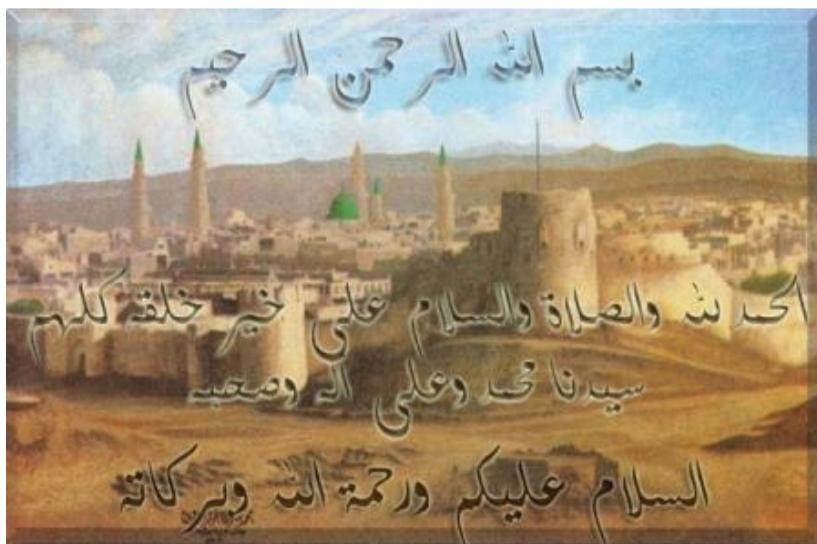


The Centrality of the Khilafah in Islam



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“The children of Israel were ruled over by their Prophets. Whenever a Prophet died another Prophet succeeded him. But there will be no Prophet after me. There will be *Khulafa*’ and they will number many.” They asked: ‘what then do you order us?’ He said: ‘Fulfil the *Bay’ah* to them, one after the other and give them their dues, for Allah will verily account them about what he entrusted them with.’”

[Sahih Bukhari #3455 and Sahih Muslim #4750]

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The Khilafah – an Established Obligation

Introduction

The Messenger of Allah ﷺ said:

‘Verily, the knots of Islam will be undone one by one. Whenever one knot is lost then the people grabbed onto the one which came after it. The first of these knots will be the Ruling and the last will be the Salah.’
[Reported by At-Tabaraani]

Mustafa Kamal, forced the National Assembly to separate the Sultanate from Caliphate (Khilafah), attempting to create a constitutional Khaleefah, according to the republican system, where he is just the symbolic figurehead and has no political power. Following this, in 1922, ‘The Caliphate and National Sovereignty’ (*Hilfet ve Hakimiyet – milliye*) was published by the Turkish Grand National Assembly, justifying the dispossession of the Khilafah of all political powers, leaving him only ‘spiritual powers’. It started the early shoots of secular liberal thinking about this matter saying:

‘The Prophet’s neglect of discussion of his political succession shows its secondary importance. The Caliphate is therefore a matter for the Muslims to organize themselves. Only clear texts of Quran and hadith are, properly speaking, of religious law; all else is only the ‘law of Ijtihad’ on which there is little consensus. In these the government is free to choose what is temporally most expeditious. The caliph’s authority resembles that of a president of a republic, resting on a general delegation of authority.’ (p.5)

Ali Abdul Raziq (1888-1966) was an Azhari cleric, influenced by the orientalist D.S. Margoliouth and T.W. Arnold during World War One. He unleashed a propaganda campaign to discredit the Ottoman Caliphs saying: ‘The Prophet never tried to establish a government or a state; he was a messenger sent by Allah, and he was not a political leader.’ ‘There is no basis for the Khilafah in the Qur’an and Hadith’.....‘Allah does not impose upon the Muslims a specific type or form of government, but they are free to choose what is better for the

welfare of their society at any time.' Abdul Raziq was roundly denounced by Al-Azhar University and his arguments comprehensively refuted.

Despite the efforts of a brutal despot like Mustafa Kemal, who effectively seized power by force, or Abdul Raziq who failed to convince his contemporaries of his corrupt arguments, and a legion of colonialists and their efforts, the understanding of the Khilafah as an Islamic obligation has remained undiminished, even though it also remains, as yet, unfulfilled.

Now, as the demand for Khilafah rises across the Islamic world, we see the British government proposing a policy that argues that belief in Khilafah is "extremist". Suddenly, a plethora of "nobodies" have started writing that there is no such thing as a Khilafah system, that it is a historical relic of the past or have asked the extraordinary question 'Who needs an Islamic State?'.

The truth of the matter is that the Khilafah is a unique system, different from any other in terms of its political philosophy, form of government and its stated aims for the simple reason that its source is divine and not manmade, whether by Western liberal thinkers of the Enlightenment or their intellectual subservients from the so-called Muslim liberal thinkers.

The Islamic Ruling System

Contrary to the assertion of Abdul Raziq and his present day followers, the Prophet ﷺ did bequeath to the Muslims a system of ruling which has been outlined in the Qur'an and Sunnah. We should know that Prophet ﷺ did inform the Sahabah of the obligation of appointing a Khaleefah when he said: On the authority of Abu Hazim, who said, I accompanied Abu Hurairah for five years and heard him talking of Muhammad's ﷺ saying: **The Prophets ruled over the children of Israel, whenever a Prophet died another Prophet succeeded him, but there will be no Prophet after me. There will be Khulafaa' and they will number many. They asked: What then do you order us? He said: Fulfil the bay'ah to them one after the other and give them their due. Surely God will ask them about what He entrusted them with.** (Narrated by Muslim).

The Prophet ﷺ did inform the Sahabah that the Khilafah is a unitary system: For example Muslim reported from Abu Said Al Khudri that the Messenger of Allah said: **"If the Oath of Allegiance (Bay'ah) has been taken for two Khulafaa', kill the latter of them."**

The Prophet did inform the Sahabah how the Khaleefah should be appointed:

"Whosoever gave a Bay'ah to an Imam, giving him the clasp of his hand, and the fruit of his heart shall obey him as long as he can.'

The Prophet did explain what a Khaleefah's role is what he should rule by and at what point he should be removed: Bukhari narrated from 'Ubadah ibn al-Samit that in the Bay'ah he ﷺ said: **"And do not dispute with the people in authority, unless you see (in their actions) an open disbelief upon which you have a proof from Allah"**. Or in another narration, 'as long as they establish the salah' i.e. the rules of the Deen.

The only thing the Prophet ﷺ did not explicitly inform us was who was going to be Khaleefah, because that is up to the Muslims to decide. The Prophet's silence is itself an indication of this rule. The Sahabah knew what that system was, hence the debate after the Prophet died was not on nature of government, but the matter of selection, everything else was generally agreed and hence no discussion arose as to the role of the Khaleefah. This is because the Sahabah were

inheriting from the Prophet the system of government which he himself administered in Madinah, and thus they had the Prophet's ﷺ guidance on this matter.

Immediately after the Prophet's ﷺ death, Abu Bakr (raa) is reported to have said "Muhammad has indeed died. This Deen must have someone to maintain it." Note he did not say the Muslims, but the Deen!

When Hubbab bin al-Munzir said 'one ruler from ansar and one ruler from muhajirs' it is narrated in the Sirah of Ibnu Ishaq that Abu Bakr said on the day of Saqifa: **"It is forbidden for Muslims to have two Amirs, for this would cause differences in their affairs and concepts their unity would be divided and disputes would break out amongst them The Sunnah would then be abandoned, the bida'a (innovations) would spread and Fitna would grow, and that is in no one's interest."** Bukhari narrated that in response to Hubbab Abu Bakr said: 'No, we are the rulers and you are the wazeers (assistants).'

The Sahabah knew how the Khalifah should be appointed: Umar Ibn Al-Khatab (raa) said: **"There is no Khilafah without consultation"**

On the nature of caliphal rule Umar once asked Talha, Zubayr, Ka'ab and Salman al-Farsi: **'what is the difference between a caliph and a king, Talha and Zubayr said we do not know, but Salman said: The caliph who is just to the citizens, divides their people's share equally, compassionate to the people as a man is with his family and judges between them by the Book of Allah'** i.e. ruler is not despotic or totalitarian but looks after their affairs according to the rules of the Shari'ah.

In the year 50 after Hijrah, Mua'awiyah came to Madinah and sent for the great Sahabah and announced that he wanted Yazid to be Khaleefah: Abdullah ibn Umar said to Mua'awiyah: **'This Khilafah does not have a Heraclius, Caesar or Chosroes where sons inherit the rule from their fathers. Had that been so, I would have been the ruler after my father.'** Also it is reported that Abu Hanifah said: **"The Khilafah will take place by the agreement and consultation of the believers.'**

What the Scholars said about Khilafah

The scholars throughout the ages have discussed the obligation of the Khilafah and the various aspects of the system. In the following discussion I wish to take you on a journey through the centuries to consider the views of the traditional scholars, many of whom were the d'laam (flags) of their age, to demonstrate the centrality and continuity of the Khilafah system:

The First Century:

After the death of our blessed Prophet Muhammad ﷺ the companions deliberately delayed his burial until Abu Bakr was chosen as Khaleefah. This action of the Sahabah indicates the obligation of appointing a Khaleefah. The Prophet ﷺ had said: **“when one of you dies, do not hold onto him but rush to his burial.”** But the Sahabah, knowing this duty (wujoob) full well, left the burial of the Prophet for something which was awjab (more wajib) than that, i.e. the appointing of a Khaleefah. That is why the Ulama have said there is Ijmaa' (consensus) of the Sahabah on the obligation of appointing a Khaleefah, an Ijmaa' which has been transmitted to us through tawatur concurrent narration.

The Second Century:

The Tabi'een understood the centrality of the Khilafah in Islam and the role of a Khalifah. According to Mujāhid Khalifah means that one establishes Allah's commandments, manifests the signs of His unity and does justice among the people. According to al-Dahhāk, the four functions, mentioned in the verse of al-Hajj, are the obligations incumbent upon the Khalifah.

الَّذِينَ إِذَا مَكَتَاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا
بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ وَاللَّهُ عَاقِبَةُ الْأُمُورِ

“(They are) Those who, if We establish in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: With God rests the end (and decisions) of (all) affairs.”

The Third Century:

The Imams of the Mazahib and fuqaha knew the obligation of the Khilafah.

Imam Ahmad bin Hanbal (164-241) said: 'The Fitna (mischief and tribulations) occurs when there is no Imam established over the affairs of the people.' He was asked: What is the meaning of the hadith: 'Whosoever dies and he does not have an Imam he dies the death of jahiliyyah' He said: 'Do you know what an Imam is? An Imam is the one around whom all the Muslims unite. This is its meaning.'

