State and Sovereignty

The word ‘sovereignty’ is derived from the Latin word ‘Superamus’ which means supreme. The definitions of the term are varied but it always signifies the biggest governmental and legal authority of some sort. In the terminology of political science, this word is used in the sense of absolute over lordship or complete suzerainty. If a person or group of persons or an institution is to be sovereign, it would mean that the word of that person, group or institution is law. A sovereign has the undisputed right to impose his orders on all subjects of the state and the subjects are under an absolute obligation to obey him, be it willingly or unwillingly. No outside agency, accepting his own will imposes any limitations or restriction on his power to rule. Laws come into existence by dint of the will of the sovereign and place all subjects of the state under an obligation to obey them, but no law binds the sovereign himself. Whatever he does is just and nobody can question his conduct or his orders and enforcement. It is thus inescapable that the sovereign should be accepted as being absolutely above all aberrations and errors, even though he may not actually be so.

In Islam (all political, legal and popular) sovereignty belongs to Allah alone, it is binding on every Muslim that he must acknowledge Him as the sovereign in his moral, social, cultural, economic and political spheres of life. Islam altogether repudiates the philosophy of the western democracy in which the sovereignty of the people is accepted, and the absolute powers of legislation rest in the hands of the people. Law making is their prerogative and legislation must correspond to the mood and temper of their opinion.

Allah is the real law-giver, and authority of absolute legislation rests in Him. No person, class or group, not even the entire population of the state as a whole can lay claim to sovereignty. As belief in the unity and sovereignty of Allah is the foundation of the social and moral system of Islam, it is also the very starting point of the Islamic political philosophy. The believers can not resort to totally independent legislation nor can they modify any law which Allah has laid down. It is to be noted here that Allah has retained the right of legislation in His
own hand not in order to deprive man of his natural freedom but to safeguard that very freedom. An Islamic state must, in all respects, be founded upon the law laid down by Allah through His Rasul ﷺ. The government which runs such a state will be entitled to obedience in its capacity as a political agency set up to enforce the laws of Allah and the practices of His Rasul ﷺ.

All administrative matters and all questions about which no explicit injunction is to be found in the Shari'ah are settled by the consensus of opinion among the Muslims by way of ijtihad.

According to Islam, sovereignty belongs to Allah alone and anyone who holds power and rule in accordance with the laws of Allah would undoubtedly be vicegerent of the supreme Ruler and will not be authorized to exercise any powers other than those delegated to him, the khilafah granted by Allah to the faithful is the popular vicegerency and not limited to any family, clan, class or race etc. the mission of the Anbiya' is to create conditions in which the mass of the people will be assured of social justice in accordance with the standards enunciated by Allah in His Book.

In an Islamic state, the government should be constituted and run in mutual consultation with people. 'Umar is said to have said that there in no khilafah without consultation. The head of the state shall function not in an autocratic but in a consultative (shura) manner. He will discharge his duties in consultation with persons holding responsible position in the government and with the elected representatives of the people.

The head of the state is called Imam, Amir or Khalifah, his election depends entirely on the will of the elites (أَئِلَاءُ الْعَزَّ) and nobody has the right to impose himself forcibly as the amir. The amir will carry on the administrative work with the help of a majlis-i-shura (consultative body).

Imam Ibn Taimiyah said

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\text{فِمَا رَحْمَةُ مِنْ أَلِيِّهِ لَدَى فُلُهُمْ تَلْوَىٰ فَلَوْ كَتَبَ فَضُلَّ غَلِبُ الْقَلْبِ لَأَنْفَضُّوا مِنْ}
\]

\[
\text{حُوَلَِّكَ فَأَعْفَعُ عَنْهُمْ وَأَسْتَغْفِرُ لَهُمْ وَسَأَوَّرُهُمْ فِي الْأَمْرِ فَإِذَا عَزَمَتَ}
\]

\[
\text{فَتَحَوْلُ كَلْ عَلَى أَلِيِّهِ إِنَّ أَلِيِّهِ يُحْبِبُ الْمُتَوَّلِّينَ}
\]

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It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over [their faults], and ask for [Allah's] forgiveness for them; and consult them in affairs [of moment]. Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust [in Him]. (al 'Imran 3:159)

No, one took more counsel with his Companions than the Rasul-Allah ﷺ, it is said that Allah has enjoined His Rasul-Allah [to take counsel with his Companions]¹⁷⁴ to win their hearts and to set an example for those who were to come after him, and to make his Companions express their views on matters which revelation did not touch, such as the affairs of war and other affairs concerning the particulars of worldly life. Otherwise, every one other than the Rasul-Allah needs to take counsel with others.

Just as a servant is entrusted with certain property for which he is responsible to the master, the king or the ruler is entrusted with the care of the people and guarding their rights; for the proper discharge of his duties he is responsible in the first place to Allah who is the real master, and then to people in relation to whom he occupies the position of a servant.

Rights in Islamic State

Rights are those conditions of social life without which man cannot be at his best, or give of his best what is needful for the adequate development and expression of his personality. All doctrines of freedom, therefore, assume the existence of rights.

