

Who will fill the government posts in a future Caliphate and from where in society will they be selected from?

Posted by AK | 11 July 2010 | Category: Ruling |



By Abdul-Kareem Jamil

In answer to this there are two factors that need to be considered for someone to be suitable for a ruling position in the Caliphate - capability and strength of ideology.

Capability to Rule

Capability in carrying out the task of ruling is an explicit shar'i (legal) condition for the Caliph, Assistants (mu'awinoon) and the governors (wulah).

This ruling capability is manifested in certain traits that will enable the person to fulfil the responsibilities of office and manage the affairs of state. These traits are strength of personality, consciousness of Allah (taqwa), kindness and that he should not be one who causes aversion.

1. Strength of personality - The Prophet Muhammad (Allah bless him and give him peace) stipulated that the ruler must be strong and that the weak person is not suitable to become a ruler.

Muslim narrated from Abu Dharr who said: "I said: O Messenger of Allah, will you not appoint me as a governor/ruler? He (Allah bless him and give him peace) struck my shoulder with his hand then said: "O Abu Dharr, you are weak and it is a trust (amanah). On the Day of Judgement it will be a disgrace and regret except for the one who took it by its right and fulfilled his duty in it."

Strength of personality means the intellectual and emotional strength. It is necessary that this mentality be the ruling mentality by which he understands matters and relationships, and that his emotional disposition (nafsiyya) is that of a ruler who understands he is a ruler so his inclinations are of a leader.

2. Consciousness of Allah (taqwa) - Since the personality trait of strength has within it the potential of domination there is an obvious need for the ruler to have an attribute which protects him from the evil of domination. It is therefore necessary that he has the attribute of taqwa in taking care of the Ummah.

Muslim and Ahmad from Sulayman bin Buraydah from his father: “Whenever the Messenger of Allah (Allah bless him and give him peace) would appoint an Amir over an army or expedition, he would command him with taqwa with himself and to be good to those Muslims who are with him.”

The ruler, if he is conscious of Allah and fears Him, and accounts himself in his own soul secretly and openly, then this would prevent him from tyranny in the first instance.

3. Kindness - Taqwa alone would not prevent the Caliph from harshness and severity since in his taking account of Allah he would restrict himself to His commands and prohibitions. And since he is a ruler, it is natural in his position to be severe and hard, and because of this the Lawgiver (Ash-Shari’) commanded him to be friendly and not to be hostile to the citizens.

From Aisha who said: I heard the Messenger of Allah (Allah bless him and give him peace) saying in his house of mine: “O Allah, whoever is appointed over any matter of my Ummah and is hostile to them, then be hostile to him! And whoever is appointed over any matter of my Ummah and is friendly to them, then be friendly to him!” [Muslim]

4. Doesn’t cause aversion - He also commanded to be one who gives glad tidings not one who repels or turns people away.

From Abu Musa who said: When the Messenger of Allah (Allah bless him and give him peace) sent one of his companions in some of his affairs, he would say to him: “Give glad tidings and do not repel people, be easy and do not be hard (to the people).” [Muslim]

Strength of Ideology

The Caliphate is an ideological Islamic State where the Islamic aqeeda (belief) is the basis of the state, its institutions, systems and societal relationships. The Caliphate’s strength will depend directly on the strength of the ideology within the state. This means those in ruling positions must be of those who will work in protecting, implementing and propagating the Islamic ideology so the state remains strong and becomes a leading nation in the world.

This means those in ruling positions must be Muslim. This is because the Shari’a (Islamic law) has restricted ruling positions to those who believe in the ideology of the state i.e. Islam. This is no different to any ideological state within the world today. America or Western Europe for example would never accept a Muslim or Communist as President or Prime Minister. The fact that during Obama’s Presidential election campaign he was forced to distance himself from any hint of being a ‘secret Muslim’, such as removing two Muslim women in headscarfs from standing behind him in a speech is clear evidence of this.

Muhammad Asad in his book ‘The Principles of State and Government in Islam,’ writes on this point.

“One cannot escape the fact that no non-Muslim citizen – however great his personal integrity and his loyalty to the state – could, on psychological grounds, ever be supposed to work wholeheartedly for the ideological objectives of Islam; nor, in fairness, could such a demand be made of him. On the other hand, no ideological organization (whether based on religious or other doctrines) can afford to entrust the

direction of its affairs to persons not professing its ideology. Is it, for instance, conceivable that a non-Communist could be given a political key position – not to speak of supreme leadership of the state – in Soviet Russia? Obviously not, and logically so: for as long as communism supplies the ideological basis of the state, only persons who identify themselves unreservedly with its aims can be relied upon to translate those aims into terms of administrative policy.”

