

**TWENTY SYMPOSIUMS AND COMMENTS
IN EXPLANATION AND DISCUSSION
OF
ISLAM DRAFT APPLICATION
IN LIFE**

**SH. DR.
MOHAMMAD HAWAREY**

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In the Name of Allah
The Most Merciful, The Most Compassionate

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INTRODUCTION

Since Islam regulates the three human relationships: with his God, throughout Beliefs & Worships; with himself, throughout Morals, Foods & Clothes; with others, throughout Treatments or Dealings & Punishments;

and since the Islamic Awakening is formulated into several forms and under various names or titles in attempting to verify the regulations of those relationships in reality and existence;

it is necessary and obligatory to set such a study under discussion and explanation, and in so a new attractive method that should incite all those Islamic Movements and Scholars side by side, so as to come forward to study it carefully and sincerely, hoping to find out in it their aim and purpose, a matter which will shorten distance, belittle exerting efforts, and, hence, save much time.

Therefore, the hereafter twenty symposiums aim to cover the regulations of all sides of human life... and they are honorably based upon one subject of the Islamic Shariah Jurisprudence, viz. it is its application in life and restoration to humanity after so long absence, and after such a mal-daring against it from the relatives and the foreigners. They are still shooting their own poisonous arrows to destroy,

but How FAR!

“Allah would triumph his ordinance but most people are ignorant”..

Please, my dear reader, try to excuse or pardon me for the simple and direct language I follow all through my work since it is set for practical life and not scientific one. And as for the Quranic Verses you see all through the book they are merely the interpretation of the Arabic Quran and not more.

God only may guide us along the straightforward path since He only is the Whole-praised Cherisher and Helper!.

The Author

Explanation and Discussion of Islam Draft Application in Life

SYMPOSIUM NO. 1 GENERAL RULES - 1

Article 1

Islamic Creed (Doctrine) is the basis of the State. Nothing of the State Essence or Structure or Reconsidering Acts or all other related things but is based upon it. Also, it is the basis of Constitution and Shariah Decrees at the same time, and nothing has any relation with each of them but must be sprung out of it.

Explanation:

Since the State applying this Constitution is not but Islamic one, it has to build up this Constitution on Islam, in regard of its first main thought, the Creed, from which, and upon which, all other sub-thoughts are sprung and built. It is well-known that the Islamic Creed is: (NO GOD BUT ALLAH, MOHAMMAD IS THE MESSENGER OF ALLAH). But how nothing of the State Essence is not sprung but out from this Creed?

It is because of its Essence being a Caliph implementing God Shariah on earth. This means that Shariah included in Quran and Sunnah

should give clear evidence for that Essence. Quran says, for example, "Judge thou between them by what God hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of those (ordinances) which God hath sent down to thee" (from verse 49 of Ma'eda-Food Table-Sura). Also, the Honorable Sunnah is presenting the Essence of the State when the Prophet (Peace Be Upon Him and His Relatives) applied Shariah, starting from Madeena, then to Mecca and at last all over the Arab Peninsula.

This is in regard of the Islamic state Essence, but as for its Structure, which is also referred to in Quran and Sunnah, we see the Prophet's State has eight corners: The Caliph, the Assistants of Delegation, the Assistants of Execution, Valis and Governors, the Judges and their Boss, the Directors of Departments, the Army and its Amir of Jihad, and at last the Ummah Council. All these corners were in existence by the Prophet (Peace Be Upon Him and His Relatives) who, as God says: "Does not say any rule of his own desire. It is not less than inspiration sent down to him" (Verses 3 & 4 of Najm - Star-Sura).

As for Reconsidering or Questioning the Acts of the responsible authorities, in regard of both Shariah implementation and its continuous-good implementation, the Rule (Ordering good actions and preventing evil ones) is one of

Moslems' life basic elements, besides his Creed. A life should be only good when treated with serious questioning together with loyal guarding and continuous following-up for all the State Structure basic Systems when conducting their authorities.

As for the State domestic and foreign policy, it is for granted that they have to be restricted to the Islam Creed, from the very existence of the State, which is due to the implementation of Islam in dealing with all the internal affairs, and due to delivering the Islamic Call as a basis for all dealings with the external affairs.

This is in regard of the State in all its outside aspects, but as for its essential rules, viz. The constitution and laws, they are restricted verily to what the Creed dictates all over the human life aspects. They have not to contain any article or law but of those sprung out from the Creed, else the State would become non-Islamic. Such a deviation from Islam should not be in existence because God says: "But no, by thy Lord, they can have no real faith, until they make thee judge in all disputes between them, and find in their souls no resistance against thy decisions, but accept them with the fullest conviction" (Verse 65 of Nesa-Women-Sura).

Discussion:

Q. Why do you mention the General Rules at

the beginning of the Draft?

A. Because they involve all aspects of life, a matter which deserves such a preclusion.

Q. Why is it called "Draft" and not final constitution?

A. Because it might be adjusted when adopted in its final form.

Q. What is the difference between the essence of the State and its structure?

A. The essence is the very existence of the State, whereas the structure is the main systems from which its existence is formed.

Q. Is reconsidering the State what it does when questioning people or what people do when they question the authorities of the State?

A. It is questioning the authorities, so as to apply Shariah well and to go on the same way always.

Q. What does it mean: Emanation of Constitution and Laws out from the Creed?

A. It means that the Glorious Quran and Honorable Sunnah, Friends' Unanimity & Shariah Analogy have much enough texts to spare evidences for the Constitution and Laws taken out from.

Q. How does emanation take place?

A. The Creed (No God But Allah, Mohammad Is

The Messenger Of Allah) means that there is no God deserves worshipping and obeying but Allah, a matter which obliges us to obey His orders and forbiddings in dealing with all human relations. Also, it means that Quran, the Message of God to Mohammad, His Messenger, involves all whats and hows.

Q. Why is the State but a Caliph applying Shariah?

A. Because it is Islamic one, and the Caliph is the deputy of Ummah in applying Shariah.

Q. Did the Prophet (Peace Be Upon Him and His Relatives) have established the eight corners of State?

A. Yes, he did, but in their simple forms.

Q. How does the Islamic Creed form the basis of the internal and external policy?

A. It is so when the State is restricted to the Shariah rules mentioned in Quran and Sunnah, in Shariah Analogy and Sahabah (the Prophet's Friends) Unanimity.

Q. How is reconsidering the acts of authorities propped upon the Islamic Creed?

A. Since the rule of "Ordering GOOD and Preventing BAD" is inclusive for all affairs of individuals and State, and, at the same time, it is supported by the texts of Quran and Sunnah, of Shariah Analogy and Sahabah

Unanimity.

Q. Does relying upon non-Islamic rules and laws in managing life affairs lead to non-Islam?

A. Yes, if the Ruler believes not in righteousness and ability of Islamic Shariah for that purpose. But if he believes in and, at the same time, does not apply them in life, whatever the cause is, he is unjust and trespasser (Thalem and Faseq but not Kafer).

Article 2

The Caliph only adopts certain Shariah decrees, and passes them as the Constitution and laws of the State. Only these laws have to be applied in life and obeyed by all subjects intrinsically and extrinsically.

Explanation:

Since a Shariah decree for the same matter may be more than one, due to deduction of Mujtahids, the adoption of one of them is necessary to settle the matter; and since the Caliph is the responsible one for all affairs, because of the prophet's words, "All of you are responsible for the people under his own authority, and Caliph is the responsible for the whole affairs", he has to be the one who adopts the whole solving laws for all aspects of life, whether of his own Ijtihad, if he is qualified

for it, or of overweighing others' Ijtihad. Then he has to order the under-authorities to carry them out as the Constitution of the State, if they are the general rules, or the partial laws emanated from or built upon the Constitution. All the subjects have to obey him when adhering to them and performing them in life, each in his own field, on condition that obedience should be extrinsic when practically acted, and intrinsic when adopted.

Discussion:

Q. What does it mean adopting decrees?

A. It means considering them as his own ones.

Q. What does it mean passing rules as constitution and laws?

A. It means they have to become rules and articles of constitution and laws.

Q. What is the difference between constitution and laws?

A. Constitution is the collection of the general rules which settle all the problems in headlines, whereas laws are the decrees of certain problems dealing in view of the constitution.

Q. What is the difference between passing constitution and laws and making them obligatory?

- A. Passing them is merely issuing them, so as to become after being uncertain to settle the problems to being the certain and definite ones, whereas making them obligatory is ordering all under or sub-authorities to apply them actually in life.
- Q. What does it mean obedience intrinsically and extrinsically?
- A. Intrinsic obedience is the very adopting of rules, whereas the extrinsic one is the actual applying of them in life.

Article 3

The Caliph has not to adopt any certain Shariah Rule or law about worshipping except for Zakat and Jihad, and he has not to adopt any thought related with the Islamic Creed.

Explanation:

Since creeds and worships arrange Man's relationship with his Creator they are the most sensitive aspects in Moslem's life, a matter which overpresses on his mind and soul. Hence, the Caliph has to be cautious and avoid the individual Moslem such an overweight by leaving him alone with his beliefs and worships within the frame of guidance and instruction. A Moslem, in this way, may believe in these or those thoughts of the Islamic creed when they

are determined in his viewpoint and soundly based on Shariah. Also, he may worship God through those rites of worships, although little different from other Moslem sects since they are determined and of sound Shariah bases. The very important matter, in case of the Caliph, is to pay much care for the general guidance and instruction of the whole subject, throughout prevailing Islamic atmospheres, and audio-visual media. These means will quicken the melting of all differences between the two Islamic sects: Sunnites and Shiites, so as to be of merely Mazhabs (sects) and not religion differences, and within the frame of the one Islamic Ummah and one Islam community and the one Islam State. Of course, none can make this case available but the Caliph, who is the responsible for adopting rules and laws to arrange and order Man's three relationships with his God, with himself and with others.

But because Zakat is a financial worship and not a physical one, and Jihad is a worship gathering between financial and physical aspects, the Caliph has to adopt certain rules to order them.

Discussion:

Q. What is meant with worships?

A. They are the rites by which man worships his Creator, such as prayer, Zakat, pilgrimage

and fasting.

Q. What is meant with Creeds?

A. They are the main thoughts in which man believes, such as to believe in God, His Angels, His Scriptures, His Apostles, The Last Day and in Destiny (Qada & Qadar).

Q. Why Caliph has not to adopt thoughts about worships and creeds?

A. Because of being very sensitive in view of Moslems' relationship with their Creator, and because of being many-sided and avoid distress, restriction and disunity.

Q. Since both worships and creeds are so sensitive and important, how can the Caliph escape adoption about them?

A. It is because of being cautious not to split Moslems' Ummah when worshipping God throughout each content and satisfaction which are based on sound Shariah basis.

Q. But the Caliph has to put away the causes of splitting and not to escape them, isn't it?

A. Yes, it is, but avoiding the causes of disunity is the treatment and not the escape. That is because of the difference in affirming and proving the bases upon which the creeds and worships are built or established.

Q. But why don't we discuss these bases to unify Moslems around one word?

A. It is alright, such a discussion is inevitable, but it should be directed by the Caliph and run in all groups of Ummah. It should aim to put away all strange matters which have stuck to creeds and worships throughout history. This process of purification would lead to reunify both sects: Sunnites and Shiites within the one religion of Islam although different in their two Mazhabs' main thoughts.

Q. What is the difference between Mazhabs' disagreement and religious one?

A. Mazhabs' one runs within the same religion but with different understanding for texts, whereas the religion's one is different in the very religion itself.

Q. Why does the financial aspect in worship admit adoption?

A. Because it arranges the relationship among people, a matter which determines adoption, so as everyone may know his rights and defend them.

Article 4

All those who behold the Islamic Nationality (Citizenship) enjoy the Shariah rights and obligations.

Explanation:

Nationality means citizenship. So all those who are controlled by Islamic State, and express loyalty to its applied constitution, and enjoy all Shariah rights and obligations, whether individual or collective, they behold the Islamic subjectiveness. We recall these words of the Prophet (PBUHR): "All of you are authorized and responsible for his certain authority: The Caliph is authorized for all his subjects and responsible for this whole authority, the house-man is authorized for his family and responsible for this authority, the house-wife is authorized for her husband's house and responsible for this authority, and the servant is authorized for his master's property and responsible for his authority, hence all of you are authorized and responsible for his own certain authority". These words make it clear that the people of the Islamic Community from the very top, the Caliph, down to the very bottom, the servant, are enjoying the Shariah rights and practicing the Shariah duties.

But since every right is met with a duty, and vice versa, the performance of these duties is impossibility undertaken but throughout enjoyment of those rights. For example, the duty of worships is necessarily in need of enjoying the causes which enable the one to perform them, and performing the financial duties is impossible but through enjoying the causes of possession which spare the necessary property to meet the duties.

But since some of the holders of the Islamic subjectiveness are non-Moslems, the Shariah laws are different for them from the majority Moslems in duties and rights. It is due to each creeds and worships, although they are both equal before rules and judgments. For example, non-Moslems have no right to participate in electing the caliph nor none of them can be the caliph, but they can be members of the Ummah Council, although they have not the right to discuss the Shariah laws with Moslem members.

Discussion:

Q. What does it mean the word (subjectiveness)?

A. It is citizenship or nationality.

Q. What does it mean subjectiveness in view of Islam?

A. It means enjoying all Shariah rights and duties by all those citizens who live or do not live under the flag of the Islamic State.

Q. What are the Shariah texts or evidences from which such thought is deducted?

A. There are many texts the remarkable of which is "All of you are authorized and responsible to his own authority", which mentions firstly the Caliph and ends with the servant passing by the houseman and housewife.

Q. How is the right of each one met by a duty

and vice versa?

- A. It is, for example, when God obliges man to pray his five prayers every day, with certain conditions, He gives him the right to have in hands all means which facilitate performance for his prayers, and from the other side, when He allows him to possess properties and deal with them He obliges him to pay Zakat for them and to deal with them within certain conditions, the same as the conditions of attaining them.
- Q. But how are all beholders of the Islamic subjectiveness enjoy the same rights and duties whereas some of them are non-Moslems?
- A. In fact they do not enjoy the same rights and duties but the legal rights and duties which Islam admits. For example, when Islam gives Moslems the right to participate in electing the caliph, such a right is not given to non-Moslems since they do not believe in Islam; and when it obliges Moslems to participate in Jihad, the holy war for the sake of God, such a duty is not forced upon non-Moslems, and they are obliged in place of it to pay Jezya, the head tax.
- Q. How is the non-Moslem allowed to be a member of the Ummah Council though it is of the Islamic Ummah?

A. Because this Council has the right to discuss non-Islamic matters, such as administrative and scientific ones, so non-Moslems have the right to participate in such discussion. But when the Council discusses the Shariah matters non-Moslems are not allowed to participate in discussion but only in regard of their proper and permanent application. Also, because membership of the Council is a mere agency admitted for both Moslems and non-Moslems.

Article 5

The State is not allowed to discriminate between the subjects (citizens) neither in ruling nor judging nor caring for affairs nor the like, but it has to look upon them all similarly disregarding race, religion, color and any other matter.

Explanation:

Since the subjects, or members of the Islamic Society, are of diversified races, religions, colors and languages, it may lead to think that it is enough cause to differentiate or discriminate between them before Shariah and its rules in everything. In fact, Shariah rules and laws do not commit such a misdeed in dealing with them and in implementing laws in life. Moslems and non-Moslems are the same before all rules except

in regard of religious creeds and worships: non-Moslems are allowed to live up to their own ones. But in regard of other matters, the subjects are (The same as the comb-teeth, and no preference of one to another, neither Arabic to non-Arabic, nor white to black, but in piety and fear from God). For instance, the thief hand should be cut off both of Moslem and non-Moslem; also, the adulterer, he should be whipped or stoned whether Moslem or non-Moslem; also, work opportunity, it has to be secured for both Moslem and non-Moslem without any distinguish; and the need for life means by any of them, it should be satisfied when needy, without any distinguish, and so on.

Discussion:

- Q. Is it necessary for the subjects of the Islamic State to be various in races, religions, colors and languages?
- A. Yes, since Islam is the religion of all kinds of peoples all over the world, and God says to His Messenger, "We have not sent thee but as a universal (Messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not" (verse 28 of Saba Sura).
- Q. What does it mean equalization among subjects of State before ruling, judging, affairs-caring and the like?

A. It means there is no discrimination among all the subjects neither when passing the laws nor when implementing them in judgments nor when caring for the interests and affairs of them all.

Q. Is there any exception in this equalization?

A. Yes, the matters of religious creeds and worships are exceptional, viz. Non-Moslems are admitted to perform the rites and creeds of their religions without any compulsion to change into Islam. It is because God says in Glorious Quran: "Let there be no compulsion in religion: Truth stands out clear from Error.." (from verse 256 of Bakara Sura).

Q. What is the evidence or proof for such an equalization among the citizens?

A. They are these clear words of the prophet Mohammad (PBUHR) "All people are equal the same as the comb-teeth: Arabic is not preferred to non-Arabic, white is not preferred to black, but in piety and religiousness; all of you are the sons of Adam and Adam is created from soil".

