation and not reflection. This is evident in touch, smell, taste and hearing. As for seeing with the eye, which is a debatable issue, what takes place is refraction and not reflection. The light refracts in the eye and the

image of the matter is formed on the retina and is not reflected outside. It is a process of sensation and not of reflection. This shows that what the Communists have said about the definition of thought is erroneous. That is why this thought of the Communists has crumbled before the true attack. As for the second angle, the mere sensation of matter does not produce comprehension. It only produces a sensation no matter how many types of sensations occur. In order for thought to be produced there must exist previous information that explains this reality, i.e. this matter. Without previous information there will be no comprehension: there would be sensation and nothing else. The fact that a person can determine his position towards a reality once he sensed it does not mean that he comprehended it. This is because he is not able to determine his position regarding it except when it relates to the instincts and organic needs, or when it relates to the change of the form of the reality. As for anything other than this, in terms of knowing its reality, he cannot determine his position regarding it at all. By testing the thing via more than one sensation or different types of sensations, man can know that the thing can be eaten or not, whether it brings pain or delight or if its form has changed. All of this is possible for the animals just as it is possible for man, and none of this is called comprehension - i.e. thought - rather it is a sensation and nothing else. When this matter does not relate to the instincts, such as a piece of rock for example, however many times it is sensed its essence will not be comprehended, only the change of its form is what is comprehended. When information is given with the sensation then comprehension, i.e. thought, will take place. A simple evidence for this is the issue of inventions. Inventions take place due to experiments to which previous information has been added. Without information no inventions can take place. By information we do not mean information about the reality but information through which the reality can be explained. Consequently, the definition of the Communists from this angle is also erroneous. Thus this thought is vanquished and it becomes clear that it is false due to its contradiction with reality. That is why Hizb ut-Tahrir, after demonstrating the falsehood of the Communist thought, defined thought as the transmission of the reality via the senses to the brain and the application of previous information that explains this reality. In other words there must exist a brain, sensation, object and previous information so that comprehension, i.e. thought, can take place, and hence for one to have intellect. That is why the concept has been

attacked and defeated, because its claims were not in agreement with the reality. It also becomes clear that the Islamic thought with which the communist thought was attacked is true because it agrees with reality. So in this issue the thought of Hizb ut-Tahrir has defeated the communist thought. Also, for instance, the Capitalist thought defines society as consisting of individuals, i.e. an individual, plus another individual and another individual etc. make up society. Thus, the society for them is a group of individuals that have gathered together. So this thought, if it is true, will agree with the reality and if it is false its contradiction to the reality will be apparent. When it is criticised and attacked, it is criticised on this basis. Hizb ut-Tahrir has attacked it and said that this definition is wrong because individuals only make a group and not a society. When permanent relationships arise between people they become a society, and when there are no permanent relationships between them they do not form a society. This is because they are nothing more than travel companions, each going to the port he intends to go. Whilst the inhabitants of a village of about two hundred people, for example, form a society, because they have permanent relationships. Therefore, the definition of the Capitalists is purely mistaken, because if a group of individuals do not have permanent relationships arising amongst them, they cannot be a society in any manner whatsoever. Hence the Capitalist thought regarding the definition of society is defeated and it is clear that it is false because of its contradiction with the reality. In order to comprehend the definition of society correctly one has to study it deeply. Relationships arise between individuals based on their interests. Thus, the interests of individuals are what create the relationships. The thoughts of the individuals must unite over something in terms of whether it is or not an interest in order for the relationship to exist. Their consent, anger, delight and sorrow regarding it must also unite. In other words, their emotions must unite in order for the relationship to exist. The system by which they treat this interest must also unite in order for the relationship to exist. When the thoughts differ over the interest: (one of them considers it an interest and the other one does not consider it an interest), or when the emotions differ, (so that one is happy about it and the other is angry about it), or if the systems differ (if one wishes to solve it by a particular system and the other wishes to solve it by another system). If any one of these elements, namely the thoughts, emotions and systems differed among the individuals regarding an issue, then there will be no relationship, i.e. no

society. Thus, Hizb ut-Tahrir, after demonstrating the fallacy of the Capitalist thought regarding the definition of society, has come and defined society as being a collection of people, thoughts, emotions and systems. In other words, it is the unification of the thoughts, emotions and systems of individuals over the interest that forms relationships and so a society exists. With this understanding the Capitalist thought has been attacked and exposed because it contradicts the reality and it is clear that the thought with which it was attacked is true because it agrees with reality. Thus, the thought of Hizb ut-Tahrir in this issue has dismantled the Capitalist thought, and so on and so forth. If the thought with which the Capitalists attacked and challenged Islam was correct, Islam would have been defeated and not the Muslims. But the thought with which they undermined Islam does not actually conform to reality and the Islamic thought that is being attacked is actually what agrees with reality. Thus the true Islamic thought has been challenged by a false thought but the carriers of the truth were not aware of it, in addition to the weak intellectual conviction. Thus, shocking defeat was inflicted on the *ummah*.

These were some of the thoughts and rules of Islam that were attacked by Capitalist thoughts and rules. As for the attack on the Islamic *Shari'ah*, they used the new issues and issues which only exist in the Capitalist society to show that the *Shari'ah* is unable to solve new problems. The angle of the Western discussion was that they would give the opinion of the Capitalist system regarding a problem and then attack Islam by saying that such an opinion does not exist in Islam nor does it hold such a view. Thus they concluded that Islam has an inflexible legislation that is unable to comply with time and does not give solutions to the problems that exist in every age. It therefore fails to permit usury although the age has come to need it. It is also unable to clarify the rule on insurance despite the fact that the trade and industry that emerged in this age require it. In addition, it cannot explain the trade relations between states according to the requirements of the age. Therefore, it is not fit to be the legislation for a nation or a system for a state in this modern age and in the new ages where there will be new problems and issues that arise with time. This is the basis of discussion that the Westerners lay down and carried the discussion with the Muslims on its foundation and challenged Islam with it. The Muslims proceeded with the discussion on this basis. That is why they became confused, because it was not

permitted for the discussion to proceed on this level. Rather, confusion occurred due to the impossibility of carrying out the discussion and keeping it, at the same time, in harmony with its fundamentals and branches. When the basis of discussion differs, then the discussion becomes confused. The basis of discussion here should be as follows: Is the Islamic *Shari'ah* fit to be a field for thought such that it is possible to deduce all types of relationships between people from its evidences? Does it allow for a wide range of generalisations so that it is possible for the *ManTooq* (wording) and *Maftoom* (meaning) of its evidences to encompass the new and diverse issues, such that the rules of the *Shari'ah* apply to them? Is it also a fertile soil for generating collective principles and general thoughts? Does it have the capacity to solve the problems of peoples from different backgrounds and nationalities? If this is so, then this *Shari'ah* is suitable, otherwise it is not. To prove this, the new issues are presented to it and its opinion is sought. Its texts are studied so as to examine the possibility of deducing the rules and principles and the possibility of classifying the various issues under it. This is the basis of discussion. As for requesting the *Shari'ah* to give opinions advocated by the Capitalist system or that which is prevalent in this age and held by the majority, this is not the basis of discussion, nor is it allowed to be so. This is because the subject is the *Sharee'ah's* suitability for this and every age and not whether it has the capacity to give a specific opinion. Therefore, the origin of Western legislation and the basis on which it is established is studied. Then one studies whether it is fit to solve the problems of every age and remain consistent with its basis, or it is not fit except by interpretation, manipulation and explanation and deviation from its basis. The Islamic legislation and the basis on which it is established is then studied to see whether it is suitable to solve the problems of every age and remain consistent with its basis, without deviating from that basis. With this the reality of the true legislation is distinguished from the false legislation. Thus, the true legislation is the one whose basis is true by agreeing with the reality and natural disposition (*FiTrah*). This basis should be decisive and conclusive and not speculative (*DHanni*), thus open to the possibility of being right or wrong. As for the fact that it is suitable for all ages, peoples and generations, this is apparent from its ability to give opinions regarding any problem man faces in any time and in any country. In other words, its broad guidelines from which every solution is deduced without deviating from the basis upon which the legislation is based, and without

deviating from the broad guidelines themselves from which the solutions emanate. If these conditions are met in legislation then it is suitable for all ages. However, if it is unable to give an opinion except with manipulation and explanation deviant from the basis and the broad guidelines, then it will be a specific legislation for a specific people for a specific time. It will not be suitable for mankind. It will not be suitable even for this people except for a certain period of time, and its suitability will end and so the people will change it and bring another piece of legislation. Consequently, new issues should have been presented to Islam in terms of the reality of the problem and not in terms of the opinion of the Capitalist system regarding them. Then it will be examined to determine whether a solution can be deduced from its broad guidelines while it is still consistent with the basis upon which Islam is established, and consistent with the basis of the broad guidelines themselves.

The one who examines the Western and Islamic legislations will find that the Western legislation has a false basis, corrupt solutions and cannot give solutions to new problems except by deviating from the basis, disregarding it and giving a solution which has no relationship to it, and in reality contradicts it. The one who examines the Islamic legislation will find that it has a correct basis, which is definite and not speculative. The solutions in this legislation are true and agree with the reality and the natural disposition of human beings. Moreover, it has the capacity to deduce any opinion for any problem without deviating from the basis on which it is established or disregarding the broad guidelines from which the opinion is deduced.

Western legislation it is established on the basis of an incorrect understanding of what is the right (*Al-Haqq*). All of its legislative theories are built on this understanding. Thus, it defined right as 'an interest which has a financial value recognised by law'. This understanding of right is erroneous and therefore all legislation based on it is void. As for its invalidity, the reality of a right is not an interest that has a material value, rather it is an absolute interest. It may have a financial value or it may not. Restricting the right to an interest that has a financial value leads to two things: Firstly, it does not include the interests which do not have a financial value, such as marriage and divorce, etc, contained in the marital rights, and like all of the family

rights. Likewise, it does not include the interests with an ethical value such as protecting one's honour and dignity, which is the right of a human being, despite it not being a financial value and cannot really be considered a financial value at all. Secondly, evaluating things by a financial value requires the existence of a measuring unit in order to assess the right. Understanding right to be itself a value, it is not possible to find a unit to assess its value. Therefore, the definition of the right in this sense is void.

The Westerners have also divided the right into two main categories: The right related to the person's relationship, which it is called the personal right, and the right which relates to the relationship of the person to money, which is called right in rem. The personal right, in the Capitalists' view, is the bond between two persons, the creditor and the debtor. This is defined as: "The bond between two persons, the creditor and the debtor, according to which the creditor is empowered to demand the debtor to give something or undertake an action or abstain from an action." The personal right is the liability. On this basis, transactions that are called personal transactions are conducted. Some of these transactions are: monetary transfer, selling, bartering, company, gift, conciliation, leasing, loan, power of attorney, trust, pawning and custody. As for the right in rem, it is not a relationship in this view, but an authority given by the law to a specific person over a specific thing. This has been defined as: 'a specific authority given by the law to a specific person over a specific thing.' The right in rem relates to money and not to a person. On the basis of right in rem, transactions called rights in rem are conducted, like the right of ownership, means of acquiring ownership, mortgage on property, life insurance and rights of franchise.

This division of rights has no reason. There is no difference between what is called right in personam and right in rem. There is no difference in the transactions they built on these two divisions. There is no difference between lease and mortgaging of land. How can one put leasing under right in personam and mortgaging land under right in rem, even though both are relationships between two people and the subject is property? In addition, the definition is assumptive based on logical suppositions and not a description of a reality or a judgement on reality. When one defines the right in rem as: 'a specific authority given by the law to a specific person over a specific thing', this definition, according

to its sense, means that the relationship arises between the person and the thing and not between one person and another. However, in reality, the relationship does not arise between the person and the thing, rather it is a relationship that arises between one person and another and the subject is the thing. The transactions that are included under the meaning of the right in rem, like the means of ownership, mortgage of movable property, mortgage of landed property and life insurance, all explicitly indicate this and do not indicate anything else. Thus it is a relationship between a person and another and its subject is the thing, and not a relationship between a person and the thing. As for defining the right in personam as: 'The bond between two persons, the creditor and the debtor, according to which the creditor is empowered to demand the debtor to give something or undertake an action or abstain from an action', this definition, according to its indication, means that the right is a bond between two persons, whether a thing existed or not. However, the reality is that the relationship does not exist between two persons in a way that generates a right unless there was a thing to which the relationship pertains. Thus, the thing is the subject of the relationship; in fact it is the basis of the relationship. Furthermore, this relationship which is called a bond, does not grant either of the two persons a right to make a demand from the other so as to say that it grants the creditor a right to make a demand from the debtor. Rather, it grants each of the two persons a right to make a demand from the other. The transactions that are included under the meaning of the right in personam, like selling, hiring and treaties, all indicate clearly that the thing is the basis of the relationship, and without it there would be no relationship or right. It also indicates that the relationship grants both of the two persons a right to make a demand from the other. However, the type of demand differs. The salesman demands a price and the purchaser demands the commodity etc. Moreover, dividing the right into a right in personam and a right in rem has no meaning in real terms and they are in fact the same. This is because the issue relates to the relationship of the person, whether it was with another person who possesses something, such as a sale; or it was with an object which has a person connected to it, such as a gift, or it was with an object alone, such as the charitable *Waqf* (endowment). Therefore, there is no difference between the first category, which is called the right in personam and the second category, which is called the right in rem. There is no difference between the mortgage or franchise mentioned under the right in rem and the

money transfer, selling, company, hiring and representation mentioned under the right in personam. This is because the subject matter is either the relationship of someone with another person and the subject is the property, or with the property annexed to the person, or with the property only. These three forms are all one matter, which is the organisation of the relationship of human beings. Therefore, the division of the right in this manner is invalid.

Furthermore, a prominent part of Western legislation is the civil law, i.e. legislation relating to all transactions whether it is those that organise the relationship of the individual with his family or the relationship of the individual with others in terms of wealth. The attack on the Islamic legislation was concerning the civil law. This civil law has been summarised by the West by dividing the right into the right in personam and right in rem. The right in personam was made to be the liability and on this basis the theory of liability (*nadhariyyat ul-iltizaam*) was developed. It is the jurisprudential source for all Western laws whether Latin or German codification.

All of them are established on the theory of liability. Liability has been given a number of definitions, all of which revolve around making the subject of the liability either the giving of property, or undertaking an action or abstaining from an action. Liability has been defined as: 'Agreement according to which one or more persons are pledged to another one or more persons to give something, undertake an action, or abstain from an action.' It has also been defined as 'a legal case according to which a person must transfer the right in personam, undertake an action or abstain from an action.' When these definitions are compared to the Capitalist definition of the right in personam (as a bond between two individuals, a creditor and a debtor, in which the creditor is entitled to demand from the debtor to give away something, undertake an action or abstain from an action), it is clear that the Theory of Liability is itself the right in personam. Thus this third step became one of the fundamentals of Western legislation, where the Capitalists first defined the right, then they divided it into the right in personam and the right in rem, and at a later stage, on the basis of the right in personam, they established the Theory of Liability and made it the basis of all civil law in the West. This theory is considered one of the most important in Western legislation. The one who studies Western jurisprudence and

Western legislation extensively will understand the great importance of this theory. The importance of this theory to civil law can be compared to the importance of the backbone to the human skeleton. If there is contradiction and falsehood in this theory then the errors and falsehood in the body of Western legislation and all its canons will be manifested. What will also become clear is the strangeness and surprise of the Capitalist attack against the Islamic *Shari'ah* with these corrupt laws, and its attack against the pure legislation of Islam with this impure legislation and the resulting defeat of the Muslims.

Returning to the discussion on the Theory of Liability or the right in personam, it can be seen that liability or the right in personam, according to the Capitalist viewpoint, are based upon a legal relationship between the creditor and the debtor. This bond is, in this view, an authority given to the creditor upon the body of the debtor and not on his property. This is what differentiates between the right in rem and the right in personam. The first is an authority given to an individual over a material item, while the second is an authority given to an individual over another individual. Thus, the authority granted to a creditor over the debtor is extensive and could include such things as the death sentence, the right to enslavement and the right of disposal. Since this theory is based upon personal freedom, it is required that any individual have the freedom to sign a contract in which he can pledge himself of anything he wants, whatever ill or deception may befall him as a consequence. So, he is free to make any commitment or liability he wants, and therefore if he commits himself to something, he is obliged to fulfil what he committed himself of. Thus the Capitalists defined the sources of liability and have tried, on several occasions, to regulate these sources.

Just by examining the Capitalist definition of the Theory of Liability or the right in personam, one can highlight its falsehood directly from the falsehood of the definition of the right (*haqq*) alone, because this theory emanates from it. One can also discover the falsehood of this theory from the division of the right into the right in personam and the right in rem, for it results from this division and part of it. In order for any individual to highlight the false transactions that have emanated from this theory and thus see the invalidity of Western legislation, some of the errors that have sprung from this theory need to be highlighted. The definition of the Theory of Liability as 'an agreement in accordance

with which the creditor ' indicates that this theory should be considered as an agreement based on contract. This definition excludes those transactions that exclude any form of agreement like the award of a grant for example, although this would be covered by the right in personam. Also excluded from this definition are those transactions that originate from one individual and do not involve anyone else, such as the transactions they call the 'individualistic will', for example, formation of share companies and cooperatives, bequests and reward or prize incentives. In spite of this, the Capitalists classified all these under the Theory of Liability. Furthermore, there are many other transactions that occur between different individuals but are not covered by this definition, such as charitable endowments, the giving of Zakah and charity and so on, a matter which indicates the invalidity of the definition. Since the definition of something is always based upon a depiction of the reality, then either the definition or the reality itself is false. It is therefore necessary to examine the reality carefully and accurately to redefine it correctly. The alternative definition of the Theory of Liability as 'a legal condition according to which...' means that liability must be considered as a legal issue, although in truth it is a relationship that has been agreed by civil law and not just a legal issue. For example, a command issued by the State to its citizens not to cut down certain forests or just forests in general, is a legal issue in which an individual or group of individuals are obliged to abstain from performing a particular action. According to the Capitalist viewpoint, this issue is considered from the civic law, although it is not. In other words such a command would be considered from the liability angle even though it clearly has no connection with liability. This example highlights the invalidity of this definition.

The view that liability is based on a legal bond between the creditor and the debtor is also wrong, whether it is described as a personal or a financial bond. This is because it is not a bond but a human relationship that emerged due to the human being's endeavour to satisfy his organic needs and instincts. Therefore, this could be a relationship between two individuals over an interest (*maslahah*), or a relationship from one individual, such as originating divorce, issuing a will and charitable endowment. The issue at hand is not the existence of two individuals or the existence of an individual together with a material item. Rather what should be looked at is treating and solving the individual's problem in a

manner that organises his instincts and organic needs and regulates his relationships. The truth as indicated by the reality of the human being's existence, is that liability in its own right does not exist. The correct issue is the relationship between two individuals over an interest that must be resolved and organised by the law. Events, questions, issues and problems involving an individual or individuals are what create relationships and no other factors are involved. It is the law that decides to consider such a relationship or not, and nothing else. There is no liability in this matter either in the financial or in the personal sense. This is because the issue does not relate to a relationship between a creditor and a debtor, nor does it relate to a bond between an individual and a material item. Rather the subject matter is summed up in a relationship that exists between two individuals over a specific interest. This interest could relate to property or possession, or could exist at the point of generation or at the point of execution. The relationship is generated by the interest, i.e. procuring a benefit or removing harm, and it is organised by the law. So the issue of selling or trading is a relationship between two people at the point of generation and the subject matter is property or possession. The incentive of reward for the individual who finds lost property is a relationship between two people at the point of execution and it concerns the subject of property. Marriage is a relationship between two individuals, but the subject at hand is an interest that is not material. Beside the relationship between two individuals, there also exist relationships based on the issue of property or material items such as charitable endowments, the giving of *Zakah* and charity, establishing places of worship and setting up public services like the provision of pastures and drinking water. All this leads to the conclusion that liability, according to the understanding based upon Western legislation and from which sprang Western canons and laws, does not exist either in the personal or financial aspect. Consequently, liability in the meaning they wanted, which are the personal rights, does not also exist. Therefore, transactions are not an authority that a particular individual holds over some material item, nor it is a bond between two individuals. Rather, it is a relationship between two people over an interest accepted by the law. This applies to transactions that happen between two individuals at the point of generation i.e. a lease or tenancy agreement, or at the point of execution i.e. reward given to the individual who performs a certain action. It also applies to transactions that originate from the actions of one individual,

like a will or bequest, divorce, charitable endowment and so on. Therefore, the Theory of Liability is erroneous, and thus all legal deductions built upon this theory or emanating from it, are false, because they are all details of an erroneous source.

The matter that will convince the individual of the errors and falsehood of the Theory of Liability is reviewing the response of this theory and those who promote it when faced with problems that arise and occur continuously in society over a period of time. It has been shown that both the theory and its advocates could not face these societal problems, and so its advocates resorted to misinterpretation, distortion and deviation from the theory in order to find solutions for these renewed problems. The Theory of Liability has existed since the time of the Romans, and has been carried by Western legislation from that time. Once societal affairs started to evolve, the errors and falsehoods within this theory manifested themselves, and consequently so did the unsuitability of this theory to deal with life's affairs. However, instead of considering this theory as being incorrect, the Capitalists claimed that it would evolve or develop over time to naturally deal with any problems that could arise, and they 'changed' the theory to reflect this. The net effect of this was that the Capitalists began deviating from this theory and were changing the basis of this theory under the pretext of development i.e. changing from one situation to another, and under the pretext of flexibility i.e. capacity for interpretation. In fact, there are numerous factors that highlighted the invalidity of the Theory of Liability, affected it and caused it to be changed to suit conditions through the different eras. Socialist theories that emerged in Europe prior to the emergence of the Communist ideology revealed the unsuitability of this theory, and this forced the jurists to change their view concerning this theory. Rules and rates were introduced into work contracts to protect the workers and give them rights that had not previously existed, such as the right to establish workers' unions, the right to hold workers' conventions and the right to strike. This was in clear contradiction to the Roman text within the Theory of Liability that did not permit such rules or rights. The theory of the contract itself states that it is an agreement between two individuals that generates the liability, but the power of this theory was eroded by contracts now being built on the solidarity of the group more than on the will of the individual. Furthermore, the idea of fraud did not exist; even the Theory

of Liability did not allow it. Any theories based on the individual would mean that the individual must be absolutely free in his dealings to do whatever he wanted to within the bounds of the contract regardless of whatever harm or fraud might befall him. When the falsehood of the Theory of Liability and individual theories began to appear, the theory of fraud was inserted in some contracts, and then it started to expand till it became a general theory applicable to all contracts in the modern laws. Due to the emergence of new thoughts regarding life's affairs that contradicted the old thoughts, and because of the appearance of falsehood of the old thoughts, the Theory of Liability was exposed as being invalid. Furthermore, use of machines and technology, the progress of industry and the eruption of two world wars all generated practical issues that the Theory of Liability was unable to deal with. Use of machine technology exposed individuals to danger and risk of injury. Previously the Theory of Liability had not placed any responsibility except on the individual. When responsibility was transferred from the individual to the machine, the unsuitability of this theory was exposed further. Thus, an individual would not have had to pay compensation for harm caused to a second individual unless he deliberately set out to harm the person. In this case he would become responsible to pay compensation for the harm inflicted upon the second individual. In other words the one who is assumed to have committed the error is considered liable and must compensate for the harm caused. Any work situation in which the worker is injured would have made the employer liable to pay compensation, an issue not covered by the Theory of Liability. The contract of insurance in Western legislation became not confined just to the individual but other parties became involved. The theory for stipulating the interest of others emerged. For example, a man may take up life insurance for the interest of his children whether or not there were children at the time the insurance was taken up. This contradicts the Theory of Liability, because this is a bond between two individuals, and if no children were present when the contract of insurance was drawn up, then children who did not exist at the time of contract cannot benefit from the bond. In addition, other issues such as the enforced fixing of commodity prices, the enforced valuation of wages and contracts for public liabilities, all of which contradict the Theory of Liability, yet were introduced into modern Western legislation. There were other matters such as fraud invalidating the contract, rules that do not allow agreement on anything disagreeing with public order,

and abstaining from causing harm to others unlawfully. As an example for that is when a farmer negligently allows his cattle to graze on the crops of his neighbour; and the unsubstantiated profiteering that prevents a person from benefiting on the account of another person, such as building a house on others' property, or paying a debt that does not exist, i.e. the futile work. All of this disagree with the Theory of Liability and indicate its invalidity. These issues and matters do restrict and contradict the right in personam and destroy it, in the sense that it is an absolute or unrestricted right. However, according to the Capitalist viewpoint, liability as already described, is established upon a legal bond between the creditor and the debtor that obliges the individual to transfer or carry a right. This meant the absence of stipulating the acceptance of the bill of exchange or promissory. In other words, it initiates a promissory without the acceptance of the individual involved in the transfer. It also means there is no stipulation that the creditor accepts the transference of the debt, because the legal implication is that the person is obliged to transfer the right as an asset or liability, a matter which would not guarantee fairness and equity. Simply informing the person on whom the liability has been transferred is not sufficient, it is necessary that he accepts it, because the contract in the bill of exchange is valid only if all signatories to the contract accept it.