Imam Al Juzayri, an expert on the Fiqh of the four great schools of thought, said regarding the four Imams, The Imams (scholars of the four schools of thought) - may Allah have mercy on them - agree that the Caliphate is an obligation, and that the Muslims must appoint a leader who would implement the injunctions of the religion, and give the oppressed justice against the oppressors. It is forbidden for Muslims to have two leaders in the world whether in agreement or discord.

The Fourth Century:

The Shafi'i jurist al-Mawardi (362-448) stated: 'Imamate is prescribed to succeed Prophethood as a means of protecting the Deen and of managing the affairs of this world. There is a consensus of opinion (amongst the scholars - Ijmaa' al-'Ulama') that the person who discharges the responsibilities of this position must take on the contract of Imamate of the Ummah.'

Imam al-Baghdadi, commenting on the shaaz (irregular) views of those who said Khilafah is not wajib, said: 'The companions of the Prophet have agreed on the obligation (of the Khilafah), and there is no significance to the opposition of al-Futa (Kharijite) and al-Asam (mu'atazalite) when we have an Ijmaa' of the Sahabah.'

The Fifth Century:

Al-Juwayni (d.478) said: 'Muslims must have an Imam to lead them and that is the consensus of the opinion of the Ummah and Imams.'

Imam Ghazali (d.505): 'You should know that the obligation of appointing an Imam is from the necessities of the Shari'ah which we

cannot abandon.' He also said that in the absence of the Khilafah: 'The judges will be suspended, the Wilayaat (provinces) will be nullified ... the decrees of those in authority will not be executed and all the people will be on the verge of Haram.'

Ibn Hazm stated 'All of Ahl as-Sunnah, all of *al-murji'a*, all of Shia, all of Khawarij have agreed on the obligation of Imaamah. And that the Ummah is obliged to appoint an Imam who will apply the rules of Allah and look after their affairs (yasoosuhum) with the rules of the Shari'ah which the Messenger of Allah ﷺ brought, except some from the Khawarij.' Notice here that Ibn Hazm did not give much credence to the views of the Khawarij such that he did not believe their disagreement had any impact on the Ijmaa' of the Khawarij themselves let alone the Ijmaa' of Ahl-ul Sunnah!

The Sixth Century:

Abu Hafs Umar al-Nasafi (d. 701) explained the role of a Khaleefah: 'The Muslims simply must have an Imam (Khaleefah), who will execute the rules, establish the Hudood (penal system), defend the frontiers, equip the armies, collect Zakah, punish those who rebel (against the state) and those who spy and the highwaymen, establish Jum'ah and the two 'Eids, settle the dispute among the servants (of Allah), accept the testimony of witnesses in matters of legal rights, give in marriage the young and the poor who have no family, and distribute the booty.'

The Seventh Century:

Imam Yahya ibn Sharaf al-Nawawi (631–676) said: '(The scholars) agreed that it is an obligation upon the Muslims to select a Khaleefah.' Regarding the obligation of having only one Khaleefah he also said: 'It is forbidden to give an oath to two Imams or more, even in different parts of the world and even if they are far apart.'

He also stated: 'If a bay'ah were taken for two Khulafaa one after the other, the bay'ah of the first one would be valid and it should be fulfilled and honoured whereas the bay'ah of the second would be invalid, and it would be forbidden to honour it. This is the right opinion which the majority of scholars follow, and they agree that it would be forbidden to appoint two Khulafaa at one given time, no matter how great and extended the Islamic lands become.'

The Maliki scholar Imam al-Qurtubi (d. 671) said: The Khaleefah 'is listened to and he is obeyed, for the word is united through him, and the Ahkam (laws) of the Khaleefah are implemented through him, and there is no difference regarding the obligation of that between the Ummah, nor between the Imams except al-Asamm who was most deaf regarding the Shari'ah.'

Al-Asamm was an extreme mu'atazalite. His name al-Asamm is the superlative form of the word 'deaf' meaning more deaf. Imam Qurtubi is using a pun on his name to dismiss his view. Imam al-Qurtubi also said: 'When Abu Bakr was about to die he proposed Umar to be the Imam. No one said this is not wajib on us or you. Rather this indicates its obligation as the Khilafah is the pillar upon which other pillars rest.'

Ibn Khaldun (d.808): 'Imamah is wajib and its obligation is known by the consensus of the opinion of the companions of the Sahabah and the Tabi'een'....'the Imam is no different from any of the Muslims other than the fact that he implements the ahkam (rules) and protects the Deen.'

The Eighth Century:

Abu Ishaq Ibrahim ibn Musa al-Shatibi (d. 790) a well known Maliki jurist states 'in the absence of the Khilafah, a state of anarchy and lawlessness would prevail and this would usher in a great corruption and disorder. And it is evident, that the establishment of the Deen is quite impossible in a state of anarchy and disorder.'

Imam Sa'd al-Din Mas'ud bin Umar al-Taftazani (d. 791) explained that the obligation of Khilafah is text based: 'The adoption is that it is obligatory upon the servants by textual evidence because of the saying of the Messenger, "Whoever dies not having known the Imam of his time, dies the death of the days of ignorance." Also, the Ummah agreed that this was the most important duty following the death of the Messenger, so important in fact that they considered it more important than the matter of his burial, and so also has it been after the death of each Imam.'

The Ninth Century:

Jurjani (d.816), the author of *at-Ta'reefaat* stated: 'Appointing an

Imam is the best in meeting the interests of the religion and achieves the greatest aims (maqasid) of the Deen.'

The Tenth Century:

Ibn Hajar al-Haythami (d. 974) explained the Ijmaa' of the Sahabah: 'It is known that the Sahabah (raa) consented that selecting the Imam after the end of the era of Prophethood was an obligation (Wajib). Indeed they made it (more) important than the (other) obligations whilst they were busy with it over the burial of the Prophet.'

The Eleventh and Twelfth Centuries

Sheikh Ahmed of Sirhind, who was said to be a descendent of Khaleefah 'Umar b. Al-Khatab, was known as a mujaddid of his time. Sheikh Ahmed called for strict application of the Shariah and opposed the anti Islamic policies of Akbar, the then Mughal ruler.

After Sheikh Ahmed came Sheikh Shah Waliullah Dehlavi who clearly expounded the obligation of a Khaleefah when he said: 'the collective reason of mankind requires that a Khilafah should be there to look after the interests which cannot be achieved without a Khilafah.' He also stated: 'The Sahabah also rushed to establish the Khilafah immediately, after the death of the Prophet ﷺ and delayed his burial. Moreover there are matters which cannot be accomplished without the Khilafah.'

The Thirteenth Century:

Al-Shanqeeti (1325 – 1393) said: 'It is well known from Islam by necessity of the Deen that is wajib on the Muslims to appoint an Imam who will unite them and apply the rules of Allah on the earth.'

Ibrahim al-Bayjuri (d.1276) in his book *Tuhfatul Mureed 'ala Jawharat at-Tawheed* (volume 2, p.136) said: 'The Sahabah were agreed (on the appointment of an Imam) after he ﷺ parted this world, they were occupied by this from burying the Prophet ﷺ. This is because he ﷺ died on a Monday at zawaal (mid-day) and he was left that day until the night of Tuesday and he was buried towards the end of Wednesday night. Abu Bakr had said: Someone must undertake this responsibility, so think about the matter and bring forth your views, may Allah have mercy on you. From every corner of the Prophet's mosque the people said: *saddaqtu saddaqtu* (you have spoken the truth, you have spoken the truth.) No one said we do not need an

Imam.'

The Fourteenth Century:

Shaykh ul Islam Mustafa Sabri (d.1372), who worked for Sultan Abd al-Hameed II, was the last Shaykh al-Islam of the Uthmani Khilafah. He was exiled to Egypt by the Kemalist regime. He said: 'Khilafah i.e. succession to the Messenger of Allah ﷺ means: obliging the adherence of the rules of the Shari'ah over the Muslims by the one who assumes authority, it by this way one is successor to the Prophet. And the abolition of the Khilafah is abolition of this adherence....This has actually happened in Turkey after the abolition of the Khilafah. So what has succeeded it is a secular government.' (*Mawqif al-'Aql*, p322).

Mustafa Kamal, after the destruction of the Khilafah, had many a scholar thrown into prison or executed fearing their opposition. One such scholar was Sheikh Aatif Afandi who was one of the most illustrious scholars in the Uthmani Khilafah. Regarding the Khilafah the Sheikh had said: 'The bay'ah of the Muslims to a Khaleefah is wajib and it is proven by the ration and text. The Shari'ah evidence for this is that the consensus of the Sahabah and Tabi'een was on this matter. Upon the death of Sayyidina Rasool the Sahabah gathered, before his ﷺ burial, at Saqifa Bani Sa'idah and made shura and gave bay'ah to Sayyidina as-Siddiq (raa).'

Towards the end of the Uthmani Khilafah when the big powers were conspiring against it, Sheikh ul Hind Maulana Mahmud Hassan (who was the then head of Darul Uloom Deoband and direct student of Maulana Qasim Nanautavi, the founding father of the Darul 'Uloom) in the 1920's, mentioned a fatwa regarding saving the Uthmani Khilafah from the enemies of Islam. The respected Maulana said: 'The enemies of Islam have left no stone unturned to strike against and harm the honour and prestige of Islam. Iraq, Palestine and Syria that were won over by the Prophet's companions and his followers, after in numerous sacrifices, have once again become targets of greed of the enemy of Islam. The honour of Khilafah is in tatters. Khalifa-tul-Muslimin, who used to unite the entire community on this planet; who is the vice-regent of Allah on this earth; used to implement the universal law of Islam; who used to protect the rights and interests of Muslims and used to preserve and ensure the glory of the words of the Creator of this universe be preserved and implemented, has been surrounded by enemies and made redundant.'

Iraqi scholar Sheikh al-Zahawi, the mufti of Baghdad (1863-1936 CE) said: 'The Companions of the Prophet ﷺ have unanimously agreed upon appointing him to office (*ajma'a 'ala nasabihi*) after the passing away of the Prophet ﷺ to the extent that they considered it to be the most important of obligations (*ahamm al-wajibat*) giving it precedence even over his ﷺ burial and people in every generation since have not stopped doing this. Also, many narrations support this [obligation of appointing an Imam] one of them being his saying **"Whoever dies and does not have on his neck a pledge of allegiance (bay'ah), he dies a death like in the days of ignorance."**

Finally, the eminent Shaykh Taqi al-Din al-Nabhani (d.1977 CE), an scholar and graduate of Al-Azhar, Qadi of the appeals court in Jerusalem, politician, thinker and founder of Hizb ut-Tahrir, echoed what had been said for centuries by the classical scholars, saying: 'The appointment of the Khalifah is an obligation upon the Muslims. They are forbidden from spending more than two nights without giving a Bay'ah to him. If the Muslims did not appoint a Khalifah within three days they would all be sinful until they had appointed a Khalifah. The sin would not fall until they had exhausted their efforts to appoint a Khalifah and continued to endeavour to appoint him. The obligation of appointing a Khalifah has been confirmed by the Qur'an, Sunnah and the general consensus of the Sahabah.' Shaykh al-Nabhani defined the Khilafah as: "The Islamic State (*al-Dawlah al-Islamiyyah*) is a Khalifah implementing the law. It is a political (*siyasi*) and executive (*tanfidhi*) entity for the reason of implementing and executing the divine laws of Islam.' He also defined it as: "The general temporal leadership (*ri'asah 'ammah*) of all the Muslims that establishes the Islamic rulings (*li-iqamati ahkam al-shar' al-islami*) and carries the Islamic invitation (*al-da'wah*) to the entire world..."