Article 6

The State carries out the Islamic Shariah on all subjects who behold the Islamic subjectiveness (citizenship) both Moslems and non-Moslems as

follows:

- A. The whole Islamic laws have to be carried out on Moslems without any exception.
- B. Non-Moslems have to be admitted to live up to their own beliefs and worships.
- C. The apostate from Islam, if they themselves have committed apostasy, would suffer the judgment against apostate, but if they were begotten non-Moslems from apostate fathers they would be treated as non-Moslems according to their attitude of being idolaters or Kitabi's (people of the book: Jews and Christians).
- D. Non-Moslems are treated in according to their religions in regard of foods and clothes, but within the frame of the Shariah laws.
- E. Non-Moslems' affairs of marriage and divorce are to be run due to their religions among them but up to Islam between them and Moslems.
- F. Moslems and non-Moslems have equally to be under the application of all the rest of Shariah laws in dealings, punishments and testimonies. They should be all the same in this case as those of pacts and safety treaties and as all those who are under the reign of Islam except ambassadors, who are to be treated up to the agreement with the State of each.

Explanation:

- A. All laws of Islam have to be carried out in all aspects of life of Moslems without any postponing or graduation or exception. The text of one meaning which needs no Ijtihad has to be implemented as it is, but that of many meanings the Caliph has to adopt one of them, up to his or other Shariah scholars' Ijtihad, and apply it without any retardation because of time or place or man's position.
- B. Since the Glorious Quran says: "No compulsion in believing in religion" (from verse 256 of Baqara - cow - Sura) the non-Moslem subjects are allowed to live up to their creeds and worships but within the frame of the public habits and without any violation or misdeed against Shariah decrees.
- C. Whenever any Moslem commits apostasy he is to be asked to go back to his Islam within a certain period of time, else he is to be killed, since believing in Islam is not a playful action. This is up to the prophet's words: "He who commits apostasy should be killed". But in respect of the apostate son, who was born non-Moslem, he has to be treated as an idolater or atheist, neither marrying his daughter nor eating his slaughtered animal, or as a kitabi but with marrying and eating.
- D. Non-Moslems are allowed to live on their foods and clothes according to their religions.

For example, they are allowed to eat bacon and drink wine and dress silk, but within the permission of Shariah laws, viz. they have not to trade with or publicly drink or eat.

- E. Since there is no compulsion in believing in Islam, non-Moslems are permitted to practice their creeds and worships and, at the same time, the affairs of marriage and divorce in-between themselves. But with Moslems they have to follow Islam law, which prohibits marriage between Moslem woman and non-Moslem man, since he has the control over her, a matter which facilitates performing apostasy enforced by him. But Moslem is permitted to marry non-Moslem Kitabi woman since he can treat her well in according to Islam laws and attract her to embrace Islam without any compulsion.
- F. The rest of Shariah Decrees, other than worships and creeds, matters of foods and clothes, affairs of marriage and divorce, should be carried out by the State equally on Moslems and non-Moslems. For example, the affairs of economy, finance, ruling, education, health and the like are applied in the same way with all the subjects of the State, whether Moslems or non-Moslems, whether people of pacts or safety treaties, when they are all under the reign or control of Islam State. But ambassadors are exceptional, since

treatments with their States have to arrange how to treat them.

Discussion:

- Q. From where does this differentiation in application of the Islamic Shariah on the subjects of the Islamic State come out?
- A. It comes out from co-living of Moslems and non-Moslems together while beholding the same Islamic subjectiveness, and besides no compelling non-Moslems to embrace Islam.
- Q. Why is non-Moslem permitted only to practice his creeds and worships and not also all his religion's ordinances?
- A. Because the Prophet Mohammad (PBUHR) determined that obligation, and the Supreme God says: "So take what the Apostle assigns to you, and deny yourselves that which he withholds from you" (from verse 7 of Hashr - Gathering-Sura).
- Q. What is the punishment of the apostate one from Islam?
- A. It is the penalty of death if he refuses to repent and come back to Islam within a certain period of time.
- Q. Is not there any compulsion for believing in Islam in this penalty of death when becoming apostate?

- A. The apostate one is Moslem before he shuns Islam for another religion, a bad deed for which he shows a playful action. From the very beginning he has not been compelled to embrace Islam, but when he did so, out of his own will and choice, he had no permission to commit apostasy. Also, he knows that result well before becoming Moslem, a matter which makes himself as the one who sentences himself to death for merely being apostate from Islam and refusing repentance.
- Q. Wasn't Islam gradual in prohibiting drinking wine, for example, hence why isn't it gradual in applying its laws today, so as to pave the way for application easily and without any dislikeness and apostasy?
- A. There is no graduation in application of any Islamic law or order. The verses which had been revealed before prohibiting wine drinking were only to prepare souls and minds for prohibition and not at all a part of it. Also, Islam decrees as a whole are well-known to all scholars of Shariah, and that there is no giving up for anyone of them for the sake of any people. Wars of Apostasy are a great evidence for that when the Caliph Abu Baker (God Satisfied Him) refused to give up with only one decree, viz. The decree of Zakat.
- Q. What does it mean that the public habit should be put in mind when non-Moslems

perform their worships, taking their meals and wearing their clothes?

A. Public habit means the familiar Shariah decree which Moslems practice as a result of daily co-living with non-Moslems who have to pay attention to those decrees when they practice their permitted worships and foods. For example, they have not to pray in the public yards, or to drink wine in public restaurants, or to trade with pig meat in butcheries, matters which violate the Shariah decrees which Moslems live up to them.

Q. Why isn't the apostate daughter similar to kitabi's in marrying Moslem?

A. If she is kitabi and not idolater or atheist she is permitted to marry a Moslem, disregard the creed of her father, but if she is an idolater, the same or not the same as her father, Moslem man is prohibited from marrying her. That is because Glorious Quran says: "Don't marry unbeliever women (idolater or atheist) until they believe (in Islam)" (from verse 221, of Bakara - cow - Sura).

Q. What is the difference between those of pacts and safety treaties when applying Islam on both?

A. People who have a peace pact with Moslems' State are restricted to the conditions of the treaty, but the one who has safety

treaty can co-live together with Moslems till he chooses either Islam, and live with Moslems all his life, or non-Islam, although he becomes acknowledged with Islam decrees at least generally and chooses departure.

Q. What is meant with the Sultan of Islam?

A. It is the reign and power of Islam.

Q. Why are ambassadors exceptional when applying Shariah laws?

A. It is because the Apostle (PBUHR) did so and respected them and dealt with them within what is called today immunity of diplomats.

SYMPOSIUM NO. 2 GENERAL RULES - 2

Article 7

Arabic language is the only language of Islam and State.

Explanation:

Since Quran is in Arabic language, and it is impossible to be understood deeply and comprehensively but by those who know Arabic well, and since the Honorable Sunnah is the same, and since both of the Glorious Quran and H. Sunnah are the only two sources of Islam Shariah, and they together with both Sahabah Unanimity and Shariah Analogy spare the four main origins from which the Shariah Evidences are deducted - this language has to be the only one for understanding and applying Islam both by the members of Community and the whole Ummah. As for using another language in life formally, it is forbidden but for the necessary needs of Ummah and State. The State, therefore, has to admit learning the necessary languages and for a certain number of people needed for contacting with the foreign world and for satisfying the need of Ummah.

Discussion:

Q. What does it mean that the Arab language should be the only one to be used for Islam and State affairs?

A. It means that no other language can be but helpless for understanding Islam culture and deducting decrees out from texts. Therefore, to spread wide this culture among other nations the Arabic language should be the only means. But in regard of usage in life, although it should be formally the only language but teaching one or more of foreign languages is permitted. It is for a certain number of people, and in both fields of diplomacy and trade, within which the Call for Islam should be delivered as the main target for all means of contact with the foreign world.

Q. So, doesn't the State permit teaching and using another language when necessary?

A. The State has to permit that but for a very limited number of people and benefits.

Article 8

Ijtihad is an individual duty, and every Moslem has the right to practice it if he is qualified well for it.

Explanation:

Ijtihad means that the qualified one has to exert his mental effort in deducting the Shariah decrees out from their original texts or evidences. But since attaining the qualifications for Ijtihad is not easy but for a limited number of Moslems, it would not be practiced but by those people. It is essential also for Moslems' Community to have the Shariah solution for each question, viz. the Shariah decree deducted out from the Shariah evidences. Therefore, it is not necessary to see everyone as a Mujtahid so as to deduct the necessary decree for himself, since he can adopt it from the others who are qualified for that. Hence, that or those qualified people are much enough for the purpose. But what are the necessary qualifications for Ijtihad? They are all Shariah sciences such as Quran, Hadeeth and Arabic language sciences. We have to notice here that the one level of attaining these sciences would enable the one to undertake the same level of Ijtihad. It is because the one-question Ijtihad is in need for these necessary amounts from them, but the comprehensive Ijtihad in one Mazhab or all Mazhabs needs more and more of those sciences, till it covers them all absolutely and in details.

Discussion:

Q. What does it mean the duty of individual?

- A. It is when practiced by someone there is no need for others. For example, to respond for some salute for peace, one of the group is sufficient, and to defend the country, some of the nearby Moslems are sufficient, and so on.
- Q. What are the main evidences from which the Shariah decrees are deducted?
- A. They are these four over-weighed ones: Quran, Sunnah, Unanimity of Sahabah and the Legal or Shariah Analogy.
- Q. How does Moslem adopt decrees, necessary for life, if not out of his own deduction?
- A. He takes them by imitating others, when he is unable to do by himself, or by following-up others, when he is able to understand their explanations, and by Ijtihad throughout overweighing decrees due to their power of evidence and proper applying on the question.
- Q. What does it mean practicing the same level of Ijtihad?
- A. It is to practice Ijtihad either in the level of one-question or one Mazhab or all Mazhabs, due to the same level of attaining Shariah sciences, and to imitate or follow-up when one's ability of attainment is nil or limited greatly.
- Q. What is the difference between common

imitation and following-up in field of adopting Shariah decrees?

- A. Common Imitation is the adoption of decrees out from others' Ijtihad without knowing the evidences, but following-up is though adopting others' but after knowing the evidences.

Article 9

All Moslems are responsible for Islam, hence there are no clergymen in Islam, and the State has to prevent anything notifies the existence of such men.

Explanation:

The words of the Prophet (PBUHR): "Every Moslem is a cautious guard to protect well one site of the Islamic territories borders" means that all Moslems are standby guards on all the borders sites to protect them against enemies not to steal into the country. It seems that those sites are similar in number with Moslems, and every one of them is guarding his one very seriously. This means that none of Moslems is alone in responsibility of understanding Islam and calling for it since each one has to do his best for the sake of Islam. Herein, all Moslems are obliged to study Islam as much as they can, and call for it, and apply it individually and

collectively, and protect it against any misapplication. Hence, there should not be any clergymen in the Islamic community, wearing gowns to remark themselves easily, on plea to go back to them for Shariah questions. It is forbidden because it is an imitation of other religions, and because responsibility about Islam is individual and collective at the same time, since everybody and state have to participate practically in that matter, and because this group of clergymen stimulates the negligence of the individual responsibility and, at the same time, obliterates the reality of Islam and its view of responsibility which differs completely from other religions.

Discussion:

Q. What does it mean carrying the responsibility for Islam?

A. It means understanding it, applying it and delivering it to others.

Q. What does it mean the term (clergymen)?

A. It means that there is a group of men private for religion and none other can participate them in this responsibility.

Q. Should the State prevent all sorts of clergymen, or of Moslems only?

A. Of Moslems only, because other religions have clergymen, whereas Islam is vice versa,

all Moslems are responsible for it.

Q. Does the word borders, up to the modern usage, mean the very steadfast line between two countries, and what is different from Islam in this respect?

A. Yes, it means so, but it is completely different from that of Islam, since borders in Islam territories are moveable, due to joining Islam Home by other countries.

Q. How is responsibility in Islam individual and collective altogether?

A. It is just so because every Moslem has to bear it due to his position and calling-duty, and because community bears it throughout political parties and State at the same time.

Q. Why does the existence of clergymen obliterate the reality and responsibility of Islam?

A. It is because Islam is revealed for the benefit of all peoples in the world. God says to His Apostle Mohammad in Quran "We have not sent thee but as a universal Messenger to men, giving them glad tidings, and warning them against sin" (from verse 28 of Saba' Sura). Also, He says "We sent thee not but as a mercy for all creatures" (verse 107 Anbeya-Prophets-Sura), and the Prophet (PBUHR) says 'I have been sent but for all men'. These sayings forbid any group of people to be the

only one who can understand, implement and keep Shariah against misunderstanding and misapplication and misguarding.

Article 10

Delivering the Islamic call is the original task of the State.

Explanation:

Islamic call is delivered or carried to Moslems and non-Moslems: Moslems to understand and apply it well, non-Moslems to embrace Islam, understand it and apply it, and as a final target for both groups, to be carried by them to others. Since such a responsibility is borne by all Moslems, the State, represented in its Caliph, the Head, and his assistants, is asked to undertake this mission as a deputy for Ummah in applying Shariah internally and delivering it externally.

It is right that such a performance does not put any Moslem away from responsibility but individuals' abilities are one thing and that of the State is some other thing, because of its great means of publish, information and communication. It is right also that the task of State is implementing internally the legal laws, and the State should not be Islamic one without that, but this application is not restricted to be for Moslems only. This matter denotes that the

application of Islam internally is a way for carrying it externally. It is because when other peoples and nations see Islam laws applied, effecting justice for all members of the society, they are attracted to acknowledge it, to embrace it, to adhere to it and call for it. Hence, Call Delivery is the original task of the State, since it is the very aim and purpose together with application itself.

Discussion:

Q. What does it mean Delivery of Islamic call?

A. It is conveying Islam as a creed and Shariah to others.

Q. Is there any difference between its delivery to Moslems and non-Moslems?

A. Yes, to Moslems to understand Islam, apply it and protect it against misapplication, whereas to non-Moslems to embrace Islam, then to go on side by side with Moslems.

Q. How does the State represent Ummah (nation)?

A. When Ummah elects the Caliph to be her deputy in charge of the whole process of ruling.

Q. What is the difference between applying Islam inside and carrying it to the outside world?

A. Inside, it is the applying of Islam in all aspects of life, whereas outside, it is carrying Islam to others to embrace it and then to apply it.

Q. Are all information media grasped necessarily in hands of the State?

A. No, individuals can possess this or that media but within the control of the applied decrees of Shariah.

Q. Why isn't the State considered Islamic one if inhabitants are Moslems in majority only?

A. It is because such a consideration comes out from Islam Existence in life, even if Moslems are the minority.

Q. How is application of Islam internally one way of delivering it externally?

A. It is just because other peoples and nations can see the super justice of Islam when applied in life, a matter which attracts them to study and understand it, and then to struggle to apply it in life.

Article 11

Glorious Quran, Honorable Sunnah, Sahabah Unanimity and Legal Analogy are the only so considerable detailed evidences for Shariah Decrees and laws that no legislation is permitted to be taken but from one of them.

Explanation:

Undoubtedly, the Book and Sunnah are the only two sources of the Islamic Shariah, but they are not the only references for the detailed evidences. Besides them there are the Unanimity of Sahabah and the Legal Analogy. There is no disagreement among Islam's scholars about Sahabah Unanimity as the third reference, though they are different about other sorts of unanimity, such as that of the Prophet's Relatives, or of Ummah itself, or of Ummah scholars, or of Madeena inhabitants. Also, in respect of Analogy, some scholars, such as of Thahiri Mazhab and of Ja'farite Mazhab, drop it out absolutely, but some others rely on mental and not only legal analogy, which is based on similarity of decrees due to existence of the same legal E'lla (special type of reason).

In regard of considering these four references as the only group for decrees of Shariah, this case is built upon two matters: one, because of the determined Shariah texts, two, because of the most majority of jurisprudents defending them both mentally and legally to be the only confirmed references.

Discussion:

Q. What is meant here with the word (Book)?

A. It is the Glorious Quran.

- Q. Why are the Book and Sunnah the only two sources of Islamic Shariah?
- A. It is because other references depend upon them to be legal ones.
- Q. What is meant with the detailed evidences for Shariah Decrees?
- A. They are the evidences mentioned in details so as to spare ascription for all Shariah Decrees.
- Q. Why is Sahabah Unanimity the only considerable one among all other several ones?
- A. It is because of being the only one which is determined by many evidences to be Shariah reference: Sahabah co-living with the Prophet (PBUHR), and absolute credibility when agreed upon any legal matter, are some of them, whereas other unanimities are based more or less on mental and not legal rules.
- Q. Why do you consider jurisprudents' unanimity as a proof whereas you drop it as a reference?
- A. It is not considered in itself as a proof but because of the reasonable and legal evidences jurisprudents have mentioned about it.

Article 12

The original case of Man is Innocence, and none is to be punished but after a sentence of a court, and torturing anybody is so impermissible at all that he who practices it would be punished.

Explanation:

Since everybody is begotten with sound nature, and free from accusation but after evidence of misdeed, one's conscience will keep on innocent. But whenever there is any confirmed testimony about misaction a certain punishment has to be undertaken against the one. But how such an accusation will be proved? It is after investigation without any torturing, a matter which leads either to confession, the master of all evidences, or to confirmation by witnesses. If the investigator uses compulsion to get confession out of the accused confession will be condemned or annihilated, and the investigator himself will be punished.

