

## Summation of Hizb ut-Tahrir's Delegated Assistant

By Bo Perrin

The fourth Constitution section concerns the Delegated assistant (DA). (Mu'aawin ut-tafweeD) The delegated assistant is one of five governmental councils. The DA is chosen personally by the Caliph. (Article 41) He assists the Caliph in ruling and does so from his own point of view and ijtihaad. The DA's qualifications are much the same as the Caliph. He must be male, free, Muslim, mature, sane, and 'adl (trustworthy). Additionally he must be competent in the tasks for which he is deputized to undertake. (Article 42)

When the Caliph is appointed there, must be a declaration to that fact. The same is true of the DA. When the Caliph chooses the DA, the Caliph must state something to the effect, "I appoint you on my behalf as my deputy." It seems that the statement itself is what confers the authority upon the individual chosen to assist the Caliph because without such a declaration the individual does not hold the position of DA. (Article 43)

The DA is not equal to the Caliph. The most obvious difference is that the DA must keep the Caliph informed as to the matters he has managed, the duties he has implemented and the analysis of any situation he might make. He is allowed to carry out his duties as he determines unless the Caliph prevents him. So, even though the DA is supposed to be able to use his own point of view and ijtihaad to carry out his duties ultimately, the DA can be overruled. (Article 44) In fact, the Caliph must review whatever the DA does and adjust anything he thinks is wrong because ultimately the buck stops with him and his ijtihaad. (Article 45)

Nevertheless, the Caliph's authority over the DA does have limits. If the DA makes a decision in an area which the Caliph does not have absolute authority over the DA has the authority to carry out his decision without it being subject to alteration. This is the reason for which he was picked. If the Caliph has an issue with something the DA has done yet what the DA did was sound then the DA's decision stands. On the other hand, if the DA makes a decision within the realm of a subject which the Caliph has absolute authority, then the Caliph has the final say and can amend whatever it is the DA did. (Article 46)

Finally, the Constitution does not permit the Caliph to appoint the DA to a specific department or task. The DA is a general deputation to generally oversee the administration. Therefore, he is Constitutionally forbidden to undertake administrative matters. (Article 47)

The DA's position begins to flesh out the Caliphate. The DA must have the same qualifications as the Caliph but he must also be competent to accomplish the tasks he is assigned. When the DA makes a decision in an area which is not under the Caliph's absolute authority he has free reign to use his good sense and ijtihaad. But if he makes a decision about something that is under the Caliph's absolute authority the Caliph has the responsibility to overrule his assistant.