The fundamental rights granted by Islam fourteen hundred years ago, may be summed up as follows:

(a) The right of life and security of person, the most fundamental of all rights. This includes also the right to defend one self against attack. It demands punishment of those who attempt to commit suicide.
(b) The right to liberty and free movement. Mere life without movement would be meaningless and without the exercise of the human faculties it could not rise above the level of animals. It implies that no one may be wrongly arrested, detained or coerced in any manner, not justified by law. In Muwatta of Imam Malik, we find that (لا يوسرون في الإسلام بغير عدل) 'no man may be imprisoned, in Islam without justice.'
(c) The right of property.
(d) The right of contract. A contract is a transaction in which two or more persons, or bodies of persons, freely impose certain obligations upon each other to act in a certain way with regard to some definite object.

(e) The right of free speech, press, reputation, discussion, and public meeting to express opinion and exchange views without restraint and to protest against the tyranny and injustice of others. It means that every individual is free to think and express his opinion in public without any interference.

(f) The right of assembly and association.

(g) The right of worship, religion and conscience.

(h) The right to family life.

(i) The right of equality. This means the absence of legal discrimination against any individual, group, class or races the equality of all persons before law.

(j) The right to work in order to provide a man with facilities to perform his function and earn living in order to maintain his life.

(k) The right to education i.e. the state should make adequate provision for educating its citizens.

Political rights

There are some political rights also, which consists of:

(a) The right to vote.

(b) The right to be elected.

(c) The right to hold public offices.

(d) The right to petition for grievances.

(e) The right of criticizing the government.¹⁷⁵

The Administration of justice

The administration of justice is a Divine ordinance and a practice of Rasul-Allah ﷺ which ought to be followed. In the administration of justice there shall be no distinction between the strangers and relatives, between the Muslim and non-Muslim and between the high and low. All stand equal in the eyes of Islamic law of justice. There is no such reservation as ‘The king can do no wrong’ or ‘The king is above all party politics’. The ruler is as much subject to law as a commoner and must appear before the judge for trial.

Although, in the life time of Rasul-Allah ﷺ, judges were appointed by Rasul-Allah ﷺ himself taking into consideration their knowledge in Shari‘at law,
character and piety, yet they were quite independent in delivering their judgement. The very fact that a judge could accept a suit even against the very person of Rasul-Allah and could try him in an open court, is an index of the independence of the judiciary as an Islamic State.

As for the qualification of a judge, we understand that no person can be appointed a judge unless he is found to be well versed in Divine law (Shari'ah) i.e. he possesses sound knowledge of Quranic principles, Ahadith of the Rasul-Allah and the precedents of his Companions. He should be an adult male in full possession of his mental faculties, a free citizen, Muslim by faith, irreproachable in character, and sound of sight and hearing, sober, calm, cool, free from any kind of outside pressure or temptation, and should be independent of official interference. He must not feel kindness in awarding the ordained sentences for the prescribed crimes. He must not accept any present or bribery from the parties to a case.

The judges are required to apply the Quranic law in the first instance, and secondly the Ahadith of Rasul-Allah and in the absence of any injunctions in both these sources, they are required to exercise the right of their own judgement. These were the clear instructions given to Mu'adh Ibn Jabal when he was appointed the Qadi of Yemen by the Rasul-Allah himself. Thus Rasul-Allah had allowed his Companions *ijtihad* during his own life time.

**Imam Ibn Taimiyyah’s political theory**

The Qur’an abounds in references to power and authority in different contexts, but gives no indication as to the definition of an ideal state. The words of *khalifah*, *khala’if* and many other politically charged terms occur in the Book; however, they only refer to the possibility of political power being realized by the Muslims in the world, and do not prescribe any political principles and part of the fundamentals of religion for organizing a state. The Sunnah is equally silent on the issue. And this explains why the immediate successors of the Rasul-Allah had to adopt different principles of political organization.

Islam started as a community of believers in Makkah. After a bitter and protracted struggle, it shifted to Madinah, where it succeeded in establishing a political state of its own. After the demise of the Rasul-Allah this state came to be known as the *khilafa*. But before Islam the Arabs had no idea of nation, nationality or state. The idea was born out of this new religion, and it was very much different from existing ideas on the subject. The state of Madinah was not conditioned by geographical limits or race or colour or nationality. It represented
the general will of an organized community of believers which transcended the clan, the tribe and the nation. The ummah which established this state was potentially international, and the only cohesive force which bound together men of different traditions, customs, race and nationality was the message of Allah sent to mankind through His Rasul-Allah.

From the very beginning in Islam politics was so intimately interwoven with religion that the one could not be divorced from the other. The state and Islam were certainly not equivalents. Yet the state was regarded as the agent of religion. The fuqahah were, therefore, under obligation not only to keep the authority of the Shari'ah unimpaired but also develop the constitutional theory in line with political reality. Rasul-Allah was the spiritual and temporal head of the community and so the political order that was established after him followed his Sunnah, and the khalifah became the supreme political leader of the community and executor of the Shari'ah. This was the real situation under the khuffai' Rashidin, the Umayya and 'Abbasi rulers. But in the middle of the third century of the hijrah the conditions greatly changed. The khalifah became extremely weak and real power was wielded by the Amir al 'Umra who later on acquired the title of Sultan. In theory however, the khalifah remained the supreme authority in the state, because all the usurpers of real power were non-Qurashi, who could not appropriate the khalifah dignity, and if they did they would do violence to the religious susceptibilities of the Muslims and would not be recognized.