He set about working for the rest of his life to see the restoration of this divine obligation.

Conclusion

Throughout the centuries the Ulama have expounded the centrality and obligation of Khilafah in Islam because it is what the Prophet and Sahabah have taught us. Today we hear government scholars on the performance related payroll of Arab autocratic totalitarian despotic dictators claiming that Khilafah is not a religious duty or that it can be abandoned in favour of liberal, democratic and secular republican systems. The Ummah did not fall for this propaganda when the Khilafah was destroyed and they will certainly not fall for this decline now that she has tasted revival. Those who deny the undeniable should take heed that this Ummah has awakened and yearns to see the banner of the Khilafah flutter in the dawn of the new millennium, the millennium of the Khilafah no matter how much the colonialists and their supporters may detest it.

Kamal Abu Zahra

Bibliography

- Adwa' al-Bayaan, al-Shanqeeti, Muhammad al-Ameen
- Al-Ahkam us-Sultaniyyah, Al-Mawardi
- Al-Fajr as-Sadiq fi-r-Radd `ala Munkiri-t-Tawassul wa-l-Khawariq, al-Zahawi, Jamil Effendi
- Al-Fasl fi al-milal wa-al-ahwa' wa-al-nihal, Ibn Hazm
- Al-Fiqh Alal-Mathahib Al- Arba' a, Al-Jazeera, Abdur-Rahman bin Muhammad
- The Islamic State, An-Nabhani, Taqiuddin
- Al-I'tisam, Al-Shatibi, Abu Ishaq
- Al Iqtisaad fil Itiqaad, Abu Hamid Ghazzali
- Izalat al-Khafa 'an Khilafat al- Khulfa, Waliyullah, Shah
- Jami li ahkamil Qur'an, Al-Qurtubi
- Kunz al-'Ummal, Al-Muttaqi Al-Hindi
- Al-Manaqib, al-Bazzazi
- al-Mawaqif, ' Al-Iji, Adhud Ad-Din Abdurrahman Ibn Ahmad
- Mawqif al-Aql, Sabri, Shaykhul Islam Mustafa
- Mughni al-Muhtaj Shah al-Minhaj, Shirbini, Al-khatib
- Al-Muntaqa min minhaaj al-I'tidaal, az-Zahabi
- Al- Muqaddimah, Ibn Khaldun
- Nizam al-Hukm, An-Nabhani, Taqiuddin.
- The Prisoners of Malta' by Maulana Syed Mohammad Mian
- The Rise and Fall of Muslims, Akbarabadi, Saeed
- al-Sawa'iq al-Muhriqah, Ibn Hajar al-Haythami
- Sharhu Sahih Muslim, An-Nawawi, Yahya b. Sharaf
- Zād al-Ma'āthir, Al-Baghdādī, 'Abd al-Rahmān b. 'Alī,

APPENDIX - A

What follows is an abridged translation of the verdict of the leading scholars from Al-Azhar on the book "Islam and governance (Al-Islam wa Usool al-Hukm)" by Ali Abdul Raziq. The verdict comprehensively refutes Abdul Raziq and illustrates clearly the fallacy of his arguments to depoliticise Islam. So bad was this attempt to secularise Islam, that the result of this hearing was that Ali Abdul Raziq was stripped of his scholarly status by Al Azhar.

The council of senior scholars, in a disciplinary meeting on Wednesday, 22 Muharram the year 1344 (August 12 1925), under the chairmanship of the distinguished Professor Sheikh Mohammed Abu Fadl, the Grand Sheikh of the al-Azhar in the presence of twenty-four scholars from the senior scholars, who are the following distinguished professors:-

Sheikh Mohammed Hassanein, Sheikh Dasuqi al-Arabi, Sheikh Ahmed Nasr, Sheikh Muhammad Bakhit, Sheikh Muhammad Shaker, Sheikh Mohamed Ahmed Tukhi, Sheikh Ibrahim Al-Hadidi, Sheikh Mohammed Najdi, Sheikh Abd al-Mu'ti Al-Sharshimi, Sheikh Yunis Musa al-Attafi, Sheikh Abdul Rahman Qura'ah, Sheikh Abdul Ghani Mahmoud, Sheikh Mohamed Ibrahim Al-Samalouti, Sheikh Youssef Nasr Dijwi, Sheikh Ibrahim Basila, Sheikh Mohammad Al-Ahmadi al-Zawahri, Sheikh Mustafa Al-hahyawi, Sheikh Yusuf Shalabi Al-Shabrabkhomi, Sheikh Mohammad Suba'i al-Dhahabi, Sheikh Mohamed Hamouda, Sheikh Ahmed al-Dilbashani, Sheikh Hussein Wali, Sheikh Mohammed Al-Halabi, Sheikh Sayed Ali El-Marsafy

- discussed the charges against Sheikh Ali Abdul Raziq, a member of the University of Al-Azhar and a Shari'ah judge in the Primary Shari'ah Court of Mansoorah, that are included in his book (Islam and governance), and were announced on Wednesday 8th of Muharram 1344 (29 July 1925).

The secretarial duties for this council were undertaken by Muhammad Qadri, the head of the general secretarial division for al-Azhar, and Ali Ahmad Izzat Efendi, the first scribe for al-Azhar.

The Facts

The book called (Islam and governance) was published under the name of Sheikh Ali Abdul Raziq who is one of the scholars of al-Azhar

university; so petitions were presented to the scholars of al-Azhar university signed by a large number of scholars on the dates of 23 Dhil Qa'adah, and the 1st and 8th Dhil Hijjah 1343 (15, 23 and 30 June, 1925). The petitions included that the book in question contains things contrary to the deen and to the texts of the Qur'an and the Sunnah of the Prophet and the consensus of the Ummah.

The charges include:

1 – That he made the Islamic Sharia law purely spiritual, unrelated with governing and implementation in the matters of this life.

2 - That he claims that the deen does not prevent understanding that the jihad of the Prophet ﷺ was for kingship (mulk) not for the deen, nor for making the call (da'wah) to the world.

3 – That he claims that the system of ruling in the era of the Prophet ﷺ was the subject of uncertainty, ambiguity, turbulence or shortcomings and so is perplexing.

4 – That he claims that the mission of the Prophet ﷺ was to deliver the law abstract of governance and implementation.

5 - The denial of the consensus of the Sahabah on the obligation of establishing an Imam and that it is imperative for the Ummah to have someone who establishes their religious and worldly affairs.

6 – The denial that the judiciary is a Shari'ah vocation.

7 - That he claims that the government of Abu Bakr and the Caliphs after him, may Allah be pleased with them were secular (La deeniya).

These were decided upon by the distinguished sheikh Mohammed Abu Fadl, the Sheikh of al-Azhar University, based on the meeting of the council of senior scholars, in a disciplinary meeting on Wednesday, 15 Muharram the year 1344 (August 5 1925). They had been presented to Sheikh Ali Abdul Raziq on Wednesday, 8 Muharram the year 1344 (July 29 1925).

On the above mentioned date the council met, under the chairmanship of the distinguished Professor sheikh Mohammed Abu Fadl, the Sheikh of al-Azhar University, with twenty three of the council of senior scholars present, as mentioned previously except Sheikh

Dasuki al-Arabi, but Sheikh Ali Abdul Raziq did not show up, having sent a letter on the 14th Muharram requesting giving him a lengthy opportunity, enough for him to prepare what is necessary for the discussion. The letter was presented to the council at this sitting, so they decided to postpone looking into the matter until Wednesday 22 Muharram 1344 (August 12 1925) at 10am. This was conveyed to Sheikh Ali Abdul Raziq on Wednesday 15 Muharram 1344 (August 5 1925).

On the above mentioned date the council met, under the leadership of the distinguished Professor sheikh Mohammed Abu Fadl, the Sheikh of al-Azhar University, with twenty four of the council of senior scholars present, as mentioned previously, with sheikh Ali Abul Raziq present in front of this council. He was asked about his book Islam and governance (Al-Islam wa Usool al-Hukm), so he admitted that he had produced it. The charges against him and his book were read to him. Before his reply to him he mentioned a side point in his defence, that he did not consider himself in front of a disciplinary council and that the council should not consider his presence in front of them as an admission from him that they have any legal right. After legal debate on this defence, the council decided to reject it, on the basis that they are implementing a right that the law authorised in article 101 of the al-Azhar University law number 10 of the year 1911. Then Sheikh Ali Abdul Raziq was invited to stand before the council, so its rejection of his defence was conveyed to him by the distinguished Professor grand sheikh, the chairman. Then Sheikh Ali Abdul Raziq requested that the council listen to his defence against the charges against him, so he was granted permission to read them by the distinguished Professor grand sheikh, the chairman, so he read them. After he had finished reading it and signing all of its papers, they were taken from him during the sitting, then he left.

The Senior scholars, having looked over the book (Islam and governance) and in full knowledge of the fact that it is contrary to the deen and the texts of the Qur'an and the Sunnah of the Prophet, and the consensus of the Ummah, and after hearing the defence statement of Sheikh Ali Abdul Raziq to the charges against him: having taken note of the 101st article of the Law of Al-Azhar University No. 10 of 1911, and 4th article of this law; and after legal deliberation [concluded]:

1 – That he made the Islamic Sharia law purely spiritual, unrelated with governing and implementation in the matters of this life.

He said on p78 and p79: "and the world from beginning to end and all of what is in it of purposes and objectives are less important to Allah than to establish for its management other than what we have of minds, and what was granted to us of emotions and desires, and our knowledge of the names and titles. It is less important to Allah than to send a messenger, and less important to the Messengers of Allah than to busy themselves with it, and to rise for its management".

He said on p85: "All of what Islam came with, from the doctrines and the transactions and the manners and the penalties, all of it is religious instruction (shar' deeni) purely for Allah Almighty and in the religious interests of people only. It is immaterial after that whether those interests be clear to us or to be hidden from us. It is immaterial that from them are civilized interests for the people or not. That is not considered by the divine instruction, nor is it considered by the Prophet".