This is a summary of the renewed problems faced by the Theory of Liability; from which it can be seen that this theory cannot be a basis for thought. There are many different relationships between people that cannot be deduced on the basis of this theory, like the fact that any fraud would invalidate the contract. It also has no scope for generalisation, because responsibility for assumed errors such as injury incurred from use of machinery at work, bill of exchange, or the benefit of other parties such as insurance taken for the benefit of as yet unborn children, the individual will, such as the charitable endowment, even the Capitalist share company, and the similar contracts and transactions; none of these are included in the Theory of Liability neither in its wording or meaning. The theory is also unsuitable for many general rules such as fraud in contracts, or not spending on what disagrees with morals and public order. It does not have the capacity to unify the different peoples and cultures in single legislation, as evidenced by its inadequacy when the theories of Socialism emerged and the industrial revolution happened. It is also wrong from its basis, because it is built on

the twin concepts of personal freedom and the freedom of ownership; and these two freedoms cause corruption amongst the people, and facilitate exploitation and imperialism. This is because the law, which protects granting these two freedoms, was built on the Theory of Liability, a matter that causes corruption and suffering.

This is the reality of the Western legislation that challenged the Islamic legislation. In other words, this is the reality of the Capitalist system that challenged the Islamic system. As for the Islamic legislation attacked and severely criticised by the Western legislation, it is not built upon speculative theories from which rules and solutions emanate, as it is the case with the Western legislation. Rather, it emanates from a definite creed that is not open to doubt. Its origin is not a theory of right, nor it emanates from the right in personam and the right in rem. Rather, its origin is a decisive *'Aqeedah* (creed) that is reached by the mind and definitely believed in. Thus, whatever emanates from this creed is an Islamic legislation and whatever does not emanate from it is not Islamic legislation. So which of these is the correct legislation? Is it the legislation that originates from a rational creed that is not open to any doubt, or the legislation derived from speculative theories, particularly when errors began to appear in these theories, as they were faced with new events, beside the fact that their definition proved its disagreement with the truth and reality?

The Islamic legislation emanates from the Islamic *'Aqeedah*, i.e. from the belief in Allah ﷻ, His Angels, His Books, Messengers, and the Last Day. In other words, it emanates from the Book and the *Sunnah*, which have been decisively proven through rational thought as revelation from Allah ﷻ. Whatever has been understood from the revelation in terms of evidences, principles and rules constitutes Islamic legislation. Therefore when Islamic legislation is studied or when Islam is studied as such, it is studied on the basis that it is revelation from Allah ﷻ and not the product of human beings. This is the basis in the issue of studying Islam and the basis of the viewpoint towards Islam. Therefore the decisive rational proof must be established that Islam is revelation from Allah ﷻ, then the legislation is adopted from what has come in the revelation i.e. from that which has been established by the decisive rational proof that Allah ﷻ has revealed as a system for mankind. Islam has been revealed by Allah ﷻ, for it is what has been brought by the Qur'an and by the

*Hadith* of the Rasool ﷺ. As for the Qur'an, it has been proven by definite evidence that it is the Word of Allah (*Kalaamu Allah*), and that the Qur'an is an Arabic book that Muhammad ﷺ brought and said that it is from Allah ﷻ. The Qur'an, could have come from the Arabs and Muhammad ﷺ transmitted it from them, or it came from Muhammad ﷺ and he was the one who transmitted it but claimed that it is from Allah, or it is really and truly from Allah ﷻ. It cannot be from any other than those three sources, because Qur'an is in Arabic with respect to its language and style. As for it being from the Arabs, this is false because it challenged them all to bring something like it:

قُلْ فَآتُوا بِسُورَةٍ مِثْلِهِ {يونس 38}

"Say: then a Surah like unto it" [TMQ Yunus: 38].

قُلْ فَآتُوا بِعَشْرِ سُورٍ مِثْلِهِ {هود 13}

"Say: Bring you then ten forged Surahs (chapters) like unto it" [TMQ Hud:13].

The Arabs tried to bring something like it but they were unable to do so. It is, therefore, not from the speech of the Arabs, because they were unable to produce something like it despite the challenge and despite their efforts to bring something like it. As for it being from Muhammad ﷺ, this is false, because Muhammad ﷺ was one of the Arabs and however much a genius he may have been, he was still a human being, one of his society and nation. As long as the Arabs were unable to bring something like the Qur'an, then this is also true for Muhammad ﷺ, an Arab, which he too could not bring something like it. Thus the Qur'an is not from him. Furthermore, Muhammad ﷺ has left sound *Ahadith* (*Ahadith Sahihah*) and other *Ahadith* which have been reported via recurrent transmission (*Tawatur*) and whose authenticity is beyond reproach. If any of these traditions (*Ahadith*) were to be compared with any verse (*Ayah*) of the Qur'an, one would find no similarity between them in style. Moreover, he ﷺ would utter the revealed verse and then say the *Hadith* at the same time, whereby the difference in style between them would be clear. The speech of a man, however much he might try to disguise it, will remain nevertheless similar in style, because the style is a part of the man himself. Given that there is no similarity between the *Hadith* and the *Ayah* in style, the Qur'an is definitely not Muhammad's

speech due to the clear, lucid difference between it and Muhammad's speech. Since a man cannot depart from the age in which he lives, so he would not be able to make a speech other than the speech of his time, however much he attempted to forge it. Therefore, he will be unable to depart from his entity i.e. by greater reason, he will be unable to make a speech other than his own speech in terms of meaning and style. Literary critics recorded poetry attributed to the time of *Jahiliyyah*, and afterwards it was said that the Qur'an did not belong to that age. These critics managed to distinguish it and relate it to the Abbasi, Umawi or Andalusian era. Such a matter makes it definite that a man cannot depart from the speech of his age or his own speech. Due to the stylistic difference of the Qur'an from the *Hadith* of Muhammad ﷺ, the Qur'an is not the speech of Muhammad ﷺ. Since it has been proven that the Qur'an is not the speech of the Arabs or the speech of Muhammad ﷺ, then it is definitely the speech of Allah and a miracle for the one who brought it.

As for the fact that the *Hadith* of the Rasool ﷺ is a revelation from Allah, this is indicated by the fact that he is the Rasool of Allah. The *Hadith*, like the Qur'an, is his message that Allah revealed to him. It has been proven that Muhammad ﷺ is the Rasool of Allah, since he is the one who brought the Qur'an, which is the Word and the *Shari'ah* of Allah. Since no one brings the *Shari'ah* of Allah except the Prophets, then he is definitely a Rasool and a Prophet. This is why his *Hadith* is revelation from Allah because it is the *Hadith* of a Rasool whom Allah has sent. Not to mention that the Qur'an, which has been definitely proven to be the word of Allah, clearly states that the *Hadith* of the Rasool is revelation from Allah. He ﷺ said:

إِنْ أَتَّبِعْ إِلَّا مَا يُوحَىٰ إِلَيَّ {الأنعام 50}

"I but follow what is revealed to me by Wahy" [TMQ Al-An'am:50] and He ﷺ said:

وَمَا يَنْطِقُ عَنِ الْهَوَىٰ. إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ {النجم 3-4}

"Nor does he ﷺ speak of his own desire. It is only an inspiration (Wahy) that is inspired" [TMQ An-Najm: 3-4].

And He ﷺ said:

قُلْ إِنَّمَا أُنذِرُكُمْ بِالْوَحْيِ {الأنبياء 45}

"Say: I warn you only by the revelation" [TMQ Al-Anbiya:45].

With this, the decisive and rational proof has been established that the Book and *Sunnah* are revelation from Allah ﷻ. Since only these two constitute the Islamic *Shari'ah*, then it has been proven by the rational and decisive evidence that the Islamic *Shari'ah* is revelation from Allah ﷻ. So every thought mentioned in the Qur'an or *Sunnah* must be revelation from Allah. Consequently, anything deduced from the Book and *Sunnah* must also be from the revelation. Therefore, it becomes clear that the Islamic *Shari'ah* is not a set of speculative theories applied to new incidents. Rather the *Shari'ah* has general meanings brought by the Rasool ﷺ as a revelation from Allah ﷻ. These meanings are applied on new incidents. By applying these meanings, rules for these incidents are deduced. These deduced rules are themselves considered part of the revelation. This is why the 'Ulema have defined the *Shar'i* rule as: "the speech of the Legislator pertaining to the actions of the servants (of Allah)". Thus, it is what Allah has addressed the Rasool with, so that he may convey it to the people, because it has been taken from the wording or meaning of the Legislator's Speech.

This is the premise on which the study of the Islamic *Shari'ah* should be based, i.e. that it is a revelation from Allah ﷻ. This is the viewpoint to which the approach should be restricted. It is a *Shari'ah* that has come from Allah ﷻ. Once it is proven that it has come from Allah ﷻ, then it should be studied in this capacity, i.e. in the capacity that one is studying the *Shari'ah* of Allah. When a rule is deduced, it is also deduced in the sense in which it is taken from the *Shari'ah* of Allah. When one studies its solution to a problem it should be studied as a solution from Allah. So the criterion of this solution is taken in terms of the origin from which it emanated, and not in terms of whether it agrees or disagrees with the taste of the one who uses the solution. Nor it is judged upon in terms of whether it agrees or not with what prevails in the (current) age. This is because the aim of the solution is to be true, and the truth is only that which came from Allah.

Thus, the issue of explaining the validity of the Islamic *Shari'ah* and its suitability for people in every age and every generation requires one to ask: Is it revealed from Allah as a *Shari'ah* for people? Once this issue has been proven, then it is definite that it is the true *Shari'ah*. This is because one of the attributes of the deity, which is necessitated by the divine power, is to acquire the attribute of absolute perfection and the infallibility from any deficiency. It has been proven that His Law is correct and suitable in the form it has come; and it has also been proven that it has come for all people for all ages and for every generation; He ﷻ said:

وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِلنَّاسِ {سبا 23}

"And We have not sent you except to all of mankind" [TMQ Saba: 28],

And Say:

يَا أَيُّهَا النَّاسُ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ جَمِيعًا {الأعراف 158}

"O mankind! Verily, I am sent to you all as the Messenger of Allah" [TMQ Al-A'raf: 158]

It is inevitable that this *Shari'ah* should also be a source for thought from which all the human relationships would be deduced. It is also inevitable that it should be wide-ranging, thus including all new and diverse incidents. Then certainly it will be a fertile soil for establishing comprehensive principles and general thoughts. As long as it is for human beings as human beings, then it will undoubtedly solve the problems of all peoples however much they may differ in their nationality or environments. All of this is necessitated by the fact that it is a *Shari'ah* from Allah ﷻ, which He has revealed to His Prophet so that he may convey it to the people in order to act upon it. This is the issue regarding the Islamic *Shari'ah*, which is the speech of the Legislator relating to the actions of the servants, i.e. that it is a solution to all problems, which was revealed by Allah. So when He prohibited usury, one does not ask whether this prohibition is in agreement with the age or not, or whether it agrees with modern civilisation or not. The only thing to be asked is whether this prohibition has been deduced from

what was revealed from Allah. If it is from the revelation then it is a correct rule, otherwise it is not. It is incorrect to say that this hinders trade dealings and severs economic relationships with the outside world and makes the country isolated. It is incorrect to say this, because the basis on which the viewpoint of life is established is to make the Shar'a the criterion for actions. Only the *Shar'a* should judge, i.e. the criterion should only be the *Halal* and the *Haram*. Therefore anything other than the *Shar'a* is not considered a criterion and is discarded. Similarly, when Allah ﷻ obliges the husband to pay maintenance (*nafaqah*) to his wife seemingly (*Bil-Ma'arooif*) even if she is rich, it is wrong to ask whether this obligation is in agreement with the modern age or not. It is wrong to say that the spouses co-operate in life so they must co-operate in the maintenance of the house. Nor is it right to say that the maintenance is for the poor wife and not for the wealthy one. Such questions and statements should not be made. Rather, one should only ask if this obligation has been deduced from what the revelation (*wahy*) has brought from Allah ﷻ. If that is the case, then the rule is correct, otherwise it is not. Similarly, Allah permitted the human being to spend his wealth on the permissible things as much as he wants and in whatever way he wants. So for example, a husband might buy his wife jewellery and gems worth half a million dinars; and he might spend one million dinars to set up different playgrounds for his children to play in, he might buy his ten sons seven cars each, so they can use one each day. Since Allah has permitted all this, it should not be said that it contradicts the economic interest or that it disagrees with the interest of the person, or that is not accepted by the mind. That should not be said at all, rather it should only be asked whether this permission has been deduced from what the revelation (*wahy*) has brought from Allah ﷻ. If that is so, then the rule is correct and so on and so forth. The fundamental issue is to measure the validity or invalidity of the rule, based on the fact that it is derived from what the revelation (*wahy*) has brought from Allah ﷻ. If it has been taken from what the revelation (*wahy*) has brought then it is valid, otherwise it is not. Any other consideration is of no value whatsoever.

This is in terms of the basis of Islam. As for the reality of Islam itself, Islam is thoughts. Thought is the judgement on an incident. So Islam is comprised of judgements on incidents. Therefore, the intellectual process must operate in everything brought by the revelation (*wahy*). Whatever Islam has brought the mind must comprehend and sense it, or

comprehend its origin that the revelation (*wahy*) has brought. Therefore, the mind must comprehend the text that contains what the revelation has brought, whether its wording and meaning is from Allah ﷻ, or its meaning is from Allah ﷻ but its wording is from of the Rasool ﷺ. There is nothing else in the revelation (*wahy*) other than this. There is nothing in the revelation (*wahy*) that the mind cannot comprehend either in its existence or the existence of its origin. There is also no text that the mind cannot comprehend. Thus Islam is thoughts, its basis is the mind and the tool of its understanding is the mind. Consequently, the mind is the only basis on which Islam is established. It is the basis by which we understand the texts of Islam. Thus, belief in Islam is dependent on the mind and understanding what it has brought is also dependent on the mind. Islam is like any of the existing thoughts in any study: the existence of its reality must be comprehended by the mind, or the existence of the reality of its origin that we discuss must be comprehended through the mind. At the same time its text, which contains its thoughts, must also be understood by the mind and its meanings must be comprehended. So, there are no mysterious words in the texts of Islam that only Allah knows best, neither in the Qur'an or the *Hadith*. He ﷺ said:

وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُونَ {الحمل 44}

"And We have sent down unto you (O Muhammad [saw]) the reminder (Qur'an), that you may explain to men what is sent down to them, and that they may give thought" [TMQ Al-Nahl: 44].

So when it is said that Islam is subject to the mind, such a statement is correct. When it is likewise said that the criterion of Islam is the mind that is also correct. This is because the mind is the basis of Islam, and the understanding of Islam and acting upon it depends on the mind as a tool in this understanding and action.

However, the mind has a reality, so the mind must be used according to its reality such that the process of its use is called the rational process. Part of the reality of the mind is that there must be a perceptible reality so that ratiion can exist. If there is no perceptible reality there will be no rational process, i.e. no use of the mind. Thus, there will be no comprehension unless there is a perceptible reality, and no thought

results until there is a perceptible reality. If there is no perceptible reality, then the matter will be imaginary and delusive and not be from the intellect, thought or comprehension. Therefore the mind is not required to comprehend a reality that is not perceptible because it is impossible for it to comprehend it, i.e. it is impossible for the rational process to take place. In such a case, the mind has to accept the existence of such a reality rather than accept its nature, if its existence has been definitely proven. Or the mind rejects it utterly if its existence has not been definitely proven. Therefore, the mind is not required to comprehend the Essence of Allah because His essence is not perceptible, so it is impossible to comprehend it. Rather, it has been comprehended from the reality of the creation that they definitely have a Creator (*khaaliq*). Through this, one comprehends the existence of Allah as perceptible comprehension because this existence has a reality, as indicated by the existence of the creation. The fact that the comprehended and perceptible things exist is a definite matter, because they are witnessed through sensory perception. The fact that the comprehended and perceptible things are dependent on something other than them, i.e. they have the quality of need, is a definite matter. This is because, by watching them, we can see they cannot act or change from one condition to another without something else. Thus, fire burns only when there is a combustible substance. If the substance were not combustible then fire would not burn it. Certain acids dissolve certain elements but do not dissolve others. Certain elements will combine and react with other elements and form a compound, but with other elements they may not form compounds. Two hydrogen atoms combine with one oxygen atom to produce water but two hydrogen atoms combined with two oxygen atoms makes heavy water, a substance which is not suitable for maintaining the continuation of life. These things do not act freely in everything, nor do they change from one state to another except within a situation, which is limited to specific cases. They cannot act beyond these cases except through making some change in them or in substances other than them, or through another factor. Therefore, they are dependent even if one supposes they need these factors and conditions. Thus, fire is not able to burn except with the presence of a combustible substance. So, in order that fire burns, it is in need of a combustible substance. Acid can only dissolve specific elements that are soluble. Thus, they are in need of soluble elements in order to make a solution. Elements cannot combine and (chemically) react except with the

presence of elements that have the capacity to react and combine. They are dependent on elements that have the capacity to react and combine to form compounds, so that the reaction can occur and the chemical compound can be formed. For water to transform into heavy water, it requires someone to add another atom of oxygen to every two hydrogen atoms, so as to transform into heavy water. It is incorrect to say that it requires what is already within it, rather it needs a quantity added to that, which is already in it, and also needs someone who will add this quantity, and thus it is needy. It is incorrect to say that the things in the universe need each other, but as a whole they are not dependent on anything else. This is not true, because the need is only discussed and explained in relation to the one particular thing. This need has to be sensed and not merely assumed hypothetically for a thing that does not exist; rather its existence is only assumed. Thereupon, it is incorrect to say that fire needs a combustible substance, so that if they meet then they will be in no need for anything else, because this is a hypothetical assumption. The need that exists in fire, and the need that exists in a combustible substance, is the need of a thing that exists and it is sensed by one of the senses or comprehended by the mind. The object, in order to be comprehended by the mind, requires the sensation to fall on its essence so that the need is explained in relation to a thing that exists. Combining fire and an object does not produce a thing that is either in need or independent. Similarly, combining the things of the universe does not produce a thing that is either in need or independent. The need or independence is represented in the particular object, and there is no such object that is made of all that exists in the universe, so as to describe such an object as in need or independent. If it is said that the total of things in the universe as a whole is independent or in need (needy), then this is a description of a thing which does not exist, but it is imagined to exist. The proof in the discussion is of the need of a particular thing that exists in the universe and not that of a collection of things that are imagined to form a single thing by gathering together, and then the quality of being needy or independent is given to it. Therefore, it is incorrect to raise such a question, for it is speculative and imaginary. It is not real, nor even hypothetical.

It is also incorrect to say that things need each other, so there is no evidence that they need a Creator. This is because the proof is to establish the attribute of need as it is, and not the need for a Creator.

The mere existence of the need in any object proves that the (attribute of) need exists in everything.

It is also incorrect to say that each part is dependent on another part, so all the parts are dependent on each other, and what has then been proven is that each thing is dependent on another thing, but this does not prove that things are absolutely dependent. That should not be claimed. This is because the dependence of the thing, even if it is on one other thing in the world, proves that there is not a single thing in the universe that is absolutely independent, and it therefore means that it is dependent, even if it is only on one thing in the universe. Its description of dependence has been proven just like the description of walking has been proven for the one who took a single step, and just as the description of speaking has been proven for the one who speaks a single word. Thus dependence, walking and speech etc indicate the category i.e. indicate the nature. So when a matter is proved to exist even once, then this proves the existence of its essence. Thus, by merely proving dependence on one thing, where dependence indicates the attribute i.e. the essence, this establishes the attribute of dependence for everything in the universe. Thus the dependence of each part on another part definitively proves the attribute of dependence in each part. All of this is tangible and perceptible in relation to all things existing on the face of the earth. As for the universe, man and life; the universe is made of planets, each planet proceeds according to a particular system that cannot change. This system is either part of the universe or it is one its attributes or it is something different to it. It can only be one of these three possibilities. As for it being part of universe, this is invalid because the course along which planets proceed is specific, beyond that the planets cannot go. The orbit is like a road, and the planet is like the one who walks on it. The system according to which the planet proceeds is not only that it moves; rather it is restricted to move in that orbit. That is why the system cannot be part of it. The move itself is also not part of the essence of the planet. Rather it is its action. That is why it is not possible for it to be part of it. As for the claim that the system is one of the planet's attributes, this is invalid, because the system is not the movement of the planet only, but its movement in a specific orbit. Thus, the issue is not the movement only, but the movement in a specific way. It is not like eyesight that is part of an eye's attribute, but it is the fact that sight in the eye can only occur in a specific way. This is like water that changes

to vapour only at a certain temperature. Thus the issue is not the movement of the planet, the sight in the eye or the change that water undergoes; rather it is the movement of the planet in a specific orbit, the sight of the eye in certain conditions and the change of water at a certain temperature. This is imposed on the planet, the eye and water. This is the system. Though the movement of any object is one of the attributes of the object, the fact that such movement can't occur except in a particular position indicates that this is not one of the attributes of the object, otherwise it would be of the attributes of the object to organise its own movement. Then it would be able to plan another system if it was of its attributes to organise. The reality states otherwise, so it is not of its attributes. Since the system is not a part of the attribute of the object or a part of the object itself, then the system must be something else entirely. This in itself proves the dependency of any object in the reality on something else, i.e. the universe itself is dependent upon the system. It is incorrect to say that it moves according to a specific course or that it is a collective attribute arising from the gathering of all celestial bodies. Consider the example of the hydrogen atom that possesses unique characteristics and the oxygen atom that has its own unique characteristics. If they combined to produce a new substance, this substance would have its own characteristics. These characteristics are a set of attributes unique to this new molecule and are not the characteristics of the hydrogen or oxygen atom. This is different from the issue of the planets or other celestial bodies. Such bodies cannot come together to create a new celestial body with a different set of characteristics. Rather each planet in its own right has characteristics unique to itself, and not those of a situation where two or more celestial bodies may come together to generate a new body - simply because such a coming together would not happen. It is also incorrect to say that this is due to gravity, because gravity is an issue for motion like life in a human body, however motion is not of the attributes of life. Though the motion of a planet is because it has gravity, the motion is not of the attributes of gravity and so by greater reason, movement in a specific orbit is not of the attributes of gravity. Thus the motion is an attribute of the planet, whereas the motion in a specific orbit is the system. In regards of the need of water and air (oxygen) it is sensed and tangible. Similarly, need of human being for life, food and the like is sensed and tangible. Therefore, the universe, man and life are dependent.