Since the demise of Muhammad Rasul-Allah the concept of 'wilayah' (state or government) has been the concern of the entire Muslim community. Imam Ibn Taimiyyah’s statement on the subject, though not innovative, offers a fresh understanding of the concept as it begins by re-thinking and re-defining the role of the state in the community, as based on a thorough knowledge of the cumulative traditional view.

In his own right, Imam Ibn Taimiyyah was eminently qualified to offer this kind of new understanding because of his exhaustive familiarity with the arguments of the past, both traditional and radical. But the special historical circumstances of his time make his contribution all the more particularly significant.

In addition to the political chaos resulting from the Tatar invasions, beginning with Bhagdad and moving westward to Syria, the Muslim community itself had been divided into numerous independent states, each having its own political structure, and each continuing to exist under the threat of renewed attacks by the crusaders and the Tatar. It is at this juncture that Imam Ibn Taimiyyah’s well-prepared intellectual activity in doctrine and jurisprudence was contributed to the Islamic community, giving leadership of thought and action both in his own
generation and to those that followed. There was perhaps no greater need in the Muslim community than the need for a clear definition of the status and the role of the state, especially now when the Syro-Egyptian sultans were under the rule of the 'Uthmani Mamluks, which did not quite fulfill the requirements of Islam known and expounded by its scholars.

Aware of this serious need, Imam Ibn Taimiyyah discharged his intellectual responsibility in a uniquely prudent methodology. His primary works which outlines the nature and function of the Islamic state at once reveal his integrity of character scholarship and to seek to correct the prevailing misconceptions about the state by accentuating positively and objectively the implications of the idea of government through stimulating the consciousness of the community to an awareness of the rights and duties of its constituents. Thus, his *al Siyasah al Shari'ah fil Islah al Rai wal ra'iyyah* is a treatise on the meaning and the role of the state (or political theory); his *al Hisbah fi al Islam* examines the extent of intervention by the state (or, public custodian, so to speak) in the economic affairs in the community; and *Minhaj al Sunnah* includes his interpretation of the conception, the qualification and the obligation of religio-political leadership (*khilafah*), and by the political circumstances of his age.

The general designation of the state (*wilayah*) comprises the entire range of general public authority, and was used by Imam Ibn Taimiyyah and others to include all levels of government within the Muslim community, from the grand *imamah* to territorial deputyship (*khilafah*) to the lower echelons of government which may now be called ‘*wazaif*’ or (clerical, non-managerial) jobs.

**What is State**

According to Imam Ibn Taimiyyah, the state is a general cooperation between the different members of the community, hence any form of *wilayah* is a religious duty, a pious work by means of which a man seeks nearness to Allah, and if he acquits himself to the best of his capacity, it would be counted as one of the most righteous deeds. As regards the Imam, his responsibility is the highest in the community; hence he must look upon the *imarah* as a religious function and a means to seek nearness to Allah, when it is clear that the purpose of authority and property (*al sultan wa al mal*) is to seek nearness to Allah and to spend in His way, then, indeed, only therein consists the good of religion and of the world both.\(^{178}\)

For the best of cooperation the Imam has to seek the best of talent, so that the state-machinery may work efficiently and the purposes of the *imarah* may be fully realized. In fact, Imam Ibn Taimiyyah devotes the first twenty-five pages of the *Siyasah* to the study of this problem. The search for the best must be made
even for the lowest office. And in making the selection, no consideration should be paid to personal relationship, friendship, sectarian conformity, nationality, tribe or any other gain, and no right should be trampled for personal animosity and jealousy. If the Imam or wali did not act in this spirit, he would be unfaithful (kha'īn) to Allah, to the Rasul-Allah and to the Muslims. Hence Imam Ibn Taimiyyah says: for every office two things are needed, technical aptitude and loyalty; and he defines these qualities in detail, and regrets that these are often lacking in the people. But despite this dearth of proper men the principle cannot be abandoned. He suggests that if these qualities are not found in one person, a number of persons may be appointed who complement one another.

State is a religious necessity

Imam Ibn Taimiyyah agrees with the majority of the ummah 'that the administration of the affairs of men is one of the greatest obligations of religion' rather the fact is that religion cannot not exist without it.179 But he does not follow the usual method of arguing from ijma; According to Qamar al Din khan the author of the Political thought of Ibn Taimiyyah. Ibn Taimiyyah has two other arguments to put forward:

1) the nature of the religion (Din) demands that there must be an organized social order where it may function properly. This is apparently the argument of the mu'tazillah. But whereas they take their authority from reason, Ibn Taimiyyah take his one from the nature of religion itself and combines it with the sociological argument, later on developed in great detail by Ibn Taimiyyah. He says, 'The good of mankind cannot be realized except in a social order' because everyone is dependent on others, and society requires, indispensably, some one to direct it.180

This argument is developed in greater detail in another place where he observes:

The good of mankind cannot be realized in this world or in the Hereafter, except in society and by cooperation and mutual help. Cooperation and mutual help are required to cultivate the good and to ward off harm. And it is for this reason that it is said: man is social by nature. And when men are organized it is certain that they will be faced with things which they will do to realize their good and with things which they will do because they breed evil. And they will submit to the commander who up-holds these aims and to the prohibitory who prohibits these evils. So the whole of mankind must submit to some commander or prohibitor.181
He goes on to say that all the people of the world, whether they have a revealed religion or an unrevealed one, and even if they have no religion at all, obey their kings in matters which bring good to them in this world. The people of the entire world are agreed that human action is always accompanied by its moral consequences in this life. No one questions that the ultimate result of tyranny is pernicious and the final consequence of justice is commendable. It is for this reason that it has been reported: Allah helps the just government even if it is infidel, and does not help the tyrannical government even if it is Muslim.\(^ \text{182} \)

Imam Ibn Taimiyyah believed that when it is proved that the state is a necessity, the best thing is to accept the authority of Allah and His Rasul\(^ \text{6} \), for Allah orders good and forbids evil, and permits the use of clean things and prohibits the use of unclean ones. Acceptance of all this, he holds, is obligatory on all mankind, and these functions cannot be realized without power and authority.