Discussion:

Q. What is meant with one's Thimma in field of right and duties?

A. It is one's conscience or will and choice.

Q. What does the sound Fetrah mean?

A. It means one's nature with which he is born innocent.

Q. But is there anybody who sees that man may be born not innocent so as to advocate this origin of innocence?

A. Yes, there are some scientists of criminology who assume that man inherits tendency to committing murder, and also investigators have become used to compel and torture the accused ones either psychologically or physically or both.

Q. But it is difficult to confess without compulsion, how is it to punish the investigator who is doing his best for justice?

A. It is all right confession is difficult, but to punish without confirmed wrong action is more difficult. Islam depends for justice protection on inciting one's piety and fear from God, at first, and on assuring all legal rights for everyone of the subjects, always, so as not to think of deviation away from the straightway and commit any misdeed. However, means of confession are very versified without physical torture.

Article 13

Originally, actions have to be so restricted to Shariah Decrees that none of them is acted but after acknowledgment of its Decree, whereas material things are originally permissible if there is no aforementioned evidence of prevention.

Explanation:

This Article differentiates between actions and things, since they are naturally different. Actions are the deeds done by man willingly or unwillingly. Of course the willing ones are the intended herein, since the unwilling are neither rewarded nor punished, due to these words of the prophet (PBUHR) "Three ones are irresponsible before God for their actions: the sleeping one up till he awakens, the baby until he becomes mature, and the foolish till he resumes consciousness", because each of them has no will or complete will.

Actions are either to be acted without knowing the Shariah Decrees about them or after that. When they are run according Decrees they are done legally from the very beginning, else the action might be illegal. But to know the Decree later may either belittle its value, when probably reconsider it, such as to cancel the wrong financial bond, or drop its value when improbable to be reconsidered, such as to cancel a wrong bond of marriage which fails to regain virginity.

This is in regard of actions, but as for things, Shariah texts have mentioned the prohibited things and left the others as permissible. This means there is no need to ask about the thing if it is prohibited or not, since there is no prohibition text more than the mentioned.

This is one case of things, but as for the other one, it is that the things are the materials and means by which human actions are carried out. Hence, they are apart from the willing actions, but they are under the affection of such an action. They are, consequently, far from legal questioning since they are permissible. For example, all of the stuffs of food, drink, cloth and means of transport and communication are so far within the frame of permissibility except when any of them is prohibited by a certain text.

It is right that some jurists say that actions are permissible and things are impermissible but this view is not overweighed.

Discussion:

- Q. What is meant with the (Origin) of action or thing?
- A. It is the Shariah viewpoint about the action or thing if it is permitted or not from the very beginning.
- Q. Why are the non-willing actions exceptional from this origin?
- A. It is because they are not subjected to legal consideration of reward or punishment.
- Q. What is meant with not questioning the sleeping one till awakening?
- A. It means there is no reward or punishment for any action might be done during his sleeping

since it misses will.

Q. But baby has will, how is he unquestioned?

A. His will is incomplete up till attaining full puberty.

Q. Are there jurisprudents who say that the origin of actions is permissibility the same as things?

A. Yes, but evidences prevail or pre-ponder the origin of restriction and not of permission in respect of actions.

Q. How does the value of knowing the Shariah Decree become strong or weak or nil?

A. It becomes strong when it comes before starting the action, since it leaves no effect when doing or undoing; but it becomes weak when it comes after fulfilling the action and may not get rid of its effects; but it becomes nil when it is impossible to avoid its effects.

Q. How is the material thing far from legal consideration since action is run by it?

A. When thing permissible, actions done by it only are considered, but when it is not, they themselves and the actions are altogether under consideration. For example, the ingredients of ice-cream are permissible things and eating is also permissible, but beacon is impermissible and its eating is also the same, whereas ingredients of wine are permissible but drinking wine made out of

them is impermissible.

Article 14

Means that leads to a prohibited action is prohibited whenever it has two cases: one, it leads inevitably to a prohibited matter, two, the action it leads to is legally prohibited.

Explanation:

Machines of TV, broadcasting and cinema, for example, are as media means, merely neutral things, viz. they neither enforce the purpose, for which they are made, nor disobey anyone who wants to use them for any program. Hence, they are permissible. But when any State or foundation uses them as means of spreading misdeeds or evils among Moslems, or spreading disbelief in God, they become impermissible, since they result in prohibited matters. TV set is not condemned as a prohibited means because of such programs, but only these programs are prohibited and, as a result, forbidden, and the set should be kept on for usage as a thing permissible in origin. It can transmit good programs and evil ones as well. Video set, also, and its cassettes are neutral things, viz. they have no choice of usage. Man himself is the one who uses them either for evil or good actions. All other media, whether read or heard or seen, are the same.

By the way, it is much enough to refer to some of Shariah texts, which determine this meaning. When the Glorious Quran prevents women from clattering their feet over the ground to show their anklets by which they adorn {And they should not strike their feet in order to draw attention to their hidden ornaments} (from verse 31 of Nur - light - Sura) it does not prohibit anklets as a means of beauty but it prevents this way of using them which is immoral. Also, when Quran prohibits showing out the hidden ornaments saying {And they should not display their beauty and ornaments except what "must ordinarily" appear thereof} (from the same mentioned verse) it does not prohibits face and hands as two positions of beauty both in themselves and in making them up, but it prohibits displaying the hidden beauty, such as ears, neck, hair and the like. When we look upon these organs as means or places of beauty we can say that Islam has prohibited displaying hidden beauty and ornaments but it does not prohibit the ordinary displayed beauty of face and hands. The important point herein is that the things used as means become prohibited when they lead to prohibited actions inevitably and the actions they lead to are prohibited also.

Discussion:

Q. What is the difference between means leading to an action necessarily and other

probably?

- A. When video cassette calls for immoral actions it leads to prohibited action surely, but when the cassette does not call for that but discusses sexual aspects scientifically throughout exciting pictures it leads probably to immoral action.
- Q. How do you separate between the means and the purpose of its usage?
- A. A cassette as a means carries no subject before recording on. It is waiting for recording. When someone records a good scientific or cultural material on it he gathers between the means and purpose, but before that each of them is separated from the other.
- Q. What is the difference between seeing a picture or a photograph showing any prohibited part of woman's body and seeing this part in reality?
- A. Seeing the picture or photo is seeing merely the shade which is not the actual part of woman. These are different greatly in their effects of fascination or temptation.
- Q. Does such a differentiation in temptation effect permission to see the photo of a naked woman?
- A. Of course no, although such a seeing is Haram in itself and leads to Haram probably.

Q. Which of looking at a woman is Haram?

A. It is looking intentionally at any prohibited part of her body, except her face and hands and without any lust.

Q. Is it Haram to look at any prohibited part of woman?

A. Yes, when it is repeated intentionally, but no when it is a sudden look.

Q. What does a mere striking of the feet display of the woman's beauty?

A. It displays the anklets in their existence when hearing their sounds, a matter which may induce the sexual lust and necessarily attracts the attention.

Q. If the verse of Quran permits displaying the ordinarily apparent ornaments of woman, how is veil, the face cover, obligatory?

A. This is up to others than Ibn Abbas (God Satisfied Him) interpretation of the verse of Quran, but up to his it is not obligatory at all.

Q. Up to Ibn Abbas (God Satisfied Him) interpretation of the Verse of Quran, it is permissible to use cosmetics on face and hands, and show them to strangers?

A. This is up to the common convention: if they draw or not the attention of others. For example, using kohl to darken the eyelids does not attract attention nowadays, but

lipsticks does, esp. when it is glaring.

Q. To gather between the two over-mentioned texts we see that Shariah prohibited displaying the hidden ornaments or places of ornaments but permits displaying the ordinarily apparent ones, isn't it so?

A. Yes, it is right. Places of ornaments, such as legs and their anklets, are prohibited to be displayed, whereas hands only till wrists and their ornaments, such as rings in fingers, are permissible.

Q. Is it necessary that beauty and ornaments in Verses of Quran mean cosmetics, such as anklets, or may they refer to the very organs themselves of a woman?

A. Due to Ibn Abbas (God Satisfied Him), he did not interpret the apparent beauty of a woman in her face and hands themselves. Hence, beauty covers cosmetics or organs or both of them together.

SYMPOSIUM NO. 3 GOVERNING SYSTEM GENERAL RULES

Article 15

Governing System is a system of unity and not of Federation.

Explanation:

Quran assures the unity of the Islamic Ummah clearly. It says: {And verily your Ummah is a union one, and I am your Lord and Cherisher: therefore Fear me (and no other)}. Also it says: {Verily this Ummah of yours is a one Ummah, and I am your Lord and Cherisher: therefore serve me (and no other)}. Also it says: {And hold fast, all together, by the Rope (Quran and Sunnah) of God, and be not divided among yourselves}. Also the Prophet (PBUHR) says: "God's hand (power) is with the group of Moslems, and he who deviates will be in Hell". All these texts, and many others, mean that the Ruling system in Islam is the system of unity. All Moslems should be under one flag and reign, applying the same Islam system despite its numerous countries. This system is the very one the Apostle and his Rashideen Caliphs applied. Even it was applied all along eras of the Islamic State though some separating actions have taken place within the

later periods as a result of weakness and retardation of thinking. Islam System of Ruling has never been a Federation one, whether, as up-to-date idioms, federal or confederate, because both of them admit many or numerous rulers at the one time and for the one government, whatever there is co-ordination among them. Islam system of Ruling does not admit but one ruler, the Caliph, for only one State, governing numerous vilayets. It is one central ruling system.

Discussion:

Q. What is meant with the System of Governing?

A. It is the system related with the applying of all rules on the subjects or citizens.

Q. What does it mean the Islamic Ummah?

A. It is the group of peoples who believe in Islam Ideology together with the non-Moslem citizens.

Q. Is there any differentiation between Ummah and Community?

A. Yes, since Ummah is the group of peoples believe in one ideology of disciplines, but community is the group of peoples who apply in their life the disciplines of the ideology they believe in.

Q. Are Moslems nowadays Ummah only or community?

A. They are nowadays Ummah only, but when they implement Islam disciplines in all aspects of their life they become community.

Q. What are the sorts of weakness which result in separation of Moslems into several governments?

A. It is the intellectual sort before the material one. It is well clear when they have become weak in comprehending the culture of Islam their strength and power vanished.

Q. Are all federal disciplines admit several rulers?

A. Yes, though they co-ordinate some or many spheres of life among them.

Article 16

Governing system is central whereas Administration is de-central.

Explanation:

To govern is the responsibility of the ruler who has the authority of issuing constitution and laws, and who orders his subjects all over his state territories to restrict their life to them. All Valis and Governors, who are the Caliph deputies, have to adhere to them, a situation which keeps the ruling system central, viz. Connected with the Caliph in the center of the State.

As for administration, it is the authority of

directors in their departments. But since these administrative authorities undertake the tasks of methods, viz. action which leads to protection of rights and performance of duties, they have to be distinguished with quickness and simplicity in fulfilling the procedures, and competence in directors.

Administration, being not of Shariah Decrees but it is only the methods of carrying them out, is following the execution of those decrees without any connection with the central authority of the Caliph except when he adopts some certain general or specific administrative rules for the whole State.

Discussion:

Q. Is administration separated from Shariah Decrees?

A. Yes, they are, although the head administrative system may be issued by the Caliph, the details are left for Valis and Governors, but Shariah Decrees are issued only by the Caliph.

Q. Are directors responsible for issuing administrative laws?

A. No, it is the Caliph's or his Executive Assistants, in respect of the headlines, but in regard of details it is the Valis' and Governors' throughout the Vilayets special Councils.

Q. Why is administration looked upon as methods of decrees and not the decrees themselves?

A. It is because a Shariah Decree should have a method of execution by certain means or instruments. This method has a certain procedure to be carried out. This procedure is the style or way of administration.

Q. But the method of executing any Shariah Decree is a part of it, so how can administration be not from Shariah Decrees?

A. It is alright that the method of executing the decree of cutting off the thief hand is a Shariah Decree, but the procedures or measures according which the method is carried out is not Shariah Decrees and has nothing to do with them. It is administration.

Q. Why are these three conditions specified for good administration?

A. It is because peoples' rights can be afforded in less efforts and costs by the first two conditions, viz. the fast accomplishing and simple acting, whereas when the third condition, viz. competence of directors, is in existence the perfection of action can be available fast and simply.

Article 17

It is not permissible to undertake Governing or any work of Governing but by a man who has to be free, sane, mature, honest and Moslem.

Explanation:

It is because of Islamic Governing, which should not be applied seriously and loyally but by men who believe in, since they have to carry Islam to others practically and indulge in leading peoples. Hence, the Prophet (PBUHR) has said, "No people can be prosperous if they are governed by a woman", and God has said in Quran {And never will God grant to the Unbelievers a way of (ruling) over the Believers} (from verse 141 of Nesa - woman - Sura). These, and the like texts, mean that man and not woman should be the ruler, and he should not be unbeliever, or slave, who has no will, or dishonest, who is neither trusted nor can be an example to copy, or, at last, insane, who is incapable to manage his own affairs.

Discussion:

Q. What is meant with Governing herein?

A. It is the responsibility of issuing rules and decrees and ordering them to be applied in life for the welfare of Ummah internally and externally.

Q. What is meant with the honest ruler?

A. He is the credible one, because of his honesty and loyalty to God.

Q. Is there any difference between the honest ruler and the just one?

A. Yes, the honest is the one who governs people honestly and trustworthy, whereas the just is the one who does not govern people unjustly.

Q. How does the Verse of Quran, mentioned here, decide that non-Moslem will not govern Moslems meanwhile such an action is running nowadays?

A. The Verse is deciding a conditional action, viz. Whenever Moslems are still good believers non-Moslems will never conquer and govern them.

Article 18

Questioning the rulers by Moslems is one of their rights and one of their individual obligations. As for the non-Moslem subjects, they have the right to express their complaint against any injustice act of the rulers or any misapplying of Islam against them.

Explanation:

The Prophet (PBUHR) has said, "He who sees a

forbidden action has to change it by his own hands, but if unable to do so he has to change it by his own tongue, and if unable to do so he has to change it by his own heart, and this case is the weakest belief". Also, the Prophet has said, "He who does not speak the Truth is a dumb devil". These Holy Texts and the like mean that Moslems are obliged to perform by those ones the duty of questioning or reconsidering the acts of their rulers, and these rulers have to admit them to do so. The first Rashid Caliph, Abu Bakr (God Satisfied Him) has said what all other Sahabah agreed upon: Obey me as long as I obey God, and whenever I disobey Him don't obey me. Also, the second Rashid Caliph, Omar Ibn Al-Khattab (God Satisfied Him) has said what all other Sahabah also agreed upon: You have no goodness if you don't say it, and we have no goodness if we don't respond to it. He referred to the word of questioning when reminding him, as a caliph, to be pious and afraid of God and to adhere to God orders to do and not to do. Also, this prominent just Caliph did not hesitate to respond to a woman when she reconsidered his criticizing bridal money increasing, and said: This woman is right and Omar is wrong. All other Sahabah agreed upon his words.

Since questioning authorities, esp. the Caliph, is in need of awareness, knowledge and fiqh, a matter which is missed by most Moslems, it comes to be performed by some Moslems who

are able to do it, it comes to be a collective obligation. God has said, {On no soul doth God place a burden greater than it can bear} (from the last verse of Baqara - Cow - Sura).

The subjects of non-Moslems are Thimmis, about whom the Prophet has said, "He who harms or injures any Thimmi I shall be his opponent on the Day of Judgment". These words mean that no harm or injure is permitted against anyone of them, and they are equal with Moslems before Islam decrees according to the words of the Prophet "People (Moslems and non-Moslems) are equal the same as the teeth of the comb". Because of these holy texts, and the like, Thimmis have the right to express their complaints against any unjust action committed against them or against misapplying any Islamic decrees.

Discussion:

Q. What is meant with questioning the rulers?

A. It is reconsidering their acts and reminding them with any misdeed against right or justice when adopting Shariah rules and applying them in life.

Q. How is rulers' questioning a right of Moslems and a collective duty at the same time?

A. It is a legal right because deputing requires it, and it is at the same time a duty of the able

ones because it keeps deputing always well.

Q. How are forbidden acts changed by hands, tongues and hearts?

A. They are changed by hands when they are really substituted with the permissible ones, and by tongues when they are attacked by words, so as to be avoided or displaced, and by hearts when they are condemned and denied internally.

Q. What did the first Rashid Caliph mean when asking the subjects obedience?

A. He asked them to question him so as to keep himself with God's obedience and with taking care of them and, consequently, to be trustworthy of their obedience when ordering them to do or not to do.

Q. What did the second Rashid Caliph mean with asking the subjects to say to him: Be pious and fearful from God!

A. He asked them to remind him of piety and fear from God, else they are not good at all.

Q. Is questioning the rulers an individual duty of every Moslem, and why?

A. No, because it requires ability of several aspects, therefore, it is a collective duty of the able ones who can fulfill it much enough.