Those in ruling positions must also be just (‘adl) and it is forbidden for them to be transgressors of the ideology (fasiq). The Shari’a has made justice a condition for the witness.

Allah (Most High) says:

مُكِّنْ مَدْعَىٰ يَوَدَّ اُوْدِدْشْ اُو

“Call two just witnesses from amongst you.” [At-Talaq, 65:2]

Since the Caliph, Assistants and Governors rule over witnesses, by greater reason (Bab Awla) they must also be just (‘adl).

Having established the characteristics of those suitable for taking up ruling positions within the Caliphate the next question is where in the state would we find such capable people?

Selection of Rulers during the Umayyad and Abbasid Caliphate

After the period of the Rightly Guided Caliphs the rulers in the Caliphate were on the whole selected based on family ties where the Caliph would choose the next Caliph from his family. This led to the creation of ruling dynasties in the form of the Umayyads, Abbasids and later the Ottomans. The executive branch of the Caliphate started to resemble a monarchy, a period to which the Prophet (Allah bless him and give him peace) referred to in the hadith narrated by Ahmed as a ‘biting kingship’.

Despite the misapplication of appointing rulers in the executive branch, the Islamic State was still a Caliphate, with the legislative and judicial branches held by the ulema (scholarly) class who ensured the shari’a was always implemented by the executive. Conflict between the ulema and executive always existed and ensured the independence of the judicial and legislative branches of government. This conflict came to a head during the inquisition (mihna) of Abbasid Caliph al-Ma’mun where Ahmed bin Hanbal refused to concede the Islamic position that the Qur’an was not created in favour of al-Ma’mun’s deviant view that the Qur’an was created. Abu Hanifa, Imam Shafi’i, Imam Malik, Imam Nawawi and Ibn Taymiyyah all faced persecution during their times for accounting the rulers and ensuring shari’a was always implemented by the executive.

One of the benefits cited for a monarchy is the clear line of succession for future rulers of the Kingdom. Historically, this was seen as providing a stable system that prevents a power vacuum after the King dies. When Mu’awiyah was Caliph he was the first to introduce the concept of hereditary bay’ah (pledge of allegiance) where the Caliph would nominate his son or other close relative to succeed him. In Mu’awiyah’s case he nominated his son Yazeed and took bay’ah for him before he died. The first to convince Mu’awiyah of such an idea was Al-Mughirah ibn Shu’bah who was Mu’awiyah’s governor in Basrah. He visited Mu’awiyah in Ash-Sham and said, “O Leader of the Believers! You are aware of what this Ummah faced of disorder (fitnah) and difference, and death is due on you; and I am afraid when it

comes to you what had happened after the murder of Uthman will happen to the people. So assign to the people an outstanding person so that they take refuge in him, and make that person your son Yazeed.”

Mu’awiyah became convinced of the benefits in nominating his son and proceeded to implement this plan despite opposition from the senior companions (sahaba) within the state.

Regardless of the perceived benefit in having a clear line of succession as in a monarchy, Muslims are restricted by the shari’a rules. This deviation from the shari’a rules in misapplying the bay’ah resulted in severe weaknesses creeping in to the political structures of the state and in fact the hereditary bay’ah made the Caliphate less stable.

This weakness and instability occurred because restricting the post of Caliph to an elite few prevented any other aspiring candidates from reaching a ruling position. Political parties within the state were then forced to rebel and seize power militarily since no other mechanism was available to them for achieving power.

This is what the Abbasids did by seizing Persia and Iraq and using them as a platform to capture total power away from the Umayyads whom they then killed. They then followed in the footsteps of the Umayyads restricting the authority to the family of Banu Hashim in place of Banu Ummayyah.

Later the Fatimids took over the province of Egypt and established a state there. They tried to use this as a support point for transferring the rule of the Islamic State to the sons of Fatimah, daughter of the Prophet Muhammad (Allah bless him and give him peace). Their action caused instability within the Islamic State and stalled the Jihad allowing the crusaders to occupy the holy lands.

Selection of rulers by the Prophet (Allah bless him and give him peace) and the Rightly Guided Caliphs

A future Caliphate will not follow in the footsteps of the Umayyad and Abbasid Caliphate’s by selecting rulers based on tribal and family ties. The model for ruling is taken from the sunnah and the ways of the Rightly Guided Caliphs (Khulufa Rashida).