The consensus of Muslims holds that the Islamic deen is what was brought by the Prophet ﷺ of beliefs, acts of Worship and transactions to correct matters of this the world and the Hereafter.

The Book of Allah and the Sunnah of His Messenger ﷺ, both include many rules of matters of the world, and many rules of matters of the afterlife.

Sheikh Ali on p78 and p79 claimed that Allah and His Messenger ﷺ left the matters of the world to the control of the emotions of people and their desires. On p85 he claimed that what Islam came with is for the interest of the hereafter, none other. As for the civil interests or the secular interests, it is not considered by the divine law (shar') nor the concern of the Prophet.

It is clear from his words that the Islamic Sharia law is purely spiritual and came to regulate the relationship between man and his Lord alone. As for what is between the people of worldly transactions and the management of public affairs; it is not for the Shariah law and is not of its purposes.

Is Sheikh Ali able to split the Islamic deen into two halves, and eliminate the half with rules relating to the worldly affairs, and throw the verses of the Great Book and His Messenger ﷺ against the wall? Sheikh Ali said in his defence: that he did not say that at all, not in the

book, nor in other than the book, nor had he said similar words.

You know that it is clear from the words which we have taken from him, and he did say the like of it in his defence.

He also said in his defence: "The Prophet ﷺ came with general principles, ethics and rules. In it was what largely affects most aspects of life, with some of the systems of punishment, the army and Jihad, selling, debts, mortgaging, and the etiquettes of sitting, walking and talking..." p84.

Except that he said that after on p84: "but if you contemplate, you find that all that is legislated by Islam and was introduced by the Prophet from systems, principles and ethics, was not a lot nor even a little like the methods of governance!!!..." etc.

The last words on the page in question destroys his words; nor does it help him his referring to the hadith: "If the weight of the world weighed with Allah the weight of a mosquito's wing, the disbelievers would not have enjoyed from it a sip of water", nor the hadith: "You are more knowledgeable in the matters of your dunya" because the first hadith is weak and not suitable as a proof. Even supposing that it is a sound narration, it is in the context of asceticism (al-tazheed) in the world and not being excessive in its pursuit, and its meaning is not as Sheikh Ali alleges for the people to be left in chaos, ruling between them with their emotions and desires, not stopping at any limits, nor having any guidelines. Were the meanings not as we have said, then the verses of the rules of the affairs of life will collapse, and many verses will clash, as in His سبحانه وتعالى saying:

[وَابْتَغِ فِيمَا آتَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا...]
(القصص: 77)

(But seek, with that (wealth) which Allāh سبحانه وتعالى has bestowed on you, the home of the Hereafter, and forget not your portion of legal enjoyment in this world...)
(Translated meaning of the Quran al-Qasas: 77),

And:

[فَلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ قُلْ هِيَ

لِلَّذِينَ آمَنُوا فِي الْحَيَاةِ الدُّنْيَا خَالِصَةً يَوْمَ الْقِيَامَةِ... [(الأعراف: 32)

(Say (O Muhammad ﷺ): "Who has forbidden the adoration with clothes given by Allâh سبحانه وتعالى which He has produced for his slaves, and At-Taiyibât [all kinds of Halâl (lawful) things] of food?" Say: "They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them)...)

(Translated meaning of the Quran al-Araaf: 32),

And:

[يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُحَرِّمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَلَا تَعْتَدُوا...]
(المائدة: 87)

(O you who believe! Make not unlawful the Taiyibât (all that is good as regards foods, things, deeds, beliefs, persons, etc.) which Allâh سبحانه وتعالى has made lawful to you, and transgress not...)
(TMQ al-Maidah: 87).

Also, the second hadith is about grafting and cross pollination of palms, and applies in what is similar to that in agriculture and other things that the Shariah did not teach us its rule. It rather came to inform us of its rule, whether allowed or prohibited, sound or corrupt and so on. That is known by those who have a connection to the Book of Allah and the Sunnah of His Messenger ﷺ.

Does Sheikh Ali defiantly strip the matters of the dunya from the deen, and leave people to their own desires saying: (these are the secular purposes that the Prophet ﷺ denied that he should have a rule for or management of them), and make such a claim of the Prophet ﷺ ?!!

Does Sheikh Ali view that the management of the worldly affairs and looking after the affairs of people is less important to Allah than walking, while Allah says:

[وَلَا تَمْشِ فِي الْأَرْضِ مَرَحًا... [(الإسراء: 37)

(And walk not on the earth with conceit and arrogance...)
(TMQ al-Israa': 37)

And less important to Allah than money, while Allah says:

[وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ... (النساء: 5)]

**(And give not unto the foolish your property...)
(TMQ al-Nisaa': 5)**

And also says:

[وَلَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَىٰ عُنُقِكَ وَلَا تَبْسُطْهَا كُلَّ الْبَسْطِ...
(الإسراء: 29)]

**(And let not your hand be tied (like a miser) to your neck, nor stretch it
forth to its utmost reach (like a spendthrift) ...)
(TMQ al-Israa': 29);**

Less important to Allah than a measure of barley or a pound of salt,
while Allah says:

[أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ * وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ
(الشورى: 181-182)]

**(Give full measure, and cause no loss (to others) * And weigh with the
true and straight balance)
(TMQ al-Shu'uraah: 181-182).**

What does Sheikh Ali do with the like of Allah's saying?

[إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ...
(النساء: 105)]

**(Surely, We have sent down to you (O Muhammad ﷺ) the Book (this
Qur'ân) in truth that you might judge between men by that which
Allâh سبطه وتعالى has shown you...)
(TMQ al-Nisaa': 105)**

And His saying:

[وَأَنْ أَحْكَمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ...] (المائدة: 49)

(And so judge (you O Muhammad ﷺ) between them by what Allāh has revealed and follow not their vain desires...)
(TMQ al-Maidah: 49),

And His saying:

[إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ...] (النساء: 58)

(Verily! Allāh سبحانه وتعالى commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice...)
(TMQ al-Nisaa': 58)

And His saying:

[يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنْكُمْ...] (النساء: 29)

(O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent ...)
(TMQ al-Nisaa': 29)

And His saying regarding the husband and wife:

[وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقُ اللَّهُ بَيْنَهُمَا...] (النساء: 35)

(If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from her's; if they both wish for peace, Allāh سبحانه وتعالى will cause their reconciliation...)
(TMQ al-Nisaa': 35)

And His saying:

[يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا
عَلَىٰ أَهْلِهَا...] (النور: 27)

**(O you who believe! Enter not houses other than your own, until you
have asked permission and greeted those in them...)
(TMQ Nur: 27)**

What does Sheikh Ali do with the like of what Al-Bukhari and Muslim both narrated in their books of Sahih hadith: The daughter of Nadr, sister of ar-Rabee' slapped a servant girl, breaking her tooth. So they complained to the Prophet ﷺ, so he ordered the retribution punishment (al-qisaas). Umm Rabee' said: O Messenger of Allah, should she be punished with retribution because of so and so? No, by Allah! He replied: (*Subhaan* Allah! Allah's book is retribution).

Or what was narrated by al-Bukhari in his Saheeh from Jabir bin Abdullah - may Allah bless them both – that he said: The Messenger of Allah ﷺ judged with *shuf'ah* (partner's first right of refusal) with all that is not be divided, so if there was a border or a road through it, then there is no *shuf'ah*.

Or what he narrated from Abu Hurayrah - may Allah be pleased with him – that he said: the Prophet ﷺ judged with seven arm lengths, if they disputed over a road. Or what was narrated by Muslim in his Saheeh from Ibn Abbas - may Allah be pleased with them both - that the Messenger of Allah ﷺ judged with the defendant under oath; and what was also narrated by Ibn Abbas - may Allah be pleased with them both - that the Messenger of Allah ﷺ judged the oath and the witness.

2 - With regard to his allegation that the deen does not prevent understanding that the jihad of the Prophet ﷺ was for kingship (mulk) not for the deen, nor for making the call (da'wah) to the world:

He said on p52: "it is apparent at first glance that jihad is not simply to make a call to religion, nor to bring people to belief in Allah and His Messenger".

Then he said on p53: "and if he ﷺ has resorted to force and terror, it

was not for the promotion of religion, nor for delivering his message to the world, and we should only understand that it was only for kingship".

So Sheikh Ali, with these words definitively states that the Jihad the Prophet ﷺ was for kingship, not for religion, nor for making the call (da'wah) to the world.

In his words, which we shall mention, he claims that the deen does not prevent his jihad ﷺ was for kingship. He said at p54: "we say: that jihad was a sign of the Islamic State, and an example of royalty. Here is another example for you: in the time of the Prophet ﷺ there was a lot of work on financial matters in terms of revenue and expenses, and in terms of the collection of money from the various sources (the zakat, the spoils, the tribute, etc.), and the distribution of all of that, and the Prophet ﷺ had collectors and helpers handing over that to him. There is no doubt that the management of the money is a kingly matter, rather it is from the most important elements of government".

Then he said on p55: "If you return to some of those who looked at these examples, and are reassured of the judgement that he ﷺ was a messenger and ruler, then will find an opposing research worthy of attention. So, was his ﷺ founding of the Islamic Kingdom and his activities from that perspective, something outside of the limits of his ﷺ message? or was it a part of what Allah had sent him for and inspired to him? As for the Kingdom of the Prophet being a work separate from the Islamic call and outside the limits of the message, that is a view that we do not know the like of it among the Muslims' schools of thought, and we do not recall in their words any evidence for it, yet it is a fine view to adopt, and we do not see that saying it is disbelief nor atheistic. Perhaps some of the Islamic sects' denial of the Caliphate in Islam can be held as being on this way of thinking. It should not alarm you to hear that the Prophet ﷺ did such an action outside of the job of delivering the message, and that his kingship that he built is from the worldly work which has nothing to do with the message. It is a statement which, although the ear may reject it, as it is unusual in the language of the Muslims, but the rules of Islam, the meaning of the message, the spirit of the legislation and the history of the Prophet ﷺ, all this does not clash with such a view nor does it find it repulsive. Rather, maybe a support can be found for it, but in any case we see it as an unlikely view".

What is known from these words of his is that the deen does not

prevent understanding that the jihad of the Prophet ﷺ was for kingship (mulk) not for the deen, nor for making the call (da'wah) to the world, and this is the least of what should be taken from all of his texts.

However, he did not stop at this point, but just as he allowed that jihad was in the way of kingship, and from the governmental matters allowed that the zakat, the spoils and the tribute and so on be for the sake of kingship as well, and he made all of this outside the remit of the message of the Prophet ﷺ, not sent down by revelation, nor ordered by Allah Almighty.