It is also inaccurate to say that those things in the universe that are dependent upon each other are different forms of the same thing. That is they are all derived from matter set into different forms, even they all form one single thing, that is matter; and thus matter is dependent upon itself and not anything else. This is untrue, because matter cannot shape itself into different forms except through certain conditions imposed upon it from an outside source. For example, if water is to transform into steam it needs a certain quantity of heat, and if an egg is to become a chicken it needs certain conditions imposed upon it. Thus matter cannot change itself into different forms except through the imposition of certain conditions that do not arise from matter. The fact that these conditions are imposed upon matter means that these conditions arise from something other than matter, so matter depends on these conditions for any transformation in its state to occur. Matter is also dependent on those factors responsible for the generation of the conditions that enable the transformation of matter to take place. Consequently, since matter cannot change without these conditions and external factors, it cannot be something with the attribute to create other things. Rather it is something that has been created. The whole world itself is either a creator or it has been created and there is no third possibility. Moreover, the needy (the one in need) cannot be eternal (*Azali*), because the term *Azali*, when applied to a certain object, means that this object is not dependent on anything else. This is because, if in its conduct or transformation it requires something else, then by greater reason it is clearly dependent on something else for its creation or existence. If it requires some condition external to itself for its creation then this condition existed before its creation, and therefore this thing is not eternal (*Azali*). The clear definition of *Azali* is that it is not dependent on anything; and since the needy thing is not *Azali*, then it has definitely been created. Because the fact that all tangible things are needy and dependent on other things is definite, this means that being created by a creator is also a definite issue. Consequently, this indicates that proof of the existence of a creator is definite and beyond doubt.

The Creator cannot be created and must be *Azali*. If the Creator had been created then He could not be the creator. This is because there can be nothing except a Creator and creation, which are two distinct entities. As can be seen, one of the characteristics of the Creator is that it is not created, so the Creator is that which has not been created. It is

wrong to say that the Creator is the creator of something and created by something else, because the subject at hand is not about a particular thing like man or machine but about the creation and the Creator in His capacity as having come from nothing. A creator cannot be creator and created at the same time, for the Creator is an entity separate and distinct from creation. Regarding the issue of being *Azali* i.e. it has no start point or beginning, because a start point or beginning means that the Creator was created at a particular point in time. Being a creator means being *Azali*, for *Azali* means that all things are dependent upon it and it does not depend on anything at all. Thus, *Azali* and Creator is the meaning of the term Allah i.e. the Creator is Allah ﷻ. Regarding the mind, those things that the mind comprehends are man, life and the universe. It has already been proven that these things are limited, meaning that they have been created. The human being is created for he grows in every aspect up to a certain point, beyond which he cannot exceed. Since man can be classified as possessing common characteristics, then there can be no difference between two individuals in terms of human characteristics. So what applies to one human being can be applied to another human being, and this generality can be applied to any object like gold, the lion from amongst the animals, or the apple from amongst the fruits. Thus, what is applicable to an object or type in general can also be applicable to all the parts of that object. For example, every man that lives will die, meaning that he is limited; and acceptance of this fact means accepting the idea that man is limited. It can also be seen that in every era, millions and millions of human beings have died and yet the number of humans have steadily increased over the ages. This is to say that the human being as an individual may die, yet the human race still continues to flourish. So man is a specific category represented completely by individuals, all of whom possess the same human characteristics, like any other category such as water, oil, any animal or any plant. Therefore, any decision regarding any object in the reality should not be focused on its total numbers, but rather on each entity or essence within that category; and whatever applies upon each individual within that category could also be applied to the whole category, regardless of the total number of individuals in that category. Since the whole identity of the human race can be verified in a single human individual, so when one human being dies, this means that the essence or identity of that man has died. What we witness as human beings should not be considered as judgement, because it is an

observation of something other than what needs to be judged upon. It is an observation of the total of individuals rather than the category, beside it is an incomplete observation. We can see that no matter how much water is taken from the seas and oceans its levels do not deplete and in the same way the oil does not deplete no matter how much oil is extracted from the earth, and also despite the increase in consumption of wheat its levels continue to rise. Looking at the sum total means that it appears these categories do not diminish, yet the reality is when one unit of any object dies or is finished, then the category as a whole is diminished. Thus when a single person dies then the human race as a whole is diminished, thus man is limited.

Life also is limited because what is witnessed by the senses is that it ends in every individual. Hence, life is limited. Life in the human being is the same as life in the animal. It cannot exist outside and independent of the individual, but resides within him. It is a matter that can be sensed but not touched. It can be differentiated between what is alive and what is dead. Thus, the sensed thing that exists in the living object and in which growth and motion are symptoms of life is manifested within any individual thing and not linked to anything else. This is the same in every living individual and is manifested in every human being. Therefore, when life ends in the individual this means that this particular life has ended, so life is limited.

The universe is also limited, because it is a collection of celestial bodies, and each body is limited. Since every planet has a definite size and shape, the total of limited things is always limited - no matter how many planets there are. However, the sense of limitation is not in the numbers of planets, but in the fact they have a start point and an end point i.e. a beginning and an end. The presence of a start point indicates the existence of limits. This is because anything that increases in size or age is limited, and any increase occurs due to a limit being placed on top of another limit, thus the total remains limited. Therefore, the universe itself is limited, and consequently, man, life and the universe are limited.

When we examine the limited thing, we find that it is not *Azali* (eternal); otherwise it would not be limited. This is because any sensed thing either has a beginning and is therefore not eternal, or has no

beginning and is therefore eternal. We have already proved that every limited thing has a beginning and is therefore not eternal, because the meaning of the term *Azali* is that which has no beginning. So whatever has no beginning will have no end because the existence of an end clearly means the existence of a beginning. The beginning can only occur from a particular point, which means that there must also be an end point whether in time or space. This is an inevitable matter in those things that are tangible and those things that can be comprehended. Therefore, everything that has a beginning or start point also has an end or end point. The term *Azali* indicates that which has no beginning and no end, and hence no limited thing is *Azali*, and this applies to man, life and the universe. The fact that they are not *Azali* means that they have been created by something other than them. This other factor is the Creator i.e. the Creator of man, life and the universe; and the existence of man, life and the universe proves the existence of the Creator. The Creator has either been created by something else, created by himself or is *Azali*, and cannot be anything other than these. The viewpoint that He is created by other than Him is invalid, because the Creator would then be limited, something, which has already been proven not to be the case. The viewpoint that He is a creator of Himself is also invalid because this indicates that the Creator was created by Himself and is also a Creator of Himself, an issue that is clearly nonsensical. Thus, the Creator must be *Azali*, i.e. has no beginning and no end. The Creator does not depend on anything else, while all things depend on Him. This is the indication or the meaning of the word Allah ﷻ. In other words, what has been characterised with this characteristic of *Azali* is the Creator, who is Allah ﷻ. The comprehension of this existence occurs through the senses, because this is a tangible reality. However, the essence of the *Azali*, i.e. the essence of the entity known as Allah ﷻ, cannot be sensed, because the mind is not able to comprehend it. However, it is untrue to say that this constitutes belief in an unknown, because Allah ﷻ is not unknown. He ﷻ is known through His attributes and characteristics. This is belief or *Iman* in what is known and not in something unknown. It is also untrue to say that the *Azali* is something that was conceived, because He ﷻ clearly has no beginning and yet despite this the human mind cannot conceive the essence of the *Azali* but only His existence. It is untrue to say that man has been forced to believe in that which he cannot conceive. This is because what man has been obliged to believe in and accept is the comprehension of the existence of the Creator. This comprehension

has been realised from the existence of all tangible things. So all that the mind is required to comprehend is the sensed reality.

Through use of the intellectual process, it is not required for the mind to strive to reach a result other than what the mind is capable of understanding. It is impossible to arrive at any other conclusion through the intellectual process. To arrive at any other conclusion would need some other process entirely. For example, a scientist may perform a rational experiment to split the atom, yet it is not required that through this process he gains belief in the existence of Allah ﷻ. This requires something else. Therefore, it comes as no surprise to see the genius mentality that can undertake the most accurate experiments or calculations and achieve the best possible results, like the scientist of the atom, yet you will see such a mentality going to church to pray to an inanimate piece of wood and believing that Three is One and One is Three, and that the Messiah is the son of Allah ﷻ. It is not strange to see this, because this mentality was not used to reach an understanding of the existence of Allah ﷻ and of His attributes and characteristics. This mentality was used to split the atom and confined itself to conducting scientific experiments. Because of this mentality, it is not unusual to see a scientist who will carefully study the plants, see the precision and wisdom of creation and yet fail to arrive at the natural conclusion that Allah ﷻ exists. Instead, he continues to be an atheist who denies the existence of Allah ﷻ. Such behaviour is not unusual, because the rational process undertaken by the scientist when he studied the plants was for the purpose of producing and attaining information only. The correct conclusion from this process would be that the precision of creation cannot and does not happen by coincidence and cannot happen except through the actions of a creator. This understanding needs another rational process that was not undertaken by the scientist and remained unused in the discussion concerning the existence of the Creator. Therefore, the failure of the scientist to attain belief in the existence of Allah ﷻ from this scientific process was not strange. When the human mind is used to understand a legislative text, this rational process is not needed to conclude whether any solutions derived from the text is right or wrong. The only thing that is required of the mind is to understand the solutions to various problems and situations contained within the text, and not whether the solution is correct or incorrect. To conclude whether this solution is correct or

incorrect needs another rational process in which the mind rather than the text itself will be used as an evidence for the solutions, regardless of whether the text is legislation from Allah ﷻ or legislation from man. So when the mind discusses or studies an article of Western civic law it needs to reach an understanding of what this law is about and not whether it is right or wrong. To know whether the treatment is right or wrong needs another rational process in which the mind, rather than the text, is the evidence of the treatment; regardless of the fact that the text is legislation from Allah or from man. In that case the mind could be used as evidence for the meaning or understanding of the text and not the text. In discussing the meaning or understanding derived from the text, the text itself rather than the mind would be the evidence of the understanding.

This is the inevitable matter concerning the mind. Therefore, when the human brain is used in Islam to attain certain results, there must be a distinction in using it in the creed to reach an understanding of belief (*Iman*) and in using it in the divine rules (*Ahkam Sharee'ah*) to reach an understanding of the *Shar'i* texts. When the mind is used to assess the creed, then the result acquired from this process is used to conclude whether the resulting thought is right or wrong. This is because the mind is used to assess the validity or invalidity of this thought. When the mind is used to assess the divine rules, then what is required from the rational process is to know the thought or understanding generated from this study of the text i.e. what it is, and not whether the understanding generated from the text is right or wrong. All that is needed is to know the understanding or thought that has been derived from the text. Any evidences derived from this understanding come from the text and not from the human mind. Therefore, the role of the mind in understanding the divine texts is limited to the understanding and nothing more. The mind does not and cannot judge on whether the rules are right or wrong or correct or corrupt, because it is not the basis for deriving the rules. Rather the evidence of the rules comes from the divine texts and whatever these texts have indicated of other evidences. What is required from the texts is the understanding of what they contain and not whether it is right or wrong. Concerning the creed, the role of the human mind is to deduce whether the creed is valid or invalid. This is the way the mind is used within Islam. It is used in the creeds as evidence for them and as an arbiter in determining whether they are right or wrong.

The human mind is used in the divine texts to understand the rules derived from them and nothing more. This is because the mind can be used for weighing up the creeds alongside the Qur'an and the *Sunnah*. When it comes to the divine rules, the human mind cannot be used as evidence, only the divine texts can be used as such i.e. the Qur'an and the *Sunnah* and whatever was derived from them such as *Ijma'a us-Sahabah* (consensus of the Companions) and *Qiyas* (analogy). Divine evidence on any thought concerning the creeds must be definite (*Qati'i*). This is different from the divine rules, where the evidence deduced may be speculative (*DHanni*). This is because the thoughts of the creeds are the basis upon which Islam is established for the Muslim, and Islam is established upon them in life's affairs. Islam has therefore obliged that the thoughts adopted from the creed be taken decisively, and obliged that the proof or evidence of this creed be definite. The creed (*'Aqeedah*) in Islam is the decisive belief that agrees with reality and with certainty; any belief that is not decisive cannot be considered to be from the Islamic creed (*'Aqeedah*). Also the decisive belief that does not agree with reality is not considered as part of the Islamic *'Aqeedah*. In the thoughts adopted from the creed, there are two issues: firstly, conviction with certainty, and secondly the certain agreement of the thought with reality. Both matters must exist to ensure that the derived thought is from the Islamic *'Aqeedah*. With its explicit verses, the noble Qur'an came with the decisive command that the *'Aqeedah* should be adopted with certainty, and clearly prohibited that *'Aqeedah* should be taken from any speculative evidences. Allah ﷻ says:

إِنَّ الَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ لَيَسْمُونَ الْمَلَائِكَةَ تَسْمِيَةَ الْأُنثَىٰ. وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا {النجم 27-28}

"Indeed, those who believe not in the Hereafter, name the angels with female names. But they have no knowledge thereof. They follow but a guess, and verily, guess is no substitute for the truth" [TMQ An-Najm: 27-28].

And He ﷻ says:

إِنَّ هِيَ إِلَّا أَسْمَاءٌ سَمَّيْتُمُوهَا أَنْتُمْ وَآبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَمَا تَهْوَى الْأَنْفُسُ وَلَقَدْ جَاءَهُمْ مِنْ رَبِّهِمُ الْهُدَىٰ {النجم 23}

"They are but names which you have named - you and your fathers - for which Allah has sent down no authority. They follow but a guess and that which they themselves desire, whereas there has surely, come to them the Guidance from their Lord!" [TMQ An-Najm: 23]

And He ﷻ says:

وَإِنْ تُطِعْ أَكْثَرَ مَنْ فِي الْأَرْضِ يُضِلُّوكَ عَنْ سَبِيلِ اللَّهِ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ {الأنعام 116}

"And if you obey most of those on the earth, they will mislead you far away from the path of Allah. They follow nothing but conjectures, and they do nothing but lie" [TMQ Al-An'am: 116].

And Allah ﷻ said:

وَمَا يَتَّبِعُ الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ شُرَكَاءَ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنْ هُمْ إِلَّا يَخْرُصُونَ {يونس 66}

"...And those who worship and invoke others besides Allah, in fact they follow not the (Allah's so-called) partners, they follow only a conjecture and they only invent more lies" [TMQ Yunus: 66].

These verses are *Shar'i* evidences that prove the creeds can only be taken with certainty and they cannot be taken by conjecture or speculation. The meaning of using these verses, as evidence, is that they are confined to the creeds, so the subject matter of these verses is confined to the creed. Moreover, Allah ﷻ rebukes those who build their creed on conjecture and He ﷻ said they are liars. This rebuke is a decisive prohibition of building a belief that is based on speculation. Allah ﷻ has said about those who do not believe in the Hereafter that they did not build their belief on knowledge (*ilm*) i.e. on definite certainty, but instead built it on conjecture or speculation. Then Allah ﷻ ended the verses by saying that conjecture or speculation is of no avail against the truth. Concerning those who believe that the angels are female, Allah ﷻ has said their belief was not built on certainty, but they followed conjecture and the desires of their own souls. Allah ﷻ

considered *Dhalaal* (misguidance) a synonym to *Kufr* (disbelief) that resulted from following conjecture that is nothing but falsehood. As for those who worship idols, Allah ﷻ said that by worshipping Allah and ascribing idols to Him ﷻ and believing that they would benefit from this, such people are following speculation and devising lies. It is therefore clear that these verses are confined to the creeds. These verses are also explicit in rebuking those individuals who build their creed on conjecture and speculation and not on certainty by describing them as liars and followers of their own desires, but that which these individuals follow will be of no avail against the truth. All of this is a clear command to build the creed on decisive, certain and definite knowledge (*'ilm*), and at the same time it is a clear prohibition for building the creed on conjecture and speculation. It also clearly indicates that those who build their creed on speculation, for them such belief will be of no avail before Allah ﷻ. Instead such people must search and examine closely to ensure their belief is built on certainty and absolute truth, so the evidences must be conclusive and cannot be speculative.

Thus, the thought which is from the *'Aqeedah* must be established by a definite evidence (*Daleel Qatai*) and it cannot be established by a speculative evidence (*Daleel Zanni*), even if it is a *Shar'i* evidence. The one who builds his belief on a speculative evidence is not accused of *Kufr*, because when Allah ﷻ censured it in the verses He did not say that the person had gone astray or had become a disbeliever, but only said that he is lying, following his desires, and that whatever he has followed will not avail him of the truth. This does not make him a *Kaafir*, but he will be sinful and will have committed *Haram* by building his *'Aqeedah* on speculation (*Thunn*). This because he has violated a command that Allah has enjoined upon him. Allah ﷻ has obliged the building of the *'Aqeedah* on certainty (*Yaqeen*), while he built his belief on speculation (*Zann*). So he did what Allah decisively forbade him to do, therefore he has committed *Haram*. Allah decisively forbade him from building his belief on speculation but he did so. (Hence, the mechanism to establish Islam in both the individual and in society has been clearly defined). As for the nature of the conclusive evidences from which the *'Aqeedah* is taken, we find from examining the *Shar'i* evidences of Islam that the conclusive evidences are restricted to three categories and they are ration, the Noble Qur'an and *Mutawatir* (recurrent) *Hadith*, for which it has been definitely proven without a shadow of a doubt, that the Rasool ﷺ said it. The

*'Aqeedah* is not taken from anything other than these three evidences. It is forbidden to take the *'Aqeedah* from anything other than them because it would be speculation (*Thunn*) and not certainty (*Yaqeen*).

As for *Ahkam*, the evidences for their adoption are not stipulated to be conclusive; rather it is sufficient for them to be speculative (*Thunn*). When a Muslim has the least amount of doubt that this *Hukm* is the *Hukm* of Allah on the issue, then it is permissible for him to adopt it; in fact it becomes the judgement of Allah with respect to him. Thus, when an *Ayah* of the Qur'an is open to interpretation, then its evidence for the *Hukm Shar'i* is a speculative one (*dalaalah THunniyyah*). One person may understand it in a certain manner, while another person may understand it in another manner, and both are valid *Hukm Shar'i*. The same view applies to the *Mutawatir Hadith*. When it is open to a number of meanings, then its evidence for the *Hukm Shar'i* is a speculative one (*Dalaalah Zanniyyah*). Also, non-*Mutawatir Hadith* is speculative in its indication and not definite. It is an evidence for the *Hukm Shar'i* and it is speculative, whether its wording indicates only one meaning or a number of meanings. It is, however, allowed for one to adopt the *Hukm* that it indicates. The evidence for the fact that a speculative evidence is sufficient for adopting a rule is from what Bukhari has narrated from Nafi', who narrated on the authority of Ibn 'Umar (r.a.), who said that the Prophet ﷺ on the day of Ahzab said:

لا يصلين أحدكم العصر إلا في بني قريظة

"Let none of you pray A'sr except in Bani Qurayzah." 'A'sr time came when some of them were on their way to Banu Qurayzah, so some of them said, "we shall pray now for the time of 'A'sr came. Some of them said, we shall not pray until we reach it (i.e. delaying the prayer), while others said, we should rather pray, for it is not that what was wanted from us. This was mentioned to the Prophet ﷺ who did not rebuke any one of them. This demonstrates that the Rasool ﷺ acknowledged the adoption of the *Shar'i* rule with the least amount of doubt. Not to mention that the Prophet ﷺ sent, at one time, twelve messengers to twelve kings, calling them to Islam. Each messenger was sent individually to each location. If conveying the *Da'wah* through the report of one person had not been obligatory to follow, the Rasool ﷺ would not have been content to send one person to convey the *da'wah*. This is clear evidence from the action of the Rasool ﷺ that the report of

one person (*Khabar al-Wahid*) is a proof for conveyance, and the report of one person (as we know) is speculative (*DHunn*). The Prophet ﷺ also sent letters to the *Walīs* with single messengers. It did not occur to a single *Wali* that he should ignore the implementation of his order because of the fact that the messenger was a single person. Rather, they used to adhere to the rules and instructions the Rasool brought from the Prophet ﷺ. So this is clear evidence from the action of the Rasool ﷺ that the singular report (*Khabar al-Ahaad*) is a proof regarding the obligation of acting upon the *Hukm Shar'i* and the Rasool's orders and prohibitions. Otherwise the Rasool ﷺ would not have been content to send just one person to the *Wali*. It is well known that the report of one person is speculative. Thus, all of this constitutes a proof that the least amount of doubt is sufficient for the adoption of *Ahkam Shar'iyah*.

These *Ahkam Shar'iyah* are solutions for life's problems, i.e. they constitute Islamic legislation. In other words, they are rules for the actions of human beings as human beings. Thus, the study of the Islamic legislation is a study of the *Ahkam Shar'iyah*.

The Islamic legislation does not proceed upon the route taken by the Western legislation. It certainly does not make freedom the subject of discussion, whether in affirming or negating it. Rather it makes the actions of human beings the fundamental subject of discussion. Thus, the legislation has come to give solutions to the actions of human beings. It did not come to recognise or reject freedom. It does not look at the human being from the angle of undertaking or not undertaking his actions on the basis of freedom. Instead, Islam considers that these actions result from humans and that it is necessary to know their rules. That is why it has addressed some actions and has made them obligatory and it has fixed punishments applied by the State on those who do not undertake these obligations. It has addressed other actions and prohibited them and fixed punishments applied by the State on those who commit these acts, i.e. those who do this *Haram*. Islam promised the punishment of the Day of Judgement for anyone who abandons a *Fard* or commits a *Haram*. Islam has classified certain actions and requested that they be undertaken, but did not fix any punishment from the State for leaving them and nor did it give a punishment in the Hereafter for leaving them. These are what are known as the *Mandoobaat* (preferable actions). It defined another set of actions and requested that they not be

undertaken, but did not fix any punishment from the State for committing them. It also addressed other actions and gave us the choice as to whether to do them or not, i.e. it made them permissible. The issue, therefore, in the Islamic legislation's view of the actions of the human being, is that it addressed some of men's actions, so it obliged certain actions and prohibited others. It also addressed some of men's actions, so it recommended them without fixing any punishment for not responding to such recommendation. It discouraged people from other actions without fixing any punishment for not abstaining from them, i.e. for doing these actions. It addressed certain other actions of human beings and permitted their performance or abstinence. This is the stance of the Islamic legislation regarding the human being, and therefore freedom is not an issue in the Islamic legislation at all, whether in its negation or affirmation.