Q. What does it mean the word Thimmi for non-Moslem of the subjects?

- A. It means that they hold a pact or a bond with the Prophet when they agreed with him to be ruled by Islam for keeping on their religion and not being compelled to leave it.
- Q. How will the Prophet dispute with the one who harms or injures Thimmi?
- A. He will ask him to compensate it on the Day of Judgment.
- Q. How will a Thimmi express his complaint against any injustice act or misapplying any Islam Decree?
- A. He may either complain throughout Ummah Council or Court of Injustice Acts.

Article 19

Moslems have the right to establish political parties so as to question their rulers or reconsider their acts, and also to obtain access throughout Ummah to the chair of reign. These parties are to be built upon the Islamic Creed and to live up to the Islamic Rules and Decrees, else none of them is permitted. All those adherent parties to Islam are permitted without any license.

Explanation:

Since Moslems have the right to question their rulers they are allowed to use the fruitful means for the purpose. The best one is establishing

groups or blocs or parties. And since questioning rulers is one of the political parties tasks, Moslems have the right to establish these parties. And since Ummah is the owner of reign and Sultan, and it deputizes the caliph to govern, it has the right to establish political parties by which it obtains access to the chair of reign. And since reign is Islamic, questioning should be Islamic, and, as a result, parties should be Islamic even setting them up on the Islamic Creed, as the basis of the adopted thoughts and rules. Whenever they are founded in this way they are legal without requesting any license for work, else they are forbidden from being established or admitted to practice any activity.

Discussion:

Q. What is meant with the political party?

A. It is the party which adopts a certain ideology for life.

Q. How does the political party obtain access to reign throughout Ummah?

A. When it makes Ummah adopts his ideology and endeavor together to apply it in life.

Q. How are political parties established on Islam Creed?

A. By making the believing Creed of Islam as the base of their thoughts and treatments for all life affairs.

Q. Why are political parties the best productive means to question the rulers or to obtain access to reign throughout Ummah?

A. It is because collective questioning is the only productive means, and is able to gather Ummah together with the party to obtain access to reign with complete content and confirmation.

Q. How are the non-Islamic parties forbidden?

A. They are forbidden to practice any activity among Ummah, and a suitable controversy should be run intellectually with them so as to root their thoughts up from Ummah and throw them outside.

Article 20

Islamic Governing System is built upon the following four bases:

- 1. Shariah and not people has the sovereignty.**
- 2. Ummah has the Sultanship.**
- 3. Moslems have to erect only one Caliph.**
- 4. The Caliph alone has the right to adopt Shariah Decrees for constitution and laws.**

Explanation:

Since Governing System is Islamic it should be established on Islamic bases. The first one is that

sovereignty should be in hands of Islam Shariah and not any other side both in solving problems and regulating affairs. God has said, {But no, by thy Lord, they can have no (real) faith, until they make thee judge in all disputes between them, and find in their souls no resistance against thy decisions, but accept them with the fullest conviction} (verse 65-of Nesa - women - Sura), and has said, {It is not fitting for a believer, man or woman, when a matter has been decided by God and His Apostle, to have any option about their decision} (From verse 36 of Ahzab - parties - Sura)", and has said, {And (He commands) judge thou between them by what God hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of those (ordinances) which God hath sent down to thee} (from verse 49 of Ma'eda - food table - Sura). These Holy texts and the like refer to what God has sent down to his Apostle so as to solve all life questions and regulate all matters. These are some of the Shariah Decrees seen in Quran and Sunnah. Therefore, Shariah Rules are the first and the last reference upon which the Islamic Governing System is based. As for the idea of the people sovereignty, it has nothing to do with Islam at all, since it is of those men who lay down the objective and man-made laws and ideologies, and who see their hands empty of anything to judge with. Hence, they go back to their minds to fabricate

legislation for them throughout their representative deputies of their National Assemblies and legislative committees.

This is in regard of the first base, but as for Sultanship or power and reigning, it is Ummah's, who believes in Islam and endeavors to implement it, deputizing the Caliph to apply its rules and order others to carry them out. It is to be run the same as the Rashideen Caliphs did when Ummah authorized them to do so. Therefore, Ummah has in hands the reigning power or Sultanship in a way that none has the right to reign over without Ummah's collective will and pledge.

In respect of the third base, the Apostle (PBUHR) has said, "When ever a pledge is concluded to two caliphs you have to kill the later". God also said, {Do not be separated about the word of Islam}. These Holy Texts and the like assure that Caliph, the head of Moslems, should be only one not more, and he should be erected by Ummah within three days after the position is empty, else they would be sinful. This case is run in accordance with the Sahabah Unanimity. Also, because of the Prophet's words" He who dies before concluding a pledge to a caliph will die non-Moslem", since he dies without doing his best to erect a caliph.

As for the fourth base of Reigning System in Islam, Ummah as the owner of reigning and

Sultanship has the right to deputize a Caliph to reign according with Islam Shariah. He is alone granted the right to regulate all life aspects by issuing constitution and laws for the purpose. Ruler cannot be ruler but when he rules, and ruling cannot be practical but after the ruler issues the necessary legislation by which he performs ruling. Also, there is a rule in Shariah says: it is a duty that any other duty cannot be performed without it. This rule means that the Caliph only should issue all legislation of the Constitution and all other laws emanated from.

By these four bases the Reigning System in Islam is complete, since the first one confines sovereignty in Shariah so as to refer to when adopting laws, the second one restricts governing to Ummah as the owner of Sultanship, the third one limits the method how Ummah undertakes Sultanship throughout deputizing the Caliph, the fourth one shows the task of this ruler is issuing alone Constitutions and laws.

Discussion:

Q. What is meant with the word: bases of Governing in Islam?

A. It means the main rules upon which the Ruling System is built.

Q. From where do these four bases come?

A. They are deducted from Shariah texts.

Q. What does the word: "Sovereignty of Shariah" mean?

A. It means there is no decree for a problem or a matter but taken from Islam Shariah based on Islam Creed.

Q. But legislation of administration and scientific matters are non-Islamic, aren't they?

A. No, since Islam Shariah admits adopting them from objective laws as ways of action in regard of administration, and as means of improving the material things themselves in regard of sciences. By the way, the Apostle (Peace Be Upon Him & His Rel.) has said, "you are more aware and acknowledged about the matters of your life".

Q. From where do the objective laws bring out the theory of the public sovereignty?

A. It comes out from the creed of (religion is separated from life) which resulted in the four freedoms and the freedom of opinion and thinking as one of them which, consequently, leads to this theory of sovereignty.

Q. What is meant with the word Sultanship herein?

A. It is used for the process of governing, or for the Caliph himself, who undertakes this process when adopting legislation and ordering Ummah to carry it out.

Q. Then, How do you separate governing from Sultanship?

A. We do not separate between these two but between sovereignty and Sultanship since the first refers to the source and origin of ruling, whereas the second refers to governing process in itself and in performance.

Q. Is it possible to pledge allegiance to two caliphs at the same time?

A. Yes, it is possible when Ummah is splitted into two quarreled or in far distance groups whether in one country or two.

Q. Does erection of the Caliph involve pledging allegiance only or also his election?

A. It involves both of the two actions.

Q. How is Bay'a (pledging allegiance) in one's neck so as not to die non-Moslem?

A. It is in Moslem's neck when he performs it to the Caliph. But when there is no Caliph, Moslem has to do his best to erect him and pledge him Bay'a, else he dies non-Moslem, or at least incomplete Moslem.

Q. What is the evidence that Ummah is the owner of reigning and Sultanship?

A. There are so many evidences of Sunnah and Sahabah Unanimity as before-mentioned.

Q. But Caliph may deputize one or more

assistants in ruling, has Ummah any opinion about that?

A. Yes, it has, because when pledging Caliph allegiance he is given the right to deputize those assistants.

Q. But why does the Caliph alone undertake the process of governing and not participated with a committee?

A. It is because he has to be the only Caliph for all Moslems. Also, because opinion or thought comes out really from only one person, and the others are merely helping him. Also, because governing and legislating have nothing to do with minority or majority in regard of laws and rules but it is up to the strength of the evidence and accuracy of applying on the one question.

Article 21

Structure of the Islamic State is consisted from the following eight corners:

- 1. The Caliph,**
- 2. The Assistant/s of Delegation,**
- 3. The Assistant/s of Execution,**
- 4. The Valis,**
- 5. The Judges,**

6. The Directors of departments,

7. The Amir of Jihad, and

8. The Ummah Council.

Explanation:

These eight main corners of the Islamic State were established by the Prophet (PBUHR) in their basic forms. They were clearly and apparently specified on the era of the Rashideen Caliphs. The Apostle himself was the head of the State, besides being God's Messenger all along the Madeena period. He appointed his two assistants, Abu Bakr and Omar (God Satisfied Them.), when he proclaimed: "My two Assistants of all peoples on earth are Abu Bakr and Omar". He also appointed valis, judges and directors. He himself was the Amir of Jihad or the leader of the army, and deputized some sub-leaders. There was the representative council whom he (PBUHR) was used to refer to.

Discussion:

Q. What is meant with the State Structure herein?

A. It is the general structure which involves all the main basic corners of the State.

Q. What is meant with the basic corners herein?

A. They are the responsible main characters or figures of the State.

Q. What is the difference between the Assistant of Delegation and of Execution?

A. The Assistant of Delegation involves the general authority of ruling, whereas that of Execution is limited in that authority of execution in regard of orders to do or not to do.

Q. Is the title vali used for the ruler of vilayet whatever wide?

A. Yes, it is, and also he can be called Amir.

Q. What is the ruler of a division of vilayet called?

A. He is called A'amel or Governor.

Q. How were these main eight corners displayed in their basic forms within the era of the Prophet (PBUHR)?

A. Directly after Hejra to Madeena, he (PBUHR) became the Head of the State, besides being God's Messenger, and the head of the Army. He appointed Abu Baker and Omar as his two Assistants, and the clerks as managers of works, and judges to settle problems among people, and got a council which he referred to.

Q. Was there such an idea of election for representatives of Ummah since the era of the Apostle (PBUHR)?

A. Yes, it was in existence little before Hejra to

Madeena and exactly when the Prophet (PBUHR) asked the members of A'qaba Bay'a to choose twelve chiefs out of them to be under his disposal and authority as their representatives.

SYMPOSIUM NO. 4 CALIPHATE HEAD - 1

Article 22

Caliph is the deputy of Ummah in governing and carrying out Shariah

Explanation:

Since governing is in origin the authority of Ummah, the Caliph is elected and pledged allegiance to rule and to implement Shariah internally and externally in place of Ummah.

Discussion:

- Q. Is there any difference between the words Caliph and Head of Caliphate?
- A. No, since Caliph is the Head of the State.
- Q. What is the difference between Sultanship and applying Shariah?
- A. Sultanship involves the process of ruling in its both sides: adopting the laws and ordering to carry out these laws.

Article 23

Caliphate is a bond contracted willingly, and

none is compelled to accept it or to choose anyone for it.

Explanation:

The Caliph is the deputy of Ummah in Sultanship and implementing Shariah according to the Bay'a Bond by which Ummah pledges him allegiance. This bond, the same as any other bond in Islam, becomes illegal with compulsion. But since it is the bond of bonds it is the most serious one. Therefore, nobody is to be enforced to be a caliph or to choose anyone to be the Caliph. As for Shiite doctrine, viz. Imam or caliph is bequeathed, has nothing to do with our discussion herein since there is no hereditary in erection of any Caliph.

Discussion:

Q. What does it mean: "Caliphate is the bond of bonds"?

A. It means that all other bonds among peoples are in need of it, in this way or that.

Q. Can Caliphate sound Bond be contracted by compulsion, and why?

A. No, not at all, because the element of complete will or choice of deputy is missed.

Q. What does it mean that Caliphate is willing bond?

A. It means a bond contracted by will of both

sides.

Article 24

Every Moslem, mature and sane, man or woman, has the right to participate in electing the Caliph and pledging him allegiance. No non-Moslem has such a right at all.

Explanation:

Since Shariah Bonds or contracts have certain conditions without which they are wrong and illegal the bond of electing the Caliph and pledging him allegiance (Bay'a) have its certain conditions. The elector should be Moslem, so as to have the right to deputize and delegate him to act in stead of himself the original right in ruling by Islam. Also, he, the elector, must be sane man or woman, because insanity is irresponsibility, and because deputy is agency, and agency bond is not wrong to be acted by man or woman. As for non-Moslems, they have no right to participate in such election or deputizing to act, since they do not believe in Islam for which the Caliph is elected and pledged allegiance to apply in all life spheres both internally and externally.

Discussion:

Q. What is the difference between electing the Caliph and pledging him allegiance?

A. Electing him comes first then pledging allegiance, either by all means, for the people in common, or by words, for the proper people in particular.

Q. What is the considerable age of puberty to participate in electing the Caliph and pledge him allegiance?

A. It is generally fifteen for both man and woman.

Q. Since Moslem and non-Moslem may have agents to act for them, why isn't it permissible for Caliphate Bond?

A. It is because of being an agency of a particular kind: for ruling by Islam, and it is not the right but of Moslem who believes in Islam for both application internally and delivery externally.

Article 25

Whenever Bay'a is contracted for a certain caliph and by those qualified ones, the pledge from others will be an obedience pledge and not contracting one, and those who may disobey must be compelled for displaying obedience.

Explanation:

Bay'a contract (allegiance pledge) may be

acted by the whole Ummah, or by the influential people all over the State, or only in the big cities or even in the capital one due to the political attitude inwardly and outwardly. The pledged man will become the Caliph legally and directly after pledging him by the majority of Ummah or the influential minority. The rest of Ummah, or of power, have to proclaim their Obedience Bay'a, which comes directly after Contracting Bay'a. All people, whether candidly or silently, have to pledge the Caliph allegiance because of the Shariah Rules: 1. Imam's order must be obeyed and carried out inwardly and outwardly, and 2. Imam's order must put an end to any dispute. In regard of the others who have not pledged the Caliph allegiance must not be enforced for it except those who may riot. They should be compelled to disclose obedience, as a reserve to prevent any disobedience. The Apostle (PBUHR) has said, "He who adverts, while you are gathered around one man (Caliph), and wants to split your one word (unity) and dissipates your aggregation, must be killed".

Discussion:

Q. Can Bay'a be effective without participation of all the electors?

A. Yes, because it is a bond of agreement held by some or all the electors due to the political attitude inwardly and outwardly, esp. the people of power.

Q. What is this political, attitude which affects Baya' form?

A. It is when Ummah powerful and army are busy in protecting it from the outside enemy and inside riot.

Q. Who are the influential people of Ummah?

A. They are the peoples of power, whether in the capital or other cities.

Q. Is Bay'a two kinds or has two stages?

A. It is two kinds: one, of contraction, when effective, esp. by the people of power, two, of obedience, when the rest of Ummah pledges the Caliph allegiance.

Q. How does compulsion intervene or spoil Baya's Bond?

A. It does so when it intervenes in its kind of contraction but it doesn't matter in obedience, since it has no effect on the contracted Bay'a which has been already fulfilled. Also, because enforcing those people aims to prevent them from riot.

Q. How is the Caliph's order effective inwardly and outwardly?

A. It is effective inwardly when feeling satisfied with it as Imam's order, which gather Moslems around one word, whether contented or not, and it is effective outwardly when applying it in their life.

Article 26

None can be the Caliph of the Islamic State but after Moslems put him in charge, and none can have in hands the authorities of the caliphate position but after having its legal contract.

Explanation:

When the majority of Ummah or influential people elect a man to be the caliph, due to the political attitude, he is in charge of Caliphate position and has in hands all its responsibilities directly after they pledge him allegiance of Bay'a. But when the minority of both elect him the contract of deputy or agency is not effective or accomplished. He is, consequently, neither the Caliph nor has in hands any of his authorities. For example, when a man addresses Ummah, throughout the mass media, assuming that he gets the satisfaction of all Ummah or the majority, or all the influential people or some of them, and asks them to consider him the Caliph, all of his assumptions have no value but when he follows the proper method to have such a satisfaction. Also, when a great officer of the army assumes such a satisfaction, as a result of a revolution or overthrowing the government, and he proclaims it as an Islamic State, such an assumption may be accepted to be legal when it becomes clear that both of Ummah and army

as a whole or a majority or men of power support him.

Discussion:

Q. What does it mean that Moslems put someone in charge to be the Caliph?

A. It means they elect him in their majority, at least, and then pledge him allegiance and obedience to be the Caliph.

Q. What are the authorities of the Caliphate position?

A. They are applying the Islamic Shariah internally and delivering its call externally.

Q. What is the method by which the pretending one can satisfy Ummah or the people in power to pledge him allegiance of Bay'a as a Caliph?

A. It is to know him and his views well and without any oppression or compulsion.

Q. What is it also the method of the assuming officer who accomplishes overthrowing the government?

A. It is to know to what extent he is supported by the army and Ummah at the same time.

Q. How is that affected by the political attitude running in Ummah?

A. It happened when Ummah powerful men

and army leaders are busy in defending the country against all internal and external enemies.

Article 27

Any country pledges the Caliph the contracting allegiance of Bay'a must be of self-Sultanship due to relying on Moslems only and not on any non-Moslem State, and the Moslems' Security in that country should be assured by Islam and not non-Islam at all, both internally and externally. But as for only the Obedience-Allegiance Pledge of Bay'a afforded from other countries, there are no such conditions.

