

Summation of Hizb ut-Tahrir's Caliphate

By Bo Perrin

The third Constitutional section is the Khilafah. Hizb ut-Tahrir was created to be the instrument by which the Khilafah, the party bloc and the council of the Ummah would be restored. HuT believes the proper ideology to restore the Khilafah is Islam and the Islamic Aqeedah is the proper instruction. The ideology fuses idea and method. The Aqeedah produces a pure man. When idea, method and the pure man arise together the Caliph is born. This is the first cell. Others will join this cell creating more cells. The first level of cells creates the party leadership which eventually is to become the party bloc. From within this group of cells arises the aware group. The aware group is a group of men from within the party bloc who grasps the idea, method, goal and the means to reach the goal better than others. This aware group is also called the council of the Ummah. Nevertheless, the heart of this theocracy is the Caliph. (1)

The right person is deputized by the Ummah to impose Shar'ia on the faithful. (Article 24) The word deputized seems to imply the Ummah is in charge, as a Sheriff, and the Caliph have been chosen to assist the Sheriff because of his unique qualities. The deputization is a nomination which the individual who is being nominated can decline (Article 25).

The Caliph can only be nominated by Muslims. (Article 26) This means that Dhimmis, those who submit to Islamic monotheism within a Muslim state, do not have any representation. Dhimmis are merely expected to follow the rules. Every Muslim is expected to give his bai'ah or oath of allegiance to the newly appointed Caliph whether the Muslim agrees or not with the choice. (Article 27) No one can become Caliph without the vote of the Ummah. (Article 28)

The individuals who desire to give their bai'ah to the Caliph must be self-acting. (Article 29) This means that the individual who gives his or her bai'ah can only live in a country guided by Shar'ia. HuT's philosophy seems to view a Muslim who is forced to live in a non-Muslim world as under persecution and incapable of acting freely.

There are two types of conditions that could possibly be met for an individual to become the Caliph. The two conditions are preferable and contractual. The individual who is nominated to be Caliph needs to only meet the contractual conditions. (Article 30). HuT is concerned that the Ummah might try to find a perfect man (preferable) rather than a pure man (contractual). So, HuT defines the seven contractual conditions. The Caliph must be a male, free, mature, sane, trustworthy and able. (Article 31) The individual who is nominated does not have to meet any conditions which might imply he must be perfect but he must meet the conditions which the Ummah contract with him. The contractual conditions seem to be less than the preferable. Nevertheless, a bai'ah can be given if the individual merely meets the contractual conditions.

A vacancy within the Caliphate must be filled within three days. (Article 32) When Caliph Umar ibn al-Khattāb (586-644) was dying he gave the Ummah three days to find a replacement. The senior Sahabah or Companions of Mohammad did not dispute Umar's command. HuT argues Umar's actions are as authoritative as the Qur'an, Hadith, Sunnah and Kitab and this means a vacancy in the Caliph must be filled within three days and two nights.

The Caliph is to be appointed from a short list. The Majilis ul-Ummah prepares this list and then the Muslims choose one individual. The individual who gets the most votes is announced, given the Bai'ah and then his name and the contractual conditions are heralded to the Ummah. At this point the entire Ummah must extend their Bai'ah to the new Caliph as well. (Article 33) Once a Caliph, always a Caliph.

After an individual is chosen and given the oath of allegiance the Ummah cannot remove him from office. (Article 34)

The Caliph is the state. (Article 35) He is able to impose aHkaam shar'iyyah (divine rules outside of Shar' ia), responsible for internal and external affairs, in charge of all things military, responsible for affairs of state especially within the diplomatic corps, appoints and dismisses assistants, governors, chief judges, directors of departments and heads of the armed forces. The State budget is determined by the size of the aHkaam shar'iyyah and the Caliph is responsible for its funding.

The Caliph is limited in his power of the aHkaam shar'iyyah he constructs. (Article 36) The aHkaam shar'iyyah cannot violate or contradict Shar' ia. He has the absolute right to conduct citizens' affairs but he cannot disagree with Hukm shar'i (legal rulings of Islamic jurisprudence) nor forbid any Halaal (good) thing or permit any thing Haraam (evil). The Caliph has no time limit as to how long he may be office other than a normal life span. (Article 37). There three situations in which Article 37 changes. The Caliph might be removed from office if he apostatizes, he is unable to conduct the affairs of state and he determines he is incapable of conducting the affairs of state according to Shar' ia. (Article 38) The latter situation concerns the Caliph being subdued by another force whether he was captured in battle or a minister takes operational control. If there is a question as to the Caliph's fitness to conduct the affairs of state the matter must be taken to the Court for the Acts of Injustice (maHkamat al-maZaalim). This court is the only court Constitutionally which can render such a verdict and it alone is given the authority to admonish or dismiss the Caliph.

The heart of the Caliphate is the Caliph. He is the state and he alone has the Constitutional authority to conduct State affairs. A Caliph is a virtue dictator who has absolute control over the lives of the Ummah in those areas that Islamic jurisprudence does not cover. This structure is what Hizb ut-Tahrir wants to restore and impose on the world, Muslim and non-Muslim alike.

1) Taqiyuddin An-Nabahani, Party Structure, [online] (Hizb ut-Tahrir, date unknown, accessed 15 June 2010) available from <http://english.hizbuttahrir.org/images/pdfs/PartyStructure.pdf>