‘Similarly, all the obligations of religion, like \textit{jihad}, justice, arrangement for \textit{hajj} and \textit{‘id} and Friday congregations, extending help to the oppressed and the enforcement of the penal provisions, of the Qur’an, cannot be fulfilled without power and authority. To establish this authority Allah has revealed the Book and created iron, and He says: ‘We have sent our Rasul with the clear signs and revealed to them the Book and the Balance so that (with their help) the people may establish justice; and we have sent down (created) iron, which embodies great power and profit for mankind’.\(^ \text{183} \)

These requirements and this verse of the Qur’an, therefore, prove the imperative nature of the State. Hence Imam Ibn Taimiyyah depends neither on \textit{ijma}’ nor on the theory that the State is required as a defensive measure against harm and injustice. He takes the direct view, that it is needed to achieve the positive aims enumerated above. In fact, he is so much possessed with the idea of the necessity of authority that he gives admiring credence to the sayings ‘Indeed the sovereign is the shadow of Allah on earth’ and that sixty years of rule under a tyrant Imam are better than a night without an Imam.

(2) The other argument is based on Sunnah. When the necessity of the state has been established by the Book and by sociological arguments, it is no longer difficult to see how Rasul-Allah\(^ \text{6} \) has ordered his \textit{ummah} to appoint their administrator to govern their affairs and has ordered the administrators to return the trusts to whom they are due and to adjudicate with justice when they sit in judgement on them. Rasul-Allah\(^ \text{6} \) has said, ‘when three of them go out on a journey they should appoint one of them as their leader.\(^ \text{184} \) Now if the smallest party of men was ordered to appoint an \textit{amir} for itself it follows fortiori that bigger parties must do the same. Therefore, the institution of the \textit{imarah} is obligatory, religiously and from the view point of seeking nearness to Allah.
And if a ruler accepts his job as a religious duty and fulfils the obligations to the best of his ability, this would be esteemed a most virtuous act.

In short, Imam Ibn Taimiyyah thinks that the establishment of the imamah is a doctrinal as well as a practical necessity, and conforms to the classical view of al As’hri and others, but he arrives at his conclusions from an fresh line of approach. He does not go into the details of dogmatic theology and jurisdical hair-splitting, but strongly feels that Rasul-Allah had not come only to preach and give a few rules of conduct rather he came to create a social order on the basis of certain Divinely inspired, permanent and universal principles. These principles are enshrined in the Book of Allah. The true religion must possess ‘the guiding Book and the helping sword’. This very idea in a highly accentuated form, appears at another place where Imam Ibn Taimiyyah says: ‘Allah has made the benefits of religion and the benefits of this world depend on the rulers, irrespective of whether the imamah is one of the fundamental facts of religion or not.186

The need for Public authority

In his famous book Iqtida al Sirat al Mustaqim Imam Ibn Taimiyyah discusses in great detail that the Muslims must maintain their distinct identity as a religious community, and take extreme care not to merge themselves into other religious groups by imitating or associating themselves with their ways, customs, festivals, beliefs, etc. For the ultimate aim of Islam is to encompass the whole of mankind and to build a common society based on a single faith and a single law. Therefore, if the Muslims are scattered in small groups in non-Muslim lands, they must endeavour to become numerically superior in these areas so as to be able to capture the reign of political power there; without such situation they would not be normally able to mould their destiny as their religion requires. In any case Imam Ibn Taimiyyah does not conceive the situation where the Muslims would live as a free people and yet not be able to control the social order of their day. Islam is not a mere set of rituals whose performance entitles one to the pleasure of Allah or offers spiritual satisfaction to the performer. It embraces the whole of life, and the life of the individual is but a drop in the life of the community. Imam Ibn Taimiyyah conceives not only of a free but also a powerful community. The individual Muslim therefore, must not exist as a fossil reflecting certain ideas of the past; he should be dynamic and incessantly working, alone as well as in company, to capture the whole world for Islam.

Imam Ibn Taimiyyah asserts that public authority is indispensable in the social structure of human life. It is necessary according to both the Shari‘ah and reason. In the concluding chapter of al Siyasah al Shari‘ah he says, let it be known that (the designation of) public authority is one of the most serious
requirements of religion. Indeed, religion may not stand without it being there to uphold it, for men can not realize their goal without consolidation, and consolidation is not possible without authority. He offers a strikingly clear theological justification.