In terms of his defence, Sheikh Ali said: "We investigated the book also, but did not find that opinion in it. Perhaps it was a conclusion drawn, although we had not indicted it". This is not true; as what we accuse him of is found explicitly on pages 52, 53, 54 and p55, where he says: "yet it is a fine view to adopt, and we do not see that saying it is disbelief nor atheistic", and where he says after that: "but the rules of Islam, the meaning of the message and spirit of the legislation and the history of the Prophet ﷺ, all of this does not clash with such a view does nor does it find it repulsive. Rather, maybe a support can be found for it".

However, Sheikh Ali defends himself with his words: "It is an opinion that we are not pleased with, and in the end, one which we reject to adopt", is not in conformity with the reality, as he said: "yet it is a fine view to adopt" and so on. His saying after that: "but in any case we see it as an unlikely view" does not help him, as saying it along with his saying: "yet it is a fine view to adopt" etc. – is the style of permitting, not the style of rejecting, as is known to anyone who has knowledge of logic and methods of speech and debate.

Sheikh Ali said in his defence after that: "rather, we decided against that on p70, where we said (and for this Islamic unity he ﷺ strove with his tongue and his spear), and we said on p79: (It should not put you in doubt what you see at times in the biography of the Prophet ﷺ, so it seems to be that he was doing the work of government, resembling a king and a State, but if you contemplate, you will not find it as that, rather it was not other than a means of his ﷺ that he resorted to strengthen the deen and support the call. It is not strange that jihad was one of these means".

This does not help his defence, as he claimed that what he said here

is against what he is accused of. The fact is that it is not against it, because he presented it in the context that possibly his ﷺ struggle and jihad was outside the limits of his message ﷺ, and possibly it was a part of what Allah sent him for and inspired to him, according to the two opinions decreed by Sheikh Ali, so the accusation against him remains. Sheikh Ali with that does not prevent contradicting the clear verses of the Great Book, let alone the explicit known narrations, and does not preclude denying what is known of the deen by necessity.

Allah the Almighty said:

[فَقَاتِلْ فِي سَبِيلِ اللَّهِ... (النساء: 84)]

(Then fight (O Muhammad ﷺ) in the Cause of Allâh...)
(TMQ an-Nisaa': 84)

And the Almighty said:

[فَلْيُقَاتِلْ فِي سَبِيلِ اللَّهِ الَّذِينَ يَشْرُونَ الْحَيَاةَ الدُّنْيَا بِالْآخِرَةِ... (النساء: 74)]

(Let those (believers) who sell the life of this world for the Hereafter fight in the Cause of Allâh...)
(TMQ an-Nisaa': 74)

And the Almighty said:

[وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِئْتَةٌ وَيَكُونَ الدِّينُ لِلَّهِ... (البقرة: 193)]

(And fight them until there is no more Fitnah (disbelief and worshipping of others along with Allâh) and (all and every kind of) worship is for Allâh (Alone) ...)
(TMQ al-Baqarah: 193),

And the Almighty said:

[وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ... (البقرة: 43)]

(And perform As-Salât (Iqâmat-as-Salât), and give Zakât...)
(TMQ al-Baqarah: 43)

And the Almighty said:

[خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا... (التوبة: 103)]

(Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it...)
(TMQ at-Tawbah: 103),

And the Almighty said about the expenditure of zakat:

[إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ... (التوبة: 60)]

(As-Sadaqât (here it means Zakât) are only for the Fuqarâ (poor), and Al-Masâkin (the poor) and those employed to collect (the funds); and for to attract the hearts of those who have been inclined (towards Islâm); and to free the captives; and for those in debt; and for Allâh's Cause (i.e. for Mujâhidûn - those fighting in the holy wars), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allâh...) (TMQ at-Tawbah: 60)

And the Almighty said:

[قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَن يَدٍ وَهُمْ صَاغِرُونَ] (التوبة: 29)

(Fight against those who (1) believe not in Allâh, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allâh and His Messenger (4) and those who acknowledge not the religion of truth (i.e. Islâm) among the people of the Scripture (Jews and Christians), until they pay the Jizyah with willing submission, and feel themselves subdued)
(TMQ at-Tawbah: 29)

And the Almighty said:

[اعْلَمُوا أَنَّمَا غَنِمْتُمْ مِّن شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ]

وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ... [(الأنفال: 41)

(And know that whatever of war-booty that you may gain, verily one-fifth (1/5th) of it is assigned to Allâh, and to the Messenger, and to the near relatives [of the Messenger (Muhammad ﷺ)], (and also) the orphans, Al-Masâkin (the poor) and the wayfarer...) (TMQ al-Anfaal : 41).

3 - With regard to his claims that the system of ruling in the era of the Prophet ﷺ was the subject of uncertainty, ambiguity, turbulence or shortcomings and so is perplexing, he said on p40:

"We noticed that the situation of the judiciary at the time of the Prophet ﷺ was vague and ambiguous from all angles".

He said on p46: "often, each time we looked at the situation of the judiciary at the time of the Prophet ﷺ and at the situation of other than the judiciary also from the activities of governance and types of jurisdiction, we find increasing ambiguity in the study, serious hidden matters in the matter, and then unending confusion in the thinking, moving from muddle to confusion and from study to study, until we reached the limits of that confused and doubt filled field".

He said on p57: "if the Messenger of Allah had built the foundations of a political state or legislated its establishment, why then are many pillars of the state and government missing from his state? And why are the rules in the appointment of judges and governors not known? And why did he not talk to his people about the system of ruling and the rules of the consultation? Why did he leave the scholars in confusion and disorder about the system of government in his time? Why? Why? We want to know the origin of that which appears to be ambiguity, turbulence or shortcomings or call you want, in the building of government during the days of the Prophet ﷺ ? How it was and what was its secret?"

This is a clear statement from Sheikh Ali which proves the charge. If he admits to some of the systems of governance in Islamic law, then he contradicts his admission, and decrees that these systems are non-existent.

On p84 he says: "it might be possible to say: that these rules, morals

and laws, which the Prophet ﷺ came with for the Arab people as well as the non-Arab people were many. Among them were what largely affects most aspects of life. There were some systems of punishments, the military, the Jihad, trade, debts and mortgaging, the etiquettes of sitting, walking, talking and much more), and then said: (but if you contemplate, you find that all that is legislated by Islam and was introduced by the Prophet from systems, principles and ethics, was not a lot nor even a little like the methods of governance, nor the regulations of the civil state. If you gathered them up, would not reach a fraction of that which is necessary for a civil state of political foundations and laws".

As for what he said in his defence: that he presented that in the context of an objection to those who say: "The Prophet ﷺ was a man of government" and that he had responded to the objection immediately after presenting it. But he answered the objection with two replies, not approving of any one of them, pages 59 and 63; so the accusation remains.

After that he chose for himself an opinion, as he says: "but the mandate of Muhammad ﷺ over the believers was the mandate of a message, not resembling anything of government" - p80 - This is the dangerous route that he took, namely, that he stripped the Prophet ﷺ of governance, saying: "a message not a rule, and religion not a state".

What Sheikh Ali claims clashes with the clear statements of the Holy Quran. Allah said:

[إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ...]
(النساء: 105)

**(Surely, We have sent down to you (O Muhammad ﷺ) the Book (this Qur'ân) in truth that you might judge between men by that which Allâh has shown you...)
(TMQ al-Nisaa': 105)**

And the Almighty said:

[...وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تَبْيَانًا لِّكُلِّ شَيْءٍ... (النحل: 89)]

**(...And We have sent down to you the Book (the Qur'an) as an exposition of everything...)
(TMQ an-Nahl: 89)**

The Almighty said:

[...وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ... (النحل: 44)]

**(...And We have also sent down unto you (O Muhammad ﷺ) the reminder and the advice (the Qur'an), that you may explain clearly to men what is sent down to them...)
(TMQ an-Nahl: 44)**

And the Almighty said:

[...فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (النساء: 59)]

**(...(And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger ﷺ, if you believe in Allâh and in the Last Day. That is better and more suitable for final determination)
(TMQ an-Nisaa': 59)**

And it is known that the return to Allah is by reference to his book, and return to the Prophet ﷺ is by reference to his Sunnah ﷺ.

The Almighty said:

[...الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا... (المائدة: 3)]

**(...This day, I have perfected your religion for you, completed My Favour upon you, and have chosen for you Islâm as your religion...)
(TMQ al-Maidah: 3)**

And the deen for Muslims is what was brought by Muhammad ﷺ from Allah the Creator and in the treatment of creatures.

4 - As for his claims that the mission of the Prophet ﷺ was to deliver the law abstract of governance and implementation.

Sheikh Ali said on p71: "The apparent meaning of the Quran supports the saying: that the Prophet ﷺ was not significant in the political domain, and its verses closely support the view that his divine work did not exceed the limits of delivering the message, devoid of all aspects of authority".

Then he confirmed that on p73: "the Qur'an, as you see, is explicit that Muhammad ﷺ has no other work but to convey the message of Allah to the people, and that he was not accountable for anything other than that conveyance, and not to make the people take what he brought, nor to force them on it".

If it was as he claimed, then it was a rejection of the entirety of the many verses of rules in the Qur'an.

Sheikh Ali said in his defence: "in another part of the book it is decreed explicitly that the Prophet ﷺ had a general authority, and he struggled in call (da'wah) with his tongue and his spear".

This defence is useless, as, if the meaning is that his decision on p66 and p70, as he indicated, is that the divine work of the Messenger of Allah ﷺ did exceed the limits of delivering the message devoid of all aspects of authority, then it was not justified to say that after page on p71: "and its verses closely support the view that his divine work did not exceed the limits of delivering the message, devoid of all aspects of authority". Nor to then say on page 73: "the Qur'an is explicit that Muhammad ﷺ has no other work but to convey the message of Allah to the people, and that he was not accountable for anything other than that conveyance, and not to make the people take what he brought, nor to force them on it".

In fact, the authority that he established, is the spiritual authority, as mentioned explicitly in his defence paper, in which he said: "The Messenger of Allah ﷺ seized all of that authority, not through physical force and the submission of the body, such as is the way of the kings and rulers, but through faith of the heart and wholehearted spiritual submission". His defence was a proof of the charges, not a denial of them.

However, he linked on p65 and p66, the authority to some other

factors; the moral perfection, excellence and social, not the revelation of Allah nor the verses of the holy book. Elsewhere in his book he made jihad a style that the Prophet ﷺ would turn to support the da'wah, but not ascribed to Allah's revelation nor His command.