On the authority of Abu Najih Al-Erbadh bin Sariah, who said: The Messenger of Allah (Allah bless him and give him peace) gave us a sermon by which our hearts were filled with fear and tears came to our eyes. We said: "O Messenger of Allah, it is as though this is a farewell sermon, so counsel us." He (Allah bless him and give him peace) said: "I counsel you to fear Allah and to give absolute obedience even if a slave becomes your leader. Verily he among you who lives [long] will see great controversy, so you must keep to my sunnah and to the sunnah of the rightly-guided Caliphs - cling to them stubbornly. Beware of newly invented matters, for every invented matter is an innovation and every innovation is a going astray, and every going astray is in Hell-fire." [Abu Dawud and Al-Tirmidhi]

If we look back to the first Islamic State in Medina and the states of the Rightly Guided Caliphs we find those appointed to positions of authority were those who were strong in the Islamic ideology, and had the capability to rule i.e. they had a ruling mentality.

Those Muslims who before Islam were tribal leaders or from the ruling class already had this ruling mentality looking after the affairs of their tribe. An example is Mu’awiya, the sixth Caliph who before the conquest of Makkah was the crown prince primed for ruling Makkah after his father Abu Sufyan. Mu’awiya was appointed by Umar bin al-Khattab as governor of ash-sham (Syria, Palestine, Jordan, Lebanon) and remained in office until he took over the Caliphate from Imam Hasan.

The Prophet (Allah bless him and give him peace) said, “You will find people to be like mines. The best of them in the Jahiliyya (days of ignorance) are the best of them in Islam when they have understanding.” [Bukhari, narrated by Abu Hurayra]

The Prophet (Allah bless him and give him peace) also cultured the personalities of the sahaba and appointed them to positions of authority which developed their political experience. This political experience nurtured their ruling mentality and resulted in the sahaba becoming the future rulers once he (Allah bless him and give him peace) had passed away. The sahaba were also the guarantors of the continued implementation of Islam even if they were not in government.

We can see this from the Rightly Guided Caliphs who were all Delegated Assistants (wazirs) at some point before becoming the Caliph. Abu Bakr and Umar were the wazirs for the Prophet (Allah bless him and give him peace). Umar was also the wazir when Abu Bakr was Caliph. Uthman and Ali were the wazirs when Umar was Caliph. Ali and Marwan ibn al-Hakam were the wazirs when Uthman was Caliph

In addition to holding the posts of wazir the Rightly Guided Caliphs held other positions within the state. Abu Bakr, Umar and Ali were chosen by the Prophet (Allah bless him and give him peace) to be the people of shura (consultation) and effectively formed part of the Shura Council (majlis ush-shura) in Medina.

“The Messenger of Allah (Allah bless him and give him peace) sent ‘Umar as responsible for sadaqah.” [Bukhari & Muslim]

“When the Messenger of Allah (Allah bless him and give him peace) returned back from the umrah of Ji’ranah, he sent Abu Bakr responsible for hajj.” [Al-Nasa’i, reported by Ibn Khuzaymah and Ibn Hibban]

He (Allah bless him and give him peace) appointed ‘Uthman Ibn ‘Affan as an ambassador to Quraysh during the Hudaibiyah Treaty affair.

He (Allah bless him and give him peace) appointed ‘Ali ibn Abi Talib as a judge over Yemen, as secretary of agreements and peace treaties and commander of the Muslim army at different periods during his (Allah bless him and give him peace) rule in Medina.

Caliph Umar ibn al-Khattab was very strict in ensuring he didn’t resemble a King and that family ties would have no place in ruling. One day ‘Umar ibn al-Khattab said, “By Allah, I do not know whether I am a Caliph or a king, for if I am a king then this is a tremendous matter!” [Suyuti, History of the Caliphs]

When Umar was dying the Muslims came to him and requested him to assign a Caliph after him. One of the Muslims said to him: “Recommend your son ‘Abdullah.” Umar said: “May Allah fight you, by Allah you did not seek Allah’s pleasure by this opinion. Woe to you! How can I recommend a man who was unable to divorce his wife? There is no desire for us (family of Al-Khattab) in your affairs. I did not praise it (Caliphate) so as to like it to be for anyone from my family. If this matter (of Caliphate) was good then we have got our share. If it was bad then it is enough for family of ‘Umar that one person from them be accounted and be asked about the affairs of the Ummah of Muhammad. Really, I exerted myself and I deprived my family. If I managed to save myself sufficiently without sin and without reward, then I am happy.”