However, classifying the rules of the actions of human beings into *Fard*, *Haram*, *Mandub*, *Makruh* and *Mubah* does not mean that the Islamic legislation has listed certain actions and made them obligatory, listed other actions and forbade them, listed a third category of actions and encouraged their performance, listed a fourth category and discouraged people from doing them, and called the remaining actions *Mubah*.

Rather, the Islamic legislation is orders and prohibitions from Allah ﷻ which have come with general meanings of defined description, like selling for example, which is not restricted to a certain amount, i.e. any selling. These orders and prohibitions then yield a request or a choice. The request that it gives is either a decisive request of performing an action or a non-decisive request of doing an action. It may be a decisive request to leave an action or a non-decisive request to leave an action. So this request or choice is the *Hukm* of the actions of man. Thus, the *Hukm* is the speech of the Legislator relating to the actions of man. The type of *Hukm*, in terms of whether undertaking or leaving the action is binding or not, or the permissibility to do the action or not to do the action, is understood from this speech, i.e. from the request or the choice. In other words, it is understood from the orders and prohibitions of Allah. Therefore, the one addressed by the *Hukm* is man, and it is a *Hukm* applied upon his actions. This *Hukm* with which he is addressed does not concern granting him the freedom to act as he pleases or restricting this freedom. Instead, it is a solution to every problem that

occurs in this life, i.e. it is a clarification of the *Hukm* of every action originating from man in his capacity as a human being. It is on this basis that the texts of *Ahkam* (rules) have come in the noble Qur'an and the blessed *Hadith*. Thus all the verses of *Ahkam* and the *Ahadith* that contain *Ahkam* have contain orders and prohibitions from Allah ﷻ that He has revealed to His Prophet and Messenger Muhammad ﷺ. This revelation (wahy) is either in wording and meaning, which is the Qur'an, or it is in meaning but the Rasool ﷺ expressed it with his own words, which is the *Hadith*. These orders and prohibitions are solutions to every problem that occurs to man in this life, i.e. they contain the clarification of every *Hukm* for every action which emanates from man as a human being, whether the *Hukm* was one of permissibility or prohibition. So the permissibility is a *Hukm* that requires evidence, just like the prohibition.

The one who studies these orders and prohibitions, i.e. the speech of the Legislator, will find that they relate to the actions of man as a human being, and are linked to actions which are given a general description, i.e. they have come with general meanings that apply to everything that comes under them. Thus, in its request or choice in giving solutions to problems, i.e. *Hukm* regarding incidents, it made this *Hukm* in the form of broad guidelines, i.e. a general meaning. So it gave the *Hukm* of an action, but it also gave the *Hukm* regarding the category of the action, i.e. its type with a general description. The *Hukm Shar'i* is not limited to one action or a host of actions. Therefore, it is applicable to every action of its category or of its type, and on anything which is indicated by the general description or that comes under the general meaning if the description was not given 'illah (reason). It is also applicable to whatever the general description applies to or that comes under the general meaning, including everything on which the reason ('illah) of the rule, due to the description, applies if the description has 'illah. It thus says, this is the *Hukm* of selling or the *Hukm* of the choice of selling, or this is the rule of exchange etc. Thus, the speech (of the Legislator) says:

وَأَحَلَّ اللَّهُ الْبَيْعَ {البقرة 275}

"Allah made selling Halal" [TMQ Al-Baqarah:275].

And it says:

البيعان بالخيار ما لم يتفرقا

"The two sides in sale are at choice (to execute selling) unless they disperse" [Hadith].

And it says:

بيعوا الذهب بالفضة كيف شئتم يدا بيد

"Sell gold for silver, the way you like hand to hand (cash)" [Hadith].

It also said:

والذهب بالذهب والفضة بالفضة يدا بيد عينا بعين مثلا بمثل فما زاد فهو ربا

"Gold for gold, silver for silver, hand to hand, asset for asset, and like for like; and whatever increases it is Usury (riba)" [Hadith].

Likewise the Legislator says: this is the *Hukm* of dividing the *Fey* (booty) and this is the indication of the *Hukm* of circulating money just between the wealthy. This is also the *Hukm* of the cattle pastures, and this is the indication of the *Hukm* related to the public utilities. This is also the *Hukm* related to the state grant for its citizens from that, which is not owned by anyone, and this is the *Hukm* of mineral resources. Thus it talks about the division of *Fey'* (booty) given to the *Muhaajiroon* and not the *Ansaar*. Allah ﷻ says:

كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ {الحشر 7}

"Lest it becomes a commodity circulated amongst the rich of you" [TMQ Al-Hashr: 7].

And it says:

الناس شركاء في ثلاث : الماء و الكلاً و النار

"People are partners in three: water, pastures and fire" [Hadith]. Another text says: 'Umar b. Qays at-Ta'rabi narrated that he asked Rasool

Allah ﷻ if he could have a certain salt mine so he ﷻ granted it to him. It was said to him: "O Messenger of Allah! It is from the water." - i.e. it is a replenishable property - so the Rasool said:

فلا إذن

"Then you cannot have it." Thus, the text applies to the new and diverse actions of man, however modern they may be. Consequently, solutions are derived from these general meanings for every new and diverse problem of man. Hence, any incident that occurred was the subject of a *Hukm* and there is no incident that happens that is not the subject of a *Hukm*. There is no problem that may occur in reality (and not hypothetically) that is not the subject of a *Hukm*. The Legislator has brought the text in this form and left it to the human mind to strive and exert its utmost effort to deduce the *Ahkam* for the new and diverse issues from these texts. It did not only make *Ijtihad Mubah*, but it made it an obligation of sufficiency, which has to exist in every age. If there is ever an era without any *Mujtahidoon*, then all the Muslims will be sinful.

This is the reality of the Islamic legislation, and that is the reality of the Western legislation. This is the huge difference between both legislations: between a legislation built on a false speculative basis which gives corrupt solutions, and a legislation built on a true definite basis which gives correct solutions. Rather, they are deemed to be the only true solutions. However, what really happened was that the Western legislation blatantly challenged the Islamic legislation, and as a consequence of this challenge the Muslims were defeated. Then the result of this loss was that the Muslims were completely defeated politically and utterly fragmented. A person is taken completely by surprise and bewilderment when he comprehends the falseness of the Western legislation and its inability to face the problems of human beings. Then he comprehends the correctness of the Islamic legislation and its ability to face every problem presented to man and solves it correctly. Yet he sees the defeat of the Muslims, the followers of the true ideology, before the challenge of the false ideology.

When the Muslims were bombarded by the Western legislation, which challenged the system of Islam with the Capitalist system, they were baffled by the great industrial revolution that took place in the West. Thus, they were driven to respond to this challenge on the erroneous

basis that the Westerners set down for them, which is that the Western system solves problems with such and such solution and Islam does not have the same solution. In their minds, Muslims linked the solution of Capitalism to problems related to the greatness of the inventions and industries and they sought the solution to this problem in Islam in the same way that the Western legislation had solved it. Here is where a flaw occurred in their study and thinking. Due to this, their confidence in the *Ahkam* of Islam was dealt a severe blow, whose solutions differ from the solutions derived from the *Ahkam* of the West and its legislation!

Indeed, the Islamic legislation emanates from the belief in Allah, His Messengers, Books, Angels and the Day of Judgement. In other words, it emanates from the Qur'an and *Sunnah* that have been decisively proven to be revelation from Allah. Whatever is understood from the Qur'an and *Sunnah* in terms of the comprehensive evidences (*Adillah Ijmalyyah*), general principles (*Qawa'id 'Ammah*), *Shar'i* definitions (*Ta'areef Shar'iyyah*), collective rules (*Ahkam Kulliyah*) or partial rules (*Ahkam Juz'iyyah*), all constitute Islamic legislation. Any situations that arise are submitted to these constituents of the Islamic legislation and their rules are deduced for them. As for the new issues, particularly those that do not occur except in the Capitalist society, when Islam is attacked with them by saying that it did not have solutions to them, the reality of the problem must be understood and not its specific rule. When the reality is understood then what is in the *Sharee'ah* in terms of texts, principles, definitions and rules are applied on this reality and the Islamic opinion is given regarding it. As for a specific rule, one does not question whether it is right or wrong. One does not ask whether the Islamic *Sharee'ah* agrees with what the Capitalist system says about share companies, insurance, foreign trade and banks etc. Rather, what one seeks is the opinion of the *Sharee'ah* regarding these incidents. If the *Sharee'ah* gives its opinion regarding every new issue then it is a complete *Sharee'ah* irrespective of whether this opinion agrees or disagrees with what the Capitalist system has said. However, the Muslims did not highlight the corruption of the Western legislation so as to directly focus on the corruption of the rules of the Capitalist system. Rather, in their minds they linked its solutions with the greatness of the inventions and industries in the West. Similarly, they did not clarify that the issue at hand was the rule of Islam on the reality of the problem, and not making Islam run in accordance with Western legislation. Thus they began to

search in Islam for an opinion that agrees with the Western system or at least does not disagree with it, so as to prove that Islam is suitable for the age. This approach caused the shocking loss. For example, when Muslims were asked about share companies, they should not have considered whether Islam is able to say what the Capitalist system says about share companies, in a vain attempt to be considered good enough to keep up with the age. Rather the Muslims should have asked what the opinion of Islam is regarding share companies. Then the answer would have been that the reality of the problem in a share company is that it is a company formed by partners who are unknown to the public. The founders of a share company are all those who have signed the initial contract of the company. Subscription in the company is undertaken by the obligation of the person to buy one or more shares in the proposed company in return for their nominal value. The contract of the share company takes place in one of two ways. In the first instance, the shares of the company are restricted to the founders who distribute them amongst themselves without offering them to the public. Signing the constitution that structures the company and includes the conditions upon which the company proceeds does this. Everyone who signs the constitution is considered a founder and a partner, and once they all have signed, the company is founded. The second way of subscription is where a few people found the company and draft its constitution containing the company conditions. The shares are then offered to the public for general subscription in the company; and when the time of subscription expires, the founding assembly of the company will meet and elect a board to run the company and the company will start its work. This company i.e. the joint-stock company is considered in the Capitalist system as being the actions of one party i.e. from a single individual and not from two persons. It is defined as the action of solitary will, and this explains why the Capitalists say that the formation of the share-stock company is a type of solitary will action. Generally, the contract is viewed as an agreement of two wills, and certain transactions such as sale and lease are classified as contract. Besides the contract, there is also the solitary will, which is a specific commitment made by an individual like the formation of share-stock company, a co-operative and bequest. The partner in a share-stock company makes a commitment on his part to buy a certain amount of shares and pays a certain price to acquire these shares, regardless of the acceptance or refusal of the other partners, and regardless of their happiness or anger. Once he has signed

the contract or bought the shares and so on, he becomes a partner in that company. Thus, the shares in a share-stock company are put on sale like bonds and premiums and are put in circulation like the currency banknotes. So once the purchaser has paid the price required for the shares he becomes a partner in the company. The Western Capitalists defined the share-stock companies as "a contract between two people in which both agree to take part in an economic or financial project by providing a share of the Capital so as to divide between them whatever accrues from this project in terms of profit or loss." This is the reality of the share-stock company. Examining this type of company in light of Islamic legislation shows that it is an invalid company, and that it is not permitted to take part in it because any invalid transaction is *Haram*. This illegality comes from the fact that Islamic legislation has determined the reality of the company, its structure and its rules. The definition of a company in Islam is that it is 'a contract between two or more people who agree to undertake economic or financial work for the purpose of (gaining) profit.' Legally this is an action that occurs between two people and not an action that can originate from one individual. So a company as it stands is a contract, whatever the type or nature of the company. In Islam the contract requires the presence of both the offer and the acceptance of the offer in one session. There must be two parties in the contract. One party assumes the responsibility for the offer by making the offer for example "I gave to you in marriage..." or "I sold to you..." or "I offered to employ you..." or "I participated with you..." and so on. The other party undertakes the acceptance by saying "I accepted this..." or "I agreed to this..." and so on. If the contract does not include the two parties or there is no mention of offer and acceptance, then it cannot be (legally) convened and the contract would be invalid (*Baatil*). In the *Sharee'ah* there is no difference between the contract for sale and the company structure. The share-stock company is one set up under Western legislation, and it is considered as an action relating to solitary will and not like the contract for sale. So it does not contain two parties. Rather the company consists of one party or group that has committed itself with something and has not committed itself to this thing with another group or party. Islamic legislation considers the company structure to be like the contract for sale, contract for leasing, representation (*Wakalah*) and so on. It does not consider it to be similar to actions of charitable endowment (*Waqf*), bequests (*Wasiyyah*), the offering of incentives and the giving of prizes and so on. Therefore,

the share-stock company is legally invalid and has no basis in Islam. In this issue, the reality of the question was applied to the divine (*Shar'i*) definition and its opinion was given from this basis and the ruling of Islam on this matter was given. The divine definition, of course is taken from the *Shar'i* texts. The nature of the company structure was decided by the Messenger of Allah ﷺ, it had two partners and was convened by an offer and an acceptance. Al-Bara'a bin 'Aazib and Zayd bin Arqam were (two) partners, so they bought silver with cash and on credit. This news reached the Messenger of Allah ﷺ and he said to them

ان ما كان بنقد فأجيزوه وما كان نسيئة فردوه

**"that (part) which was in cash, allow it, and that (part) which was in credit, return it back."**

It was also narrated from the Prophet ﷺ that he said

أنا ثالث الشريكين ما لم يخن أحدهما صاحبه، فإذا خانه خرجت من بينهما

**"Allah ﷻ said 'I am the third of the two partners as long as neither of them betrayed his companion. If one of them betrayed the other then I would come out from them.'" The Prophet ﷺ also said:**

الربح على ما شرط العاقدان والوضيعة على قدر المال

**"the profit is according to the conditions placed by the contractors, and the loss is according to the amount of the property or fund."** It was also reported that the Messenger of Allah ﷺ formed an association with Ammar bin Yassir and Sa'ad bin Abi Waqqas. It can be concluded from these examples that a contract in Islam is a contract made between two people and not by the actions of one man; and thus the definition of a company in Islam was established. This is the opinion of Islam regarding the share-stock companies. Regardless of whether or not this opinion agreed with the Capitalist viewpoint on this issue, it has to be acted upon. It is *Haram* to forge another opinion against Islam, and it is also *Haram* to act upon a directive different from the Islamic one. What is needed here is the opinion of Islam regarding the share-stock company and not making Islam agree with the opinion of the Capitalists regarding the same issue.

When the Muslims are asked about insurance they should not hasten to determine whether Islam can say what the Capitalists say regarding insurance, to ensure that Islam is capable of moving with the times. Rather, it should be asked: what is the viewpoint of Islam regarding insurance? This would be answered by saying that the issue of insurance is that it is a security or guarantee made by the insurance company to the person whose possessions are to be insured. If the possession is lost or destroyed then the insurance company will offer either a replacement or funds equivalent to the value of the item lost or destroyed. Thus insurance is a guarantee and accordingly the rules regarding guarantee (*Dhamaan*) in Islam are applied to it. This rule was explained in a *Hadith* of the Prophet ﷺ.

كنا مع النبي في جنازة فلما وضعت قال: هل على صاحبكم من دين قالوا نعم

درهمان فقال: صلوا على صاحبكم. فقال علي: هما علي يا رسول الله وأنا

لهما ضامن. فقام رسول الله ثم أقبل على علي فقال: جزاك الله خيرا

عن الإسلام وفك رهانك كما فككت رهان أخيك

Abu Said al-Khudri said: "we were in the company of the Messenger of Allah at a funeral. When the body was placed for burial, he ﷺ asked: **'is there any debt upon your brother?'** We replied: 'yes, two *dirhams*.' The Prophet ﷺ said: **'pray for your companion.'** Ali (ra) then said: 'they are on me and I guarantee them.' The Prophet ﷺ stood up, walked across to Ali (ra) and said: **'may Allah reward your good for Islam and save your security as you saved the security of your brother.'** It is clear in this *Hadith* that the guarantee is a pledge made to reinforce another pledge i.e. the pledge of responsibility made by Ali was joined to the pledge made by the debtor. The guarantee of the debt is also proven in the responsibility made by the one who pledges. It is well clear that it includes the guarantor and guarantee about, which is the debtor, and the guarantee for whom is the creditor. From the *Hadith*, it is apparent that the guarantee has no compensation and this explains why the definition of the guarantee (*Damaan*) according to the *Sharee'ah* is 'the linking of responsibility of the guaranteed in committing to the payment of a right without compensation or recompense.' In other words, it is simply assuming the duty of a right established in the responsibility without any compensation. With all this in mind, we can

now say that the divine rule regarding the issue of insurance is that it is *Haram* and not allowed. This is because it is not about joining a responsibility to another responsibility, beside the insurance company did not join this responsibility to anybody; nor is there a financial right to the guaranteed which the insurance company has pledged to anybody; there is no guarantee for in this contract and it was made with compensation (premium paid to the company). Thus the contract of insurance is void of all the Islamic conditions of guarantee stipulated by the Legislator and accordingly is invalid (*Baatil*). All invalid transactions are *Haram* and insurance falls into this category. This is the *Sharee'ah* opinion regarding insurance, irrespective of whether it agrees with the Capitalist viewpoint or not. The fact that the *Sharee'ah* is suitable to treat a problem in a particular era does not mean that it solves any such problem in accordance with the prevailing system of that era. Rather, it provides its opinion regarding such problems whatever the nature of the prevailing system of that time.

Another example is trade with other states. It is not correct to ask the Muslims about whether the Islamic view concerning foreign trade accepts the principle of freedom of exchange or protectionism, the principle of a national economy or a policy of self-sufficiency. They rather should be asked about the Islamic opinion concerning the issue of trade relations. The answer to this is what Allah ﷻ said:

وَأَحَلَّ اللَّهُ الْبَيْعَ {البقرة 275}

"... Allah has permitted trading..." [TMQ Al-Baqarah: 275].

He ﷻ also said:

إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ {النساء 29}

"... except it be a trade amongst you, by mutual consent..." [TMQ An-Nisa: 29].

إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ {البقرة 282}

"...Save when it is a present trade which you carry out on the spot among yourselves..." [TMQ Al-Baqarah: 282].

Thus Islam permits selling and trading, using a general wording text, whether inside the domain of the Islamic State or outside it. This includes everyone who is a citizen of the Islamic State, whether Muslim or non-Muslim. However, the one who does not hold the citizenship of the Islamic State is considered hostile as in the situation where there is war between the Muslims and a state such as Israel; or considered hostile even when no state of war exists such as between the Muslims and a state such as Germany. An individual considered hostile is not permitted to enter the Islamic State unless he has been granted special permission for every visit he makes to the State, if there is no treaty between the State and the country of his origin. Where such a treaty exists, he would be permitted to enter the State according to the terms of the treaty. The rule regarding the hostile person applies both to him and his property. This means that it is permitted for the citizens of the Islamic State to engage in foreign trade without restriction, except in those commodities whose trade would cause harm to the State. Regarding the citizens of other states, the State has the right to impose those restrictions it sees as necessary, whether there exist treaties or not, according to the rules regarding hostile people or peoples with whom a state of war exists. It should not be asked about whether this opinion agrees with the prevailing legislation in this particular era, but it should only be asked about the opinion itself and the evidences it is derived from.

The banks are another example. It is not correct to ask the Muslims about whether Islam offers the same viewpoint as Capitalism regarding the banks and their organisation and the permissibility of allowing usury and interest. The Muslims must be asked about the opinion of Islam regarding banks. The answer is that the reality of the current banking system is that it is based on usury in providing long-term and short-term loans besides operating current account and credit facilities and so on. Regarding the transferring of funds and maintaining deposits or security, it is allowed to do so with or without charging a fee. Regarding any transactions relating to usury, these are definitely *Haram*. This is because Allah ﷻ says:

وَحَرَّمَ الرِّبَا {البقرة 275}

"...Whereas Allah has permitted trade and forbidden usury..." [TMQ Al-Baqarah: 275].

He ﷺ also says:

فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ {البقرة 279}

"...But if you repent, you shall have your capital sums" [TMQ Al-Baqarah: 279].

The Messenger of Allah ﷺ said:

إنما الربا في النسيئة

"indeed Riba (usury) is in the credit (delay) of payment." He ﷺ also said:

والذهب بالذهب والفضة بالفضة يدا بيد عينا بعين مثلا بمثل فما زاد فهو ربا

"gold for gold, silver for silver, hand to hand (cash), asset for asset and the like for like. Whatever increase was there, it is Riba (usury)." The term *Riba* as found in the Qur'an and *Hadith* came in general form, thus including every form of *Riba*, because it is a generic name associated with the letters *alif* and *lam* (the) - meaning that all forms of usury are included whether it is the *Riba* of *Fadhl* (the difference) or the *Riba* of *Nasee'ah* (delayed payment), whether it is a *Riba* that was well known at the time of the Messenger of Allah ﷺ, or a *Riba* that is not known and therefore a new issue. Therefore, there can be no place for making *Halal* any form of *Riba*, because the prohibition has come in a general form. The general term will remain general unless there is evidence that restricts or specifies the term i.e. makes it *takhsees*. In this case there is no evidence to specify it, so *Riba* has to be considered in its general meaning. Thus the words of Allah ﷻ: "... You shall have your capital sums", and the words of the Messenger of Allah ﷺ:

فما زاد فهو ربا

"And whatever increase was there, it is Riba", are explicit in that they prohibit any increase in the sum of capital, whatever value it might be, whatever transaction it might be and whatever the nature of the increase. Thus all *Riba* is *Haram*. This is the opinion of Islam regarding *Riba*, irrespective of whether its opinion agrees or disagrees with the Capitalist viewpoint or the prevailing opinion of the time, or the interest

(*Maslahah*) (of the people or society). All these issues are irrelevant if the divine evidences have proven the prohibition of *Riba*. The Islamic *Sharee'ah* is suitable. This is not because there is no provision within it to allow *Riba* necessary to move with the times, to adopt the interest (of the people) or to maintain with the economic situation. Rather it is suitable because it provides an opinion or viewpoint for any problem faced by the people or society. In addition, *Riba* is one of those issues unique to Capitalist society and does not exist in either the communist or Islamic societies. So when the opinion of Islam or Communism is sought regarding the issue of *Riba*, it is the opinion regarding the actual problem that is required, and not whether the Islamic or communist opinion agrees with the opinion of the Capitalist system.