Sheikh Ali's words are contrary to the clear book of the Almighty Allah, which refutes his claim, and proves that his ﷺ mission exceeded the delivering of the message to others, to include the rule and implementation. Allah سبحانه وتعالى said:

[إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ...]
(النساء: 105)

**(Surely, We have sent down to you (O Muhammad ﷺ) the Book (this Qur'ân) in truth that you might judge between men by that which Allâh has shown you...)
(TMQ al-Nisaa': 105)**

And the Almighty said:

[وَأَنْ أَحْكُمَ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْتَرَاهُمْ أَنْ يَقْتُلُوكَ
عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ...] (المائدة: 49)

**(And so judge (you O Muhammad ﷺ) between them by what Allâh has revealed and follow not their vain desires, but beware of them lest they turn you (O Muhammad ﷺ) far away from some of that which Allâh has sent down to you....)
(TMQ al-Maidah: 49)**

And the Almighty said:

[...وَقُلْ آمَنْتُ بِمَا أَنْزَلَ اللَّهُ مِنْ كِتَابٍ وَأُمِرْتُ لِأَعْدِلَ بَيْنَكُمْ...]
(الشورى: 15)

**(...but say: "I believe in whatsoever Allâh has sent down of the Book [all the holy Books] and I am commanded to do justice among you...)
(TMQ ash-Shura: 15)**

And the Almighty said:

[خُدْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا...] (التوبة: 103)

(Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it...) (TMQ at-Tawbah: 103)

And the Almighty said:

[وَقَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلَّهِ...] (الأنفال: 39)

**(And fight them until there is no more Fitnah and the religion (worship) will all be for Allâh Alone...)
(TMQ Al-Anfal: 39)**

And the Almighty said:

[قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَن يَدٍ وَهُمْ صَاغِرُونَ] (التوبة: 29)

**(Fight against those who (1) believe not in Allâh, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allâh and His Messenger (4) and those who acknowledge not the religion of truth (i.e. Islâm) among the people of the Scripture (Jews and Christians), until they pay the Jizyah with willing submission, and feel themselves subdued)
(TMQ at-Tawbah: 29)**

And the Almighty said:

[فَقَاتِلْ فِي سَبِيلِ اللَّهِ...] (النساء: 84)

**(Then fight (O Muhammad ﷺ) in the Cause of Allâh...)
(TMQ an-Nisaa': 84)**

And the Almighty said:

[يَا أَيُّهَا النَّبِيُّ حَرِّضِ الْمُؤْمِنِينَ عَلَى الْقِتَالِ...] (الأنفال: 65)

(O Prophet (Muhammad ﷺ)! Urge the believers to fight...)
(TMQ al-Anfal: 65)

And the Almighty said:

[وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ...] (الأنفال: 61)

(But if they incline to peace, you also incline to it, and (put your) trust in Allâh...)
(TMQ al-Anfal: 61)

And the Almighty said:

[وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتُ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ...]
(الحجرات: 9)

(And if two parties or groups among the believers fall to fighting, then make peace between them both, but if one of them rebels against the other, then fight you (all) against the one that which rebels till it complies with the Command of Allâh...)
(TMQ al-Hujaraat: 9).

The words of Sheikh Ali also run contrary to the clear correct Sunnah. al-Bukhari narrated in his Saheeh, that he ﷺ said:

(أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمداً رسول الله، ويقيموا الصلاة، ويؤتوا الزكاة، فإذا فعلوا ذلك عصموا مني دماءهم وأموالهم إلا بحق الإسلام...)

“I have been ordered to fight people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah and until they perform the prayers and pay the Zakah. Their doing so will earn them protection for their lives and property, unless [they do acts that are punishable] in accordance with Islam...”

And he narrated from Abu Salamah from Abu Hurayrah - may Allah be pleased with him –

أنه أتى النبي ﷺ برجل قد شرب فقال : "اضربه"

that a man came to the Prophet ﷺ who had been drinking, so He ﷺ said: "**Beat him**".

He narrated from Urwa - may Allah be pleased with him –

(أن قريشًا أهتمهم المرأة المخزومية التي سرقت، وقالوا : من يكلم رسول الله ﷺ ومن يجترئ عليه إلا أسامة حب رسول الله ﷺ فكلم رسول الله ﷺ فقال : (أتشفع في حد من حدود الله ؟) ثم قام فخطب ، فقال : (يا أيها الناس إنما ضل من قبلكم أنهم كانوا إذا سرق الشريف تركوه ، وإذا سرق الضعيف أقاموا عليه الحد ، وإيم الله لو أن فاطمة بنت محمد سرقت لقطع محمد يدها)

"Urwa related from 'A'isha that Quraish were concerned with the case of a Makhzumi woman who had stolen something and they said, "Who will speak to the Messenger of Allah ﷺ about her?" They said, "Who is bold enough to do it except Usama ibn Zayd, the beloved of the Messenger of Allah ﷺ ?" Usama spoke to him and the Messenger of Allah ﷺ said, "How can you intercede when it is a case of one of the legal punishments of Allah Almighty?" Then he stood up and spoke and said, "Those before you were destroyed because when a noble among them stole, they let him be, but when the weak among them stole, they carried out the legal punishment on them. By Allah, if Fatima the daughter of Muhammad were to steal, Muhammad would cut off her hand."

So, is it permissible to say after that about Muhammad ﷺ: "that his divine work did not exceed the limits of delivering the message, devoid of all aspects of authority), and (that he was not accountable for anything other than that conveyance, and not to make the people take what he brought, nor to force them on it" ?

So, is it permissible to say after that about Quran: "is explicit that Muhammad ﷺ has no other work but to convey the message of Allah to the people, and that he was not accountable for anything other than that conveyance, and not to make the people take what he brought, nor to force them on it".

5 - As, for the denial of a consensus of the Sahabah on the obligation of establishing an Imam and that it is imperative for the Ummah to have someone who establishes their religious and worldly affairs, he said on p22: "as for the claims of consensus in this matter – the obligation of establishing an Imam – we do not a justification to accept it in any event, and it is impossible if we asked them for proof for them to succeed in bringing an evidence, considering that we will confirm for you with the following that the claims of consensus are untrue and unheard, whether the consensus of the Sahabah alone, or companions and their followers, or the Muslim scholars, or all of the Muslims, after we introduce with this preface".

Sheikh Ali claimed that in that preface that the wealth of political science in the Islamic era was little, despite the availability of the grounds on which to research, most notably that the status of the Khilafah since the time of the first Khaleefah was the objective of those who rebelled against it, however the opposition movement weakened and strengthened. Then he put forward some examples that support the claim that the Khilafah was based on the sword and force, neither the pledge nor consent.

If all that was accepted from Sheikh Ali for the sake of argument that would not support his claims of denial of the consensus of the Sahabah on the necessity of establishing an Imam for the Muslims, as the consensus of that is one thing and their consensus over pledging to a specific Imam is something else. Their differences over the pledge to a specific Imam do not disprove their agreement on the obligation to install an Imam, whoever the Imam was. The consensus of the Muslims has been proved over the prohibition of being without an Imam for a time; it was transmitted to us by the way of tawatur, so there is no way for its denial.

Sheikh Ali Abdul-Raziq admits in his defence that he denies the consensus on the necessity of appointing an Imam in the sense mentioned by scholars, he said of himself: he stands on the side of a not insignificant group of the people of the Qiblah (he means some of the Kharijites and Al-Asamm). This defence does not prove his innocence of going against the consensus of the Muslims, and it is enough for him that in his bida'a (innovation) he is the row of the Kharijites not the rows of the masses of Muslims. Does his standing on the side of Kharijites, who violated the consensus after its convention, justify for him departure from the consensus of the Muslims? In *al-Mawaqif* and its explanation it is said: "The tawatur of the consensus

of the Muslims during the first period after the death of the Prophet ﷺ over the prohibition of there being a time without a Khaleefah and an Imam; even Abu Bakr said - may Allah be pleased with him - in his famous speech at the time of his ﷺ death: Muhammad has died, so it is necessary for this deen that there be one who executes it, so everyone hurried to accept him, without anyone saying: "There is no need for that", rather they agreed on him and said: we will look into this issue, then rushed to Bani Sa'idah, and left for its sake the most important of things, which is to bury the Messenger of Allah ﷺ. Their differences regarding who should take the post do not disprove their agreement in the matter. The people did not stop establishing and Imam to be followed in every era until our time today".

It was narrated in Saheeh Muslim, the hadith of Hudhayfah, in which it came that the Prophet ﷺ said:

(كانت بنو إسرائيل تسوسهم الأنبياء كلما هلك نبي خلفه نبي ، وإنه لا نبي بعدي وستكون خلفاء فتكثر ، قالوا : فما تأمرنا ؟ قال : فوا بيعة الأول فالأول ، وأعطوهم حقهم فإن الله سائلهم عما استرعاهم)

"The prophets ruled over the children of Israel. Whenever a prophet died, another prophet succeeded him, but there will be no prophet after me. There will soon be Khulafaa' and they will number many. They asked: What then do you order us? He ﷺ said: Fulfil Bay'ah to them one after the other, and give them their due, for verily Allah will ask them about what He entrusted them with"

Muslim also narrated that the Prophet ﷺ said:

إنما الإمام جنة يقاتل من ورائه ويتقى به ، فإن أمر بتقوى الله - عز وجل - وعدل كان له بذلك أجر ، وإن أمر بغيره كان عليه منه

"Indeed, the Imam (Khaleefah) is a shield, from behind whom you fight and by whom you are protected..."

6 – As for the denial that the judiciary is a Shari'ah vocation, he said on p103: **"The Khilafah is absolutely not something of the religious plans, nor is neither the judiciary, nor other jobs of government or positions of the state, but all those are purely political plans nothing to do with the deen. It did not acknowledge them nor deny them, nor**

ordered them nor forbade them, rather it left them for us to go back to the laws of the mind, the experiences of nations and political principles”.

Sheikh Ali's words in his defence imply that those who adopted that the judiciary is a Shari'ah vocation made it a branch of the Khilafah, so whoever denied the Khilafah, denied the judiciary.

His words are not true; for the judiciary is fixed in the deen in every analysis that considers the Shari'ah evidences that cannot be rebutted. We have stated above many of the verses and ahadith about the government and the judiciary, but we will mention something from that in what follows: --

Sheikh Ali said in his defence: “Those who deny that it is a Shari'ah plan, made the judiciary a particular function of the functions of governance and the positions of state, taking the position of certain systems and particular styles”.

This defence is not true, as his phrasing on p103 contains a denial that the judiciary itself is a religious plan, claiming that it is a purely political plan nothing to do with the deen. He quoted from Meezan ash-Sha'rani in his defence: “that Imam Ahmad in the most apparent narration, viewed that it - namely: the judiciary - is not among the collective obligations, and it is not obligatory to appoint someone to enter it, even if there is no one else”.