Explanation:

The contracting Allegiance Pledge of Bay'a is a legal contract agreed upon within satisfaction and choice, matters which are out of existence when Sultanship and ruling of the country/ies held that pledge are in hands of non-Moslem State/s. It is also the same in respect of Security, the cause of stability. Whenever these matters are assured by non-Moslems they are mere illusions, since Quran is saying: {It is those who believe and confuse not their beliefs with wrong, that are (truly) in security, for they are in (right) guidance} (verse 82 of Ana'am - cattle - Sura).

This is in regard of the country/ies of

Contracting Bay'a, but in regard of those of obedience one there is no value for Sultanship and security therein, since obedience commences individually to enhance and become collective without being more than a preparation for unity with those countries with the Caliphate State, which, in turn, undertakes the suitable measures to fulfill the unification.

Discussion:

- Q. What is meant with autonomy or self-governing in any country?
 - A. It means self-government or political independence when depending on Moslem citizens and not influenced by any interference of foreign non-Moslem State.
- Q. What is meant with Islam Security in any country?
 - A. It is when depending on Islam in country's stability and protection against any non-Islamic influences.
- Q. Why are autonomy and Islam security conditional to establish the Allegiance Pledge of Contracting Bay'a and not of Obedience?
 - A. It is because Caliphate State is established throughout the contracting pledge which enforces depending on the Sultanship of Moslem citizens and on Security of Islam, whereas the people of Obedience Bay'a do

not affect the establishment of caliphate except in respect of strength, which depends originally on its citizens by whom it has been contracted before, whether by majority or people of power. Of course, it becomes more powerful by the people of Obedience Bay'a.

Q. Is Obedience Bay'a restricted to the other outside countries?

A. No, because it must be performed by those who do not participate in the contracting Bay'a, whether they are inside or outside the Islamic State.

Q. How does the Caliphate State unify the other countries with it?

A. It does so with the suitable way of Islam Call and with the attractive acts of justice of the Islamic Shariah. It is well-known that such a justice is a good way for spreading Islam outside to attract and unify other non-Moslem nations with the Islamic State without war, or with limited regional one, due to Islamic influence internally.

Article 28

It is not conditional for the Contracting Bay'a to be the Caliph but only the Contracting Conditions, since they are the only considerable ones for Bay'a, even though other Conditions of

preference are not available.

Explanation:

Whenever Bay'a Bond is concluded by its contracting conditions, it becomes in existence. This case means if a candidate to be a Caliph is from Quraysh tribe, or is Mujtahid, or having any qualification of preference, it does not affect the Contracting Bay'a after being held. These additional conditions of preference may affect competition or rivalry in election campaign among the candidates for the Caliphate position. Electors should be affected to overweigh the side of the candidate who owns the conditions of preference together with those of contracting and elect him leaving the other candidates who own only those of contracting, whether all or some of the preference ones.

Discussion:

- Q. What is meant with the Contracting Conditions and the Preference ones?
- A. The Contracting Conditions of Bay'a are those conditions by which Bay'a is contracted with a candidate to be the Caliph in Islam State, whereas those of Preference are the conditions which are preferable to be owned by the candidate but without any affect on the Contracted Bond of Bay'a.
- Q. What are the Conditions of Preference?

A. They are several ones, some of them are: to be from Quraysh tribe, to be Mujtahid in fiqh (Shariah Jurisprudence), to be strong and complete in body, to be brilliant in mind, to be strong in relatives, to be married, etc..

Article 29

Bay'a Contracting Conditions are: The Caliph must be man not woman, Moslem, free not slave, mature of puberty age, sane, able and trustworthy.

Explanation:

These seven conditions are those of contracting Bay'a. They are all mentioned in Holy Texts, so no Bay'a Bond is concluded without being available. For example, to be a man and not woman, it is mentioned in Sunnah words as follows [No people are prosperous whenever they are governed by a woman]. To be a Moslem is mentioned in Quran: {God would not admit non-Moslem to be in charge of Moslems}. (from verse 141 of Nesa - women - Sura). To be free and not slave, to be mature of puberty age and not a baby, to be sane and not insane - all of these conditions are mentioned in Sunnah words as follows: [Pen is not putting down the acts of three persons (there is no responsibility on them): the sleepy one until he awakens, the baby until he

becomes mature of puberty age, the insane one until he gets rid of the insanity fit]. These cases mean that whenever there is no complete will owned the one is not responsible or not to be in charge of any responsibility. Also, in regard of being trustworthy, none can be in charge of such a top position when he is untrustworthy. He, also has to be able to govern without being domineered upon.

Discussion:

- Q. What does it mean contracting Bay'a is effected for Caliph?
- A. It means he becomes the Caliph of the Islam State practically and legally.
- Q. What does it mean: Ummah will not be prosperous whenever a woman is the Caliph?
- A. It means there is no complete necessary prosperity, since any woman has her certain womanish and legal considerations.
- Q. What does it mean: trustworthy?
- A. It means to be credible and trusted in actions and orders that they are Shariah and not whims.
- Q. What does it mean: to be able?
- A. Since unable one cannot perform and care for affairs of people by the Book and Sunnah within which caliph is contracted, so none has

any influence over him.

Article 30

Whenever position of the Caliph is vacant, whether because of death or resignation or discharge, another Caliph should be erected within three days of vacancy date.

Explanation:

It is because of Sahabah Unanimity. They gathered together at the House of Beni Sa'edah directly after the death of the Prophet (PBUHR) and concluded the Bay'a Bond with the First Caliph, Abu Bakr (God Satisfied Him) just before the three days were over. Also, the Second Caliph, Omar (God Satisfied Him), when he ordered those rejoiced ten men for Paradise to choose one from them so as to be agreed upon by Moslems before passing of the three days after his death. Both cases were agreed upon by all Sahabah, a matter which determines that position of the Caliph, when becomes vacant, must be occupied in three days of vacancy date, disregarding the cause of vacancy.

Discussion:

- Q. What does it mean vacancy of the Caliph Position?
- A. It means that there is no Caliph on the top of the State.

Q. Why do you determine the word Caliph in place of president?

A. It is because such a title is the one by which the Caliphate System is distinguished from all other systems, though he may be titled with Imam or Chief of Believers.

Q. Was Beni Sa'edah House in Mecca or Madeena?

A. It was in Madeena, the Capital of the Islamic State all along the times of the Prophet and His first three Rashideen Caliphs.

Q. Was there Sahabah Unanimity about Abu Bakr and Omar?

A. Yes, it was, despite some disputes or differences of opinions at the beginning, which are natural.

Article 31

The Method of Erecting the Caliph runs as follows:

1. Moslem members of Ummah Council should limit the candidates to occupy the vacant position of the Caliph. Then they advertise their names. Then Moslem subjects are asked to choose one of them to be the Caliph through the process of election.

2. The result of election then should be

publicized to let Moslems know the candidate who gains the majority of the voters.

- 3. Moslems have to pledge this one Allegiance of Bay'a to be the Caliph dedicated to God's Book and Apostle's Sunnah.**
- 4. Directly after Bay'a is over the name of the one who becomes Caliph should be publicized, so as to be known to all subjects, both in name and in being qualified with the conditions of Bay'a.**

Explanation:

This Method, with its four steps, is indicated in Sahabah Unanimity. The Rashideen Caliphs were erected within them. The gathered Sahabah at Beni Sa'edah House erected the First Caliph. They looked like the Ummah's Council, which represented Moslem's Nation in its two sections: Muhajereen and Ansar. They themselves conversed, debated and argued about the candidate who should fill the vacant position of the State Headship until they ended with Abu Bakr and Omar. Then Omar ceded the nomination and restricted it to Abu Bakr alone. Then they elected him and pledged him allegiance of Bay'a to govern them and all other Moslems in accordance with God's Book and Apostle's Sunnah. Abu Bakr nominated Omar as the only candidate for the position after being supported by the majority. Then he

asked Moslems to pledge him allegiance of Bay'a after his death, assuring them that he had done his best in this nomination. Omar, also, restricted the candidates to the position to the six prominent characters, who were rejoiced to Paradise, and asked them to choose one of them and then to ask Moslems to pledge him allegiance of Bay'a. Othman, also, left it for Moslems without any interference from him. Ali, also, left it for Moslems without any restriction. All these measures, taken within the times of Rashideen Caliphs, denote that the unanimous Method for erecting the Caliph includes these four steps: limiting the candidates for the position, then publicizing the result of election, then pledging the Caliph allegiance of Bay'a, then publicizing the name and qualifications of the one who becomes Caliph.

As for the cause why the electors should be Moslems, it is being Islamic State, and none can undertake ruling in such a state but the one who truly believes in Islam and sincerely acts it.

Discussion:

- Q. Is Ummah's Council only has the right to restrict the candidates to the position of the Caliph?
- A. No, because it may be done by Moslem people in power.

Q. Who has to publicize the candidates' names and ask Moslems to participate in election?

A. Ummah's Council, if it is in existence, and the influential Moslem people, if it is not.

Q. Is it permissible to use modern technology and ways in election process?

A. Yes, since they are all of the necessary administration to perform this duty well and easily.

Q. What is the formula of Bay'a?

A. It is any expression by which the Caliph Elect asks Moslem subjects to obey him as long as he obeys God and His Apostle, and not to obey him whenever he disobeys them.

Q. When does the candidate get the majority of voters to become the caliph?

A. It is when he gets the total number of voters more than any other candidate.

Q. What is the value of mentioning the name and qualifications of the Caliph Elect after being pledged allegiance of Bay'a?

A. It is to acquaint the whole nation that he deserves their trust and support against any disobedience or riot.

Q. Were the gathered Sahabah in Beni Sa'edah House all the Moslems at that time?

A. No, they weren't but most of the influential

people were there.

Q. Did any dispute break out among them there about nomination?

A. Yes, it did, but it was quickly settled to end with nominating the two: Abu Bakr and Omar, and, in a moment, Omar ceded it to Abu Bakr to become the Caliph Elect within minutes later.

Q. Why don't non-Moslem subjects participate in restricting the candidates nomination in pledging the Caliph Elect allegiance of Bay'a?

A. It is because of being rule of Islam, and non-Moslems are not obliged to participate in such a duty.

Article 32

Ummah is the one who erects the Caliph, but not who discharges him after gaining the Contracting Bay'a.

Explanation:

Since Sultanship is of Ummah's it deputizes the Caliph for governing in accordance with the method above-mentioned. But Ummah has no authority to discharge him after getting the Contracting Bay'a. The question now is: Why? The answer is: discharging the Caliph cannot be

done but through a Shariah Decree uttered by the Judge of Injustice Acts or the Court of Injustice Acts, who is the only authorized one to settle all Ummah complaints whether against the Caliph himself or any of his officials, and in regard of acting their responsibilities and formal authorities. This judge or court investigates this matter of discharging the Caliph, so as to see if he is legally worthwhile discharging or no. Then he issues the decree. If such an action is authorized by Ummah, directly or indirectly through Ummah council, it means that Ummah becomes a judge, and this case is impossible, from one side, and illegal, from the other.

Discussion:

- Q. What does it mean that Ummah erects the Caliph?
- A. It means that it elects him and pledges him allegiance of Contracting and Obedience Bay'a.
- Q. Does Ummah discharge the Caliph before the Contracting Bay'a or after?
- A. It is not before Contracting Bay'a because such an assumption is not under discussion, but it is discussed not by Ummah after it.
- Q. Since Ummah elects him and contracts Bay'a with him, why is the right of discharging him given to others?

A. It is because discharging the Caliph from his position needs very serious and legal investigation, by which he may deserve it or not, and such a thing is an authority of the authorized judge or court.

Q. Is the matter of discharging the Caliph settled without any relation with Ummah?

A. No, because Ummah itself in origin deputized the Caliph, and the Caliph appoints the Judge of Injustice Acts or the Boss of Judges who employs the Judge of Injustice Acts, who in turn decides to depose the Caliph or not. Ummah, therefore, has an indirect relation in deposing the Caliph.

Q. Where is the legal evidence for this deposing?

A. It is the Shariah Rule: "It is obligatory what obligation is not performed but by it", since deposing the Caliph is not effective but after an investigation and decree of an authorized judge in removing injustice acts away from Ummah. Also, because of the verse 59 of Nesa' -women- Sura which says & If ye differ in anything among yourselves, refer it to God and His Apostle..., viz, to Quran and Sunnah which restrict pleading the dispute matter to the specialized Judge to settle it fairly.

SYMPOSIUM NO. 5 CALIPHATE HEAD - 2

Article 33

Caliph represents the State, since he holds all the authorities as follows:

1. He is the one who commands others to carry out the adopted Decrees issued to be obeyed obligatorily.
2. He is the responsible one for the State policy both internally and externally, and who undertakes the leadership of the army, who proclaims war or peace or armistice or all other pacts.
3. He is the one who accepts the credentials of the foreign ambassadors and refuses them, who appoints the Moslem ambassadors and deposes them.
4. He is the one who appoints and deposes the Assistants and Valis, who are all responsible before him and Ummah's Council at the same time.
5. He is the one who appoints and deposes the Boss of Judges, the Directors of Departments, the leaders and brigadiers of the army, who are all responsible before him only and not Ummah's Council.

6. He is the one who adopts Shariah Decrees according which the State budget is laid down, together with its chapters and amounts of money needed for each side, whether of resources or costs.

Explanation:

Caliph is deputized by Ummah to govern in accordance with Quran and Sunnah. By the way, we have to recall unanimous word of the first Caliph (Obey me as long as I obey God, and don't obey me whenever I disobey Him). These words mean that Ummah has authorized him all her authorities. He adopts the Decrees out from Quran and Sunnah, and orders others to carry them out as laws for arranging life affairs. These laws have to be carried out internally and externally, so as to remove all disputes of opinion and to effect obedience. As for taking care for Ummah's affairs, it is undertaken throughout applying the issued Constitution and laws, and delivering Islamic call to all other peoples and nations. He undertakes all these responsibilities through his own Assistants of Delegation and Execution. He has to defend Ummah and land by the force of the Army, which he leads in all its sects and regiments, and appoints its Prince and Commanders-in-chief and conduct his experts of strategy. He has to limit, as a part of his foreign or external policy, the ambassadors of

which states are to accept or refuse. He appoints his ambassadors for certain long-period tasks or short ones. He deposes anyone of them. In respect of carrying out the internal and external policies, the Shariah Rule says: Imam is authorized and responsible for his subjects. This rule means that he has to appoint the qualified Moslem men as his Assistants of Delegation, so as to assist him in laying down his policy, and to appoint certain qualified men as his assistants of Execution, so as to help him in carrying out his policy.

As for carrying out that policy, the Caliph divides the State's territories into Vilayets, due to breadth, so as to carry out his policy easily throughout qualified personalities of Moslem men as Valis and governors, who assist him in ruling those Vilayets and Governorates. These rulers should be responsible him and Ummah's Council at the same time, in regard of running their tasks. As for applying the Constitution and laws well, he appoints the Boss of Judges, who is responsible to run the judgment system. Directors or managers have to be appointed throughout his Assistant of Execution. He has to appoint the army leaders and brigadiers to be responsible only before him. In respect of the financial side of the State, he concludes the decrees by which the budget chapters and items are restricted, covering all resources and costs, on condition that all amounts and sums of

money are kept secret, so as to keep on the dignity of the State imposed on all enemies.

Discussion:

Q. How does the Caliph behold all the authorities of the State in his own hands?

A. Originally, Ummah is the owner of reigning authority, so it deposes the Caliph to rule in its place, a matter which shifts all authorities to him.

Q. But such an action makes the Caliph dictator?

A. No, it does not make him a dictator since he has to obey God and His Apostle, and because his acts are always reconsidered by Ummah's Council, in regard of ruling, and by the Court of Injustice Acts, in regard of injustice acts.

Q. How does the Caliph transfer the adopted Shariah into carried out ones?

A. It is when he orders all authorities to carry out those adopted rules.

Q. How does the Caliph run the internal and external policies?

A. It is when he draws them up and orders all authorities to carry them out.

Q. Does the Caliph lead the army theoretically or practically?

A. He leads it practically when he appoints the Army Prince and all Commanders-in-chief and all Brigadiers, who never proclaim any war or peace or armistice pact but after going back to him.

Q. How does the Caliph accept or refuse the foreign ambassadors, and appoint the Moslem ones?

A. It is due to limiting the Dar or (house) of war, which antagonizes the Islamic State, and the Dar of Islam, the territories of the State. Whenever a country antagonizes the Islamic Dar, either practically, by launching war against it, or theoretically, by refusing Islam Rule, all pacts or bonds with that country have to be limited according to demands and benefits of the Islamic Call to or in that country. Also, he may send Moslem Ambassadors for the same purpose.

Q. Why are some systems restricted to the Caliph only meanwhile Ummah's Council participates in questioning other systems?

A. Systems of Ruling with which stability of Community and Unity of Ummah are effected, such as Assistants and Valis, the Caliph and Ummah altogether participate in running them, whereas the systems of execution, with which the adopted Laws are carried out, are connected with the Caliph alone, since they are in need of fast settling

and some secrecy in running.