These were some of the issues in which the Capitalist system challenged and attacked the Islamic system and its legislation claiming that it was unable to move with the times and could not provide solutions to the problems. The response of the Muslims was not to explain the problem in terms of what the detailed evidences indicate, but to try to find solutions from Islam that would conform to the Capitalist viewpoint. The reality is that it is not possible to find any such solutions in Islam, because of the obvious contradictions between the Islamic and Capitalist ideologies. This is why the Muslims were defeated when they tried to interpret Islam to conform to Capitalism and Western legislation. This matter became widespread and many erroneous concepts emerged, such as 'Islam is flexible and adaptable', 'Islam must move with the times' and 'it is necessary to develop harmony between Islam and the modern world' and many others. Such concepts meant that Islam could be interpreted to provide opinions that would conform to the prevailing viewpoint amongst the people, even if this contradicted the fundamentals and values of Islam. This is what adjusting and moving with the times meant. It meant that it was wrong to proceed in a direction different to that being followed by the *Kuffar*. This is because the *Kuffar* hold the upper hand in the modern world, so the Muslims had to interpret Islam to agree with the situation of the *Kuffar* in order to create harmony between Islam and the modern world. Adopting such erroneous concepts would mean leaving Islam and following Capitalism, because Islam naturally contradicts the Capitalist way of life and therefore it is not possible to have harmony between the two. So, any call to an adjustment or the harmonising of Islam with Capitalism is a call to

the abandonment of Islam and the adoption of *Kufr*. It is true to say that Islam came in the form of general principles and broad guidelines, and left to the human mind the responsibility of deducing the divine rules from these bases to deal with the problems that happen daily in society. However, this does not indicate flexibility and development in allowing the person to derive any rule he wants to from these bases. These principles and guidelines only provide what is required within the limit of their wording or what meaning the words provide. So these principles will only provide meanings and rules in terms of the situation or problem that arise and need to be solved. These principles and guidelines do not mean that Islam agrees with any age or time. It means that these principles and guidelines can find solutions for the problems of any time and any era according to their viewpoint and what is indicated by the meaning of any phrase or term derived from these guidelines, but not according to the viewpoints held by the people of those ages and times. As for creating harmony between Islam and the modern world, this means leaving the Islamic call and conveying the *Kufr* thoughts and calling on the Muslims to adopt these thoughts. However, the modern world is not looked at in terms of its industry and inventions and its science and discoveries. It is clear that these factors are not a subject of conflict in the world, and there is no need to create harmony between these matters and Islam. Rather, the call to create harmony between Islam and the modern world was in terms of the ideology and system of life carried by the modern world. For the Muslims, this would mean living according to the Western way of life and using the Capitalist system to solve the problems that would afflict society. This is the image of the modern world generated to become the subject of conflict between the Muslims and the *Kuffar* of the West. The modern world means Capitalism, including Democracy, civil law and the like. The Islamic viewpoint means that all this is *Kufr* and it must be attacked and removed so as to establish the rule of Islam and make the Islamic system the sole reference point for solving the problems faced by man in the world today. As Muslims we must make what is seen as the ideology of Islam replace the ideology of the West. In this way, how is it possible for a Muslim to think of creating harmony between himself and the *Kufr* that he must fight to remove, so that it may be replaced with Islam?

This is the reality of what these concepts can lead to and their danger. With great sorrow, these concepts dominated the *Ummah* to the extent

that she tried to interpret Islam in a manner that would ensure that it conforms to the Capitalist viewpoint. This was what led to the crushing defeat suffered by the Muslims and the vigorous victory gained by the *Kuffar* over the Muslims. Once the *Kuffar* had defeated the Muslims and destroyed the Islamic State, the direction and course of history changed. From this point also, the sovereignty of the world passed from the hands of the Muslims to the hands of the *Kuffar* i.e. from Islam to the Capitalist system. As a consequence of the defeats inflicted upon the Muslims by the challenge of the *Kuffar*, cracks and flaws began to appear in the confidence that the Muslims had held in the thoughts and rules of Islam. Queries also began to arise concerning the suitability of the Islamic *Sharee'ah* in solving the problems of the modern age and its ability to adjust to the present age. This was the beginning of the weaknesses that invaded the entity of the *Ummah*. This is because the *Ummah* is a collection of people united together by a rational creed from which emanates a system that regulates the daily affairs of the society and its people. The people within the *Ummah* are bonded together with a collection of concepts, criteria and convictions generated from the creed. So if doubts begin to appear in these concepts and convictions it would then lead to doubts in the entity of the State and eventually hit it with decline and destruction. This is exactly what happened, and the results of these doubts and uncertainties materialised within one century. When the *Kuffar* lost hope in defeating the Islamic State through military force, they developed the thought that the army of the Islamic State could not be defeated. So the *Kuffar* took a different direction and attacked the Islamic *Ummah* by using the Western thoughts to shake her confidence in Islam and infiltrate her body in order to destroy the Islamic State. By attacking the entity of the *Ummah* this would lead to the attacking of the entity of the State - which leads to the weakening of the entity of the State and makes her destruction more straightforward and inevitable. To achieve their aims, the *Kuffar* turned toward the intellectual struggle using missionary groups, secret societies, schools, hospitals, leaflets and books. In the beginning, the *Kuffar* took Malta as their centre of operations. In 1625CE they moved to Beirut and used it as a base for operations. They also started work in Istanbul and used it as another base for operations. The English and French embassies worked energetically and together with American institutions, such as the Protestant College, which later on became known as the American University of Beirut. It was the activity of the English and French

embassies in Istanbul, Damascus, Beirut and Cairo that was the most frantic. They targeted all levels of society, but concentrated on the political and intellectual mediums, to the stage that many students who attended the colleges and universities, and many of the educated persons who held positions of authority in the army and the government were attracted to the West. This generated a love for the Western culture and Western legislation in the hearts of the Muslims, and at the same time raised doubts in the minds of the Muslims about the suitability of Islam to the modern ages. The Muslims wanted to benefit from the fruits of Western civilisation while claiming to maintain and preserve Islam. These issues began to eat away at the body of the *Ummah* while eating away at the State. The Islamic State began to change from a stage of expansion to a stage of stagnation and decline, and the role of the *Ummah* changed from that of carrying the Islamic call to the point where the *Kuffar* were carrying the call of *Kufr* to the Muslim *Ummah*. These were clear signs of the weakness that was spreading in the *Ummah* and the beginning of the downfall of the Islamic State. The intellectual and political circles played an effective role in this by following the instructions of the *Kufr* states. When these matters escalated and the leading Western nations, notably England and France were convinced that decay was now setting into the Muslim *Ummah* and was becoming widespread in the Islamic State, they began waging military campaigns on the regional provinces of the Islamic State and took pieces of it away from the State. Greed now prevailed in all the leading European states and Germany and Russia became involved in these campaigns. Despite differences between these states over how the division of the provinces of the Islamic State should be carried out, they all agreed on the removal and the destruction of the system of Islam. That is why they all gave serious consideration to the idea of forcing the Khalifah to abandon the system of Islam in affairs of ruling, society and politics, and forcing him to apply Western legislation to the judicial system, the Capitalist system in economics, and the democratic system in the affairs of ruling. For all these reasons the Berlin Conference was convened in 1850 between the leading *Kuffar* nations of Europe. Amongst them was the head of *Kufr*, England represented by her Prime Minister of the time, the Jew, Disraeli; and Germany, who was represented by her Chancellor Bismarck. The participants in the Conference agreed to send a memorandum to the Khalifah in Istanbul, demanding that he abandons the Islamic system and in its place adopts a system based on civil law. This memorandum

was worded in very strong language and sent in a threatening manner. When this memorandum was handed over to the Khalifah in Istanbul, the educated people and the leading politicians started working actively for the call to establish a system of civic law that could move with the times. This affected the Khalifah, and public opinion appeared amongst the educated and political circles calling for the divine rules (*al-Ahkaam ash-Shar'iyah*) to be abolished and replaced by Western legislation. They did not have long to wait. In 1275AH (1858CE) the Ottoman penal code was enacted. The following year (1859CE) the Trade and Commerce Bill was introduced. In 1286AH (1868CE) the magazine (*Majallah Shar'iyah*) was laid for transactions, because the *'Ulema* could not find justification for introducing the civil laws as they had done with previous statutes. So they set aside the civic laws for the time being and used the magazine (*Majallah Shar'iyah*) as a stepping-stone to facilitate the adjustment from the *Ahkam Shar'iyah* to civil laws. Consequently, divine laws were not put forward on the basis of the strength of their evidences but on the basis of whether they conformed to French civil law. In 1288AH (1870CE), the courts of the Islamic State were split into two - the divine courts (*Mahakim Shar'iyah*) and the official (legal) courts, and a regulatory system was set up over both of them. In 1295AH (1877CE) a bill was introduced to modify the structure of the official courts, and in 1296AH (1878CE) a law for the principles of the individual rights and penal prosecution was put forward. Thus the Western laws took the place of the Islamic *Sharee'ah*. When the thinkers carried this out, the leading politicians there were concerned about the weight of Islamic public opinion. Moreover, the fact that Islam is the basis upon which the State is established in the international arena and the Islamic World, and that it is an Islamic State, these rules were adopted and Fatawa (legal verdicts) were issued that claimed them to be Islamic laws. Mohammad Ali and his sons, in their capacity as agents of their French masters, needed none of this in the province of Egypt that they governed. The old Egyptian civil law was copied from the French civil law in the French language and then it was translated into Arabic to give some justification. Effectively Western legislation had replaced the *Sharee'ah* in practice in the Islamic State leaving nothing to the State except for its name. Western thoughts and concepts dominated the minds of the thinkers and the educated people and also the politicians and the whole political medium as well as having a strong presence in all other circles. Therefore, the destruction of the Islamic State was already assured and the only thing left was

when, and not if, the Islamic State would be destroyed. This all happened because the Islamic *Ummah* had given up the rules of Islam regarding ruling and judiciary; and her confidence in the ability of Islam to deal with modern problems and move with the times had been shaken. In addition to this, those who had taken on their shoulders the responsibility of implementing Islam began to view the necessity of leaving it and adopting the Capitalist system in its stead. All that remained for these people was the issue of the style of this adoption. Hence the downfall of the Islamic State and the removal of the Khilafah system was not a surprise. The situation of the *Ummah* reached the stage where Sharif Hussein who claimed to be a descendant of the daughter of the Messenger of Allah ﷺ and held the Ijarah of the Hijaz, declared war against the Khalifah from the Holy City of Makkah and the neighbourhood of the Sacred House of Allah. He took the step of fighting this war on the side of the English, the leading *Kuffar*, and yet not one person in the *Ummah* could be found who considered his actions detestable. Clearly such a situation would never have arisen if Islam was still controlling and dominating the thoughts of the *Ummah*. If this wasn't bad enough, an officer of the 'Uthmani army, Mustafa Kemal then rebelled against the Khalifah and set up a separate government at Ankara. Then Kemal fought against the Khalifah, defeated him and removed the Khilafah system from the lives of the Muslims. In spite of this, there was no one in the *Ummah* who had the courage to challenge Kemal or rally the Muslims to support the Khalifah in his fight against Kemal. Rather the *Ummah* took the side of Kemal and very few people opposed Kemal. Inevitably the Khalifah fell and the Khilafah system was removed from life's affairs.

One must ask if this could have happened while Islam was dominating the thoughts and emotions of the *Ummah*? It was natural to suppose that the removal of the Khilafah system from this world -when its preservation and maintenance is as important to the Muslims as the maintenance of the Islamic *'Aqeedah*- would cause violent convulsions in the Muslim world and the whole *Ummah* to shake. In reality there was no reaction. There was no agitation except by individuals in the Turkish lands, who could not develop into masses, and from small numbers of insignificant individuals in the Arab lands. On the contrary, the Arab peoples supported the great traitor Sharif Hussein and his sons Faisal and 'Abdullah who raised arms against the Khalifah and fought in the

army of the English *Kuffar* against the armies of the State. They joined with the *Kuffar* in the killing and maiming of the Muslims. The Arab lands stood on the side of Sharif Hussein's family and supported them without showing any emotion for the Khilafah. Emotion appeared in some individuals in Egypt and manifested itself in the form of poetry, and the holding of a conference for the Khilafah in 1924CE, the year it was eliminated. It was the people of India who showed the greatest emotion and grief for the loss of the Khilafah. Shawqi, may Allah ﷻ have mercy on him, was one of those Egyptian poets who showed emotion for the Khilafah, and this is shown in his poem which he composed as a lament for the loss of the Khilafah. He wrote: -

The wedding songs turned into echoes of mourning,  
 And your death was announced within the signs of joy,  
 You were shrouded in the night of wedding with its dress,  
 And you were buried at the time of morning break,  
 You were escorted to your burial in horror, with the tears of a laughing  
 (person),  
 In every area; and with agony of drunkenness of a conscious (person).  
 Minarets and minbars shouted for you,  
 Kingdoms and provinces cried on you,  
 India is bewildered and Egypt is sad,  
 And she cries on you with flowing tears.  
 Ash-Sham, Iraq and Persia ask,  
 Is there anyone who wiped the Khilafah from our lands?  
 All the great and the good attended your funeral,  
 They sat there in the seats of mourning,  
 O men! Watch a murdered noble-born (lady),  
 She was killed without sin or guilt.

Then Shawqi goes on after that to depict those whose war against the enemies of the Muslims had nursed the wounds inflicted on the Khilafah. The peace they made with the Allies led to the murder and elimination of the Khilafah. With their own hands they tore and ripped away their greatest glory and took away from their necks their fairest jewellery. And in a moment quicker than the blink of an eye, they destroyed the glory of the ages that they had built in centuries. He says:

- Those whose war nursed your wounds,

Their peace killed you without wounds.  
 They ripped with their own hands the garment of their glory,  
 Embroidered with the traits of the conquerors.  
 They took from their necks the best necklace,  
 And removed from their shoulders the best scarves.  
 The esteem, for all the long days that had gone by,  
 Had fallen down all of a sudden.

Then Shawqi talks about the Khilafah bond and how its ties were broken, when it was the greatest relationship that could join two brothers together and bind their souls to each other. It organised the Muslims into one system and joined them in one rank under all circumstances. He shows that such an evil action (the destruction of the Khilafah) can not be done except by an evil and shameless person. So he says: -

A relationship that its reasons and causes were broken,  
 It was the best relationship between the souls,  
 It gathered on the piety those who were present, and perhaps,  
 It gathered on it (piety) even the secrets of those who were absent,  
 It placed in order the lines and steps of the Muslims,  
 In every going out and coming back from the *Juma'ah*,  
 The prayer cried, and it is the intrigue of a fiddler,  
 With the Shar'a, contentious in judgement and insolent.

Then he declares that what this wicked and evil man did is but explicit *Kufr*; i.e. clear *Kufr* that has been committed publicly. In this, Shawqi refers to the noble *Hadith* of the Messenger of Allah ﷺ when the *Sahabah* asked him:

قيل يا رسول الله أفلا ننايذهم بالسيف؟ فقال: لا، ما أقاموا فيكم الصلاة، إلا  
 أن تروا كفراً بواحاً

"O Messenger of Allah, should we not then declare war upon them?"  
 He ﷺ replied: "**no, as long as they established the Salah upon you, except if you see explicit Kufr.**" Shawqi infers that what this insolent man did in destroying the Khilafah amounts to explicit *Kufr*; upon whom war should be declared. He says: -

The Fatwa he gave is a hoax and what he said is falsehood,  
 He brought in explicit *Kufr* into the country.

Then Shawqi puts the blame on the Turks, for they remained silent. He says about them that they had the Khilafah eliminated from amongst them and did not understand the significance of what had happened; and they had only been born for war. They speak only about war and understand only the language of war. Shawqi chooses to discredit their understanding of this horrible matter and so he says: -

Those on whom his *Fiqh* (understanding) was passed,  
 Have been born to the knowledge of war and weapons,  
 If they spoke, they spoke as mute battles,  
 And if they were addressed, they listened with mute spears.

Shawqi then seeks an excuse for attacking Mustafa Kemal, the one whom he used to praise. This is because he believes the truth to be more sacred than people and therefore deserves more support, and that man, however great his personality is, can be defeated when attacked by the truth. So he says: -

I seek the forgiveness of the good manners (Akhlaaq) for I am not  
 ungrateful,  
 For the one who I used to defend and argue for him,  
 Why I wrap him with the blame, though often  
 I conferred upon him the best of my praises.  
 He is the pillar of a kingdom and the wall of a state,  
 He is the greatest hero of war and the male sheep of a bullfight.  
 Would I say to the one who revived the community atheist?  
 And would I say to the one who restored the rights anarchist?  
 The truth is more deserving of sacredness than your friendship,  
 It is also more worthy than you of support and struggle.  
 So praise the people and blame them on the truth,  
 Or stay away from the stance of giving advice.  
 Some men if you set out to destroy them,  
 They are bulky, with rough-hewn shoulders,  
 But if you throw the truth on their bulky body,  
 He will leave the struggle with broken body.

Then he asks to give advice to Mustafa Kemal, so that he may turn back from his sin, for Kemal removed Islam as a creed and the *Sharee'ah* from the governance of the State and life's affairs, and replaced it with the Capitalist system of *Kufr*, Western legislation and the creed of separating religion from life's affairs. Shawqi says: -

Offer the advice to the Ghazi that he may take it,  
Indeed the racehorse returns after defiance.  
The pride watered the president with its wine,  
How it will be your cunning with one addicted to the bottle.  
He transferred the laws and the creeds,  
And people like the battalions are carried into the ground.

Then he attacks the Turkish people for they left Mustafa Kemal free to do as he wished. For they raised him to the level of god in veneration and gave him free reign over them until he indulged in everything that Allah ﷻ has prohibited. Kemal was dazzled with the adoration and obedience of the masses towards him. This happened because the *Ummah* did not have a high level of awareness, and such an unknowing *Ummah* would be unable to appreciate the level of the glory, nor would she be prepared to die for it, and she would not know of the glory except as a shining mirage. Shawqi continues: -

His mother left him like the godly ghost,  
She no more asked after worshipping the ghosts,  
They gave him free hand over them like a Caesar,  
Thus he committed every unlawful thing.  
The obedience of the masses bedazzled him, and a state  
The majority found towards it the love of satisfaction.  
If you take the glory from the illiterate (*Ummah*),  
She will not be given but of its shining mirage.

Then Shawqi concludes his poem by warning the Muslims of the consequences of the destruction of the Khilafah. He also forbade the Muslims from giving the Khilafah to Sharif Hussein who had betrayed the Muslims by fighting on the side of the English against the armies of the Islamic State. Shawqi goes on to offer a prophecy of what will happen now that the Khilafah has been destroyed. He warns that there will be many who call for falsehood and *Kufr* to deviate the Muslims

away from the *Deen* of Islam. Muslims will see in every piece of Islamic lands, an inducement for them to leave Islam and deviation from truth to falsehood, and from guidance to misguidance. The evidence for every person to follow will be the funds (bribe) and the intimidation. In other words it will be the promise and the threat, the carrot and the stick, and so on. He starts this by stating his support for the Khilafah in all his days and then he comes to his prophecy and says: -

Is there anybody to say to the Muslims a word?  
Nothing inspired it except that it is advice,  
The era of the Khilafah found in me the first to defend,  
Its domain by a flowing pen (with ink) in defence.  
It was in love for Allah Himself and it will continue to be,  
And in love to the truth itself and to the reform.  
Indeed I am the lamp and will not be lost,  
Till I become like the moth drawn to the flame (lamp).  
Expeditions of Adham were crowned with my words,  
And the conquests of Anwar were detailed in my pages,  
Their swords have gone and their spears parted,  
And my pen rose high without will to stop,  
Do not grant the garment of the Prophet to incompetent,  
A defenceless, defended by the wine.  
In the past, he weakened the Muslims by injuries,  
And today he extended to them the hand of the surgeon.  
You will listen in every land the one, who calls,  
To the liar (*Musailima*) or to *Sija'ah*,  
And you will witness in every land a trial,  
In which the *Deen* will be sold cheaply.  
Fatwas will be given for the gold of al-Mu'iz and his sword,  
And for the whims of the souls and their persistent malice.

He referred to al-Mu'iz li-*Deen* Allah al-Fatimi, for when he entered Cairo he stretched both the gold and the sword crying out: "this is my esteem and this is my lineage!" So the people cried out to him: "you are the son of the daughter of the Prophet of Allah." Shawqi says in this last verse that the Fatwas will be given on such basis i.e. the funds and the fear.

This confidence that indicates the agony in the heart for the removal

of the Khilafah was present among some individuals who could reach out to hundreds and even thousands of individuals. However, individuals are only individuals and the Khilafah did not possess enough of this, which is why the removal of the Khilafah led to the destruction of the Islamic State and the removal of Islam from political life and the society of the whole earth. Yet this did not generate any emotion in the Islamic *Ummah* as a whole. All this indicates the extent of the rupture that has occurred in the body of the Islamic *Ummah*. With the Khilafah destroyed, the *Kuffar* then embarked on governing the Muslims with the Capitalist way of life in all the Muslim lands and put in their stead rulers chosen from amongst the Muslims themselves. These rulers had greater enmity to Islam than the *Kuffar* and they were greatly concerned with wiping Islam out. Several decades later and the Islamic *Ummah* still remain under the authority of the *Kuffar*. The influence and the power of *Kufr* has reached such an extent that the *Ummah* is now close to the point of destruction and what remains between her and this point is a matter of time. The only thing that will save her now is the mercy of Allah ﷻ, for she has nothing left to her from Islam. After all, is not the separation of the *Deen* from life a public opinion that prevails over all elements of society, with no differences between the politicians and the masses, the educated and the illiterate or the young and the old? All hold the separation of the *Deen* from life's affairs as an issue of public opinion.

The creed of separation of the *Deen* from the affairs of the State is a creed of *Kufr* and whoever believes in this is an apostate from Islam. This is evidenced by the speech of Allah ﷻ:

وَأَنْ أَحْكُمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ {الآئدة 49}

"And so govern among them by that which Allah has revealed..." [TMQ Al-Mai'dah: 49].

Which is the same in disbelief in His ﷻ saying:

وَأَقِيمُوا الصَّلَاةَ {البقرة 110}

"And establish As-Salat..." [TMQ Al-Baqarah: 110].

And in the saying:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا {الآئدة 38}

"And (as for) the male thief and female thief, cut off (from the wrist joint) their (right) hands" [TMQ Al-Mai'dah: 38].

And also where Allah ﷻ says:

وَأَتُوا الزَّكَاةَ {البقرة 110}

"...And give Zakat..." [TMQ Al-Baqarah: 110].

Clearly, the creed of separation of religion from life's affairs amounts to disbelief in the verses concerning ruling (*Hukm*) and authority (*Sultan*), and the verses concerning punishments (*'uqubat*) and transactions (*Mu'amalat*) and confines belief to the verses concerning creeds and worship only. Allah ﷻ says:

أَفْتَوَمِنُونَ بَعْضَ الْكِتَابِ وَتَكْفُرُونَ بِبَعْضٍ فَمَا جَزَاءُ مَنْ يَفْعَلُ ذَلِكَ مِنْكُمْ إِلَّا حِزْبٍ فِي الْحَيَاةِ الدُّنْيَا وَيَوْمَ الْقِيَامَةِ يُرَدُّونَ إِلَى أَشَدِّ الْعَذَابِ {البقرة 85}

"...Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment..." [TMQ Al-Baqarah: 85]. And He ﷻ also says:

إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَنْ يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُلِهِ وَيَقُولُونَ نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا. أُولَئِكَ هُمُ الْكَافِرُونَ حَقًّا {النساء 150-151}

"Verily, those who disbelieve in Allah and His Messengers wish to make distinction between Allah and His Messengers (by believing in Allah and disbelieving in His Messengers) saying, 'we believe in some but reject others,' and wish to adopt a way in between. They are in truth disbelievers. And We have prepared for the disbelievers a humiliating torment" [TMQ An-Nisa: 150-151].

In addition to the separation of the *Deen* from the State in practicality, this issue has become a matter of public opinion for her i.e. the Muslim Jama'ah in every locality has started to see the effects of the separation as a community and a matter of public opinion. Even where most of the individuals don't accept this matter but they view it as the people have viewed it. Furthermore is it not the case that the relationship that exists between the Muslims became one of friendship, neighbourhoods and common interests? Has not the bond of Islamic brotherhood between the Muslims disappeared and the public opinion of the Muslims no longer refers to this bond between the different Muslim lands. Rather the public opinion in the Muslim lands speaks about the relationship of friendships, neighbours and the serving of common interests. Today no one talks about the bond of Islamic brotherhood except various individuals, even though the only bond that should join the Muslims together is the bond of Islamic brotherhood and no other. Allah ﷻ says:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ {الحجرات 10}

"The believers are nothing else than brothers (in Islamic religion)" [TMQ Al-Hujurat: 10].

