

Q&A: Is it permitted for the Caliph to resign and can a time limit be added to the bay'ah?
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Is it allowed for the Caliph to abdicate at anytime i.e. relinquish his bay'ah? This is what Imam Hassan did when he became the Caliph after the death of his father Imam Ali. Hassan then abdicated from the Caliphate and offered it to Mu'awiyah who became the 6th Caliph. [Suyuti, tarikh ul-Khulufa, History of the Caliphs]

Since the bay'ah is a contract where the time limit is unrestricted (mutlaq) like marriage (nikah), can the Caliph say, "I will relinquish the bay'ah after 5 years of office"? Similar to someone saying, "I will divorce my wife after 5 years of marriage." This effectively places an informal time limit on the nikah.

In answer to this the duration of the mandate of the Caliph is not time-bound. Once the nation gave him her bay'ah his mandate continues as long as he implemented the law of Allah and fulfilled the contractual conditions of his contract.

It is not permissible to mention a time limit in the bay'ah; he is rather pledged to work according to the Book of Allah and the Sunnah of His Messenger without time limit.

Unlimited term contracts should not contain a time clause otherwise the contract would become invalid (batil). The marriage contract for example, is of an unrestricted (mutlaq) term. So, if a time limit was mentioned in the contract it would become an invalid contract.

Therefore, it is invalid to have a bay'ah to the Caliph with a time limit, i.e. for a certain period.

However, if the Caliph wished to resign from his post, it is permissible for him to do so. We have mentioned this in the constitution in the case of the vacancy of the Caliph post - Article 32, which reads as follows:

"If the post of the Caliph became vacant due to the death, resignation or dismissal of the Caliph, a Caliph must be appointed in his place within three days and their nights starting from the date of the vacancy of the post."

It is therefore clear that "resignation" is permissible.