The concept of authority is rooted in belief in the unity of Allah and in the unwavering purpose which is expressed in the commandment to propagate the good and to prevent evil. In order for this to be done, with all that it entails, i.e. justice in social relationships, setting political goals and legal boundaries, collecting the zakah and regulating the use of funds, etc. It is mandatory to assign such responsibilities to officials vested with sufficient power to fulfill them. Muhammad Rasul-Allah had charted the pattern of even the minimal organization by instructing that one among three who may be traveling be designated in charge. The opinion of the salaf is also involved as Imam Ibn Taimiyyah cites the principles of Imam Ahmad Ibn Hanbal, as reported by al Muruzi, 'ruler is indispensable for Muslims, shall the rights of men be forsworn? He argues that, 'men cannot realize their good either in the present or in the life to come except through organization (or consolidation) and mutual support, both are necessary for deriving benefits and driving away harm. For this reason, man is said to be instinctively social. When they are socialized they must have a commander (amir) for their common ends (maqasid). Finally the Quranic injunction from which it may be inferred that the state is of a Divine order:

The nature and objectives of authority, and the purpose of the state are outlined on the premise that authority (wilayah) is a charge or a responsibility for care in pastoral sense. This definition is derived from the Rasul-Allah's Hadith,'All of you are (like) shepherds, and every shepherd is responsible i.e. accountable for his flock'.

\[كُلُّ كُلٍّ رَاعٍ وَكُلُّ مَسْئُولٌ عَنْ رِئَاسَيْهِ
\]

Every one among you is shepherd and every shepherd will be accountable for his folk.  

The Public official (wali), Imam Ibn Taimiyyah elaborates, is a shepherd of men in the manner that a man may be a herder of sheep.

Then, authority is a 'trust' (amanah): for rulers are trustees of the souls of believers after a fashion of partnership. He specifies this general meaning further in the context of the extent of the authority of treasury officials, for example, he says, treasurers have not the power to apportion the funds as an owner may divide his property; rather they are custodians and representatives, and stewards, and not owners.
And thirdly, a ‘contract’ is applied to the state as well as to its officials, thus authority is a contracted labour, for the undertaking of handling certain public affairs, the two parties being the hired public official and the constituency. Imam Ibn Taimiyyah substantiates this definition by citing an incident where a certain Abu Muslim al Khulani said to Mu'wiyah after appropriately greeting him, ‘you are a hired hand, employed by the Rabb of these sheep. If you paint the scabby among them with tar and treated their sick, and secured their first too their last within the fold, your master will pay you in full, but if you do not, he will punish you’.

The purpose of the state, according to Imam Ibn Taimiyyah is couched in terms of its subordination to the sovereignty of Allah. Its chief objective is, therefore, ‘to ensure that ultimate judgement belongs to Allah, and that the word of Allah has final authority. The state is therefore, part of the Divine scheme of justice, and is ordained for affecting it on earth. Allah said, and Imam Ibn Taimiyyah quotes: (al Hadid 57:25) Allah’s just will is thus fully disclosed through the Rasul-Allah who brought the Book and the scales of justice, that it may be established. The mighty instrument of punishment has also been given, so men may be warned and conform to His word. Therefore, he who turns away from the Book, says Imam Ibn Taimiyyah, shall be straightened out by vigorous force. The goal of the state with all its subdivisions, therefore is ‘the prescription of good and the prohibition of evil’ whether in the affairs of the greater authority of the war department that of the deputy-Sultan, or in the lesser authority of the department of police, the department of administration, the department of finance.

Political teachings in Ahadith

Constitution of Madinah

Muhammad Rasul-Allah organized the relationships between the various inhabitants of Madinah, and recorded this in a document some of which is reported in the Ahadith books and some of which is reported in historical sources. The aim of this document was to explain the commitments of each group within Madinah, and to define their rights and duties. In the old sources this document is called *al kitab* (the book) and *al sahifah* (sheet of paper or booklet or document). Modern research calls it *al dastur* (the constitution) or *al wathiqah* (the document) the Qur’an did not mention any thing about this historical document thus the sources for this document are Ahadith and *sirah* books only. Some texts of the document have been reported by Imam Bukhari and Imam Muslim these texts are among authentic Hadith. Some of these texts were reported in the *musnad* of Imam Ahmad, and in the *sunan* of Abu Dawud, Ibn Majah and al Tirmidhi. These texts

The text of the Document

1. This is a document from Muhammad, Rasul-Allah (governing the relations) between the believers and Muslims of Quraish and Yathrib, and those who followed them and joined them and struggled with them.
2. They are one community to the exclusion of all men.
3. The Quraish *muḥajirun*, according to their present custom, shall pay the blood money within their number and shall redeem their prisoners with the kindness and justice common among believers.
4. The Banu 'Awf, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with kindness and justice common among believers.
5. Banu al Harith (Ibn al Khazraj) according to their present custom shall pay the blood money they paid hitherto and every section shall redeem its prisoners with kindness and justice.
6. Bani Sa'idah, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.
7. Banu Jushan, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.
8. Banu al Najjar, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.
9. Banu 'Amir Ibn 'Awf, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.
10. Banu al Nabit, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.
11. Banu al Aws, according to their present custom, shall pay the blood money they paid hitherto, and every section shall redeem its prisoners with the kindness and justice common among believers.

12. a) Believers shall not leave anyone destitute among them by not paying redemption money or blood money in kindness.

b) A believer shall not take as an ally against him the freeman of another Muslim.

