

Caliphate FAQ



Would the Caliph be elected and held accountable for all his actions?

Yes. Contrary to notions of the Islamic Caliphate being a religious dictatorship presiding over an authoritarian system, the head of state is elected within an open transparent election and is directly accountable for all his actions to the people. This accountability is maintained by having a vibrant open society and political parties, the presence of strong institutions including independent courts as well as the presence of strong values. There are many Islamic evidences that are well known that obliged enjoining good and forbidding evil (amr bil maaruf wa nahi anil munkar) upon rulers.

Within the Caliphate there is a specific institution called the Court of Unjust Acts (Mahkamut ul Madhalim), which has the mandatory power to look into any complaint against the Head of State, his advisers, any assistants or the governors in the provinces. Indeed the court itself has the right to look into any case of injustice by the executive even if nobody filed a complaint.

Explain in brief the key principles of the Islamic political system

The Islamic political system has a number of key principles, two of the fundamental ones are that:

1. Legislation is derived from the divine sources i.e. the Qur'an and Sunnah, Ijmaa as-Sahaba (Consensus of the Companions of the Prophet) and Qiyas (Analogical reasoning)
2. The authority lies with the people.

The former principle contravenes the key tenet of secular democracies, while the second principle undermines the key features of dictatorships.

What do you mean by 'authority belongs to the people'?

This means in origin that the people are the ones who hold the authority of ruling and they contract the ruler (Caliph) to rule according to the Qur'an and Sunnah. The contract or bai'ah stipulates that the ruler is permitted to rule the people as long as he rules according to the Quran and Sunnah. The appointment of the ruler is thus through popular consent from the people via an electoral process.

A ruler must have a mandate from the population or is considered illegitimate. This completely puts to rest the myth that the Caliphate would be some kind of religious dictatorship imposed upon the people through religious order.

People say this would be an election that is 'one-man one-vote one-time'

There is no fixed-term limit for a leader. The Court of Unjust Acts can remove him at any time, if he breaches the constitutional contract of ruling or contravenes any of the qualifying conditions to rule. There is no need to wait five years for the next election to do this. The principle is rooted in divine law but can be seen as providing long term continuity as well as avoiding the compromises and money dependency that short term electoral cycles bring in modern democracies.

But with no fixed-term limits, doesn't this just become an elected dictatorship?

No a leader if he contravenes the constitutional limits or commits egregious acts he can be removed by the Court of Unjust Acts at any juncture. This court is independent from the executive and can listen to any complaint. In addition accountability – by ordinary citizens, political parties, independent media and the elected assembly is a constant obligation on the people - not to be exhibited once every four or five years via a ballot box.

Apart from the head of State are there any other elected institutions in the Caliphate?

Yes there are. There are regional assemblies (Majlis ul-Wilyah) in each province (wilyah) that are directly elected and whose term limit is five years and whose representatives then elect from amongst themselves a national assembly known as the Council of the Ummah (Majlis al-Ummah).

What are the powers of these assemblies?

They have the responsibility to account the Head of State at the national level and account the appointed Governors at the local level. In addition their views/decisions sought on general public interest matters is considered binding.

Allah says in the Qur'an:

لَللّٰهِ اِيْلٰهٌ لَّا يَلْعَبُ ۗ لِكَيْ يَنْزِلَ عَلَيْكُمْ حُكْمٌ وَيُذْهِبَ غَمَّكُمْ وَيُجِبَ لَكُمْ ذُنُوبَكُمْ ۗ وَاللّٰهُ عَلِيمٌ خَبِيرٌ

'And do consult them in the matter, and if you decide (on an action/opinion) put your trust in Allah'
[al-Imran, 3:159]

The regional assembly can also by majority vote remove the locally appointed Governor by passing in effect a vote of no confidence.

If legislation is divine in origin, does that not make the Islamic State a theocracy like Iran or Saudi Arabia?

No! Theocracies at their heart believe that there is a group or leaders who are infallible and who have an exclusive right to interpret the word of God, where no one is allowed to challenge their interpretation and anyone doing so is condemned. Muslims believe Prophets are selected by God but that subsequent political leaders are not. Their legitimacy must emanate from the authority of the people. The Islamic political system is not theocratic in nature with anyone allowed to challenge any ruling by either scholars

or the head of state. We also do not accept either Iran or Saudi Arabia as valid models; the former has a split religious-secular model, neither Islamic nor democratic; while the latter is a hereditary monarchy that uses the religious establishment as a tool to control opposition to their capitalist and pro-West agenda.

Political parties who adhere to the constitution should operate freely within the system. But if you believe the Caliphate is not theocratic, then surely your state is religious and therefore not pluralistic?

Like most states, an Islamic state would have a written constitution that governs the society and therefore allows individuals and political parties to operate within that constitutional construct. Of course an Islamic constitution would be different to a constitution that promoted free-market capitalism and social liberalism. However constitutions, written or implied, in democratic states also constrain individuals and parties to ensure that everyone operates within the same political rules and systems. The Islamic system in that sense is no different.