In addition, Rasool Allah ﷺ said:

المسلم أخ المسلم

"The Muslim is the brother of the Muslim." The matter did not stop here - but the bond between the same peoples developed into the bond for the homeland (patriotism) or the bond for race (nationalism). Was it not also the case that the Muslims began to perceive the Turk in Syria as a foreigner, the Iranian in Lebanon as a foreigner and the Indian in the Hijaz also as a foreigner? In effect that Muslims in different lands of the Islamic *Ummah* be seen as foreigners. Are not the Muslims provoked by the call to their homelands, so that their emotions are stirred; yet there is no emotion in the call to restore the Islamic Khilafah and the rule by Islam? Have they not also been convinced that facing the Christian and calling him a *Kafir* is improper and that instead he should be viewed as just a citizen, while the speech of Allah ﷻ regarding this is:

لَقَدْ كَفَرَ الَّذِينَ قَالُوا إِنَّ اللَّهَ هُوَ الْمَسِيحُ ابْنُ مَرْيَمَ وَقَالَ الْمَسِيحُ {المائدة 72}

"Surely, they have disbelieved who say: 'Allah is the Messiah ('Isa), son of Maryam (Mary).' But the Messiah ('Isa) said: 'O Children of Israel! Worship Allah, my Lord and your Lord.'" [TMQ Al-Mai'dah: 72]

Today is it not the case that *Jihad* is seen as defence and not the spread of Islam by physical means? Is not 'arbitration through the systems of *Kufr*', 'neutrality between nation-states', 'politics as lies and deception', 'Islam is Democracy' and 'Islam agrees with Socialism' and many other concepts that Islam considers as *Kufr* now the dominant concepts held by the Muslims today? Has not the criterion for judgement between the Muslims today become one of benefit and interest in preference to the divine evidences? Has not reason or the human mind now become the criterion for good (*Husn*) and bad (*Qubh*) and not the *Shar'* which not submits to the human mind? Did not the criterion of enmity to the Western states lead to the seeing of them as just colonialists and not *Kuffar*? Is it not true that the Muslims today view the return of the Khilafah and the restoration of Islamic rule as an impossible dream? This is the situation of the *Ummah* today - where she is no longer one body that has been united by a creed from which a system of rules and regulations emanate from.

Today, the situation for the *Ummah* is that the system that should govern her has now detached from her *Aqeedah* in a practical manner and been removed from the realms of public opinion. She has now universally accepted this situation today. How could the *Ummah* remain in complete bondage if she was a group of people possessing a host of concepts, criteria and convictions emanating from one *Aqeedah*? Today the majority of concepts, criteria and convictions held by the *Ummah* are non-Islamic, so how can the entity of the *Ummah* remain unchanged when those factors that could make the *Ummah* a strong Islamic *Ummah* have been altered and weakened. There is no doubt that the Islamic *Ummah* is now on the brink of ruin. It is wrong to say that the *Ummah* stands at a crossroads, because that happened a century ago when the *Ummah* began to adopt and take the thoughts of Western Capitalism

alongside the thoughts of Islam. It is also incorrect to say that the *Ummah* has been ruined because that happened on the day the Khilafah was dismantled and the rule of Allah ﷻ disappeared from the face of the world. Now the issue of the *Deen* having been separated from the State, and hence the separation of the rules of Islam, has become accepted public opinion among the Muslims today and enjoys their trust and loyalty. The thoughts of Islam have been consigned to the historical past, commanding spiritual loyalty from only a few individuals and incurring enmity and contempt from the majority of Muslims today. The Islamic emotions regarding the looking after of the affairs of the Muslims and of the whole world no longer exist. The consequence of all of this is that the Islamic *Ummah* has now come to the brink of destruction and now nothing stands between her and this destruction. In fact it would be correct to say that the clouds of destruction and ruin are now gathering over the Islamic *Ummah* ready to dominate and annihilate her.

O Muslims!

This is the reality of the Islamic *Ummah*: she has lost confidence in the suitability of Islam as a system of life in the modern age. The thoughts of Islam and its viewpoint about life have been separated from the affairs of this life. The Islamic legislation has been separated from the state. They consider this detachment of the thoughts and legislation as vital for life, necessitated by our existence and our progress amongst other nations. Thus the crisis of the *Ummah* is a crisis of confidence in the system of Islam and not a crisis of confidence in Islam. Due to this crisis the *Ummah* has lost its driving force that used to make her hungry for life. She has reached this passive, ineffectiveness and a status that has brought her to the brink of the abyss and on the verge of extinction. Thus the issue of the Islamic *Ummah* is the loss of confidence in what emanates from the *'Aqeedah* of Islam, in terms of thoughts about life and systems to organise the relationships. It was a loss of confidence that reached the extent of it being a complete conviction. This resulted in the loss of the strong motivation which drives the whole *Ummah* in life. This is the issue that we can clearly identify and it must be the subject to either study or treatment.

It is an error to say that our problem is the Islamic *'Aqeedah*, because

this amounts to accusing the Muslims in their Iman, and this is not correct and is a matter which is very dangerous. The Islamic *'Aqeedah* is present in every Muslim, but it has lost three important things. It has lost its relationship with the thoughts of life and systems of legislation and therefore its vitality has diminished. This is because when the rational creed is separated from its thoughts, it dies and it becomes a lifeless corpse. It has also lost its conception of what comes after life, so it no longer considers in the course of its life the Day of Judgement and the reckoning. It no longer trembles at the punishment of Allah, nor is it incited by *Jahannam* or frightened by the Hellfire (*al-Jaheem*). Similarly, it does not aim for the *Jannah* and nor does it yearn for its tranquillity. It is not attracted by the perpetual bliss of Paradise, which no eye has seen and no ear has heard and which has never even occurred to the mind of a human being. Nor does it aim for the Good Pleasure of Allah as the highest aim for the Muslims. Similarly it has lost the bond between the Muslims as a community with this *'Aqeedah*, by the Islamic brotherhood. So they have become different peoples and states, different associations and families; they have even become mere individuals separate from other individuals. These three things have been lost by the Islamic *'Aqeedah* from the minds of the Muslims and thus it has become a lifeless corpse. As for the Islamic *'Aqeedah* itself, it still exists in every Muslim, and every single Muslim still says in the morning and in the evening "*La Ilaha Illallah Muhammadur Rasoolullah*" (There is no deity except Allah and Muhammad is His Messenger), even though this saying does not stir a single hair in his body nor a single sentiment in his heart or any of his emotions, nor does it push him an inch in life nor does it stop him from backwardness or decline. Therefore the Muslims have not lost the Islamic *'Aqeedah*, but rather they have lost the confidence in what emanates from this Islamic *'Aqeedah*.

It is misleading to say that the problem is to do with the economy because this means poverty is the cause of decline and prosperity is the cause of revival. This is undoubtedly invalid. Wealth does not revive the individual and nor does it revive the *Ummah* because revival is the intellectual elevation (*Irtifa' Fikri*). The correct revival is the intellectual elevation based on the spiritual basis. When thoughts exist then revival exists. And when thoughts vanish then there will be decline. Hence, thoughts in any nation are the greatest wealth it can acquire in life if it is a newly established nation. This wealth is the greatest gift one

generation can give to another if the nation is ancient and deep rooted in thought. If the material wealth of the nation is destroyed, it is possible for it to be restored quickly, as long as the nation preserves its intellectual wealth. However if the intellectual wealth collapses and a nation continue to retain only its materialistic wealth, then this wealth will soon diminish and the nation will return to poverty. Though the reality of the Islamic *Ummah* is that it is one of the wealthiest of nations, if not the wealthiest when her resources are brought together in one state as Islam obliges it to be for all Muslims. Furthermore, for the economy to grow and move from being just agricultural to agricultural and industrial such that the industry becomes the spearhead, there must be a strong incentive that motivates the *Ummah* to strive for the economy. This strong incentive does not emanate from anything other than the thought. The greatest of thoughts is the intellectual creed from which thoughts about life emanate. Therefore, the problem is not economic but rather intellectual, i.e. the issue of having confidence in the thoughts which emanate from their creed.

It is shallow to say that the problem is one of education and the sciences. This is because this means that the sciences rather than the thoughts are the incentive. Though the reality is that thoughts are the incentive and sciences are affected by the thoughts in terms of elevation, decline, existence or disappearance. The difference between thoughts and sciences is that thoughts are the viewpoint towards things and actions, so as to define the stance towards them. As for the sciences, they are the viewpoint towards the things themselves, in order to gain knowledge of their essence. What sets the direction of life is the thoughts and not the sciences. Most scientific thoughts discovered by a nation, if lost, can be discovered by that nation again as long as she does not lose her way of thinking. However if she loses her way of thinking, i.e. loses her thought, then she will soon go backwards and lose the discoveries and inventions she had. Even though the Islamic *Ummah* has a huge number of students and educated people, which number in their millions, this *Ummah* is still backward in discoveries and inventions because she does not have thoughts to steer these disciplines and sciences towards a specific aim, thus driving her forward to serve this lofty aim. Moreover, there are scholars and inventors everywhere in the world who are employees. It is possible to bring them from any nation as employees, but bringing them or their like will not solve the

problem unless there is thought. Thus the issue is one of thought.

It is inaccurate to say that the problem is one of legislation and laws. This would mean that canons are the basis of life and state, which is not correct. This is because laws and rules are but solutions to the daily problems of the people, which emanate from the viewpoint about life. Thus the origin is the viewpoint from which the laws emanate and not the laws themselves. Does one not see that the rules implemented on the *Kuffar* citizens of the Islamic state were the same as those implemented on the Muslims, and there was no difference between them and the Muslims regarding these rules? So the Muslims and the *Kuffar* were equal before the judge and ruler. Despite this, the Muslims in the Islamic State were the people of the *Risalah*, the carriers of the *Da'wah*, and revival (*Nahda*) was exemplified in them. This was while the *Kuffar* were under the shadow of Islam, paying the *Jizyah* with willing submission and feeling subdued. Then does one not see today how the Muslims in most areas of the world have the Western legislation and laws applied on them, yet they still profess the Islamic *'Aqeedah*, whereas these laws do not emanate from their *'Aqeedah*, rather they emanate from what became public opinion amongst them? Despite this they did not catch up with the West in *Nahdhah* (revival) and nor are they intellectually elevated. They are still declined and behind the West by centuries and generations, even though Western laws have been applied on them since 1918. All this indicates that the issue is not legislation and laws, but the viewpoint about life from which the laws emanate. In other words, it is to make the *'Aqeedah* the source of the laws and the confidence in their suitability, or to make the law emanate from an *'Aqeedah*. The problem, therefore, is one of confidence in the laws in terms of them emanating from the *'Aqeedah*, i.e. the problem is the viewpoint about life or what is known in the modern age as 'ideology'.

Consequently, the problem relates to the Muslims as an *Ummah* and as an Islamic *Ummah*. The problem of the Islamic *Ummah* is not solved by generating the Islamic *'Aqeedah* in her and nor is it by strengthening the economy or by elevating the level of education and culture. It is also not solved by the reform of legislation or creation of a constitution and laws for her. Rather the solution is to link her *'Aqeedah* with her constitution and laws. It is to make the decisive belief, which accords with the reality and is present within the *Ummah*, focused on the thoughts

and *Ahkam Shari'ah* that are derived from the *Kitab* and *Sunnah* and whatever the *Kitab* and *Sunnah* have indicated as being *Shar'i* evidences. In other words, the issue is to create confidence in the thoughts and systems emanating from the Islamic '*Aqeedah*. This is the precise and specific solution.

As for how we should solve this problem, the solution is restricted in returning to the point from which the error occurred in order to rectify this mistake, and it is nothing more than this. Thus the Muslims are still Muslims despite their current situation. Their '*Aqeedah* is still Islamic. Islam is still, fundamentally the *Kitab* and *Sunnah*, as it was in the days of Rasoolullah (may the peace and blessings of Allah be upon him). The *Ahkam Shari'ah* deduced are still as they were in the age in which they were first deduced i.e. in the Umayyad or Abbasid eras. The manner of deduction is still as it was in the time when the science of the principles of Islamic jurisprudence (*Usul ul-Fiqh*) was laid down. There is no deficiency amongst the Muslims in their belief in Islam and nor has there been any change in Islam. Rather, there is only the shaken confidence in the thoughts and rules emanating from the Islamic '*Aqeedah*. This resulted in shortcomings in the entity of the *Ummah* and in the entity of the State. This in turn led to the destruction of the State and drove the *Ummah* onto the path of destruction, until it put her on the brink of the abyss, at risk of annihilation. Thus, the solution will be found by returning to the point from which the mistake started, i.e. by solving the shaken confidence in the thoughts and rules emanating from the Islamic '*Aqeedah*. It was this shock that destroyed the state and almost annihilated the *Ummah*. The objective of the solution is to revive the *Ummah* and re-establish the State in order to resume the Islamic way of life and carry the Islamic *Da'wah* to the world. This is the issue and this is the core of the problem. Some say that confidence comes from the conviction in the correctness and veracity of a thing, and that the conviction comes from the emotions. Thus, conviction comes to the human being without proofs and goes from the human being without proofs. Therefore, confidence is not obtained by proof and logic but by creating conviction that comes by chance and goes by chance. This statement is invalid and not consistent with reality. It is correct that confidence arises from conviction in the correctness and veracity of a thing, i.e. by its agreement with the reality or natural disposition (*Fitrah*). However, it arises based on a proof that establishes the correctness and

veracity of that thing. This proof can be intellectual and linked with emotions, i.e. the rational evidence has established the correctness and veracity of the matter and the person truly feels its correctness and veracity. Or he can only feel its correctness and veracity, but without a rational evidence to prove it; however by doing this repeatedly, conviction is obtained and confidence is developed. So confidence does not come by chance and it is not lost by chance. Rather it comes from repeatedly proving that the thought is in agreement with reality or natural disposition (*Fitrah*), intellectually or emotionally, i.e. repeatedly proving the correctness and veracity of the thing. It is also lost by repeatedly proving the incorrectness and falseness of the thought. This is what will generate the conviction and this is also what will shake the confidence and makes it go. This means that before confidence can be generated, the correctness and veracity of the matter must move from the stage of establishing its proof to the stage of it being self evident. This will take place by repeatedly proving its correctness and veracity with the proof, rationally and through emotions. Just as it is difficult to generate confidence, especially in an atmosphere of doubt, it is difficult to shake confidence, especially in an atmosphere of *Iman*. It was difficult for the *Kuffar*, the Westerners to shake the confidence in the suitability of the rules of the Islamic *Shar'a* in solving problems of the modern age when the atmosphere was one of *Iman*. Similarly it is not easy for those working for Islam in this atmosphere of doubt to restore the confidence in the suitability of Islam, i.e. to consolidate the Islamic viewpoint about life or the special Islamic way of life, that is the Islamic ideology.

Confidence cannot be implanted in the minds of the Muslims and the rest of the people except by establishing the intellectual and emotional proof regarding the correctness and veracity of the Islamic thoughts and Islamic rules. Therefore, the first step in restoring confidence, in order to revive the *Ummah* and establish the State, should be that the tangible incidents and current events should reflect the correctness, veracity and suitability of the Islamic thoughts and rules. This will initiate the intellectual and emotional proofs, which will generate the conviction in this correctness and veracity, which in turn will create the confidence. As for how these incidents will be made to reflect this, it will be by conveying the Islamic *Da'wah* with the political method. It is by working to establish the Islamic State via the Islamic thoughts, which have a reality according to which the people deal with each other, whereby their

thoughts relate to life's affairs or the organisation of the relationships. In other words, it is through the political work to establish the Islamic Khilafah via the dissemination of Islamic thoughts and the struggle in this path.

That is because the people are ruled by an existing authority that has been seized by rulers amongst them or from others. These rulers look after the affairs of their citizens with specific thoughts and laws. This caring for the affair is done for specific incidents with specific thoughts, i.e. specific problems are solved by specific solutions. So these incidents are tangible and perceptible and their solutions are tangible and perceptible and their results in terms of providing the interest and maintaining it are also perceptible. All that is required of those working to establish the Islamic State on the ruins of this ruling system is that they draw the people's attention to the corruption of these solutions, i.e. to the invalidity of the thoughts and rules with which these incidents are treated. They also have to demonstrate that the correct solution for such incidents is a particular thought or a particular rule and that this is the thought of Islam and the rule of Islam. So the Islamic thought or the Islamic rule is applied to the current incident. Thus, the reality of the rule is comprehended and its meaning is perceived, which then provokes thinking and incites the emotions. As for demonstrating the invalidity of the thoughts and rules with which the rulers solve these incidents, it is not correct to do this in terms of realising or not realising an interest. Rather the clarification should be in terms of them being *Kufr* thoughts or *Kufr* rules. It is not correct that their invalidity is demonstrated by showing that they do not achieve an interest or that harm arises from the thoughts and rules or that they do not preserve an interest or that they waste an interest. Rather, their invalidity should be demonstrated by showing that they are un-Islamic rules and that they are rules of *Kufr* and that judging by them is judging by Taghut. The invalidity that has to be demonstrated is that they are thoughts and rules of *Kufr*, because the issue is one of *Kufr* and Islam and not one of interest or harm. Similarly, when the correct solution is shown as such and such thought or rule and it is the thought or rule of Islam, it would not be correct to show its suitability and explain its correctness in terms of realising an interest or removing harm. Rather its correctness should be demonstrated and its suitability explained in terms of it being a *Hukm Shar'i* by bringing its *Shar'i* evidence from the *Kitab* and *Sunnah*, or from a principle deduced

from the *Kitab* and *Sunnah*, or of it being a branch or a case from the branches and cases of a *Hukm Shar'i* whose evidences are well known.

This is the manner by which the invalidity of specific solutions with which the rulers solve specific problems is shown and by which the correctness and validity of the thoughts and rules of Islam are also shown. Thus the solution to current incidents should be directly linked to the Islamic *'Aqeedah*. So the Islamic *'Aqeedah* is taken as the only basis through which these thoughts and rules are viewed. They are looked at from the perspective of Islam and *Kufr* and nothing else. For the rules in the world are either rules of Islam or rules of *Kufr*; there is no third category. It can also be said that the whole world is either *Dar al-Islam* or *Dar ul-Kufr*; there is no third category. Therefore the refutation of thoughts and rules should be on this basis only, i.e. Islam or *Kufr* and nothing else whatsoever. So we should say about a thought or rule that this is *Kufr* if it is *Kufr*; or this is *Haram* if it is *Haram* and the *Shar'i* evidence will show that it is *Kufr* and the *Shar'i* evidence will show that it is *Haram*. It must be explained to the people that the one who adopts an un-Islamic thought or rule will leave the fold of Islam, thus committing *Kufr* and apostasy if the thought or rule comes under the orders of Allah pertaining to *Iman*, like the thought of separating religion from state or giving donations for the building of a church. He will be committing a sin and will be punished for it in the Hellfire if the thought or rule was from the orders of Allah that relate to actions and not to *Iman*, such as the thought of nationalism or taking an interest based loan from the bank. Thus, the basis of the thoughts and rules must be the Islamic *'Aqeedah* and their criteria should be Islam, *Kufr*, *Halal* and the *Haram*. Accordingly, their falseness or correctness is judged on this basis and according to these criteria.

When attention is drawn to the corruption of the current solutions, it is done so for the purpose of explaining the corruption of the existing society, i.e. the corruption of the existing relationships between people. Their corruption does not arise from the fact that they realise an interest or prevent harm or the opposite. Rather it results from the corruption of the viewpoint about life which controls these relationships and from which these solutions emanate. That is why we must link the solutions with their basis and their error must be explained in terms of the falseness of their basis and not in terms of the interest or harm. Thus

it is inevitable that the solutions should be linked with the *'Aqeedah* from which they emanate. These solutions should then be challenged in the sense that they emanate from a corrupt creed. In other words, they should be challenged as rules and thoughts of *Kufr*, irrespective of the presence or absence of an interest. Therefore it is imperative that the challenging of existing relationships between people is done in the view that they are relationships that are established on thoughts and rules of *Kufr*, and the challenge should concentrate on this basis. This is because the objective of challenging them is to change the current society in its capacity as a non-Islamic society and to remove the current thoughts and rules in their capacity as thoughts and rules of *Kufr*. This is done in order to establish an Islamic society and generate the thoughts and rules of Islam in the existing relationships between people. So the aim is to make the Islamic viewpoint about life prevalent and to make the Islamic way of life the way of living for the people, whether they are Muslims or non-Muslims. This will not be achieved by explaining the benefits and the harms. It will only be achieved by making the Islamic *'Aqeedah* the sole basis for life, and the Halal and *Haram* as the only criteria for actions.

So the problem is one of restoring confidence in the thoughts and rules of Islam, in their capacity as Islamic thoughts and rules deduced from the *Kitab* and *Sunnah*, or what the *Kitab* and *Sunnah* guides to as evidences. The issue is not one of restoring confidence in the thoughts and rules of Islam in terms of the interest or harm. The direct action that needs to be taken is to attack the existing relationships, whose falseness and corruption has resulted from the viewpoint from which the relationships emanated. Therefore it is imperative that this attack against the existing relationships, i.e. against the thoughts and rules with which the rulers look after the affairs of people and solve their problems, be an attack against the thoughts and rules of *Kufr* in their capacity as *Kufr* with Islamic thoughts and Islamic rules in their capacity as being Islamic and nothing else. It is here that the fierce struggle takes place, i.e. around these thoughts and rules. It is an ideological struggle in which minds and hearts clash intellectually and emotionally, emitting sparks and thus the light of truth shines and its glory radiates and the corruption of the current thoughts and emotions becomes clear by demonstrating the corruption of the viewpoint from which they emanated. The Muslims then feel the link with the *Kufr* beliefs and their emanation from a *Kufr*

viewpoint, just as the *Kafir* and hypocrite feels, from the intellectual struggle and deep discussion, the fallacy of this *Kufr* viewpoint and the correctness of the Islamic viewpoint. Then the people will feel the corruption of the existing regimes and the correctness of the ruling (*Hukm*) of Islam. With this the tangible incidents and current events will reflect the correctness and veracity of the thoughts and rules of Islam and there will be conviction in them. From this conviction, confidence in these thoughts and rules alone will develop to the exclusion of all other thoughts and rules present in the world. When this conviction becomes common amongst people and the confidence is concentrated in the minds and there is a public opinion emanating from a general awareness, then, without doubt, revival would have seeped into the *Ummah*, and she would have established the state whatever the obstacles standing in her way. This is because the dynamic thoughts blow away the strong political force and destroy every false thought and every corrupt rule. This is the methodology that makes the events and incidents reflect the correctness and veracity of the thoughts and rules of Islam. It is to engage ourselves in politics on the basis of Islam, by disseminating the thoughts and rules of Islam on the political basis. In other words, it is to carry the Islamic *Da'wah* according to the political method. Consequently, we understand the secret of the campaign undertaken by the *Kuffar* via their Muslim agents to distance the Muslims from politics, to drive them away from politics and to make politics appear in contradiction with the sublime nature and spirituality of Islam. We also realise the secret of the war fought by the *Kafir* states and the rulers, who are agents of the *Kuffar*, against the Islamic political movements. These are the only bodies that will revive the *Ummah*, establish the State, attack *Kufr* and return the glory to Islam. For that reason they fight the Islamic political movements and drive the Muslims away from politics. The confidence of the *Ummah* will not return, the Islamic *Ummah* will not be revived, the Islamic Khilafah will not be established and the Islamic state will not return except by engaging in politics on the basis of Islam.