13. The Allah fearing believers shall be against the rebellious or anyone who seek to spread injustice, or sin, or enmity, or corruption between believers, the hand of every man shall be against him even if he be a son of one of them.

14. A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer.

15. Allah's protection is all-embracing; the least of them may give protection to a stranger on their behalf. Believers are friends and protectors one to the other, to the exclusion of outsiders.

16. To the Jews who follow us deserve help and equality. He shall not be wronged nor shall his enemies be aided.

17. The peace of the believers is indivisible. No peace shall be made when believers are fighting is the way of Allah. Conditions must be fair and equitable to all.

18. In every foray a rider must take another behind him.

19. The believers must avenge the blood of one another shed in the way of Allah.

20. a) The Allah-fearing believers enjoy the best and most upright guidance.

b) No polytheist shall take the property or person of Quraish under his protection nor shall he intervene against a believer.

21. Whosoever is convicted of killing a believer without good reason shall be subject to retaliation unless the next of kin is satisfied (with blood money), and the believers shall be against him as one man and they are bound to take action against him.

22. It shall not be lawful to a believer who holds by what is in this document and believers in Allah and the last days, to help an evil-doer or to shelter him. The curse of Allah and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him.

23. Whenever you differ about a matter, it must be referred to Allah and to Muhammad Rasul-Allah ☪.

24. The Jews shall contribute to the cost of war so long as they are fighting alongside the believers.
25. The Jews of the Bnu 'Awf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt by themselves and their families.
26. The Jews of Banu al Najjar are like the Jews of Banu 'Awf.
27. The Jews of Banu Harith are like the Jews of Banu 'Awf.
28. The Jews of Banu Sa'idah are like the Jews of Banu 'Awf.
29. The Jews of Banu Jushan are like the Jews of Banu 'Awf.
30. The Jews of Banu al Aws are like the Jews of Banu 'Awf.
31. The Jews of Banu al Tha'labah are like the Jews of Banu 'Awf, except for whoever behaves unjustly and sinfully, for they hurt but themselves and their families.
32. Jafinah, a clan of the Tha'labah is as themselves.
33. The Jews of Banu al Shutaqbah are like the Jews of Banu 'Awf.
34. The freedmen of Tha'labha are as themselves.
35. The close friends of the Jews are as themselves.
36. a) None of them shall go out to war save with the permission of Muhammad Rasul Allah.
   b) But he shall not be prevented from taking revenge for a wound, he who slays a man without warning slays himself and his household, unless it is one who has wronged him for Allah will accept him.
37. a) The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and righteousness is a protection against sinfulness.
   b) A man is not liable for his ally’s misdeeds. The wronged must be helped.
38. The Jews must pay with the believers so long as war lasts.
39. Yathrab shall be a sanctuary for the people of this document.
40. A stranger under protection shall be as his host doing no harm and committing no crime.
41. A woman shall only be given protection with the consent of her family.
42. If any dispute or controversy likely to cause trouble should arise, it must be referred to Allah and to Muhammad Rasul Allah, Allah accepts what is nearest to piety and goodness in this document.
43. Quraish and their helpers shall not be given protection.
44. The contracting parties are bound to help one another against any attack on Yathrab.
45. a) If they are called to make peace and maintain it, they must do so; and if they make a similar demand on the believers, it must be carried out except in the case of one engaged in combat for the sake of the religion.  
   b) Everyone shall have his portion from the faction to which he belongs.

46. The Jews of al Aws, their freedman and thus themselves have the same standing with the people of this document and the same loyalty from the people of this document. Righteousness is the protection against sinfulness. Each person bears responsibility for his actions. Allah approves of this document.

47. This deed will not protect the unjust and the sinner. The man who goes forth to fight is safe and the man who stays at home in the city is safe, unless either has been unjust and sinned. Allah is the protector of the righteous and Allah is all Knowing, and Muhammad is Rasul of Allah.

Application of Ahadith to political aspect of Islam

Imam Ibn Taimiyah said: It should be known that the exercise of authority for the benefit of the people is one of the greatest religious duties. Neither religion nor world orders may be established without it. Mankind cannot insure the realization of their common interest except by meeting together, because every one of them is in need of every other one. When they meet together, it is inevitable for them to have a head (a chief), Rasul-Allah has said:

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337 مَعَنا تَأْمُّونَا عَلَىٰ نَكْرَاء لَا يَتَعَمَّدُنَا خُلُقُنا خَالِمٌ مَّنْ إِسْتِمَعَلَ خَلُقَنا مَعْتَدَدٌ مِّنْ عَجَّالٍ غَرَّ نَافِعٍ عَنْ أَبٍ سَلِيمَةَ عَنْ أَبِي
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Abu Sa'id Khudri reported that, Rasul-Allah When three men go for a journey they should appoint one of them as chief.