But aren't people in the West are free to criticise their leaders and their political systems?

To a certain extent, though since 9-11 we are seeing a greater intolerance of people who are challenging fundamental ideas. Within an Islamic political system, accounting leaders and their decisions is not merely encouraged – it is mandatory.

Allah says in the Qur'an:

نَوْحًا لِّفُجَّارٍ مِّمَّهٖ لَعْنَةُ اللّٰهِ اِنَّهُمْ كَانُوْا يُسَبِّحُوْنَ اَعْوَابَ الْمَدِيْنَةِ حَمَلِ الْكُرْسِيِّ وَرُبُّهُمْ اَيُّوْبُ رِيَّحًا لِّاَعْلٰى اَنْوَعٍ ذٰى قُوَّةٍ مِّمَّا كَفَرْنَا مِنْ نَّكٰتِلُو

‘Let there arise from amongst you group(s) who call to the khair, enjoin maaroof and forbid munkar. They are those who are successful.’ [al-Imran, 3:104]

meaning that there must at any one time be groups within the Ummah that account the rulers. We also know that Islamic history has a long record of accounting rulers, debate and discussion, and Islam draws a clear line between debate, criticism of authority on one hand and gratuitous abuse of key beliefs – unlike Europe's position during the Danish cartoons abuse.

How can this be reconciled with a ‘free media’?

Media in the Caliphate is independent, in general not require any permission for work. Every citizen in the Caliphate is allowed to set up any kind of media operation within the agreed general guidelines of the laws – which prevents libellous attacks, the promotion of any kind of sexual depravity, racism or issues relating to national security. But scrutinising policy, questioning and accounting the executive and other branches of government is fully within their mode of action.

If legislation is sourced from divine law, how can you progress and solve new challenges and problems?

Islamic jurisprudence has detailed solutions and key principles derived from the Qur'an and Sunnah that are timeless. These can be applied to any new challenge or problem. This is well established in Islamic jurisprudence under the discipline of Ijtihad. Most democratic states still cite the Magna Carta in 1215 and the United States is based on a constitution written in 1776. In addition pan-national treaties or conventions like the European Convention on Human Rights or the Geneva Conventions are also viewed by their supporters as timeless accords.

Furthermore if one studies Islamic history one can see how during the Islamic Caliphate the Muslim world was at the forefront of science, technology and progress.

Are you therefore saying that people have no role in policies because everything is divinely ordained?

No, Islam evaluates human actions in five ways. Some actions are mandatory (fard), others are prohibited (haram) while some are disliked (makruh) or recommended (mandoub or Sunnah). In any of these four categories, people have no right in setting policy – these matters can be seen as fixed principles in the state.

However the fifth category is that which is categorised as permissible actions (mubah) i.e. actions that human beings are free to do without divine restriction – many state policies may well be amongst the mubah actions. Here people have every right via their elected assemblies to fully debate and decide the best course for the State. There are many occasions from the life of the Prophet where people were not just consulted but their collective decisions were considered binding. These issues are generally related to areas of communal interest that do not require specialist scrutiny in areas of education, health, the economy, industry and agriculture.

Political leaders should represent the interests of all the people, not just a narrow elite. You are obviously critical of the closeness of big business in democratic societies, but how would you stop that happening in the Caliphate?

The Western cocktail of money and politics has caused huge problems in generating corruption, a degeneration of society's values and instability in global peace and security as worldwide resources are constantly fought over. The Islamic system would take the money out of modern politics. The electoral circus every four or five years (every two years for the House of Representatives in the United States) in the West positively encourages the growth of money in politics forcing politicians to either raise grotesque amounts of money for re-election or maximise their own wealth before they get booted out.

The Islamic system, though not immune from the temptations on offer, seeks to actively detach both finance and the interests of corporations from politics by avoiding the constant electoral circus. In addition whereas capitalism and democracies are fused at the hip in the West, so creating a class of politicians who are either personally corrupt or beholden to a corporate class, no such influence is permitted in an Islamic political model where strong restrictions surrounding relationships and influence are in force.

The Islamic economic system is also the complete antithesis to the capitalist economy, putting the problems of the ordinary man over big business. Moreover, a record of corruption is a matter that would violate a contractual condition of ruling for the Caliph – meaning such a person would either not be allowed to take office, or would be removed once in office.

There should be a judiciary independent of the executive and who can hold the executive to account. Are you saying the judiciary is therefore independent from the State in the Caliphate?

Yes, absolutely! Judges and courts are completely independent from the head of state and the executive and are key parts of the Caliphate's institutions. Moreover, a sitting judge who is investigating a matter relating to the executive cannot be dismissed till the conclusion of the investigation.

Are you therefore saying that no individual or group is above the law?

Correct. No one - including the head of state, their family, or any religious scholar - is above the law. And unlike the West where justice is skewed to those that are more powerful and wealthier, Islamic courts have historically - and will do so in the future - exercised justice for the weak, minorities and the less well off. This was because of the saying of the Prophet صلى الله عليه وسلم mentioned in Bukhari and Muslim when he was petitioned to intercede for a noble lady who had committed theft: 'The nations before were destroyed because if a noble person committed theft, they used to leave him, but if a weak person amongst them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad, committed theft, Muhammad would cut off her hand!'