Therefore, the issue of saving the *Ummah* from annihilation is to restore her confidence in the correctness, veracity and suitability of the thoughts and rules of Islam. This is achieved by making the events and incidents reflect this correctness and veracity so that the complete conviction will be obtained as a result. In other words, it is through

conveying the Islamic *Da'wah* in its political path, i.e. by the work to bring back the Islamic Khilafah through the dissemination of the Islamic thoughts and the struggle for this cause. This is the path with which the Rasool ul-Allah ﷺ brought about the Islamic *Ummah* and the Islamic State. Apart from the fact that this is a tangible reality that drives the person to take this path and adopt no other path, it is a *Hukm Shar'i* which the Muslim must adhere to and he must restrict himself to its path and not follow any other paths. Consequently, this alone is the path that Muslims are obliged to follow. So the only work Muslims are obliged to undertake today before they undertake any other action is the establishment of the Islamic state, i.e. the re-establishment of the Islamic Khilafah. The method for this is the intellectual and political revolution that destroys the false thoughts and demolishes the corrupt ruling.

This raises a question: What would the thoughts of Islam achieve in the Islamic world whilst *Kufr* has engulfed every part of it? *Kufr* laws deal with the relationships between individuals, and the relationships between states existing in the Islamic world and between their citizens are also established on the basis of the *Kufr* rules. Muslims' minds and feelings are dominated by thoughts of *Kufr*. What can the Islamic thoughts achieve whilst *Kufr* is implemented in all aspects of life and Islam does not exist except in mosques, Mashafs and with a minority of Muslims? The answer to that question is that any society in the world lives inside two thick walls, which prevent the foreign thoughts and emotions from infiltrating it. The first one is the external wall which is the wall of the basic creed, i.e. the comprehensive thought concerning the universe, man and life, what precedes this worldly life and what is to follow it, and the relationship of this worldly life with what precedes it and what is to follow it. The second wall is the wall of the systems, which treat the relationships of people and their way of life. When one aims to overturn this society via its own people and change it fundamentally, then one must attack the external wall first, with the new creed, and the attack on the external wall should be linked with the attack on the internal wall. However, this attack on the internal wall must be based on thoughts with which the external wall is attacked. Thus, this attack will produce an intellectual struggle between the old thoughts and the new thoughts. Political struggle will also take place until the external wall is demolished. By its demolition, the internal wall will be destroyed

and the intellectual and emotional revolution will take place. Thus there will be a political revolution, i.e. the whole society will change, and the government and the rest of the relationships will change. This is what Rasool ul-Allah ﷺ attempted in the society of Makkah and what he actually achieved in the society of Madinah. An intellectual and physical force is required to bring down such a society. As for the society today in the Islamic countries it only has one wall, which is the internal wall. It is not necessary for the whole wall to be removed by the intellectual attack, rather making a hole in it would be enough to enter and seize the power. Then it would be torn down in one go with a revolutionary blast from the inside, as long as the outside wall does not exist. This is because the difficulty is in removing the external wall, and it would not be possible to enter the society except by destroying it first. However, as long as there is no external wall present then the work will be much easier than if there had been one. That is why the issue does not require anything other than attacking the thoughts and rules on which the inside wall is established and to clarify the Islamic thoughts and rules, which are themselves the creed of the *Ummah*, in order to bring back confidence in them. Then it will be easy to create an opening and rebuild the society. Therefore the work is not one of disseminating the Islamic thoughts in a *Kafir* society, but rather to disseminate the Islamic thoughts to Muslims in a non-Islamic society. In other words, the issue is not one of inviting *Kuffar* to be convinced of Islam; rather it is to call Muslims to work for and with Islam via the method of disseminating the thoughts of Islam and the struggle in their path. Even though this is a tough and difficult task, it is the only productive work and it is much easier than working in a *Kafir* society.

However, it should be known that our enemies, the *Kuffar*, would not let us work to revive the Islamic *Ummah* and establish the Islamic Khilafah. They will not allow us to restore confidence in the correctness, veracity and suitability of the thoughts and rules of Islam. Rather they will obstruct us from undertaking this work in various ways, using various means. They did not shake the confidence of the Islamic *Ummah* in the thoughts and rules of her *Deen* except to destroy her State and to crush her completely. They inflicted a crushing defeat, so destroying the Islamic State and moving the Islamic *Ummah* on the path of degradation until she was on the verge of annihilation. So will they permit her to return as an Islamic *Ummah*, where the Islamic Khilafah is established

upon her and she is under the shade of the flag of Islam, in order to resume the delivery of her Risalah by conveying the Islamic *Da'wah* to the world? They will never allow her to do that; rather they will fight her intensely. Thus, the work has to be undertaken against their will, by struggling against them and their agents and generating public opinion, and even public awareness, which will sweep the *kuffar* away from the Islamic path. Therefore the difficulty is not in disseminating the thoughts to the Muslims to revive the *Ummah* and establish the State, but it is in being steadfast in the struggle against the *Kuffar* and hypocrites in the path of disseminating the thoughts of Islam.

The *Kafir* states which witnessed the Islamic State and the Islamic ruling, especially the English, French and the Russians, will fight us for they have seen in the Islamic *Ummah* the ideological call to Islam and they have sensed in the Islamic State the strength and continuity of *Jihad* for the sake of protecting Islam and for propagating its call. They also saw that the Islamic State was the leading state for many centuries and therefore they have tasted the pain at Muslims swords and the strength of the Islamic thoughts. So the mere mention of Islam frightens them and they tremble with fear at the thought of its return by the coming of the Islamic Khilafah and the revival of the Islamic *Ummah*. The *Kafir* states today, especially the English, French, Americans and Russians, know fully that Islam, when its *Ummah* again revives and its State returns into existence, will have no state stand in its way and no ideology to challenge it. Thus, the decay of Capitalism will be demolished by the thoughts and rules of Islam, and the ridiculous atheistic Communism will be turned to rubble by the intellectual elevation of Islam's thoughts and rules built upon its firm spiritual basis. This means that the return of the Islamic State as a leading nation in the world arena is something that none of the *Kuffar* will accept. That is why they will fight it with the utmost rancour and hatred. Therefore, we must be wary of the *Kuffar* and their styles and manoeuvres, and we should fully comprehend with awareness and appreciation that the difficulty lies in facing our enemies, the enemies of Islam from the *Kuffar* and hypocrites, and not in the dissemination of the thoughts of Islam.

Both England and Russia have tasted the afflictions of the German army and that is why they work, despite the contradiction in terms of their values, to keep Germany divided and weak and they stand as an

obstacle against it regaining its power; and they oppose any action that may strengthen it, so that the German army does not return, as it will present a danger to them. America and England regard the Soviet Union as a danger to them and to their ideology. That is why they work to fight it and fight its ideology by every means and various manoeuvres, to the point that America takes the view that American citizens cannot have security unless the Soviet Union is obliterated from the map and Communism is wiped out. This is the situation with Germany and Russia where the hatred for them is less than the hatred for Islam and the Muslims. This is because it is a new hatred, while the hatred for Islam is historical and traditional and it occupies the core of their thoughts and emotions. That is why they divided the Islamic lands into states and peoples. They divided the Arab people into states so that they become different nationalities. They continually fought Islam intellectually and politically with hidden contempt. They did all this so that the Islamic State does not return and so that the Islamic *Ummah* does not revive. This must be understood by the Muslims and reflected upon, because this is the reason for the decline towards a final disgrace. This is what prevents us from the life Allah ﷻ ordained for his slaves.

Our enemy has changed our hatred for them from Imaan and *Kufr* to a hatred for Colonialism and Imperialism. It changed the issue from an enmity of Muslims towards the *Kuffar* to an enmity of the colonised to the colonialists; and changed our hatred from hatred of Muslims to hatred of patriots to foreigners. In this way they made us forget the bitterness of the defeat in our capacity as Muslims and removed from the defeat the fact that it was a defeat of Islam by *Kufr*. This was done to make our struggle against them change from being a *Jihad* in which we seek the Jannah and yearn for the good pleasure of Allah, to becoming a cheap struggle, such as the demonstrations and protests, in order to gain independence, i.e. to separate ourselves from the rest of the lands of Islam. Therefore, we must return the struggle between us and them to its original ground: a struggle between Islam and *Kufr* that occurs between the Muslims and the *Kuffar*; for the struggle between them and us is not just because they are colonialists but because they are *Kafir* and colonialist. In other words the most important aspect is that they are *Kuffar* and the reason for fighting them is their *Kufr*. Thus, we must know who our enemy is and take him as an enemy. If we do not know the correct nature of the enmity between us and them and the reason which

makes them hostile to us, then we cannot save ourselves from their actions and consequently we cannot overcome them. If we do not take them as an enemy undoubtedly we will put ourselves under their control and be at their mercy. He ﷺ says:

إِنَّ الشَّيْطَانَ لَكُمْ عَدُوٌّ فَاتَّخِذُوهُ عَدُوًّا {فاطر 6}

"Surely, Shaytan is an enemy to you, so take (treat) him as an enemy" [TMQ Fatir: 6].

The Qur'an has mentioned the way in which we should deal with the *Kuffar* in clear verses which alert one's thoughts and which waken the intellect and incite the emotions. He ﷺ said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ تُلْقُونَ إِلَيْهِم بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ {المتحنة 1}

"O you who believe! Take not My enemy and your enemy as friends, showing affection towards them, while they have disbelieved in what has come to you of the truth" [TMQ Al-Mumtahinah: 1].

And He ﷺ said:

لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ، فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ {آل عمران 28}

"Let not the believers take the disbelievers as Awliyaa (helpers, supporters) instead of the believers, and whoever does that will never be helped by Allah in any way" [TMQ Al-Imran: 28].

And He ﷺ said:

وَدُّوا لَوْ تَكْفُرُونَ كَمَا كَفَرُوا فَتَكُونُونَ سَوَاءً {النساء 89}

"They wish that you reject Faith, as they have rejected Faith, thus that you all become equal (like one another)" [TMQ An-Nisa: 89].

And He ﷺ said:

بَشِّرِ الْمُنَافِقِينَ بِأَنَّ لَهُمْ عَذَابًا أَلِيمًا. الَّذِينَ يَتَّخِذُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ {النساء 138-139}

"Give to the hypocrites the tidings that there is for them a painful torment. Who take disbelievers as Awliyaa (helpers, protectors) instead of believers" [TMQ An-Nisa: 138-139].

And He ﷺ said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أَتُرِيدُونَ أَنْ تَجْعَلُوا لِلَّهِ عَلَيْكُمْ سُلْطَانًا {النساء 144}

"O you who believe! Take not as Awliyaa (helpers, protectors) disbelievers instead of believers. Do you wish to offer Allah a manifest proof against yourselves?" [TMQ An-Nisa: 144]

And He ﷺ said:

أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُؤًا وَلَعِبًا مِّنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَالْكَفَّارَ أَوْلِيَاءَ {المائدة 57}

"O you who believe! Take not as Awliyaa (helpers, protectors) those who take your religion for a mockery and fun, from among those who received the Scripture before you, nor from among the disbelievers" [TMQ Al-Mai'dah: 57].

And He ﷺ said:

إِنَّ الْكَافِرِينَ كَانُوا لَكُمْ عَدُوًّا مُّبِينًا {النساء 101}

"Verily, the disbelievers are ever to you open enemies" [TMQ An-Nisa: 101].

And He ﷺ said:

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيحًا مِّنَ الْكِتَابِ يَشْتَرُونَ الضَّلَالََةَ وَيُرِيدُونَ أَن تَضِلُّوا  
السَّبِيلَ وَاللَّهُ أَعْلَمُ بِأَعْدَائِكُمْ {النساء 44-45}

"Have you not seen those who were given a portion of the book (the Jews), purchasing the misguidance, and wish that you should go astray from the right path? Allah has full knowledge of your enemies" [TMQ An-Nisa: 44-45].

This is the hostile treatment we should give to the *Kuffar*; to show them hatred and not to befriend them. If there is a war between them and us then they should be dealt with according to the rules of *Jihad*. The English, French, Americans, Russians and other *Kufr* states are *Kuffar* and our enemies, though it is the English, Americans and French who are actually fighting against the revival of the Muslims and the return of their state. They are the ones standing in the face of the dissemination of the Islamic thoughts in the political way in order to restore confidence in their correctness, veracity and suitability. Thus it is inevitable that there would be bitter struggle in the way of disseminating the thoughts of Islam. The struggle will be against those stated and their agents, the impostors and hypocrites.

This may raise a question: is it true that the Islamic lands are divided into states but are liberated from Colonialism and from the authority of the *Kuffar*, their rulers are Muslims but they rule according to a *Kufr* system, so the struggle should be against the system of *Kufr* and not against the *Kuffar*? The answer is that the Islamic *Ummah* is afflicted with two disasters: the first is that the rulers are agents of the colonialist *Kuffar*, and the second is that they do not rule by what Allah has revealed, i.e. they rule with a *Kufr* system. That is why it is obligatory in lands where rulers are not agents of the *Kuffar*, such as Turkey and Afghanistan, to struggle against the system of *Kufr* in order to eliminate it and to work towards the rule by what Allah has revealed, i.e. to establish the Islamic Khilafah. As for the lands in which the rulers are agents like Pakistan, Iraq, Jordan, Lebanon, Saudi Arabia, Iran, the United Arab Republic, Indonesia, Sudan and others, it is *Fard* on the *Ummah* to struggle against the subservience of the agents and to expose them and their actions. A struggle should also take place against the *Kufr*

system in order to remove it and to establish the authority of Islam and the rule of the Qur'an. The agents of the *Kuffar* are definitely struggling against the dissemination of the thoughts of Islam in the political way, of their own accord and by the provocation of the *Kufr* states. That is because the rulers in the Islamic world are controlled by three situations that have affected them to the point that some of them have lost their belief in Islam as a system of ruling and as a way of life. As a consequence they have become *Kuffar* even if they fast or pray; and some of them have lost all hope in reforming this *Ummah* but they remain believing in Islam as a system of ruling and as a way of life. As for these three situations, they are: firstly, a lack of confidence in Islam as a universal ideology for life, ruling and international relations. Secondly, a lack of confidence in the Islamic *Ummah* as an *Ummah* that is able to take the leading position amongst other nations. Thirdly, the fear cast in their hearts by the powerful *Kufr* nations and what they have in terms of weapons of mass destruction and the use of underhand and deceptive styles. This has made them feel continuously weak in the face of the *Kufr* superpowers, except when they depend on one of these powers, which has led these rulers to realise the danger passed against them and their country from any action to work towards re-establishing the Islamic State. That is why they keep their distance from Islam and they have made seeking the help of the superpowers and depending on them as a pillar of their stay in power, rather than depending on the power of their own country or their own people. They have submitted to the warring *Kuffar*. Thus, in their capacity as tools for the Western *Kafirs* they will oppose the return of the confidence in the thoughts and rules of Islam, i.e. the dissemination of the thoughts of Islam according to the political way. So, in reality, the opposition is from the Western *Kafirs* and not from those Muslim rulers! Consequently, we must understand the difficulty on this basis. We must know that this is the fundamental difficulty in reviving the *Ummah* and re-establishing the State, and that Muslims must be well prepared for this. This struggle must take place and it is a *Fard* just like the *Fard* of *Jihad*.

Some might say that there is a difficulty other than this struggle, which is Islam's ability to keep up with the age, especially regarding purely political actions. So the issue is not only one of establishing the State, for this is easy. Rather the issue is the standing of this state in the international arena, its attempt to assume a prominent position amongst

the states and its ability to influence the international arena whilst at the same time preserving the thoughts of Islam. Then it has to bring solutions to problems that the nature of the age and its changes necessitates. One may say that events occur all the time, so Islam must keep up with the age. The reply to this point is that the expression 'keep up with the age' is vague and obscure. If it means that the rules should be made to agree with what is prevalent in the age then this is not allowed. So usury is *Haram* in an Islamic society. When this society came under a Capitalist system and it became a non-Islamic society and usury became an economic necessity for this society, usury was made Halal in this society. This action is a Munkar and it is not allowed; rather the usury remains *Haram* until the day of Judgement. There is no value attached to the change of the age, or the change of circumstance, or the change of society, even if usury became one of the necessities of life. So society must be changed and not the *Hukm Shar'i*. If, by "keeping up with the age", it is meant that there should be solutions to problems which you find in every age, then that is something that must take place. For example, the Muslims used to be consulted by the Khalifah by calling upon their representatives and he used to know their representatives. When the state's consultation of the people requires setting up a Shura council that is elected by the people such that the state seeks their opinion, then this issue needs to be understood according to its reality. Thus a council for consultation and accounting the rulers, and not for legislating or for ruling, becomes a matter demanded by the Legislator.

He ﷺ said:

وَشَاوِرْهُمْ فِي الْأَمْرِ {آل عمران 159}

"And consult them in the matter" [TMQ Al-Imran: 159].

He ﷺ said:

وَأَمْرُهُمْ شُورَى بَيْنَهُمْ {الشورى 38}

"Their matter (affairs) is (conducted) by mutual consultation" [TMQ Ash-Shura: 38].

And he ﷺ said:

أَفْضَلُ الْجِهَادِ كَلِمَةٌ حَقٌّ عِنْدَ سُلْطَانٍ جَائِرٍ

"The best Jihad is the word of truth spoken to a tyrant ruler."

Therefore this council is set up and the rule of representation (*Wikala*) should be applied in its election. This is because those people are members of the council, thus they are representatives of the people in the matter of their opinion. Representation in opinion is allowed, such as representation in a dispute, property or in anything else. Since representation in opinion is allowed then each person has the right to appoint whoever he wants to represent his opinion, whether he is a man, woman, Muslim or non-Muslim; and he can be a representative of whoever he wants whether man, woman, Muslim or non-Muslim. However, the non-Muslim cannot be a representative in legislation, because legislation is *Ahkam Shari'ah* and they cannot be for the non-Muslim. The non-Muslim is neither allowed to participate in short-listing the nominees for the post of the Khalifah, because only Muslims can give Bai'ah to the Khalifah. Thus every person has the right to appoint someone else as their representative and he can also be a representative for others in every matter that the *Shari'ah* has given them the right to exercise by themselves. So whoever holds the citizenship of the State can elect whomever he wants, and he himself can be elected by whomever wants him in the Shura council. This rule does not mean Islam is keeping up with the age, rather it is a capacity of the *Shari'ah*, i.e. Islam can treat every problem occurring in every age. If, by the term "keeping up with the age", it is referred to the permitted actions, like Mubah things that did not exist before, and thus whatever accords with the prevalent tastes, such as wearing a hat instead of a fez because one lives in Europe, or (a leader) appointing bodyguards and giving appointments to arrange for his meetings, then this is the undertaking of an action which is permitted irrespective of the age, even though it might appear to be "keeping up with the age". If the phrase concerns the change of dealings in international relations, due to the change of circumstances and situations, then this is allowed but in accordance with the *Ahkam Shari'ah*. For example, it is allowed for the Islamic State to sign a good-neighbour treaty with one *Kufri* state and refuses to sign one with another state. This is because it proceeds according to what it perceives of

interest. So Rasool ul-Allah ﷺ signed good-neighbour agreements with Bani Medlaj and their allies from Bani Dhamra, yet attacked other tribes. Another example of this concept is that it is allowed for the Islamic State not to conquer a country and rule it with Islam, despite having the ability to do so, due to a matter that is related to the international situation or specific plans of the State. The Prophet ﷺ signed treaties with Yuhannah b. Ru'bah, the ruler of Ailat, on condition that Yuhannah gave the *Jizyah* to the Muslims and the Rasool ul-Allah ﷺ guaranteed the security of his boats and convoys on sea and on land. He ﷺ accepted for him to remain the ruler of his people despite the fact that they were Kafirs, i.e. he agreed they remain on *Kufr* and rule by *Kufr*. He did the same with the people of Jerba and Azrah by agreeing for them to remain as *Kafir* and be ruled by *Kufr*. These three tribes were from the principalities of Rome and Rasool ul-Allah ﷺ was able to occupy them. In Tabuk he had thirty thousand men and the Roman army fled as soon as they heard about him, before even meeting him (on the battle field). He was able to occupy these principalities but he left them. Furthermore, the *Hukm Shar'i* is that the *Kuffar* should pay *Jizyah* to the Islamic State, but circumstances may change such that the Islamic State pays *Jizyah* to the *Kafir* states due to a situation that has befallen it. So the Rasool ul-Allah ﷺ in the battle of Ahzab (the Confederates) saw that the fear of the Muslims had become intense and that the situation had reached the point where some of them had doubt about the victory from Allah. Allah ﷻ described that situation with His ﷻ saying:

إِذْ جَاءُوكُم مِّنْ فَوْقِكُمْ وَمِنْ أَسْفَلَ مِنكُمْ وَإِذْ زَاغَتِ الْأَبْصَارُ وَبَلَغَتِ الْقُلُوبُ الْحَنَاجِرَ وَتَظُنُّونَ بِاللَّهِ الظُّنُونًا. هُنَالِكَ ابْتُلِيَ الْمُؤْمِنُونَ وَزُلْزِلُوا زِلْزَالًا شَدِيدًا  
{الأحزاب 10-11}

"When they came upon you from above you and from below you, and when the eyes grew wild and the hearts reached to the throats, and you were harbouring doubts about Allah. There, the believers were tried and shaken with a mighty shaking" [TMQ Al-Ahzab: 10-11].