Rasul-Allah, said: has thereby enjoined that even in a small transient meeting on a journey there should be one chief, implying thereby that in all other kinds of meeting and because, furthermore, Allah has ordered that men should enjoin good and prohibit evil. This can only be accomplished by force and authority. Also all that Allah has enjoined, like undertaking jihad administering justice, performing hajj or Friday salah or 'id salah as well as relieving the oppressed and execution of penalties, can only be accomplished by force and authority. It is in reference to this that, it is related:
Ibn 'Umar reported that Rasul-Allah ﷺ said:

"The ruler is Allah's shadow on earth."\(^{192}\)

It is also said that: 'Sixty years of a despotic ruler are better than one single night [passed] without a ruler'. Experience has proved this:

Ghalib Ibn Qatan reported from his father he from his grand father who said that Rasul-Allah ﷺ said: The chief of a people is necessary, for the people must have chiefs but the chiefs will be in Hell.\(^{193}\)

**Quranic verses about Rulers**

\[
\text{إِنَّ الَّذِينَ يَسْتَغْنُونَ عِنْ دُراَجَةٍ مِّنَ الْخَزَائِمِ مَيْلٌ مِّنَ الْخَزَائِمِ}
\]

\[
\text{فَلَاتْ أَنْ تَكُونَ مَيْلٌ مِّنَ الْخَزَائِمِ}
\]

\[
\text{إِنَّ الَّذِينَ آمَنُوا يَسْتَمَعُونَ عَنْ رَسُولِ اللَّهِ}
\]

\[
\text{أَمَامَهُ وَيَمِيرُونَ بِمَا يَمِرُّونَ بِهِ}
\]

\[
\text{بِيَسِيرَةٍ ثُمَّ يَشْعِرُونَ بِمَا يَشْعِرُونَ بِهِ}
\]

\[
\text{يَا أَيُّهَا الْأَيُّهَا الَّذِينَ آمَنُوا فَأَلْبَسُوا أَكْبَارَ الْأَمْرِ}
\]

\[
\text{فَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أَلاَّمَاتَ النَّارَ}
\]

Allah doth command you to render back your Trusts to those to whom they are due; and when ye judge between man and man, that ye judge with justice: verily how excellent is the teaching which He giveth you! for Allah is He Who heareth and seeth all things. O ye who believe! Obey Allah, and obey al Rasul , and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Rasul, if ye do believe in Allah and the Last Day: that is best, and most suitable for final determination. (al Nisa 4:59-58)

\*Imam Ibn Taimiyyah did not narrate this as Hadith in his MF.

\* Hadith means here those chiefs who oppress the weak and did not care to follow the tenets of Islam.
‘Atta said first verse is about rulers, they are bound to handover trusts to their owners and whenever there is a dispute among the people they should settle their disputes justly and fairly. Second verse is about military forces and subjects of the state. Subjects are duty bound to obey their rulers, accept their orders are against Allah and His Rasul.

‘Aliyy reported that the Rasul-Allah said: There is no obedience in transgression. Verily obedience is in good deeds.

Abu Huriarah reported that Rasul-Allah said: whoso obeys me, obeys Allah; and whoso disobeys me, disobeys Allah; and whoso obeys a ruler, obeys me, whoso disobeys ruler disobeys me.

Imam Ibn Taimiyah said

Whenever dispute or conflict caught you, you should settle your dispute according to the Qur’an and the Hadith, if the rulers did not settle disputes according to Shari’ah even then you should obey your rulers in the matter which are not contradictory to the Qur’an and the Hadith because to obey them is obedience to Allah and His Rasul and being their subjects it is our religious duty to obey them.

Ibn ‘Umar reported that the Rasul-Allah said: There is a hearing and obeying on a Muslim in what is pleasing and displeasing to him so long as he is not ordered with a sinful act, when he is ordered with a sinful act, there is no hearing and obeying.
It is obligatory for us to support and cooperate with rulers in the matters of righteousness (العدل) and piety (الاستقامة), but we should never obey and support them in the matter of sin (الفساد) and transgression (التحريض) two above mentioned verses (al Nisa 4:58:59) in which rulers where ordered to handover people what are their due trusts and subjects were made bound to obey their rulers, are beautiful combination of just politics and pious ruler ship.

According to Imam Ibn Taimiyyah primary objective of government (السيادة) is to reform creation of Allah, so that they can follow tenets of Islam willingly. If they did not follow teachings of religion and destroy their religion definitely they shall be losers and their wealth and other worldly properties will not benefit them, there are two types of worldly affairs without which people cannot keep up their religion, (1) To distribute money and other necessities of life among the needful 2) To punish all transgressions. One who did not commit transgression and remains temperate not only reforms his world saves his religion too. To keep this principle alive ‘Umar used to send written orders to the subjects of various provinces. I have sent my governors to you so that they can teach you the Book of the Allah and the Sunnah of your Rasul and to distribute among you revenue and booty. If the relation between the ruler and ruled is not good whole system of the government become debauched.

Imam Ibn Taimiyyah said rulers should consult scholars and elites regularly because consultation is primary component of governorship. Allah said to His Rasul consult your Companions (al ‘Imran 3:159) in another verse Allah praises believers or their consultative behavior, (al Shura 42:38)

If there is no consensus among the elites in any matter then every person should present his opinion and reveal logic of his opinion before the consultative body after knowing logic of every opinion head of the consultative body should accept the opinion which resembles more to the Qur’an and the Hadith. Allah said:

قَدْ عَفَّ اللَّهُ عَلَيْهِمْ فَعَفَا عَلَيْهِمْ وَأَغْفَرَ لَهُمْ وَغَفَّارٍ هُمْ فِي الأَمْرِ فَإِذَا عَرَّمَتُ فَعْلَ كُلُّ طَارِقٍ عَلَى اللَّهِ وَإِنَّ اللَّهَ يُحِبُّ الْمُتَّوَلِّينَ

