

## Summation of Hizb ut-Tahrir's General Rules

By Bo Perrin

The first Constitutional section is "General Rules." This section is an overview of the application of the Constitution to the various parts of Islamic society.

The Islamic Aqeedah is the sole source for Shar' ia, the State's Constitution and is the foundation of the Islamic state. Aqeedah refers to the matters which are believed with certainty and conviction in one's soul. It can refer to the matter of knowledge and refers to the knowledge for which there are no doubts or misgivings. (1) This knowledge is summed up in the Qur' an, Hadith and Sunni (Article 1).

In addition, the Constitution clearly separates the world into only two entities creating a bio-polar worldview (Article 2). The Islamic world is governed under the aspics of Daar ul-Islam. Dar al-Islam is governed by a faithful Khaleefah according to the Aqeedah. Daar ul-Kufr is governed by unbelievers. Qur' anically, an unbeliever is primarily a person or state who rejects Islamic monotheism and by so-doing also rejects governing by the Aqeedah.

The Khaleefah is not a single individual but four with the Khalif being the embodiment of Islamic society. He (Hizb ut-Tahrir believes the Khalif must be male) can adopt divine rules to govern (Article 3) but is not empowered to change the rules of ibadaat or worship except in the area of alms and jihad (Article 4).

Unlike the more imperialist forms of the Islamic state like the Ottoman Empire, Hizb ut-Tahrir believes that every citizen of the Islamic state are entitled to the divine rights (Article 5), must be treated equally and cannot be discriminated against (Article 6).

Article seven is concerned with Shar' ia. According to the Constitution Shar' ia is to be implemented on every Muslim while non-Muslims are supposedly allowed to continue to worship according to their consciences. The latter demands further investigation because according to the Qur' an not all religious people may worship according to their own dictates. Accordingly, Hizb ut-Tahrir's understanding of Shar' ia demands that apostates be put to death, Muslims must dress accordingly, marriage affairs between non-Muslims and Muslims must according to Islamic law as well as all other matters of State.

Arabic alone is the language of the State both politically and religiously (Article 8). Ijtihaad is a fard kifaayah (Article 9). In other words striving to implement the Islamic state is a collective duty Allah has burdened the Ummah with. Islam has no clergy (Article 10) and the purpose of the State is to propagate da'wah (Article 11). The Qur' an, Sunnah, consensus of the Companions and analogy together is the foundation of Islamic legislation (Article 12).

Every individual is innocent until proven guilty, torture is forbidden and punishment demands a court decision. (Article 13). Human actions are restricted by divine law and everything is allowed if there is no specific prohibition (Article 14). Finally, anything that leads to haraam is haraam although if something is merely feared to lead to haraam does not necessarily mean it is haraam.

The General Rules seem to be innocuous toward Western ideals and non-Islamic religions at the least. Nevertheless, it seems difficult to imagine how Hizb ut-Tahrir can reconcile the General Rules with Islamic jurisprudence concerning unbelievers. Hizb ut-Tahrir makes it seem as if say a Christian or Buddhist can continue to practice their religion in a state system in which the law is Shar' ia. Yet, the Qur' an is very clear that polytheists are to be put to death (9:029). So, while Hizb ut-Tahrir provides us with

tremendous insight into the operating procedures of the Islamic state there still seems to be questions that need answering at least according to this publication.

1) Shayk Muhaamad, What is 'Aqeedah? (Fatwa 951), [online] (Islam Question and Answer, date unknown, accessed 23 June 2010) available from <http://www.islamqa.com/en/ref/951>