In this situation the Rasool ul-Allah ﷺ undertook a manoeuvre to split the *Kuffar's* block and make some of them withdraw from fighting. So he sent for 'Uyayna b. Husn b. Huzayfa b. Badr and for al-Harith b. 'Awf b. Abi Haritha al-Madhari - both of whom were leaders of Ghatafan - and

he negotiated with them on giving them a third of the crops of Madinah if they, with their people, left him and his companions. They accepted this, so a provisional agreement took place between them until they had the agreement in writing. Before he ﷺ signed the agreement he sent for S'ad b. Mu'az and S'ad b. 'Ubaadah and mentioned the agreement to them and asked for their opinion. They said:

"يا رسول الله: أمراً تحبه فتصنعه أم شيئاً أمرك الله به لا بد لنا من العمل به أم شيئاً تصنعه لنا، قال: بل شيئاً أصنعه لكم، والله ما أصنع ذلك إلا لأني رأيت العرب قد رمتكم عن قوس واحدة و كالبوكم (أي أشتدوا عليكم) من كل جانب فأردت أن أكسر عنكم من شوكتهم إلى أمر ما. فقال له سعد بن معاذ: يا رسول الله قد كنا نحن وهؤلاء القوم على الشرك بالله و عبادة الأوثان لا نعبد الله ولا نعرفه و لا هم يطعمون أن يأكلوا منا ثمرة إلا قرى أو بيعاً، أفحين أكرمنا الله بالإسلام و هدانا له و أعزنا بك و به نعطيهم أموالنا؟ والله ما لنا بهذا من حاجة، والله لا نعطيهم إلا السيف حتى يحكم الله بيننا و بينهم. قال رسول الله: ( و أنت و ذاك)

"O Messenger of Allah: Is it a matter you want us to do, or is it something you have been ordered by Allah which we must carry out, or is it something you are doing for our sake?" He ﷺ said: **No, it is something I am doing for your sake. By Allah! I would not do it were it not for the fact that I have seen the Arabs shoot at you from one collective bow and have gathered against you from every side, and so I want to break their offensive against you.**"

S'ad b. Mu'az said: "O Rasool ul-Allah! These people and we were polytheists, we did not worship Allah and nor did we know Him, and they never hoped to eat a single date of ours except as our guests or through trading. Now after Allah honoured us and guided us to Islam and made us renowned by you, are we to give them our property? By Allah! We have no need of this. By Allah! We will give them nothing but the sword until Allah judges between them and us." Rasool ul-Allah said: **"You shall have it so."** So Sa'd took the paper and erased what was written and then said: "Let them do their worst against us." Thus, Rasool

ul-Allah ﷺ saw that the Muslims were in a situation where they were unable to continue the war. So he negotiated with the *Kuffar* to give them funds and so the negotiations ended with their agreement. But before he could sign the treaty he realised, by consulting the two S'ads (S'ad b. Mu'aaz and S'ad b. 'Ubaadah) that the Muslims were indeed able to continue the war. So he changed his mind and sent the messengers back telling them: "Go back, for you is but the sword." This means that despite the fact that the *Kuffar* pay the *Jizyah*, if the state realised that the circumstances require that the Muslims pay the *Jizyah*, then it is allowed for them to take heed of the circumstances and pay the *Jizyah* to the *Kufr* state. All of these are incidents which indicate that the rule has been set down for a problem and was suitable for a certain time and situation. The rule was abandoned and the problem was given another rule in its place due to a different situation of the state. Though this may appear to be keeping up with the age, in reality it is moving with the *Hukm Shar'i* and not with the age. That is why it is not allowed to change the *Hukm Shar'i* unless there is a *Shar'i* evidence which allows its change, putting another rule for the problem in its place. Therefore, when the Muslims are in a state of weakness, it is allowed for the state to pay funds to the *Kufr* states, but it is not allowed for it to allow any *Kufr* state to have military bases and airports on its territories because this will give the *Kuffar* authority over a part of the State's territory, a matter which is not allowed. Likewise, it is not allowed for the state to sign border agreements where it is contained within certain borders because this means the suspension of *Jihad*. However, it is allowed for the state to respect neighbouring frontiers for a specific period, but not indefinitely without specifying the period. Thus, it is allowed to have different dealings in the international relations according to the different circumstances, but all that is in accordance with the *Hukm Shar'i*, and it is not allowed to deviate from it at all.

If, by "keeping up with age", the meaning is to lay out a policy which agrees with the demands of the age, then this is allowed. This is because it is choosing one of the *Mubah* (permitted) matters. So politics is engaging in activity that influences the possible choices in order to transform them in line with the situation that we aim for, as long as that situation was within the realms of possibility. That of course means the *Mubah* matters. So the State may choose a policy of war or it may choose a policy of political actions. In other words, it may lay plans to undertake

war in reality, so it remains in a constant state of readiness and it responds to every political manoeuvre by the actual readiness to plunge into war and enter the battle. The State may lay plans to undertake political actions to create problems for the enemy, whereby it has hardly come out of one problem, when it enters another. The State would prepare a formidable force for that, so as to be bold in creating problems for the enemy and pushing it into them. Thus, once the enemy had initiated a war, the State would respond to each blow with two of its own. Policies such as these two are permitted. So when the state realises that the age necessitates one of them but does not necessitate the other, it would appear as if it was keeping up with the age, but in reality it would have chosen a permissible action that is required by the age. Thus, regarding the issue of keeping up with the age, when the problems of the age are explained then the ambiguity is removed from this issue. When the meaning of every problem is defined and the opinion of the *Shari'ah* regarding it is known, then the vagueness disappears from this issue. Thus it is true to say that the Islamic *Shari'ah* keeps up with every age, if we mean that its general texts are able to face every problem in every age and determine a solution for them. However, if, by that statement, it is meant that its rules show tolerance for the sake of the age, and then Islam does not keep up with the age.

However, keeping up with time, whether in politics or legislation, is only in practical realism (*al-haaqiyyah al-a'maliyyah*). Those who are practical and realists definitely go along with time, even if they were of the most conservative, who preserve the old, just because it is old. Those who are not practical and not realists, can't stay at a high level all the times; they rather became rigid and baffled. The most dangerous matter on legislation (*tashreea'*) and politics is the theoretical assumptions and the logical issues; for they cause grave harm, even error and misguidance. This is because each issue of politics and legislation treats a perceptible reality and an issue of the urbanisation (*'umraan*). It is known that each reality has its circumstances and conditions. So this must not ever be detached from it. It is rather necessary to pay attention to the specific circumstances of each reality and of each specific issue. Therefore, it is necessary to word generalisation (*taa'meem*) and detachment of circumstances (*tajreed*) in politics and legislation. Thus, not one of the issues of inhabitants/urbanisation is judged by analogy on another issue, just because of seeming similarity between them. This is because there

may be a similarity in one aspect, whilst there is a difference in many others. The most dangerous matter on politics and legislation is the issue of comprehensive analogy (*al-qiyas ush-shamooli*). As for legislation, particularly the legislation that came through revelation (*Al-Wahy*), it is rules (*ahkaam*) on certain actions; and it does not apply except on those actions. Therefore, no analogy is made with them for the mere presence of similarity. The *hukm* is rather given to such other actions if they were individual examples of that kind or type, and not because they resemble it. If the text contains an *illah* (legislative reason), it is only applied on the type of that description (*wasf*) which is itself from the *illah* of the *hukm*, and not on what resembles it. If the subject departed from this then it would not be a *hukm* shara'i deduced from a *daleel* (evidence). This is because the *daleel* does not indicate it; it rather indicates what resembles it. Therefore, some scholars, like Ibn Hazam, advocated the adherence to the visible (*thaahiri*) meaning of the text. This is for fear of something other than the kind and type of the *hukm* being included under it, just because of the presence of similarity; or that the text is charged with a meaning different to what is indicated by language or *shara'*. Other scholars, like Imam Jafar, also advocated the abstention from using *Qiyas* (analogy). This is because in their view, the texts that came with *illah* (reason), its *illah* came as a mark/sign to the *hukm*. Thus they say, 'Allah said this is the *hukm* of so and so, and this is its sign (*a'lamah*)', and so there is no *qiyas* in this matter. All of this precaution is applied because of the danger of the theoretical assumption and logical matters that lead to error and misguidance, due to the wrong *qiyas* (analogy) just because of the presence of similarity. In politics, the matter is worse because there is treatment of singular issues where rarely two of them come close together. They are rather quite complicated, in need of subtle comprehension and made of interlocked incidents. Therefore, unless each incident is studied alone and given a *hukm* specific to it, then it would not be possible to reach the truth, unless (it happened) by coincidence, ie without expectation. Without this approach, it would be difficult to understand it, and accordingly error will occur in the treatment. Therefore for the legislation and politics to keep up with the requirements and needs of each time, according to a consistent basis that is not subject to change, it is necessary that all incidents are studied according to their complete reality. No weight should be given to the similarity between them. The practical aspect also has to be considered at the time of treatment, that is, whether the solution is possible or not;

in other words, whether it can be implemented. Thus the theoretical assumption and the logical issues are set aside. Moreover, generalisation and detachment of circumstances surrounding the incidents' are removed; and can be a guard against use of wrong analogy. This keeps the legislation and politics flourishing magnificently. In accordance with their words, the *Ummah* remains able to keep up with time, thus holding in every time the remarkable position in international situation; rather, holding the position of the leading state amongst the nations.

It may be said, the wide expanding Islamic lands, have been divided into many states; and there are in them different constitutions and various laws. More than forty years have passed whilst they have been governed by constitutions that contradict Islam, and the *Ahkaam Shari'ah*, all of them being systems of *kufr* and rules of *kufr*. So if the difficulty was surmounted regarding the keeping up with time, it still remains regarding the constitution and laws. Therefore it is necessary to propose a constitution for the Islamic state that pays attention to the differences in the events, conditions and circumstances in the various Islamic lands, and it is necessary to propose laws that treat all the problems of the new age. The answer to that is that the basis is to generate confidence in the validity of the Islamic thoughts and rules (*ahkaam*) that emanated from *Wahy* (revelation) from Allah brought by Jibreel (as) as solutions to the actions of men, so as to realise their happiness. Once this consideration existed the state would have existed.

It is true that the *'Aqeedah* exists in the *Ummah*, and the *Ummah* is an Islamic rather than *Kaafir Ummah*. However, this *'Aqeedah* had lost its relationship with the thoughts of life (worldly life) and the systems of legislation. Thus, the vitality receded from it and it became a rigid, and even a dead *'Aqeedah*. Muslims, no longer have the vivid motivation that drove them to conquer the world, ruling humanity, spreading the guidance and raising the banner of justice and truth (*haq*). This *'Aqeedah* rather lost its aspiration to the heavens and confined its outlook to the earth. It lost the remembrance of Allah, aspiration to Him and seeking the help from Him. It turned to look to the creation and sought the help of humans and gaining force from the wealth. This *'Aqeedah* even lost, inside the Muslim, the conception of the Day of Judgement. It lost the yearning for *Jannah* and longing for the comfort of the *Akhira*. It lost the ideal, which is the attainment of the pleasure of Allah. It focused its

interest in the entertainment of desires. So the Muslims started to long for a huge house with a nice fireplace and a beautiful car. This yearning focused to the achievement of materialistic wishes, and pleasing those who are able to achieve these wishes. This *'Aqeedah*, even for those who perform qiyam at night, observe extra fasts at day, and feel inhibited from falling into sin, does not go beyond these worships, and instead turns attention to dunyaa alone. Abiding to the *hukm* of Allah, as it was revealed from Allah, ceased to dominate it. Raising the word of Allah and making it alone high, ceased to have any presence in the actions or any share in the thoughts. How is it then requested, in order to establish the state for this *Ummah*, that the constitution and laws be laid down before the setting up the fundamental thoughts from which the constitution and laws emanate; such thoughts give to the constitution and laws the character of *Ahkaam* (values of *shara*), ie, the quality of characteristic of the treatments that have been thought by revelation from Allah? It is necessary to revive the Islamic *'Aqeedah* inside Muslims so that their hearts before their tongues, speak out that the thoughts and rules of Islam are the most warrant justification for our existence, our sincerity to them rises above any other sincerity, and our loyalty to them rises above any other loyalty. Once their hearts speak out of all this and the like of it and Allah and His messenger become more beloved to us than any other, then the idea that gathers the *Ummah* as an *Ummah*, upon which the state is established and from which the laws emanate, would have generated life in the *Ummah*. It would then become easy to lay down the constitution and the laws. So, the issue, firstly and before any other thing, is to place the need in the minds and hearts. Indeed its absence is the origin of the disease and the basis of the misfortune, and its planting is the solution, the balsam and the cure. The main issue is to revive the *Ummah* and establish the state. Revival of the *Ummah* comes only through thought and not the constitution and laws. Establishing the state means the appointing of a Khaleefah to the Muslims. Appointing a Khaleefah is for the sake of establishing the ruling (*hukm*) and ruling is politics in its lofty meaning; that is an action by the mind and the heart. So the Islamic *'Aqeedah*, from which the thoughts about life emanate, fills the mind with awareness, and the heart with bursting emotions; and from both of them action originates. This action is the *hukm* (ruling), that is the management of human beings. This does not need, firstly, a constitution and laws to exist; it rather needs a mind and a heart filled with enlightened thoughts and after that, the need for

constitution and laws arises. Thus, the first thing required and before any other thing, is the thought that provides the outlook about life, ie, the alive Islamic *'Aqeedah* firstly and before any other thing. Once it exists the state would have existed. Then after that, the constitution and laws come to exist.

The laws and rules are solutions for the daily problems that people face. These laws and rules emanate from the outlook about life, ie, from the alive rational *'Aqeedah* that established that authority and made it build on it. Thus, the constitution and the laws are a tool to ruling and not a basis for it. They are also a criterion to judge upon actions by which the rulers abide and restrict the citizens whom they rule over. They are the matters that establish the ruling and drives the *Ummah* to appoint (establish a ruler). They are the matters that make the ruler govern the *Ummah* and looks after the affairs according to a specific manner and a specific method. It is a policy that emanates from both the mind and the heart, realistically comprehended (based on understanding reality) and emotions beat with it. It thus generates in the ruler the warmth of ruling, and makes his policy alive and throbs with life. So the basis in establishing the state through the *Ummah* is not the constitution and the laws. It is rather generating the life in the rational *'Aqeedah* from which the constitution and the laws emanate. In other words, the basis in salvaging the *Ummah* from the confirmed destruction is reviving her by the thoughts of Islam and establishing the Islamic Khilafah. In other words, restoring in her the trust in the correctness of the thoughts of Islam, their validity and their suitability. To put in other words, it is the generation of life in the Islamic *'Aqeedah* within the hearts of Muslims.

O Muslims!

Verily, our *Ummah* was created as the best *Ummah* brought forth from mankind. It is forbidden for the *Ummah* to go to ruin and it is a crime for her to face extinction. She is the *Ummah* that spread the guidance to the world and realised justice for mankind. She took care of the truth in ruling the citizens and bestowed the people with mercy, surrounded them with care, spread the tranquillity and created stability. She granted whoever responded to her *Da'wah* the happiness of life. She is the *Ummah* that lived in order to rescue the people from *Shirk* and *Kufr*.

Millions of her sons have attained *Shahadah* for the sake of raising high the word of Allah ﷻ. Her primary function in life was to convey the Islamic *Da'wah* to the people and its ultimate goal was to seek the good pleasure of Allah ﷻ.

This is the gracious and noble *Ummah* that carried the burden of the whole of humanity, to take them out from the depths of darkness and into the light. Humanity is still in need of her to save them again from the greed and anxiety of materialism to the ease of fearing God (*Taqwa*) and the tranquillity of *Iman*. Today this *Ummah* is at the brink of annihilation. *Kufr*, all aspects of it, is quickening its pace to finally finish her off. The *Kuffar* stirred up doubt in the thoughts and rules of her *Deen* in a period in which the sun of the *Kuffar's* industry and inventions dawned in the full glare of its intellectual elevation and in the heat of its material advancement; so they showed the *Ummah* the thoughts of *Kufr* by displaying the inventions and the rules of falsehood through presenting the industries. She thus found herself tested and the *Kuffar* succeeded in making her doubt the thoughts and rules of Islam until she found herself at a crossroads. Once they destroyed the Islamic State and they removed the Islamic Khilafah from existence, they led this *Ummah*, while she was in a state of confusion and bewilderment, down the path of ruin to reduce her to having no effect whatsoever. Today, after 40 years of proceeding in this manner, they have dragged her to the end of the road and they have pushed the *Ummah* to the edge of the hollow, such that she now sees the final anguish before her. So will you leave her to perish as the previous nations perished before her? Then at that time, Allah will raise those who carry His Message, convey His *Da'wah* and support His *Deen*. And He will substitute others in your place. He ﷻ said:

وَأِنْ تَوَلَّوْا يَسْتَبَدِلْ قَوْمًا غَيْرَكُمْ ثُمَّ لَا يَكُونُوا أَمْثَالَكُمْ {محمد 38}

"And if you turn away, He will exchange you for some other people, and they will not be like you" [TMQ Muhammad: 38]. And He ﷻ said:

إِلَّا تَنْفَرُوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا وَيَسْتَبَدِلْ قَوْمًا غَيْرَكُمْ {التوبة 39}

"If you march not forth, He will punish you with a painful torment and will replace you with another people" [TMQ At-Tauba: 39]. Or are you expending

your blood and soul in order to save her so that she resumes once again the conveyance of her Message to the world to rescue it from the *Kufr*, misguidance, corruption and misery and take it out from the darkness and into the light?

O Muslims! Your *Ummah* cannot be saved unless you return to Allah, strengthen your relationship with Him, seek help from Him, put your trust truly in Him and until you make the attaining of His Good Pleasure the ultimate goal in this life. Spreading the *Deen* of Allah, raising high the word of Allah, and conveying the Mercy to the creatures of Allah and bringing happiness to the servants of Allah, will achieve the rescue of your *Ummah*. This means that the brain of *Kufr* has to be smashed and the head of the *Taghut* has to be destroyed and atheism and falsehood have to be crushed. None of this can be achieved except through bitter struggle with the sword of the enlightened thought and through sincere *Jihad* to raise high the word of Allah, and by selling your lives and souls for the sake of Allah ﷻ. Therefore, you have no power except by Allah and you have no support except Allah. Allah ﷻ is the only Helper and the One Who gives victory. He is the best Protector and Helper.

O Muslims! Your attachment to the earth has been long, so raise your sights to the sky. Your interest in the enjoyment of the *Dunya* has increased, so draw your attention to the Bliss of the Akhira. It is time for your yearning for Paradise (*Jannah*) to stir and for you to revive and smell its fragrance and strive for its blessing. Make the longing for the *Jannah* the boat that carries you to the fields of struggle and the battles of war. Answer the Call of Allah when He ﷻ said:

وَسَارِعُوا إِلَىٰ مَغْفِرَةٍ مِّن رَّبِّكُمْ وَجَنَّةٍ عَرْضُهَا السَّمَاوَاتُ وَالْأَرْضُ أُعِدَّتْ  
لِلْمُتَّقِينَ {آل عمران 133}

"And march forth in the way (which leads to) forgiveness from your Lord, and a Paradise as wide as are the heavens and the earth, prepared for the *Muttaqeen* (God fearing ones)" [TMQ Al-Imran: 133].

And respond to the request of the Messenger ﷺ when he said:

قوموا إلى جنة عرضها السوات والأرض

**"Stand up for a Paradise whose width is that of the heaven and the earth".** The people who gave the second pledge of 'Aqabah said: "We took the Messenger of Allah ﷺ amongst us though we may lose our property and our notables may be killed. They said to the Prophet ﷺ: What is for us O Rasool ul-Allah, if we give you our loyalty. Rasool ul-Allah ﷺ replied with confidence: **'The Paradise'**."

O Muslims! Indeed the Paradise is the reward for exerting ourselves in the path of Allah to spread Islam and raise high the word of Allah ﷻ. He ﷻ said:

إِنَّ اللَّهَ اشْتَرَى مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةَ يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ فَيَقْتُلُونَ وَيُقْتَلُونَ {التوبة 111}

*"Verily, Allah has purchased of the believers their lives and their properties; for the price that theirs shall be the Paradise. They fight in Allah's Path, so they kill (others) and are killed"* [TMQ At-Tauba: 111].

Yes! The Paradise, O Muslims, is the deal they made with Allah whereby they would fight in the Path of Allah. So they will kill and be killed. Is it not time that you yearn for the *Jannah* and make a deal with Allah in which you will never lose, but whereby you sell yourselves seeking His Pleasure and answer Him when He calls you to that which gives life?

يَا أَيُّهَا الَّذِينَ آمَنُوا اسْتَجِيبُوا لِلَّهِ وَلِلرَّسُولِ إِذَا دَعَاكُمْ لِمَا يُحْيِيكُمْ {الأنفال 24}

*"O you who believe! Answer Allah and His Messenger when he (the Messenger) calls you to that which will give you life"* [TMQ Al-Anfal: 24].

O Muslims! Indeed, your terrible calamity is that the light of the Islamic *'Aqeedah* has been extinguished from your hearts and its effect on your actions has vanished. It has lost its warmth in your behaviour and has become dead in your souls. So illuminate it with the rules of the

Qur'an and revive it with the Remembrance (*Zikr*) of Allah. Make it return you as a different people like the first Muslims from the *Sahabah*, *Tabi'een* and *Tabi'i it-Tabi'een*. Illuminate it with the confidence in the thoughts and rules of Islam by working to re-establish the authority of Islam and by raising the banner of the Qur'an. Illuminate it by carrying the *Da'wah* to the whole of mankind so that you may take them out of the darkness of *Kufr* and misguidance and into the light of Islam, from the hell of worry and misery to the blessing of tranquillity and happiness. Revive it by fearing Allah and obeying Him, by fearing His punishment and desiring His Paradise, by strengthening the link with Him and remembering Him in your behaviour and thinking about Him when doing every action. Revive it by drawing closer to Him not just by prayer, fasting, *Zakah* and *Du'a* only, but by saying the truth wherever it is needed, struggling against falsehood wherever it exists and fighting the *Kuffar* and hypocrites all the time and at every opportunity.

O Muslims! Your illness has been diagnosed as being the shaken confidence in the thoughts and rules of Islam, and the cure has been clarified to you as being the establishment of the Islamic Khilafah with the thoughts and rules of Islam. So the course of action has been made as clear to you as the midday sun. The aim has been defined such that every person can tangibly sense it. That is why we call you to breathe life into the Islamic *'Aqeedah* in your hearts through your continuous link with Allah ﷻ and your perseverance in calling people to Allah and to the confidence in the *Shari'ah* of Allah, and by making the Islamic brotherhood the only bond which binds all the Muslims. We call upon you to work tirelessly and continuously with complete awareness and honest sacrifice to re-establish the Islamic Khilafah by disseminating the thoughts of Islam and by struggling for their sake. This is to raise the flag of Islam over all other flags, and to make the Word of Allah the highest and to resume carrying the Message of Islam to the world as a Light, Guidance and Mercy.

15 Jumada I 1382 AH  
Hizb ut- Tahrir  
13 October 1962

Bismillah al-Rahman al-Rahim

Reflection upon this call:

1 - The *Kuffar* in the West, in the light of their inventions and discoveries, undertook a crippling intellectual onslaught against the Muslims. They stirred up doubt in the thoughts on which the Islamic State was established in order to destroy it. This is because they knew that the way to destroy ideological states is to shake the confidence of the politicians and thinkers in the concepts, criteria and convictions that form the entity of the state. That is why they were able to destroy the Islamic State in spirit before they went on to destroying it in reality.

2 - By removing the Khilafah System and making the Muslim politicians and intellectuals love the thoughts and legislation of the West; the Western *Kuffar* became the people who had absolute authority over the lands of Islam. Thus, they applied *Kufr* systems on the Muslims in addition to raising doubts amongst the Muslims in the thoughts and rules of Islam and shaking their confidence in the concepts, criteria and convictions on which their *Ummah* is established. So they weakened the bond that brings the Muslims together and they led the *Ummah* down the path of destruction.

3 - The continuation of the *Kuffar's* control over the Muslims and the consolidation of the *Kufr* systems in their relationships for approximately two generations has spurred desperation in the souls of Muslims in restoring the thoughts and rules of Islam to life. They also instigated hopelessness in the Muslims regarding their return as one state and as one *Ummah*. Thus, the *Ummah* has reached the brink of the abyss of destruction, and she is worried that she might be annihilated.

4 - The way to rescue the *Ummah* from extinction is to regain her confidence in the thoughts and rules of Islam and to revive the Islamic vitality in her hearts with this confidence. That is why it is not allowed for a Muslim to abstain from the work to restore this confidence, and nor is it allowed for him to lag behind from the political struggle and the ideological battle in its path.

5 - The Islamic Khilafah is what unites the word of the Muslims

under its flag, protects the power of Islam with its authority and enables the Muslims to convey their Call to the world. It makes them an international power that affects the international situation and the destinies of nations. Allah ﷻ has made it *Fard* on all the Muslims. That is why it is obligatory for every Muslim to strive to establish it by carrying the Islamic *Da'wah* through the political way. This is because only its establishment will rescue the *Ummah* from destruction and make her the best *Ummah* brought forth for mankind.

