

Summary of the Ruling System By Bo Perrin

The Khilafah heads Hizb ut-Tahrir's ruling system. Quoting Surah Al-Maidah 5:48, Hizb declares the Ummah has an obligation (farD) to appoint a Khilafah. (A) The Khilafah is the only proper authority to implement Islam upon the Ummah and the neglect to restore it is a great sin. (B) Hizb believes corrupt Western powers eliminated the Khilafah on 28 Rajab or July. Hizb claims that all the problems and setbacks that Ummah has suffered since is directly due to the Ummah's unwillingness to restore the Khilafah properly. The Khilafah state is the only means by which Islam can be properly implemented for many reasons. One reason is the lack of a Khilafah means the Ummah has not established the bay' ah to a Khilafah. The bay' ah is an oath of allegiance to a leader. It is clear Muhammad is the only prophet of Islam and supposedly the last prophet of any religion as Islam is supposedly the culmination of all of Allah's revelation and work on this earth. Nevertheless, Muhammad pontificated that Islam would be lead by Khilafahs after his passing. (C) The Ummah is to give their bay' ah to the individual whom they have contracted to be Khilafah. According to a hadith from Sahih Muslim to die as a Muslim who has not given his bay' ah is to die the death of a jahilliyah (ignorant of divine guidance). (D)

The Khilafah represents the Ummah in the implementation of Shari' ah and therefore, the Ummah chooses the man who would be Khilafah. Hizb's Constitution goes into greater detail how a Khilafah is chosen. Nevertheless, each Muslim gives his bay' ah to a particular candidate and the candidate who receive the majority of bay' ahs becomes the Khilafah. The bay' ah is conditional and the appointment is not necessarily for life. The Ummah is contracting the Khilafah to implement Shari' ah and take care of the responsibilities of the state. If he does not fulfill his duties there are legal means by which to remove him.

Sovereignty does not belong to the Khilafah but to Allah's Shari' ah. The Khilafah is bound by Shari' ah and is not allowed to make any laws which might contradict what Shari' ah calls Haram or Halah. The author quotes Surah Al-Maidah 5:44, 45 and 47 in which any Muslim who refuses to be governed by Shari' ah is called a disbeliever, oppressor and transgressor. The Khilafah is neither a dictator nor a democracy. Both are a matter of sovereignty. Hizb rejects democracy because, at least the Western ideal of democracy, democracy places sovereignty in the hands of the people who make their own rules rather than following the rules of Allah. (E) Hizb argues that it is sinful for Muslims to live under any non-Shari' ah political system citing Surah Al-Imran 19. (F) Yet, a dictatorship is no better than a democracy. The only difference between the two is how many claim Allah's sovereignty. In the democracy it is the majority while in the dictatorship it is the one. Unlike the democratic and dictatorial systems the Khilafah system will, in fact is obligated, to implement Shari' ah which Muslims believe is the perfect system of law. Implementing Shari' ah not only allows the state to govern the Ummah properly but it also inhibits colonists from creating a beachhead into the Islamic state.

The Khilafah state has other positions to fill in order that the affairs of state are taken care of properly. The Shari' ah for this is a hadith where Muhammad requests twelve men who would share the burden of leadership. (G) Accordingly, Hizb argues for the creation of the Majlis al-Ummah. This is a group of citizens who are elected by the casting of a bay' ah. The Majlis holds the Khilafah accountable to his contract for the people and the Khilafah consults the Majlis about the people's affairs. Shari' ah controls every aspect of this intervention. The Majlis can be populated by Muslims and non-Muslims. Hizb is rather deceptive in this section because they leave the impression that any non-Muslim can be a part of the Majlis. Hizb is governed by Shari' ah concerning Jihad and Jihad is the tool by which the Ummah is to implement Islamic monotheism and Shari' ah on the world. Jihad's purpose is to remove any obstacle to Islam's full implementation on the peoples of the world and it does so by killing the Kufir. A Kufir is an unbeliever who refuses to accept the Islamic nonsense and will not pay the jizyah. (H) By the time the

Khilafah state is restored or during its restoration, the Kufr will either be hiding or dead. Therefore, the only non-Muslim who will be allowed to be a part of the Majlis is the dhimmi. Yet, because the dhimmi lives under Shari' ah disbelievingly they may not give their opinion on Shari' ah issues that might arise.

According to Hizb Islam has provided very detailed rulings about the state's operation and the Khilafah is obligated by contract to implement these rulings. (I) There are three rulings. If there is a difference of opinion then Shari' ah gives the Khilafah the authority to make the final decision. Hizb believes the Sunnah of Abu Bakr, when he rejected the majority opinion of the Shabah concerning a military matter, is binding. Therefore, Shari' ah gives the Khilafah the authority to settle all matters of opinion which are in dispute. In a matter of public awareness or of practical value the Khilafah must follow the majority's decision. In a matter where experts are involved the Khilafah will consult the experts but is not bound to accept the majority's decision since often the majority's decision is wrong. Hizb believes the Sunnah of Muhammad when he relocated the military on the advice of only one military expert provides the Khilafah the authority to dismiss the majority's opinion.

Hizb argues that the Khilafah system will require a strict accounting of those in authority and will eradicate political corruption. Hizb provides examples how Pakistani officials legally protect themselves from being accountable to the people. This cannot happen in the Khilafah system because the Khilafah is obligated (farD) by belief in Allah and contract to the Ummah to live by Shari' ah. If he does not perform his duties as contracted he is then considered to oppress the Ummah and the people can take their grievance to the Court of Unjust Acts. This court alone has the authority to judge the Khilafah and if necessary, remove him. Political corruption will also be a relic. Yet, Hizb argues that corruption is attributed to the system rather than individuals. The democratic or dictatorial systems can be structured or manipulated to define what man believes is right and wrong allowing man to make what is wrong, right and what is right, wrong. The leaders of the Khilafah system cannot manipulate Shari' ah and therefore, there is no incentive to be corrupt.

Next: Economic System

A) Surah Al-Mai'-dah 5:48: "And rule between them by all that which Allah revealed to you, and do not follow their vain desires away from the truth which came to you."

B) Hizb ut-Tahrir, Manifesto of Hizb ut-Tahrir for Pakistan: Pakistan Khilafah and the re-unification of the Muslim World, [online] (Hizb ut-Tahrir Wilayah Pakistan, date unknown, accessed 27 July 2010) , 7 available from <http://www.hizb-pakistan.com/home/wp-content/uploads/2009/02/manifesto-english1.pdf>

C) Hizb ut-Tahrir, Jihad and the Foreign Policy of the Khilafah State, (Khilafah Publications: London, 2001) , 47

D) Hizb ut-Tahrir's explanation of the Second Bay' ah of Aqahab:
<http://www.facebook.com/topic.php?uid=140469819213&topic=13447>

E) Manifesto of Hizb ut-Tahrir for Pakistan, 8

F) Al-Imran 19: "Surely the (true) religion with Allah is Islam."

G) Khilafah, Establishment of the Islamic State, #3, [online] (Khilafah: The Islamic State on the Methodology of Muhammad [saw] date unknown, accessed 29 July 2010) , available from http://khilafah-rashida.blogspot.com/2007_09_01_archive.html

H) Hizb ut-Tahrir, Jihad and the Foreign Policy of the Khilafah State, 58

I) Manifesto of Hizb ut-Tahrir for Pakistan, 9