This is a defence of the judiciary itself. With this it also shows that he denied that the judiciary itself is a Shari'ah vocation, and did not make the judiciary a particular function of the functions of governance and the positions of state, taking the position of certain systems and particular styles. So the charge fits him. His relying on what ash-Sha'rani narrated of Imam Ahmad in his Meezan did not help him, as what he compiled from Meezan ash-Sha'rani is in the chapter of what is forbidden in marriage. Ash-Sha'rani himself mentioned that on p8 of Part 1 of al-Mizan, with the book of judiciary coming seventeen volumes later. Ash-Sha'rani's book was not edited such that it can be an authentic document. The author of al-Isha'ah said in Ashrat as-Sa'ah: “Ash-Sha'rani did not edit/compile his Mizan in his life, and he said: ‘I do not permit anyone to narrate this book from me until I present it to the Muslim scholars and they endorse what is in it’”. It is well known in the books of the Hanbali's that the judiciary is from the collective obligations. See p258 of Part IV of al-Mutaha, p968

of al-Iqna', and p580 of al-Muqna', its contents are mentioned in his saying: "It is a collective obligation": This is the opinion of the madhab". He mentioned a statement from Imam Ahmad that the judiciary is Sunnah. So, if it the judiciary was not a collective obligation in Imam Ahmad opinion, then it is a Sunnah for him, made a Sunnah from the Shari'ah plans. So, what Sheikh Ali claimed that the judiciary is not a Shari'ah vocation or a Shari'ah plan is false and contradictory to the verses of the Qur'an, Allah سبحانه وتعالى said:

[أَفَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي
 أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا] (النساء: 65)

**(But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission)
 (TMQ an-Nisaa': 65)**

And the Almighty said:

[فَاحْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ...]
 (المائدة: 48)

**(...So judge between them by what Allāh has revealed, and follow not their vain desires...)
 (TMQ al-Maidah: 48)**

And the Almighty said:

[إِنَّا أَنزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ...]
 (النساء: 105)

**(Surely, We have sent down to you (O Muhammad ﷺ) the Book (this Qur'an) in truth that you might judge between men by that which Allāh has shown you...)
 (TMQ al-Nisaa': 105)**

And the Almighty said:

[...إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ

أَنْ تَحْكُمُوا بِالْعَدْلِ... [النساء: 58]

(...verily! Allāh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice...) (TMQ an-Nisaa': 58).

7 - As for his claim that the government of Abu Bakr and the Caliphs after him, may Allah be pleased with them were secular (La deeniya/unreligious) he said on page 90: "it is natural and reasonable to me, to the level of being obvious, that there should not be after the Prophet ﷺ a religious leadership. What one can imagine the existence of is a new type of leadership, unrelated to the message nor based on the deen, so it is therefore a secular type". This boldness is secular. What is natural and reasonable for Muslims to the point of obviousness is that the leadership of Abu Bakr - may Allah be pleased with him - was religious. The Muslims predecessors and their followers knew that, generation after generation. His leadership was on the basis "it is necessary for this deen that there be one who executes it". A consensus of the Sahabah – may Allah be pleased with them all - was established on that, as mentioned.

Sheikh Ali's defence that what he meant from "the leadership of Abu Bakr was secular" is that it does not relate back to revelation nor to the message is regrettably a laughable position, as no one imagines that Abu Bakr - may Allah be pleased with him - was a prophet receiving revelation, such that Sheikh Ali should defend against this illusion.

The masses of Sahabah, from al-muhajireen and al-Ansar, pledged allegiance to Abu Bakr - may Allah be pleased with him – on that he establishes the matter of the deen in this Ummah after the Prophet Muhammad ﷺ, so he established the matter well, and like him, the rest of the rightly guided Caliphs.

What Sheikh Ali described Abu Bakr with - may Allah be pleased with him - that his government was secular has not been put forward by anyone of the Muslims.

But the one who can degrade the status of Prophethood can find it easy to degrade the status of Abu Bakr and his brothers, the rightly guided Caliphs, may Allah be pleased with them all.

In addition to what has been mentioned Sheikh Ali on p34 and p35 takes the position of one who disputes the Muslims' religious evidences and stands outside of their mutawatir consensus on the form of their religious government, or the position of one who permits the Muslims to establish a Bolshevik Government. How is that possible when the deen of Islam in its entirety and its details fought the Bolshevik ideology, as it is sedition in the land and a great corruption? The deen of Islam left a legacy of rules that are sometimes used by non-Muslims because of their compassion and justice. It obligated on the Muslims that amounts of charity are taken from the rich and given to the poor. It ordered the establishment of a religious government, which guarantees the right to everyone having a right, and to each worker the payment of his work. It made the blood, honour and wealth inviolable that may not be violated. It hits on the hands of the corrupt. It is enough for us to say: that the Bolshevik ideology destroys the human society, and loses the wisdom of Allah making people of differing abilities benefiting from each other. Allah said:

[... نَحْنُ قَسَمْنَا بَيْنَهُمْ مَعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيَتَّخِذَ بَعْضُهُمْ بَعْضًا سُخْرِيًّا ...] (الزخرف: 32)

(... It is We Who portion out between them their livelihood in this world, and We raised some of them above others in ranks, so that some may employ others in their work...)
(TMQ az-Zukhruf: 32).

Sheikh Ali says on p103: "nothing in the deen prevents Muslims from competing with the other nations in all the knowledge of society and politics, and to demolish the ancient system, which they resigned to and debased them, and to build their own principles of their ruling and system of their government upon the most modern of what is produced by human minds, and the most secure of what the experience of nations leads to, as it is the best governance".

It is well known that the foundation of governance and the sources of legislation for Muslims are the Book of Allah, the Messenger of Allah ﷺ and the consensus of the Muslims, and there are none better than the Muslims. Sheikh Ali requested that what was built on these foundations of their system of government (out-of-date) be demolished. He calls upon them to build their government and their religious and worldly affairs upon a foundation better than their foundation, found among

the non-Muslims, so how can the deen of Islam allow Muslims to destroy it?!

He alleges on p83 and p84 that the Prophet ﷺ did not change anything from the methods of governance of any people or tribe in the Arab lands, but left them and what they had of systems or chaos. This is an explicit challenge to Muhammad ﷺ that he has not been sent to for the people's happiness in their religion and their worldly life. It is an explicit challenge to the Book of Allah the Almighty that it is not adequate for the necessary social affairs, yet Allah said:

(وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ) [الأنبياء: 107]

(And We have sent you (O Muhammad ﷺ) not but as a mercy for the 'Alamîn (mankind, jinns and all that exists))
(TMQ al-Anbiyaa': 107)

And the Almighty said:

[...وَرَحْمَتِي وَسِعَتْ كُلَّ شَيْءٍ فَسَأَكْتُبُهَا لِلَّذِينَ يَتَّقُونَ وَيُؤْتُونَ الزَّكَاةَ
وَالَّذِينَ هُمْ بِآيَاتِنَا يُؤْمِنُونَ * الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي
يَجِدُونَهُ مَكْنُوبًا عِنْدَهُمْ فِي التَّوْرَةِ وَالْإِنْجِيلِ يَأْمُرُهُم بِالْمَعْرُوفِ وَيَنْهَاهُمْ
عَنِ الْمُنْكَرِ وَيَجْلُ لِهِمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ
إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ
وَاتَّبَعُوا النُّورَ الَّذِي أُنزِلَ مَعَهُ أُولَئِكَ هُمُ الْمُفْلِحُونَ] (الأعراف: 156-157)

(...and My Mercy embraces all things. That (Mercy) I shall ordain for those who are the Muttaqûn, and give Zakât; and those who believe in Our Ayât * Those who follow the Messenger, the Prophet who can neither read nor write (i.e. Muhammad ﷺ) whom they find written with them in the Taurât and the Injeel, he commands them for Al-Ma'rûf and forbids them from Al-Munkar ; he allows them as lawful At-Taiyibât , and prohibits them as unlawful Al-Khabâ'ith, he releases them from their heavy burdens (of Allâh's Covenant), and from the fetters (bindings) that were upon them. So those who believe in him (Muhammad ﷺ), honour him, help him, and follow the light (the Qur'ân) which has been sent down with him, it is they who will be successful)

(TMQ al-A'raaf: 156-157)

And the Almighty said:

[...اليَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ
دِيناً... (المائدة: 3)]

**(...This day, I have perfected your religion for you, completed My
Favour upon you, and have chosen for you Islâm as your religion...)
(TMQ al-Maidah: 3)**

As it is apparent from the foregoing that the accusations against Sheikh Ali Adbul Raziq remain, and is thus not suited to be described as a scholar ('Aalim) in accordance with article (101) of Act No. 10 of 1911, which reads: "If one of the scholars, whatever their occupation or profession, issue that which does not fit the description of being a scholar, then he is to be judged by the Sheikh of the University of al-Azhar and the unanimous agreement of nineteen of the council of senior scholars, as provided for in Part VII of this Act, with removal from the community of scholars. No appeal is to be accepted about this judgement. It follows on from the judgement mentioned, that the name of the convicted person be erased from the records of the University of al-Azhar and other institutions, that they be expelled from all posts, that their payroll is cut, and that they are not suitable to be employed for any public job, whether religious or non-religious".

Based on these reasons:

We, the Sheikh of the University of al-Azhar along with the unanimous agreement of twenty-four scholars from the Council of Senior Scholars, judged Sheikh Ali Abdul Raziq, a member of the University of al-Azhar and a Shari'ah judge in the Primary Shari'ah Court of Mansoorah and the author of the book (Islam and governance) be expelled from the community of scholars.

The Office of General Administration of the Religious Institutions issued this judgement on Wednesday 22 Muharram 1344 (August 12 1925).

Signed: the Sheikh of the University of al-Azhar

APPENDIX B

Did Khilafah only exist for 30 years?

Question: The need for Khilafah has become well established and many Muslims now call for it. However, some people claim that the Khilafah only lasted for 30 years and that thereafter the Khilafah ceased to exist. Does this understanding have any Islamic basis? And is it a valid justification for not establishing Khilafah today just because it only lasted 30 years?

Answer: There is no doubt that the Islamic State, which Muhammad al-Mustafa ﷺ established in Madinah existed until it was destroyed at the hands of Kamal Ataturk on the 3rd of March 1924.

The continuity of the Islamic ruling system, the Khilafah system, beyond the time of the Khulafaa Rashideen is established by historical reality and by the text.

As for history we should bear in mind the structure of the ruling system so that we can assess historically whether it existed or not.

This structure is based on the following pillars: the Khaleefah, i.e., the head of State, the Khaleefah's delegated assistants (*mo'aawen Tafweed*), the Khaleefah's executing assistants (*mo'aawen Tanfeez*), the Ameer of Jihad, the Governors (*Wulah*), the Judges (*qudah*), state departments, and the state assembly (*Majlis al-Ummah*).

If we analyze history we can see that all but one (the Shura) existed throughout the eras until its destruction in 1924. The absence or neglect of the Shura after the Khulafaa Rashidun does not mean the ruling system changed because ruling is possible without Shura even though it is the right of the Muslims.

As for the periods in history where no Khaleefah existed whether due to civil war or occupation by foreign armies, the Khilafah still continued to exist as the rest of the structure still existed.