Q. How is the budget of the State laid down?

A. It is laid down when internal and external political needs are restricted in certain items. Then the Caliph adopts Shariah decrees, according which they should be run. Then the necessary amount of money for each item should be limited, disregarding what is spared at the House of Finance, because of the incomes of resources which are limited by certain Shariah Decrees.

Q. Does the Caliph's actual leadership of the army determine him to be a military man?

A. No, but it assures him to be acknowledged militarily, and then to discuss the military affairs with the leaders of the army and its Commanders-in-chief and the strategic experts. Army, as it is well-known, does not undertake any military action but in executing the already planned policy.

Q. How is it admitted to the Caliph to divide the State territories into parts, whatever called, which weakens the State in the center?

A. This admission comes out from deputizing him to reign, and from being seriously careful for the internal and external affairs. This seriousness would dismiss any fear of weakness which may take place. Really, weakness of the Caliph in the center, and

more power of the Valis in Vilayets, are to be fearful and cared about.

Q. What is the role of the Assistant of Execution when the Caliph adopts decrees?

A. The Assistant of Execution transmits what the Caliph adopts of decrees to the Directors of Departments, and transmits to the Caliph the reports they send to him.

Q. From where does the Caliph authority about limiting the State Budget come?

A. It comes from being Ummah's deputy, so as to run the internal and external policy.

Q. Doesn't such an authority enforce the Caliph to be expert in financial affairs?

A. No, but he has to be well acknowledged with such matters, so as to be able to discuss them with the experts who are connected with the Assistant of Execution.

Q. Why are the limitation of Budget and its Chapters secret?

A. They are secret because of protecting the State dignity, so as to be esteemed by all enemies.

Article 34

When adopting laws, the Caliph should be restricted to Shariah Rules deducted out from

Shariah Evidences, and to decrees he adopted and to method of deduction he follows, so that no other decree or method is permitted.

Explanation:

The Caliph adoption of Shariah Decrees, as one basis of the Ruling System, is not proper but when he is restricted to certain limits. He had to adhere to adopting only Shariah Rules, which are deducted out from Shariah Detailed Evidences, viz. Quran, Sunnah, Sahabah Unanimity and Shariah Analogy. He should adhere also to his adopted decrees only, and to the Method according which he deducts the decrees, viz. he relies on Shariah E'lla and not on rational one when deducting rules out from their Evidences.

Discussion:

- Q. What does it mean proper deduction of Shariah Rules?
- A. It means doing one's best to deduct the practical rules or decrees out from the Shariah for mentioned Detailed Evidences.
- Q. What does it mean to restrict to the adopted rules or decrees?
- A. It means the Caliph has to restrict himself, when ordering to do or not to do, only to what he has already adopted.

Q. What does it mean that the Caliph has to be restricted to his method of deduction?

A. It means that he ought to adhere only to Shariah Evidences he relied upon, and to the way of deducting the practical decrees or rules.

Q. What are the adopted Detailed Shariah Evidences for the practical decrees or rules?

A. They are: Quran, Sunnah, Sahabah Unanimity and Shariah Analogy.

Q. From where do the restrictions of the Caliph adoption come?

A. They come out from the fourth basis of the Ruling System in Islam, which say that only the Caliph has the right to adopt Shariah Decrees or Rules, which means that he has to adhere to them when ordering to do or not to do, and to the method of adopting them.

Article 35

The Caliph has the absolute right to care for the affairs of his subjects with his understanding and Ijtihad. It is impermissible to him to disagree with the Shariah Laws, on plea of benefit. For example, he has not to prevent goods importation on plea of protecting the local industries; he has not also to fix the prices on plea of preventing exploitation; he has not also

to compel house lords to rent their houses to others on plea of facilitating housing.. He has not to do many other things contradictory with Islam laws neither in forbidding any permissible nor in permitting any forbidden matter.

Explanation:

Deputizing the Caliph to reign is restricted to Shariah Rules and Decrees. He has to care for common affairs in accordance with the adopted Shariah decrees. Life interests or benefits press on minds so strongly that Shariah Scholars imagine Shariah decrees in existence only for their behalf, and so they adopt decrees only to justify adopting and protecting them. So the decree refers only to Shariah interests or benefits.

Circumstances of the local industries, for instance, may demand interference of the State to Prevent importing certain goods, on plea of developing a certain industry. This matter will force the citizens to deal with a backward industry instead of encouraging the industrialists to promote their industries and excel the imported ones. Shariah Decrees admit importing goods by which the real and not temporary or fanciful benefit is accessible.

Also, prices rising may stimulate the State to interfere to fix prices, on plea of preventing exploitation. If the State is aware of prices rising

as an evidence of healthy and promoting signal, it would incite people to enumerate the industries of high prices and good specifications. Consequently, technicians would increase in number, wages also would rise and life standard would go up. This real and constant benefit is not in fixing prices. It is in competition among industries. The Apostle (PBUHR) considered fixing prices as an injustice act, and refused it, disregarding the prices increase.

House lords or even building lords, as another example, are not the responsible one about the housing crisis, to see the solution in compelling them to rent their houses or buildings. Housing question is one of the citizens' problems which is fairly settled when individual's income is increased, or when the State affords enough helps for the needy ones if they are unable to work and have no relative to help. Whenever the individual income rises, and the State is seriously careful to spare the necessities of eating, wearing and housing, the housing question should be easily solved. The State has only to facilitate the means to make them accessible, then the house or building lord should be too much careful to rent it without any compulsion, since he may neither find a tenant nor get the pay he wants. Right of ownership has never to be available when there is compulsion in dealing with. Also, benefit is not available in such an illegal act but in solving the

problem fairly, and even on account of the State, which is the responsible for such a solution, and not on account of the individuals, who are in need of those who care for their affairs well, a matter which will result in protection of rights and not expropriation of them.

Discussion:

Q. What is meant with caring for affairs by the Caliph opinion and Ijtihad?

A. It is undertaken in accordance with what he adopts of Shariah Decrees, whether deducted by his own Ijtihad or others.

Q. Are there Shariah scholars who put benefit before Shariah?

A. Yes, those who see that Shariah is effective wherever benefit is in existence.

Q. But is there any illegal act in this conduct?

A. Yes, when Shariah decree is controlled by benefit and not benefit is controlled by Shariah decrees.

Q. When does the Caliph act illegally in caring for the citizens' affairs and benefits?

A. It is when he avoids Shariah decrees he has previously adopted for such benefits and affairs and goes to another illegal decrees.

Q. When does a Shariah scholar see that Shariah

rotates with benefit and not vice versa?

A. It is when he sees that Shariah decrees are in existence according to benefit, viz. whenever and wherever benefit is.

Q. Why does State interfere illegally when preventing importing certain goods though on plea of encouraging its industry?

A. When interference is for the sake of encouraging a certain goods and for a limited period of time it is legal, but when it is comprehensive for all goods and all time it is really anti-encouragement and anti-promotion.

Q. Is fixing prices illegal act always?

A. Yes, since the Apostle (PBUHR) looked upon this act as an injustice one. But as for those Shariah scholars who admit this act to be effective sometimes, they see there is the real benefit, although it is in fact an imaginary or temporary benefit.

Q. How does qualified manpower become numerous after rising prices?

A. It occurs always when many such industries of high qualities and high prices are established.

Q. Did prices rise during the Apostle's time, and he refused to fix them?

A. Yes, and he looked upon fixing prices as an injustice act.

Q. When does the State interfere legally in sparing houses for citizens?

A. It is when they are unable to do their living, and they find none of their relatives who ought to assist them in all these acts.

Q. How is the house lord serious to rent his house?

A. It is when the individual income rises, and the rent rises, and the legal contract is away from the State interference.

Q. How is the housing question solved on account of the State and on behalf of the citizen at the same time?

A. It is when the State saves enough suitable opportunities of labor for all needy citizens. So wages and salaries rise up to enable them all to rent houses easily. But on the other hand, when they are unable to work the State has to save enough free houses or has to pay for them.

Article 36

The time period of Caliph Headship is not limited in number of years. He has to go on as long as he keeps on Shariah, carries out its laws, and able enough to continue performing the State affairs. But he is to be deposed when his case is changed into a form assuring him to be

discharged.

Explanation:

The First Caliph said: Obey me as long as I obey God in ruling, and whenever I disobey Him you are not to obey me! These words, upon which Sahabah agreed unanimously, assure that Headship period of any Caliph is not limited in a certain number of years, but in so much as he goes on obeying God and His Apostle. This case means that he is not to be deposed if he goes on carrying out Shariah Decrees as a ruler, and should not apply any other decrees in life whether internally or externally. Also, it means that he is not to be replaced with any other one if he himself is able to perform his responsibilities and duties. But whenever he breaks or falls short in any one of his duties, whatever the cause is, he has to be deposed immediately of his position.

The important point in regard of limiting the period of the Caliph's Headship is the viewpoint about his position: is he employed by Ummah, through election or the like, so as to govern for a certain period of time, disregarding being fair or not in governing? or, is he deputized to implement Islam in ruling? If it is the first consideration, which is the current matter in the nowadays republics, undoubtedly, he will rule within a certain period of time, but if it is the other consideration, which is the case of Islam

State Headship, he, assuredly, will keep on his position as long as he performs his duties and responsibilities well.

Discussion:

Q. What does it mean: Caliph keeps on Shariah as it is, and without any change or distortion?

A. It means not to admit any playing or aggression against Islam Rules and Legislation.

Q. What does it mean Caliph has to go on applying Shariah Laws?

A. It means not to admit any application of Laws not taken out from the two main Shariah sources: Quran and Sunnah.

Q. What does it mean Caliph is able to perform all his responsibilities and duties?

A. It means that all his physical, mental and psychological abilities are proper and fit.

Q. What is meant with changing the Caliph case to a form that may depose him from his position?

A. It means that his new case makes him impossible to go on legally as a Caliph.

Q. What is the evidence for not limiting Headship period of a Caliph?

A. It is Sahabah Unanimity and deputizing

obligation for applying Islam Shariah internally and delivering its Call externally.

Q. How does the Caliph undertake his own responsibilities indirectly?

A. It is throughout his Assistants of Delegation and Assistants of Execution.

Q. Are the nowadays republics' presidents employees?

A. Yes, they are, since they are elected directly by Ummah, or indirectly by its Council only to run one's position for a certain period of time and for a nominated salary whether monthly paid or yearly.

Q. What is the difference between the appointed one for ruling, such as the republic president, and the deputized one for it, such as the Caliph?

A. The appointed one keeps on his position or employment for a monthly or yearly salary, and he is deposed from the position due to supporting of Ummah, who appoints him, whereas the Caliph is deputized by Ummah to apply Shariah internally and deliver its Call externally, and to be paid a mere compensation or reward for being dedicated to the position and prevented from performing any other work.

Article 37

The case of the Caliph is so decisively changed that he has to be out of his position because of one of the following three factors:

1. Unfulfilling one of Bay'a Contracting Conditions, such as to become apostate from Islam or an apparent vicious or insane or the like which are conditions of continuous contracting.
2. Disability of performing his official responsibilities, whatever the cause is.
3. Becoming so overcome that he may not care for Moslems' benefits and affairs by his own legal opinions. This case is probable in one of these two cases:
 - a. Whenever one or more of his intimacy or assistants practices control over him, and hinders him from carrying out common matters or affairs by himself. In this case, the Caliph has to be deposed immediately if getting rid of this case is hopeless, but he is to be warned for a limited period of time if hopeful, and then to be deposed when hope is vanished.
 - b. Being captured by a domineering enemy, or being under the control of his enemy. In this case, he is warned for sometimes, if hopeful to get rid of his enemy, and then to be deposed if hopeless. But if it is hopeless from the very

beginning he is to be deposed directly.

Explanation:

Undoubtedly, the conditions of Caliph Headship keep on his position as long as they are all in existence, but they cause him to be discharged or deposed from position if one of them is missed. For instance, whenever manhood is changed into womanhood, or he becomes slave instead of free, or he apostates from Islam, or he becomes insane, or he becomes vicious instead of trustworthy. Whenever any of these changes takes place it causes the contract of Bay'a to be over. Also, whenever he becomes incapable of undertaking care of Moslems' affairs, whether because of illness or disability, he misses his position when it is hopeless case. Also, whenever he is overcome by one or more of his intimacy or assistants, he is to be deposed if he cannot get rid of this case. Also, whenever his enemy captures him, or practices mastery over him, he misses his position if he cannot go back to his full power. In one word, being under any one or these three factors the caliph has to miss his position, and to be replaced with another Caliph, able to perform his full duties and responsibilities, as the deputy of Ummah in applying Islam Shariah internally and delivering its Call externally.

Discussion:

Q. What is meant with changing the case of

Caliph to be deposed of his position?

A. It is when he misses one or more of the conditions of Bay'a contract, or when he becomes unable to perform his duties or authorities whatever the cause is.

Q. Can you recall the conditions of Bay'a Contract?

A. They are the following seven ones: to be man, Moslem, free, sane, mature, able and trustworthy.

Q. When does the Caliph become unable in himself to perform the State responsibilities?

A. It is when any sickness or disability catches him.

Q. When does he become unable because of others?

A. It is when his intimacy or enemy domineers upon or overcomes him in any form.

Q. Are there examples for these cases from the previous passed eras of Islam?

A. Yes, they took place within the last times of Abbasids, Andalusia and Ottomans.

Q. Is there any certain period of time for the Caliph to get rid of others control or domination?

A. Yes, and this period is to be fixed by the Court of Injustice Acts, which is the only authorized

side for such a decision.

Q. How are the State affairs run in case of the Caliph being overcome or controlled in captivity?

A. They are run by his Assistant of Delegation, who has in hand all the Caliph authorities.

Article 38

The court of Injustice Acts alone decides whether the case of the Caliph has been changed decisively to depose him from his position or no, and alone has the authority to discharge him or to caution him.

.Explanation:

The court of Injustice Acts, which is authorized to reconsider and estimate any injustice act caused by any official one within practicing his duties, has alone the authority of deciding the case or situation of the Caliph if it is so changed to depose him from his position or not. It looks into his self-situation, if it misses any condition of keeping him on his position or not.

For example, if he is changed into a woman, or loses his freedom, or apostates from Islam, or loses his mind and becomes insane, or becomes profligate and untrustworthy. This is in regard of the conditions of Contracting Bay'a but in regard of his ability to perform his responsibilities

as a Caliph, this Court decides if he is unable to perform his duties and responsibilities, because of illness or any cause, or he is able to do so.

Also, this Court decides when he is overcome by one or more of his intimacy or assistants, or when he is captured by his enemy, and whether it is hopeful to restore his free will and proper case within a certain period of time, or not.

None has the authority or power to interfere in this Court authority and responsibility. Whenever this court finds out that the Caliph loses any of the Contracting Conditions of Bay'a, or his free will to run his responsibilities freely, he is to be deposed from his position as a Caliph.

By the way, such an authority of this Court adds another Shariah or legal dimension to its being existent and continuous, and, consequently, to be far from the Caliph prejudice, else he may try to discharge it whenever it looks into his situation or case.

Discussion:

Q. Was the Court of Injustice Acts existent in the times of the Apostle (PBUHR) or of the Rashideen Caliphs?

A. No, such a Court was not existent under this name, but the Apostle and His Rashideen Caliphs were used to free the citizens of any injustice act befalls on any one or group of

them.

Q. From where is it abstracted that this Court of Injustice Acts is formed from jurisprudent judges or Mujtahideen?

A. It is abstracted or deducted out from the nature of its tasks, which cover deciding the legality of legislation and laws, adopted by the Caliph in Constitution and laws, and also deciding to depose the Caliph from his position when his case or situation confirms that result.

Q. From where is it taken that this court should be away from the Caliph's prejudice, though he himself is the one who appoints its judges?

A. It is taken from the requirements of its authority, and from being authorized to depose the Caliph when he deserves that. If the Caliph has the power to discharge this Court, it will be completely paralyzed when practicing its authority to depose him whenever he misses any condition of the Contracting Bay'a, or loses his full free will in performing all his responsibilities.

Q. Does Islam Shariah enforce the Caliph to appoint this Court of Injustice Acts?

A. Yes, and that is in accordance to this Shariah rule: It is an obligation whatever an obligation is not achieved without it. This rule means that Shariah enforces the Caliph to appoint this Court as the formal Authority to settle the

legality of Constitution, laws and decrees, whenever there is any controversy or dispute about them; also, as the formal Authority who decides if the procedures of the Caliph or any of his officials are injustice acts against anyone of the subjects, or not; and also, as the only formal Authority, which is able to depose the Caliph from his position whenever he deserves that very serious end.

SYMPOSIUM NO. 6
CALIPH'S ASSISTANTS
1- Assistant of Delegation

Article 39

Caliph appoints one or more assistants to carry the charges of Ruling, delegating them to run matters by their own opinions and Ijtihad. Each one of them is called the Assistant of Delegation.