It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over [their faults], and ask for [Allah’s] forgiveness for them; and consult them in affairs [of moment]. Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust [in Him]. (al ‘Imran 3:159).
Those who answer the call of their Rabb, and establish regular salah; who [conduct] their affairs by mutual consultation; who spend out of what We bestow on them for sustenance; (al Shura 42:38)

The (ulul amar) elites are of two classes: The princes (of political authority) and the learned men. These are those who if they aimed at reform, every one would be reformed. It is the duty of each one of the members of these two classes to seek, in all that he says and does, obedience to Allah and Rasul-Allah and conformity with the Book of Allah (enjoins). And when it is possible in the critical times to know what the Book and the Sunnah indicate, then that should be followed. If that is not possible because of lack of time, of incapacity to judge or because of indecisive arguments on both sides--- he may follow (in every particular case) in the steps of those whose knowledge and piety he respects. This is the weightiest of opinions. It is said too, that (the ruler) ought not to intimate the proceedings of jurists in every single case. (Others maintain that he ought to). All three opinions are held by jurists of the school of Ahmad and other schools as well.

Ibn Taimiyyah’s views about Governorship

It has been proved that governorship is a trust for which governor is accountable before Allah:

\[
\text{Abi Dhar narrated I said to the Rasul-Allah , will not you appoint me to Public office? He stroked my shoulder with his hand and said; Abi Dhar thou are weak and authority is a trust, and on the day of judgement it is cause of humiliation and repentance except for one who fulfills its obligations and [properly] discharges the duties entrusted on him.}
\]
Abu Huriarah reported: Rasul-Allah said: when the trust is lost, then wait for the last hour [Dooms day]. The [Bedouin] said: How would one lost it? Rasul-Allah said: when the power or authority comes in to the hands of unqualified persons, then wait for the last hour.\textsuperscript{201}

**Appointment of pious persons**

It is obligatory for governors to appoint only such person in his office who are honest: pious and skillful.

Nabiyy said: If one who is in charge of public affairs, appoints any person in any public office even knowing it that pious person than him [who has been appointed] is available breaches the trust of Allah and His Rasul.\textsuperscript{203}

In another narration he said:

One who appoints anybody as head of the group while knowing it that, there is a better person in this group than him (who has been appointed as head of the group) breaches the trust of Allah, His Rasul and believers.\textsuperscript{203}

**Appointment of less prominent than prominent**

Imam Ibn Taimiyyah said: Rasul-Allah prohibited Abi Dhar from taking any responsibility because he was weak (to run public office) although he was a pious and trustworthy. During the battle of Dhat al Slasal Rasul-Allah appointed `Amr Ibn `As as head of the group even there were more prominent persons in the group than `Amr Ibn `As, on another occasion Rasul-Allah appointed young Usamah as the head although there were prominent and older persons in the group than him it was done, so that Usama can take revenge of his father from enemy. On various occasions Rasul-Allah appointed less prominent persons as head of the groups.\textsuperscript{204}
One who seeks post will not be appointed for that

Imam Ibn Taimiyyah said whosoever wants to be appointed on any post shall not be appointed.

Abu Musa narrated: Two men from my tribe and I entered upon the Rasul-Allah one of the two men said to Rasul-Allah: O! Allah’s Rasul! Appoint me as a governor, and so did the second. Rasul-Allah said: we do not assign the authority of ruling to those who ask for it, not to those who are keen to have it.205

‘Abd Ibn Rahman Samrah narrated: Rasul-Allah said: O! ‘Abd al Rahman! Do not seek to be a ruler, for if you are given authority on your demand then you will be held responsible for it, but if you are given it without asking [for it], then you will be helped [by Allah] in it. If you ever take an oath to do something and later on you find that something else is better, then you should expiate your oath and do what is better.206

Abu Huriarah narrated: Rasul-Allah said: Neither do I give you [anything] nor withhold [anything] from you, but I am just a distributor and I give as I am ordered.207

By narrating this Hadith Imam Ibn Taimiyyah derives very important principle from this Hadith that is, rulers should not consider public treasury as their personal property, and they should consider themselves trustees and should spent public money lawfully.
Muslims will remain united under one man

Urfajah narrated: I heard Rasul-Allah ﷺ say: Whoso comes to you, while your affair has been united under one man, intending to divide your staff or dissolve your unity, kill him.208

Abu Sa'id reported that the Rasul-Allah ﷺ said: when oath of allegiance has been taken for two khulafah', kill the second of the two.209

'Umar Ibn al Khatab reported that the Rasul-Allah ﷺ said: The best of the servants of Allah in rank in the sight of Allah on the Resurrection Day will be a ruler just and kind: and the worst of men in rank in the sight of Allah on the Resurrection Day will be a ruler, tyrannical and hard-hearted.210

Yunus Ibn Ishaq reported from his father that, Rasul-Allah ﷺ said: As you are so you will have rulers over you.211

'Ayidh Ibn 'Amr reported: I heard the Rasul-Allah ﷺ say: The worst thing in administration is rebellion.212
Abu Bakrah reported: when it reached to Rasul-Allah ﷺ that the Persians had enthroned a daughter of the Kisra as queen over them, he said: Never shall a people prosper who appoints a woman as their ruler. 213