As regards the claim of hereditary rule, it is true that the bay'ah i.e. process of appointing a Khaleefah was mal-administered but that did not affect the continuity of the Khilafah. This is because even though a Khaleefah might have taken the people's bay'ah for his son before his death, it was always renewed afterwards. This bay'ah was usually

given either by the people of influence and representation (*Ahl al-Halli wal-'aqd*) or as we saw in the latter period by the Shaykh al-Islam.

The scholars accepted that the Khilafah continued after the Khulafaa Rashidun, although some from the Salaf disliked using the title Khaleefah for later rulers because of the following hadith reported by at-Tirmizi on the authority of Safeenah who said that the Messenger ﷺ said: "**The Khilafah in my Ummah after me will be for thirty years. Then there will be Mulkan 'aduudan (hereditary rule) after that.**" [Similar narrations are also to be found in the Sunan of Abu Dawud (2/264) and Musnad of Ahmad (1/169)] According to the scholars, this hadith does not mean the Khilafah ceased to exist after thirty years because it contradicts other authentic texts.

Jabir b. Samurah (raa) narrated that the Messenger ﷺ said 'The Islamic Deen will continue until the Hour has been established, or you have been ruled by twelve Khulafaa, all of them being from the Quraish' [Sahih Muslim]. This hadith indicates that the Ummah will have not four or five but twelve Khaleefah, indicating that the Khilafah could not have been restricted to only thirty years. Regarding this hadith Qadi 'Iyad said: '*...it has been mentioned in the latter hadith 'The Khilafah after me will be for thirty years, then there will be a hereditary rule' this contradicts the hadith regarding the twelve Khaleefah for in the thirty years there were only the Khulafaa Rashidun and months in which the bay'ah was given to al-Hasan b. al-Ali. The answer to this is: What is meant by 'the Khilafah will be for thirty years' is the Khilafah of the Nubuwwah (Prophethood)...*' [As quoted by an-Nawawi in his Sharh Sahih Muslim, 1821]

As for the reference to twelve Khulafaa it does not mean it was restricted to that number as Qadi 'Iyad explains: '*Perhaps what is meant by twelve Khaleefahs in these hadiths and their like is that they were the Khulafaa during the strong period of the Khilafah, the power of Islam, when the affairs were in order and the people were united on those who undertook the post of Khilafah.*' [Tarikh al-Khilafah of as-Sayuti, p.14].

Ibn Hajar said in Sharh of al-Bukhari: '*What Qadi 'Iyad said is the best of what has been said regarding the hadith I think it's the strongest because it is supported by sayings of the Prophet through authentic lines of transmission: 'And people will gather round all of them...'* [Fath al-Baari] and then Ibn Hajar gives a historical account of how people

had gathered round and united under certain Khulafaa after the Khulafaa Rashidun; he mentions the likes of Umar ibn Abdul Aziz and he even mentions "khulafa Bani Abbas" i.e. amongst the Abbasids.

Sayf ad-Deen al-Amidi, the great Shafi'i scholar and Usuli, said in his book *al-Imamah min abkar al-afkar fi usul ad-din* (p.306): 'And his (ﷺ) saying 'After me the Khilafah will be for thirty years and then it will turn into a mulkan adooda (hereditary kingship)' this hadith does not indicate that the Khilafah is restricted to the Khulafaa Rashideen (they are Abu Bakr, 'Umar, 'Uthman and 'Ali [may Allah be pleased with them]) since their Khilafah lasted for thirty years as stated by the Prophet ﷺ. And nor does the hadith mean that there is no Khilafah after the Khulafaa Rashideen. Rather what is meant is: The Khilafah after me in terms of the responsibilities of the Imaamah and following my Sunnah without increase or neglect will be for thirty years, contrary to the period after this when most of the ruling will be of kings. Despite this the continuity of the Khilafah is indicated by the following two things:

The first: The Ijma' of the Ummah in every age on the obligation to follow an Imam of that time and upon the fact that the Imam and Khaleefah must be obeyed.

Second: He (ﷺ) said: 'then it will become (taseer) a mulkan'. The personal pronoun (dameer) in 'taseeru milkan' refers to the Khilafah. Since the mentioned (verb) cannot refer to anything other than the Khilafah, as if it is saying 'and then the Khilafah becomes a mulk' It judged that the Khilafah will become a mulk, the judgment on a thing requires that the thing itself exists.'

In the first point Imam Amidi explains that the Ummah is agreed, and this of course is due to text, that the Imam of that age must be followed and hence one cannot argue the hadith is restricting any Khilafah after it. His second argument is linguistic, the hadith is saying an aspect of the Khilafah will change and not the Khilafah itself. It is like saying 'and then Tariq became angry' the transforming of Tariq to a state of anger does not mean Tariq has become Ali or 'Umar. He is still Tariq but an aspect of his state has changed which is that he has become angry. Similarly when the hadith says '*thumma taseeru mulkan*' (and then it became a hereditary rule' it does not mean it ceases to be a Khilafah. In fact in one of the narrations of the above hadith says: 'The Khilafah of the Prophethood will be thirty years and then it will become a kingship,' In other words what will cease is the

Khilafah of the Prophethood, i.e. the perfect Khilafah and not the Khilafah itself.

Imam at-Taftazani referring to the fact that the rulers after Imam 'Ali were considered kings says: *'This is a difficult problem, for the people of influence and representation (Ahl Halli wal 'aqd) of the Muslim people were agreed on the Khilafah of the Abbasids and some of Banu Marwan, such as 'Umar b. 'Abd al-Aziz, for example. Perhaps the meaning here (referring to the above hadith that the Khilafah will be thirty years) is rather that the perfect Khilafah, in which there is no cross due to difference [of opinion] or inclination away from following [the right Khaleefah], will be for a period of thirty years, and then after it there might be or there might not be a Khilafah...If objection is made that since the period of the Khilafah was thirty years, then the time subsequent to the rightly guided Khalifahs is devoid of the Imam and whole of the Muslim people are thus disobedient an when they die, they die as in the days of ignorance, we reply that it has already been pointed out that the perfect Khilafah is what is meant.'*

It is well known from the hadith that to die without a Khaleefah is to die the death of Jahiliyyah, so what about the Muslims after the thirty years? At-Taftazani replies by saying the Muslims in those days were not sinful because the Khilafah did exist as the hadith only refers to the perfect Khilafah.

Imam Jalal al-Din al-Suyuti (b.911 AH) in his *Tarikh al-Khulafaa* (History of the Caliphs) recounts history of the Khulafaa until his time with the death Khalifah Mutawakkil Abul 'Izz in 903 AH and the appointment of his son al-Mustamsik Billah. He says in his introduction to the *Tarikh*: 'This is a brief history in which I present the biography of the Khulafaa, the Amirs of the Believers who looked after the affairs of the Ummah from the time of Abu Bakr as-Siddiq – may Allah be pleased with him! – until this our time...' and that was 900 years after the Hijrah!

The notable scholars throughout the ages had a relationship with the Khulafaa, whether they accounted them, such as Abu Hanifah and al-Mansur, or they worked for them such as Qadi Abu Yusuf who was the Qadi al-Qudah (chief judge) under Harun ar-Rashid or they participated in the bay'ah of a Khaleefah such as 'Izz b. Abd as-Salam, who gave bay'ah to Mustansir Billah after the defeat of the Tatars.

Towards the end of the Uthmani Khilafah when the big powers were

conspiring against it, Sheikh ul Hind Maulana Mahmud Hassan (who was the then head of Darul Uloom Deoband and direct student of Maulana Qasim Nanautavi, the founding father of the Darul 'Uloom) in the 1920's, mentioned a fatwa regarding saving the Uthmani Khilafah from the enemies of Islam.

The respected Maulana said: *'The enemies of Islam have left no stone unturned to strike against and harm the honour and prestige of Islam. Iraq, Palestine and Syria that were won over by the Prophet's companions and his followers, after in numerous sacrifices, have once again become targets of greed of the enemy of Islam. The honour of Khilafat is in tatters. Khalifa-tul-Muslimin, who used to unite the entire community on this planet; who is the vice-regent of Allah on this earth; used to implement the universal law of Islam; who used to protect the rights and interests of Muslims and used to preserve and ensure the glory of the words of the Creator of this universe be preserved and implemented, has been surrounded by enemies and made redundant.'* [From the Fatwa of Sheikh ul Hind Maulana Mahmud Hassan, 16th Safar 1339 AH, October 29 1920 CE, page 78 of English translation of 'The Prisoners of Malta' by Maulana Syed Mohammad Mian, published by Jamiat Ulama-I-Hind]

Also, Maulana Mohammad Ali Johar, a founder of the Khilafat movement said about the Khilafah: *'The ruler of Turkey was the Khaleefah or successor of the Prophet and Amir -ul- Mu'mineen or chief of the believers and the Khilafah is as essentially our religious concern as the Quran or the Sunnah of the Prophet.'* [Johar, Mohammed Ali, My Life a Fragment pg.41]

Also Maulana Abul Kalam Azad wrote a book in 1920 called 'The Issue of Khilafat', where he stated: *'Without the Khilafah the existence of Islam is not possible, the Muslims of India with all their effort and power need to work for this.'* In that book he listed all of the Khulafaa from the time of Abu Bakr (raa) until the time when he wrote his book. Thus, we can see the 'Ulema were concerned to ensure the continuation of the Khilafah until the very end.

The continuity of the obligation of Khilafah after the Khulafaa Rashideen is a pillar of Ahl as-Sunnah and hence at-Taftazani (who incidentally was a Shafi'i scholar) in his commentary (Sharh) of the Aqeedah of Imam an-Nasafi (who was a Hanafi) said: *'The position of agreement is that it is obligatory to appoint an Imam. The difference of opinion is on the question whether the appointment must be by*

Allah or by His creatures, and whether the basis [for appointment] is text or reason. The correct position is that the creatures must appoint a Khaleefah because of the statement of the Prophet ﷺ: 'Whosoever dies without knowing the Imam of his time, dies the death of Jahiliyyah.'

At-Taftazani also says: 'The Muslims must have an Imam, who will carry out the administration of their decisions, the maintaining of their restrictive ordinances, the guarding of their frontiers, the equipping of their armies, the receiving of their alms, the subjugation of those who get the upper hand and robbers and highwaymen, the performance of worship on Fridays and the Festivals, the settlement of disputes which take place amongst creatures, the receiving of evidence based on legal rights, the giving in marriage of young men and maidens who have no guardians, and the division of the booty and things like these which individuals of the people are not entrusted.'
[Sharh 'Aqidat an-Nasafiyyah, p.147]

What Imam at-Taftazani says is considered the last word on what Ahl as-Sunnah agreed and the above quote on the obligation of appointing a Khaleefah is clear regardless of one's historical interpretation.