Explanation:

The Prophet has said, "My two Assistants of all people of the world are Abu Bakr and Omar". These Holy words mean that the Prophet as the Head of the State appoints one or more assistants to help him in carrying the responsibilities of ruling after delegating the one of them as a deputy to run the affairs by his own opinions and Ijtihad. It is because of the authorities of the Caliph or the Head of the State being so numerous and heavy that he cannot run them properly without deputizing one or more assistants. Also, when Ummah deposes the Headman to rule within God's Book and Apostle's Sunnah, Shariah gives him the right to depute one or more assistants to help him. The Apostle himself (PBUHR) did it as an example to be copied by his Caliphs, and proclaimed it by

words, so as to be followed all along times through history. As for the word (wazeer), mentioned in the Prophet's Hadeeth, it means literally and legally the assistant, and has nothing to do with the idiomatic meaning currently mentioned nowadays as one ruler of a cabinet ministers.

Discussion:

- Q. Why is the meaning of the term (wazeer) in the mentioned Honorable Hadeeth shifted or restricted to the meaning of assistant in ruling only?
- A. Because this is the meaning of the action Abu Bakr and Omar practiced with the Prophet himself, and which was followed all along the times of the Rashideen Caliphs unanimously.
- Q. What is the difference between the meaning of the term (wazeer) mentioned in the Hadeeth and the coined one nowadays?
- A. In the Hadeeth it means the assistant in ruling affairs, but nowadays it means a member of the cabinet ministers, who runs the ruling matters in one of life spheres, such as defense, economy, foreign affairs, education and others, and he has nothing to do with the other spheres of life at all.
- Q. How is the Caliph allowed to depute one or more to assist him in running the ruling affairs

whereas Ummah deposes him himself to perform this duty?

- A. He does this delegation for assisting him and not instead of him, and this is the attitude which took place by the Prophet and his Caliphs.

Article 40

Assistant of Delegation should be the same as the caliph as a Moslem man, free, mature, sane and trustworthy and able or competent in performing his duties.

Explanation:

Since the Assistant of Delegation acts his authority as a deputy of the Caliph, in regard of his Bay'a responsibilities, he has to possess the same characteristics of the Caliph himself. He has to be Moslem man, free matured, and sane trustworthy. Otherwise, being a deputy or a delegate to help the Caliph in performing his duties is wrong. He has also to be qualified potentially to his appointment and task, else he is not fit for the work, since he would not be able to run it well, and would contradict the words of the Prophet (PBUHR): "God likes everyone to do his work perfectly".

Discussion:

Q. Since the Assistant of Delegation is merely an assistant and not a deputy in place of the Caliph: why should he possess the same conditions?

A. Because he is really a deputy of the Caliph, though practicing his duties side by side with him, and he is deputed and delegated generally to perform the ruling affairs.

Q. But what about the condition of competence or ability with the other conditions.

A. Because it is really available in the Caliph when Ummah deputed him to rule.

Q. What is meant with competence in work?

A. It means he is to be characterized with strong Islamic personality, and of broad knowledge and acquaintance of different sciences and cultures of peoples, and of brilliant mind and wise treatments for all.

Article 41

The task of the Assistant of Delegation should involve two matters when appointed: one, he should be delegated to look into all matters, two, he should be a deputy for the Caliph appointed by such words: (I appoint you as a deputy to perform the duties I am obliged to do), or in any similar words which express

general viewing and delegating, otherwise, he should not be an Assistant of Delegation, and will never behold his authorities.

Explanation:

Since the Assistant of Delegation is the deputy of the Caliph in undertaking his duties, his delegating should cover general viewing, viz., looking into all matters and not specialized in some certain matters, else his authority is different from the Caliph who delegated him. Also, to fulfill this general viewing he has to be addressed by the Caliph himself when appointing him by using words which cover the general viewing and delegating at the same time. Whenever he uses any expression means special viewing such as: you are my assistant for the economic affairs, for example, he should not be an Assistant of Delegation, because this expression does not cover the two matters mentioned above.

Discussion:

Q. What is meant with appointing the Assistant of Delegation?

A. It means to appoint him to run the duties limited by clear words.

Q. What is meant with the general viewing when appointing this assistant?

A. It means to be appointed by the Caliph to

look about all affairs the Caliph himself is originally responsible for.

Q. How can a deputy be in existence whenever the Caliph is present?

A. It is through transferring matters or responsibilities to him, so as to look into them and settle them.

Q. Has the Assistant of Delegation the right to be the deputy of the Caliph when absent whatever the cause is?

A. Yes, because he is in fact the deputy of the Caliph by the words of appointing, whether he is present or absent. But in respect of his absence because of death delegation is over, and Ummah Council has to undertake the procedures for electing and pledging a new Caliph the allegiance of Bay'a.

Q. Why is it obligatory to mention deputy and general viewing together when appointing the Assistant of Delegation?

A. Because such an appointing is a contract which has to be of limited clear contents and terms, otherwise it is wrong contract in origin. Also, because the authority of Delegation Assistant so involves the two matters together that when one of them is missed from the words of the contract he cannot perform his authority, and even he is not such an assistant.

Article 42

The task of Delegation Assistant is acquainting the Caliph with what he has performed of action, and of carrying out appointing Valis and Governors, so as not to become the same as the Caliph in his authorities. In a word, his task is to acquaint the Caliph with his studies and to execute these studies if the Caliph does not reject them.

Explanation:

It is alright that the Assistant of Delegation is appointed by the Caliph as a delegate deputed to look about all matters which are originally of the Caliph's authorities. He appoints Valis, governors and others. He performs all his responsibilities in deputy of the Caliph and not in original. Hence, his Boss, who delegated him as his deputy, should be acquainted with all what he undertakes and carries out. After that, he has to execute the revised study if the Caliph does not interfere and stop the action. For example, the Caliph may think that a certain man is more suitable as a Vali or governor or leader or ambassador than the one his Assistant has just appointed.

Discussion:

Q. What is meant with acquainting the Caliph with any matter?

- A. It means to review it or look into it.
- Q. How does the Caliph review any already executed matter?
- A. By revision, then either he keeps silent to be carried out to the end or he interferes to replace it if it is replaceable.
- Q. What is the cause for such a review after the deputy?
- A. It is inevitable, otherwise he is neither deputy nor assistant.
- Q. Does he acquaint the Caliph with all matters before executing or after?
- A. It is after transmitting the study to execution but before execution, a matter which enables the Caliph to stop it.
- Q. What is meant with matter passing?
- A. It is being carried out.

Article 43

The Caliph has to look into the Assistants' duties performing and matters managing, so as to accept the right one and correct the wrong since Ummah's affairs are deputed originally to him, so as to manage them according to his Ijtihad.

Explanation:

The Caliph has to oblige the Assistant of Delegation to acquaint him with all his studies just after he transmits them to execution. This measure will enable him to look into them deeply and decide to what extent they are right or wrong. Then he accepts the right one and corrects or repairs the wrong. Any wrong measure will be his responsibility before the end, since he is the original responsible to care about Ummah's affairs. The Apostle (PBUHR) has said, "Imam (Caliph) is authorized and responsible for his authority of caring for his subjects". These words mean that the responsibilities of the Assistant of Delegation are within deputy, and the Caliph is able to stop the wrong measure.

Discussion:

Q. What does it mean the Caliph has to look into the acts of his assistants?

A. It means he has to study or review them fast but deeply.

Q. How does the Caliph correct the wrong act of his assistant?

A. In accordance with the procedure mentioned in the next article.

Q. Why are matters not acquainted or reviewed by the Caliph before execution?

A. Because such a measure paralyses the performance of the assistant as a delegate

deputy, esp. acquainting is merely for looking into and correcting what may be corrected, and not to decide the matter from the very beginning.

Q. How is the Caliph responsible for the wrong act of his assistant?

A. Because it is his own act originally, and because he does not correct it when he reviews it.

Article 44

Assistant of Delegation has the authority to carry out what he undertakes and the Caliph accepts as if it is perfect. But if the Caliph reconsiders it and refuses what has been carried out, two matters are not liable for reconsideration: Shariah decrees, when properly implemented, and money, when correctly spent. But when the matter is something else, such as appointing a vali or equipping an army, reconsideration is admitted, and the act may be canceled and replaced with the Caliph's one, since he has the right to reconsider his own act in origin, and hence the assistant's.

Explanation:

Whenever the Caliph accepts any matter managed by his assistant this official has to carry it out all in all. But whenever he reconsiders it,

he, the Caliph, has not the right to refuse it if it is a decree carried out correctly or a money spent righteously, since such a procedure is, in origin, his own after being accepted, and because they have no way to be reconsidered and set back. But whenever the carried-out matter is something else other than a decree or a money, viz., such as appointing a vali or a governor or a leader, the assistant's procedure is canceled and the Caliph's viewpoint should be carried out, because in such matters the Caliph has the right to reconsider himself, and, hence, his Assistant in prior.

Discussion:

- Q. Has the Assistant any right to differ from the Caliph in carrying out what he has already agreed upon?
- A. No, and the Assistant is obliged to carry it out as it is, and without any readjustment.
- Q. Has the Caliph the right to reconsider what he himself has just agreed upon and the Assistant has carried out?
- A. Yes, but not about all matters.
- Q. Why is reconsidering the executed decrees and the spent money ineffective?
- A. Because a decree, such as cutting-off the hand of a thief, and a money, such as feeding the hungry, are not open to

reconsideration after being properly and correctly carried out.

Q. What is the Shariah evidence for all these measures, although reconsideration about executing and spending are probable even by compensation?

A. It is the Caliph's attitude when he does not reconsider after himself, and eventually after his Assistant. Also, because they are his measures after being agreed upon properly and correctly.

Q. Why is it admitted to reconsider what the Assistant has already carried out if it is appointing a vali or an army leader or equipping an army?

A. Because the Caliph has the right to reconsider these matters after himself, and , hence, after his Assistant, so as to realize existence of better application of Shariah internally and delivering of its Call externally.

Article 45

The Assistant of Delegation is not authorized to act in a certain department or division of affairs, since his deputy is general, whether in undertaking matters or supervising administrative system.

Explanation:

In regard of this Assistant being delegated to look into matters in general, he has not to be authorized in a special department or benefit or division of acts. He has to go on performing reviewing all affairs in general, else he should miss being specified as an Assistant Delegation. Also, he has not to act any administrative matter, since he is deputed by the Caliph for the purpose of general reviewing. Therefore, he has only to supervise the administrative system generally, whether it is an individual supervision or in participation with other assistants of delegation, who are deputed by the Caliph to run all these matters in general.

Discussion:

Q. What does it mean to appoint the Delegation Assistant in a certain department?

A. It means he is to be authorized to run the affairs of only that one.

Q. How does the Delegation Assistant Supervise the administrative matters in general?

A. He reviews all the administrative affairs, which the Assistants of Execution passes to him in general.

Q. How does the Delegation Assistant supervise the administrative system in individual form or with others?

A. It is when he reviews all matters related with the administrative system by himself only,

when he is the single delegation assistant. But when he is one of many assistants of delegation he participates the reviewing with them.

2- Assistant of Execution

Article 46

Assistant of Execution performs his duties as a hireling and not a ruler.

Explanation:

Since executing acts run in accordance to a certain method for each act, they are of the requirements of the act nature and not a part of it. For example, preparing certain means, such as wooden benches or chairs, for the attendance of a court session to sit on. Also, similar chairs for the disputes to sit on in an upper place, so as to be seen easily. Also, preparing a table and arm-chairs, of better sort, for the judges to sit on. Also, preparing registers, so as to put down the cases each in its fixed date... All these means and the like are the method according which to run the session of the court and have nothing to do with the acts of the judge in regard of examining the sayings of the disputes, or going back to the Shariah decree by which the case will be settled.

To carry out this method in a perfect form, the

Caliph has to appoint one assistant or more, who has to appoint, in turn, the necessary employees to undertake these administrative means and methods. These employees involve all directors of departments and divisions, and all other employees. But he may leave appointing other employees to the director himself. In this case, the Assistant of Execution is the Head of the Administrative System, and has nothing to do with the ruling system or its affairs. Therefore, he is a hireling of monthly salary for his efforts, whereas the Assistant of Delegation has not any monthly salary as a hireling since he is the same as his Head, the Caliph, who is paid a reward or a compensation enough for him and his dependents.

Discussion:

Q. What is meant with a hireling?

A. He is the employee who works for a limited wage or salary for a certain effort in a certain time.

Q. What is meant with a ruler?

A. In Islam viewpoint, he is the one appointed to rule without fixing any period of time or salary but he is compensated for being devoted to his position.

Q. Are means different from methods for running works?

A. Yes, because a means is the material instrument, such as a chair used in life, whereas the method is the way in which chairs are used, for instance, in convening any court session.

Q. What is the difference between the monthly salary of the Execution Assistant and the monthly compensation of the Delegation Assistant?

A. The monthly salary of the Execution Assistant is for his exerted effort in his administrative work, meanwhile the compensation of the other assistant is for devotion to work as a deputy of the Caliph for general reviewing. This compensation should cover the one's expenditures together with his dependents, whereas the salary does not pay attention to these expenses.

Q. Why are the compensation and salary different from each other?

A. Because the Assistant of Delegation is a ruler, whereas the other Assistant is a hireling, and the ruler or governor has a compensation money for being devoted for his position, meanwhile the hireling has his salary or wage for his work. What happened in the Prophet's time, and agreed upon unanimously by His Friends, is the clear evidence for all these differences.

Article 47

The Assistant of Execution is not authorized to perform the duties of a certain department but to supervise the whole State system of Administration, and to appoint the directors of departments and transfer them from work to work, but he has no authority to discharge anyone of them except due to obligatory factors and within the frame of the administrative laws.

Explanation:

Assistant of Execution is not a director of a certain department but, let us daresay, the director of all directors, because he appoints them all, due to certain controls, and transfers them from a job to another. But he is not authorized to discharge any of them of his job but in accordance with the causes that oblige discharging within the decrees of the Administrative System.

Discussion:

- Q. What does it mean that the Execution Assistant supervises the whole system of Administration all over the State?
- A. It means all directors of administration have to go back to him in settling all general affairs, through transmitting forward to the Caliph and backward to them.
- Q. How does he behold the authority of

appointing and transferring the directors and not discharging them?

A. He is also authorized to discharge them but within the obligatory causes mentioned in words of the administrative laws.

Q. What is the meaning of this expression: the obligatory cause included in the administrative laws?

A. It means that he ought to be restricted to the causes mentioned clearly in words of the administrative laws, and he has not to be influenced by any other outside or strange factors unconnected with them.

Article 48

Assistant of Execution undertakes the responsibility of the Executive System which carries out all what the Caliph issues for internal affairs, and which acquaints the Caliph with all what transmitted to him from all. He is the mediator between the Caliph and all others, since he transmits to him and from him.

Explanation:

Directly after endorsing any action or measurement of his Delegation Assistants, the Caliph's measures have to pass on to the Execution Assistant, so as to carry them out through certain channels internally and

externally. Whenever any procedure is transmitted to him, he has to transmit it to the Caliph or his Delegation Assistant or Assistants' Council. These assistants have to study the subject matter, then to transmit it together with what he/ they see as a decision about it. Therefore, the Execution Assistant is the by-man who transmits all what the Caliph or his Assistant of Delegation wants to be carried out, and transmits to the Caliph or his Assistant of Delegation all what the directors of departments want him to issue decisions about.

Discussion:

Q. What does it mean that the Execution Assistant is responsible for the whole Execution System?

A. It means he is the authorized one to execute all what the Caliph or his Delegation Assistant issues.

Q. Some examples, please?

A. Appointing any leader of the army or discharging him should be transmitted to him or from him throughout this Assistant only.

Q. What is the relationship between this Assistant and the external affairs?

A. He delivers the decrees of ambassador's appointing to him, and delivers his resignation to the Caliph or to his Delegation Assistant.

Q. Is there no fear of delaying or complicating

the execution because of numerous assistants?

- A. No, since each of them is appointed for a certain work within his general viewing if possible.

Article 49

It is stipulated that the one who undertakes the System of Execution should be Moslem man, because he is one of the Caliph's Assistants and intimacy.

Explanation:

Since the Caliph is in need of meetings with his intimacy at any time and for any need, they ought to be men and not women, esp. it is impossible from women, though they are licensed to undertake all other kinds of administrative acts. Also, those intimacy have to be Moslems, so as to advise him sincerely and truly, and because God says in Quran, {Ye who believe! Take not into your intimacy those outside your belief: they will not fail to corrupt you. They only desire you ruin. Hatred has already appeared from their mouths, and what their hearts conceal is far worse. We have made plain signs to you if ye have wisdom} - Verse 118 of Al-Omran Sura.

Discussion:

Q. Why is it stipulated for the Execution Assistant to be a man not a woman?

A. Because he is one of the Caliph's intimacy, who are always under his disposal.

Q. Why is it stipulated for this Assistant to be Moslem though his acts are of executive nature and not legislative?

A. Because he is one of the Caliph's intimacy and not ordinary responsible administrative one. Also, the one who does not believe in Caliphate and Caliph's duties cannot transmit from/ to him loyally.

Q. What is the Shariah evidence for all that stipulation?

A. It is Quran verse No. 118 of Al-Omran Sura, which says openly: {Ye who believe! Don't take into your intimacy the non-Moslems}. Then it explains how those non-Moslem intimacy endeavor to corrupt and ruin Moslems, because of their hatred and malice against Islam and Moslems.

Q. Are there examples about this malice?

A. It is enough to refer to Abu Lu'lua' the Magi, who assassinated the Caliph Omar (God Satisfied Him), and to Abdullah Ibn Saba", who provoked the riot in the time of Othman (God Satisfied Him) through they were not of the intimacy of the Caliph's.