Selection of rulers in the future Caliphate

A ruling mentality is something generic that may be exhibited in both Muslim and non-Muslim rulers and is developed through political experience whether this is gained in government or not.

As an example America is a capitalist ideological state. Its rulers would therefore be from people who are strong in the Capitalist ideology which primarily means links to large corporations. For example Dick Cheney, the former Vice-President was chairman of Halliburton and Michael Bloomberg, the current New York Mayor is the eighth richest in America. The bulk of election campaign funding is received from major corporations in all government elections whether they are Presidential, Mayoral or Congress elections.

US Presidents are selected from those with former political experience such as governors, Senators, Vice-Presidents or military generals. George Washington was a former Military General, George Bush Junior was a former governor of Texas and Barack Obama a former Senator.

Obama was in fact attacked during his election campaign for not having enough political experience since he was only a Senator for three years, compared to John McCain's long running political and military career. Obama used his grass-roots political work as a community organizer in Chicago as evidence of his political experience for the post of President.

Similarly a future Caliphate will choose rulers based on their ruling capability and strength of ideology as discussed previously. They will be those with a ruling mentality and political experience who have the skills to manage the affairs of state.

In practice this means the Caliph will be drawn from the pool of existing government posts. The Caliph may be a former governor, Ameer of Jihad, Delegated Assistant or Treasury Secretary with a wealth of political experience and well known to the ummah. As we saw with the Rightly Guided Caliphs it's likely the Caliph will always have served as a former Delegated Assistant.

For the other government posts the Caliph is free to choose whoever fulfils the contractual conditions of that post and is able to perform the task at hand. These posts may be filled by former university professors, military generals, newspaper editors, heads of political parties, tribal leaders, imams, members of the Regional Assemblies (Majlis ul-Wiliyah) and members of the Council of the Ummah (Majlis ul-Ummah).

In practice the majority of government posts will be drawn from the Majlis ul-Ummah since this is where the majority of politicians and statesman will be in the Caliphate.

A question arises, is it permissible for a member of the Majlis ul-Ummah to also be a member of the Caliphate government?

If we look back to the Prophet's (Allah bless him and give him peace) state in Medina we find he (Allah bless him and give him peace) appointed fourteen men for shura (consultation) because they were the representatives of their people. There were seven from the Muhajiroon and seven from the Ansar. These fourteen men effectively formed a Shura Council (Majlis ush-Shura). Among the members of this council were Abu Bakr and Umar. Abu Bakr and Umar were also Delegated Assistants in the Prophet's (Allah bless him and give him peace) state so they held both positions, i.e. they were majlis members and rulers at the same time.

Therefore in a future Caliphate the state may adopt that Majlis Members can also be members of the government as we find in the UK where the elected representatives (MP's) hold a dual role as Ministers

and even the Prime Minister. However, due to the expansion in the role of the Majlis and its importance as a counterbalance to the executive power of the Caliph and his cabinet, the best solution would be for the Majlis Member to resign his position when taking up a government post. This is what happens in America when a Senator or Congressman is selected for government.

Path to government

As mentioned above closing off ruling positions to an elite few is not permitted in Shari'a and can cause huge problems to the Caliphate's future stability. Therefore there needs to be a clear path to government and even the post of Caliph for any of the state's citizens with such aspirations. This will be done primarily through allowing the formation of numerous Islamic political parties, establishment of Regional Assemblies (Majlis ul-Wiliyah) in each province and the empowerment of a central Council of the Ummah (Majlis ul-Ummah) in the Caliphate's capital in the heart of government.

The scenario below attempts to illustrate this path.

Abdullah joins an Islamic political party in his youth. He is an activist of the party through his schooling and university. After completing university he pursues a full time career as an army officer in the Caliphate's army. He rises up the ranks and then decides on pursuing a full time political career. His political party put him forward as a candidate for the 5-yearly majlis elections. He campaigns and wins his seat. He then becomes a member of the Majlis ul-wiliyah and makes a strong impression on his constituency and the majlis. In the elections for his second term he gains enough votes for a seat on the Majlis ul-ummah in the Caliphate's capital. His work on some of the majlis committees impresses the Assistants (Mu'awinoon) who recommend his appointment to a government position. He works his way through various government posts finally becoming Foreign Affairs Secretary which is a cabinet position. From there he becomes a Delegated Assistant and when the Caliph unexpectedly dies he is shortlisted by the Majlis ul-Ummah for candidacy for the post of Caliph. His previous political and military experience wins over the Ummah who believe he can successfully manage their affairs and be the commander in chief of the armed forces. He gains the majority of votes during the election and becomes the Caliph.