Are you saying that the Caliphate will not discriminate against any of its citizens on the basis of creed, race, gender or disability? Surely by being based on Islam, Muslims will always be favoured and surely secularism is the best way to go?

No this is a common accusation but has no grounding in fact. The Caliphate is mandated by divine law to treat non-Muslim citizens well; protecting their right to their religious beliefs and protecting their places of worship.

The State is forbidden from discriminating at all between the individuals in terms of rule, judiciary and management of affairs or anything similar. Rather, every individual should be treated equally regardless of race, creed, colour or anything else.

Allah says in the Qur'an:

لُدْعَالِ اِبِ اَوْ مُكْحَتِ نَأْسَانِ اَنْ يَبْ مُتْمَكْح اِدْوِ

'And if you judge between people, judge with justice.' (al-Nisa, 4:58)

يَوْقَتَلَلُ بَرْقًا أَوْهُ اَوْلُدْعَا اَوْلُدْعَتِ اَلْ اَوْلَعِ مَوْقُ نَأْنَشِ مُكْحَنَ مَرْجِي اَلْوِ

'And let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is nearer to piety' [Al-Maida, 5:8]

Also the Prophet Muhammad صلى الله عليه وسلم said: 'He who kills a covenanted person unjustly shall not find the scent of heaven; its scent is found the distance of a hundred year march.' [Tirmidhi]

Historically Jews and Christians were well protected and examples of Islamic Spain and the refuge given to Jews by Istanbul at the time of the Inquisition are documented examples. In one famous case from the early period of Islamic rule a non-Muslim took the head of state to court over a property dispute and won the case. Non-Muslims of any creed (or none) have no fear from an Islamic system and for many who see Western societies increasingly mired in materialism and political corruption may seem pleasantly surprised at the Caliphate's alternative model.

Arbitrary arrest, spying on citizens, internment, torture and extraordinary rendition should be absolutely prohibited. However if you do not believe in democratic rights, wouldn't people say that made the system a Police State?

No Islam completely rejects this. Islam does not believe in arbitrary arrest or torture or rendition or internment. Every person has the right to a presumption of innocence, a right to privacy and a right to a fair trial. Secular democracies do not have a monopoly over respecting the rights of its citizens.

Islam prohibits the State from spying on its citizens – something endemic in Muslim countries but also on the increase in many Western countries: Spying on Muslims is haram as stipulated in this verse.

Allah says in the Qur'an:

اَوْسُـسْ جَتَّ اَلْوِ

'And do not spy on each other' [Hujraat, 49:12]

This is a general prohibition of spying confirmed by the hadith reported by Ahmad and Abu Dawud in their narration from Al-Muqdad and Abu Umamah when they said:

The Messenger of Allah said: 'If the amir sought for suspicion amongst the people he would undermine them.' [Abu Dawud, Sunan, #4889 and al-Haythami, Majma' al-Zawa'id, vol.5, p.218]

There are also clear constitutionally enshrined Islamic prohibitions on torture and abusive behaviour amongst other things – applied to the police, armed forces and security services as well as the general population - as a protection from such forceful rule.

Didn't religious rule in Europe in the medieval period hold Western society back in terms of material progress?

Yes but this was specific to Europe where science was seen as an enemy to established tenets of the Church. The opposite happened in the Muslim world, the Caliphate actually drove scientific and technological progress on the back of Islamic tenets. Islam never mandated divine rules relating to science, administrative or technical issues. The significant achievements and advancements of the Caliphate historically have been recognised by many non-Muslim commentators, historians and experts.

Even if you reject the Western model based on its corruption and inability to tackle longterm challenges isn't China an alternative?

China may have an amazing economic growth record but is a state that crushes its individuals and denies them any political rights. For China people are resources to be managed through the capitalist market not human beings who should be respected and treated like human beings.

Killing innocent people in cold blood for protesting in a public square is not a sign of a civilisation at ease with itself. Chinese internal policies in Xinjiang and Tibet are harsh and severe and are characterised by paranoia and the requirement for absolute obedience. China often accuses the West for engaging in brutal behaviour, however its treatment of the Uighurs shows its inability to build a cohesive society that can be attractive to minorities.

Despite attempts by Chinese politicians to portray the whole of China as vibrant, almost 40% or 500 million of China's population live on less than \$2 a day. Despite the great strength of China's economy, too little of the new found wealth has circulated to the poor and the needy.

China has a terrible record when it comes to religious persecution. Its treatment of all religions but specifically Christianity and Islam is nothing short of horrific. Despite a huge propaganda effort to convince the world that China is becoming much more open and free since the June 1989 Tiananmen Square massacre, religious persecution has been intensifying. Chinese authorities have intensified their

violent campaign against religious believers, including Evangelical Christians, Roman Catholics, Uighur Muslims, Tibetan Buddhists, and other groups, such as the Falun Gong