Article 50

System of Execution should be under the Authority of an Assistant of Execution, who is permissible to be more than one, though each of them should be designated to a certain task.

Explanation:

The Assistant of Execution alone undertakes all duties and responsibilities of the Executive system, though they may be many assistants. Each one of them has to be appointed on the top of a certain branch or division of Execution as a whole. For example, one of them may undertake executing the private management of internal affairs, the other, those of the foreign or external ones. Also, the internal affairs may be divided into many divisions, such as of security, education, health, transportation, communication and others. Each of these divisions, or group of them, has on the top of them one of those executive assistants. External or foreign affairs may be also treated in the same way. The important thing of this whole process is to be dealt with as a part of administration, specified with simplicity in laws, quickness in action and competence in responsible men or women.

Discussion:

Q. Does this dividing of the internal affairs mean

the replacement of the nowadays ministries?

A. Yes, it is, in fact.

Q. What is the difference between Administration and legislation in the single administration or department?

A. Administration is the authority of the director and Execution Assistant at the end, whereas legislation is the authority of the Caliph and his Delegation Assistant/s.

Q. What is meant with the characteristics of administration?

A. It means the Administration System must be simple in procedures, quick in achieving actions, and competent in the responsible personnel.

SYMPOSIUM NO. 7 VALIS

Article 51

The countries ruled by the Islamic State have to be divided into units and each unit should be called Vilayet, and each Vilayet should be divided into units and each unit has to be called A'malat. The one who rules the Vilayet is called Vali or Prince, and the one who rules the A'malat is called A'mel or Governor.

Explanation:

It is alright that the Ruling System in Islam depends on centralization, but the Caliph depends on deputing Assistants of Delegation in the Capital so as to help him in running the general affairs. Also, he deposes in each of the far region or Vilayets and Amalats one who rules it instead of him under the title of Vali or Prince and A'mel or Governor. This situation of dividing the ruled countries into vilayets and Amalats, and designating Valis or Princes and A'mel or Governor, had been undertaken by the Prophet himself (PBUHR) and his Rashideen Caliphs.

Discussion:

Q. What is the purpose of dividing the Ruled Countries into Vilayets and Amalats?

A. It is to facilitate the matters of ruling and control the sub-affairs in a perfect and immediate way.

Q. Is there any relation between this dividing and the House of war?

A. Yes, because this dividing easifies the mobilization of armies, so as to protect the dignity of the State and to defend it against any aggression.

Q. From where do such titles of Rulers of Vilayets and Amalats come out?

A. They come out from the nature and place of the positions they perform.

Q. Was there such a dividing into Vilayets and A'malats in time of the Prophet and His Caliphs?

A. Yes, there were Yemen, Hadramut and many other vilayets.

Article 52

Valis are designated only by the Caliph, but A'mels are designated by the Caliph or the Valis if they are delegated to do so. It is stipulated that Valis and A'mels should be of the same conditions as the Assistants of Delegation: Moslem, men, mature, sane, free and trustworthy. Also they have to be competent in running tasks and be people of piety and power

at the same time.

Explanation:

Since both the Vali and A'mel are deputed by the Caliph to help him in ruling, he may designate each of them in his position, though he can delegate the Valis to designate the A'mels. This case necessitates that Valis and A'mels should have the same characteristics as the Caliph himself, viz. to be men, Moslems, free, mature, sane and trustworthy. This is one side, the other one, they have to be of high qualifications enough to satisfy the tasks they asked to run. For example, Kharaj or land tax, when run by a Vali, he should be of financial competence. The third side of this position is to be run seriously well. So Vali or A'mel has to be pious and afraid from God in all his deeds and conducts. He has also to be strong and influential in all his acts, so as to assure the dignity of the State and of his own, esp. if he is nearby to the enemies in Dar of War (War House).

Discussion:

- Q. Why is Vali or A'mel of more characteristics than the Caliph himself though they are deputed to rule by him?
- A. It is because of the sort of work the one is deputed to perform, and because he ought to protect the dignity of the State

everywhere.

Q. Has Vali the authority to designate the A'mel who rules a part of his Vilayet?

A. Yes, he has if the Caliph delegates him to do so.

Q. Why is it necessary for the Caliph to delegate the Vali for assigning the A'mel in his position?

A. Because A'mel is a ruler, and only the Caliph has the authority to depute him.

Q. What is meant with power as a characteristic of the Vali or A'mel?

A. It is the strength of personality and influence, and not of body.

Article 53

Vali has the authority of ruling and supervising the acts of departments and benefits in his Vilayet in deputy of the Caliph. He is performing the duties of the Delegation and Execution Assistants together, but he is not authorized to review the matters of finance, judgment and army. As for the policemen, they are under his control in respect of execution and not of administration.

Explanation:

Since the Vali is the deputy of the Caliph in ruling and viewing the matters generally, he is

authorized to perform the responsibilities of both the Delegation and Execution Assistants, in both ruling and supervising. But since the matters of finance, judgment and army are of certain seriousness, they are attributed to others than the Vali. For example, Kharaj may be under the authority of a certain Vali called Kharaj Vali; also, judgment acts, have to be run by the judge of Judges as their boss; also, military affairs, have to be under the responsibility of the Army or Jihad Prince and the Army-in-commanders, who are all-in-all connected only with the Caliph in the Capital. In this way, justice is kept and injustice acts are avoided, and, at the same time, Vali is prevented from thinking about dissection from the State to become independent in his Vilayet. Police, when under his authority, have to be controlled in carrying out orders to do or not to do only and not in administration which had a well qualified administrator.

Discussion:

Q. What does it mean that Vali supervises departments' acts in his Vilayet?

A. It means to supervise those acts and not perform them.

Q. Is the Vali authorized to supervise the administrative matters of finance, judgment and army?

A. No, because all of these matters are in hands

of the Caliph or the one who is delegated and deputed.

Q. What does it mean: police are under the control of the Vali in respect of execution not administration?

A. It means he controls implementing laws, but administration has a certain director connected with the Caliph or whom he delegates.

Q. Who views the matters of finance, judgment and army?

A. The Caliph or whom he delegates.

Q. What is meant with the special qualifications of the police administrator?

A. It means to be prepared suitably for his job both in training and education.

Article 54

It is not obligatory to acquaint the Caliph with what the Vali performed out of his own responsibility. It is optional. But in regard of the newly-established matter, he has to acquaint him with it, and to do in accordance with what he id commanded, except when corruption of delay is feared. In this case, he has to do it and to acquaint the Caliph with what he has done, and with the factor/s enforcing him to be delayed in reporting.

Explanation:

Vali is responsible to perform all duties without going back to the Caliph. It is optional for the Vali to acquaint the Caliph with what he has done when they are within his duties. But if they are new matters, for which the Caliph has not already adopted certain views about, the Vali has to acquaint the Caliph with them and wait his view so as to carry it out. But whenever there is fear of corruption, because of delaying and waiting, the Vali has to carry out his own view and, at the same time, he has to acquaint the Caliph with it and with the cause/s which force/s him to deal with quickly. That is because every new matter should be tackled according to the caliph's view. But since prevention of corruption is prior to getting benefit, Vali has to carry out his treatment for the new matter if he fears corruption as a result of delaying and waiting the reply of the Caliph.

Discussion:

- Q. Is Vali obliged to acquaint the Caliph with every matter he wants to carry it out?
- A. No, if it is afore-known matter and within his duties.
- Q. When does the Vali ought to acquaint the Caliph with the matter before tackling?
- A. Whenever it is a new matter and there is no

fear of corruption as a result of delaying.

Q. How is corruption feared of when there is delaying?

A. Whenever he ought to spend money in emergency, for example, and it is unbearable to delay.

Q. Why is it obligatory to acquaint the Caliph with every new matter?

A. Because it is the duty of the Caliph to adopt an idea or a law about the new matter and order the others to apply it.

Q. How is it probable to cause delay out of acquainting the Caliph with the new matter?

A. It is probable whenever the matter has to be discussed by Ummah's Council, for example.

Article 55

The inhabitants of every Vilayet have to elect a Council, which has the authority of discussing only the administrative affairs and not ruling ones under the Headship of the Vali who is optional to follow the decisions.

Explanation:

Since Vali is the deputy of the Caliph in ruling affairs he is in need of a council to participate him in discussing the administrative affairs without

obliging him to adopt the result of discussion. Undoubtedly, this participation is an important element in enlightenment of the new matters. This case protects rights of people completely well. Consultations and discussions are restricted to the administrative matters by which all these matters are effected without trespassing to the ruling affairs which do not yield to consultation, since they are only the implementation of the already adopted rules. This Council of the Vilayet is really a mini-picture of Ummah's Council in the Capital, though his authorities are restricted to the administrative affairs which are well-known by the inhabitants of the Vilayet more than others.

Discussion:

Q. Is Vali subject to election to be the Head of the Vilayet's Council?

A. No.

Q. How are the members of the Vilayet's Council elected?

A. They are elected throughout the ordinary secret way of voting in polling centers.

Q. Why are the Council authorities restricted to the Vilayet special administrative matters only?

A. Because they are of life affairs which they know better than others, whereas other matters are settled by the Caliph or he and

the Vali together.

Q. How is this Vilayet's Council considered a mini-picture of Ummah's Council?

A. It is because it discusses the administrative affairs only for merely enlightenment and not obligation.

Article 56

It is impermissible for the Vali to be in charge of his position so long that he becomes concentrated or fascinating in his Vilayet, a case for which he has to be discharged at once.

Explanation:

It is alright that any Vali is a deputy of the Caliph in his position and he is restricted to the duties and responsibilities of this deputing, but ruling as a Vali or a Prince spares the factor for beloving one's position and practicing domineering. It stimulates or provokes the Vali to be fascinated with his position, and the inhabitants to be fascinated with him. Therefore, the well-known just Caliph, Omar (God Satisfied Him) discharged the Army Prince, Khalid Ibn Al-Waleed, from his position just before Yarmouk Battle, and appointed Abu O'baydah to replace him when he saw to what extent the soldiers had become fascinated with him. This act of Omar was not denounced by the

Prophet's Friends. Also, the bad results of concentrating the Vali Mua'weyah in Sham's Vilayet, because of keeping his position so long, are much enough to be so cautious and even forbidden in the coming future.

Discussion:

Q. Is there a number of years limited for the position period of any Vali in his Vilayet, and why?

A. No, because he is a ruler and deputy of the Caliph in ruling.

Q. How can the Caliph know about the concentration of the Vali or becoming fascinating?

A. It is by the information he has to collect by his own special means.

Q. What does it mean concentration of the Vali in his position?

A. It means the inhabitants of the Vilayet are so completely controlled and overpowered that none opposes him or reconsiders his actions.

Q. How are inhabitants fascinated with the Vali?

A. It is when so greatly attracted with him that they see no ruler or just ruler but him or through him.

Article 57

A vali, because of his general authority in a certain place, is not to be transferred from one Vilayet to another but to be discharged and re-appointed.

Explanation:

It is alright that a Vali or A'mel is not restricted in his position to a certain period of time, since his authorities are general, but this case does not mean that he may be transferred from one Vilayet to another. His position period is due to the Caliph's view, who can discharge him from his position and put him in charge of another Vilayet, if he is still characterized with the necessary specifications required for the appointment.

Discussion:

Q. What is meant with transferring a Vali from one Vilayet to another?

A. It means shifting his authorities.

Q. What is the connection between general viewing and transferring to another Vilayet?

A. It has no connection at all.

Q. What is the connection between general viewing and place of position?

A. It is the nature of authorities of Vali or A'mel,

because if they are not restricted to a certain place he becomes the same as the Caliph or the Delegation Assistant.

Q. What is meant with discharging a Vali from his Vilayet?

A. It means to put an end for his authorities in the Vilayet.

Q. What is meant with connecting Vali's discharge with the Caliph?

A. It means that he is one of the Ruling System Corners, since he is deputed by the Caliph for ruling, and the Caliph is the only one who can discharge him except when the Delegation Assistant is authorized to act for it.

Article 58

A Vali has to be discharged from his office when the Caliph decides, or when Ummah's Council decides. It is due to a certain cause or without any cause, or because of dissatisfaction expressed by the majority of the Vilayet's inhabitants. None can discharge him in all cases but the Caliph.

Explanation:

Since Vali is deputed by the Caliph to rule, the Caliph only can discharge him from his office and in one of the following situations: when he

commits some misactions which degrade his position or characteristics, or when the inhabitants of his Vilayet become fascinated with him, or when he becomes so concentrated in his position that he may act to separate his Vilayet from the whole territories of the Islamic State, or when Ummah's Council shows dissatisfaction against him whether due to a certain cause or without any cause since both cases denote either being concentrated or fascinating or the two together. The case of discharging the Vali Sa'ad Ibn Abi Waqqas by the Caliph Omar Bin Al-Khattab is well-known, and it was accepted by the Prophet's Friends unanimously.

Discussion:

- Q. Why may the Caliph discharge the Vali from his office?
- A. It is because of being so concentrated in his Vilayet that he thinks of separation, or fascinating, or performing so weakly that the dignity of ruling becomes threatened.
- Q. How does dissatisfaction of Vilayet's inhabitants become known?
- A. It is by information collected throughout different means and ways.
- Q. Why did Omar (God Satisfied Him) discharge Sa'ad Ibn Abi Waqqas from his Vilayet?

A. It is because of the inhabitants' dissatisfaction and not because of any illegal action.

Article 59

The Caliph has to examine the acts of the Valis and observe them keenly both by himself and by deputies, whom they may discover the Valis situations and conditions. Also, he may meet them together as a whole or in partial from time to time. Also, he has to listen carefully to the subjects' complaints against them.

Explanation:

These matters were the cases upon which the Prophet's Friends and Rashideen Caliphs agreed unanimously. Omar (God Satisfied Him), as the Believers Prince, was used to examine the Valis' acts, and to observe them keenly by himself, and to send someone who may report him about their cases. For example, he visited Ash-Sham's Vilayet and denounced the splendor he saw all around the Vali Mua'weyeh, and did not accept it but after the Vali defended himself justifying it as a factor of keeping the State Dignity and Fear in the souls of the neighboring Romans. Also, he was used to meet the Valis in pilgrimage occasions to listen to their news and

to what the inhabitants of their Vilayets wanted to transmit to him. These acts, undoubtedly, keep stability all over the territories of the State, and make inhabitants ready to defend them against any aggression, and, at the same time, enable them to perform their original task well in delivering the Islamic call to the nearby peoples and nations.

Discussion:

Q. How does the Caliph examine the Valis' acts?

A. It is by looking into the information about them, by himself and not only by the Delegation and Execution Assistants.

Q. How does the Caliph observe the Valis keenly?

A. It is by his own sudden visits and not only the visits whom he deposes for the purpose.

Q. How does the Caliph inspect the Valis' acts?

A. It is by sending those who can know their lives and acts.

Q. What does it mean to listen to the subjects' complaints against the Valis?

A. It means to hear them seriously and undertake the suitable measures.

Q. What is the evidence for all these procedures?

- A. It is what the Prophet (PBUHR) did and his Rashideen Caliphs followed.
- Q. Isn't there any sort of the prohibited spying in these acts of spying and inspecting?
- A. No, since they are of the requirements of the Caliph's Authority, and because they aim to improve actions of the Valis for the benefits of the subjects, and because they run in accordance with the Caliph's responsibilities.

SYMPOSIUM NO. 8 JUDGES - 1

Article 60

Judging is merely informing of the Shariah Decree obligatorily. It settles disputes between people, or forbids what harms or injures the public right, or removes discord between people and any of the official personnel of the Ruling System or employees.

Explanation:

Judging is different from Ruling process, since this is deducting the Shariah decrees out from its detailed evidences by any scholar of Shariah or the Caliph himself, who adopts them to tackle all matters of life, whereas judging process shifts those adopted decrees from papers, being adopted as articles of constitution or laws, to applying, when ordering the judges to implement them in life affairs. For example, whenever there is a dispute case between two men of the subjects, the judge appointed for such a case, has to apply the adopted decree to settle the problem. Also, if the case is of another quality, such as of public-right affairs, the judge specialized for settling such cases has to apply the special adopted decree to settle the problem. Also, the same proceedings should be followed if the case is discord or injustice act

caused by any official person against any citizen, the judge of Injustice Acts has to apply the special adopted decree or to deduct a new judgment out from the adopted rules or constitution articles. In a word, whenever there is judging there is an obligatory information of the Shariah adopted judgments or decrees.

Discussion:

Q. From where does this definition of judging process come?

A. It comes from its nature being the medieval stage between adoption and execution.

Q. What are the stages of applying Shariah judgments in life?

A. They are three stages: adoption together with ordering to apply the adopted rules and decrees, and this is the act of the Ruler; then informing the adopted rules and decrees to settle the problems in an obligatory way, and this is the act of judge; then executing the obligatory rules and decrees when settling the mentioned problem, and this is the act of the administrator of the Executive Department in the Court.

Q. Is the obligatory process private for the judges only?

A. No, it involves the ruler before the judge when he orders his adopted laws to be applied in

life affairs.

Article 61

Caliph appoints the Judge of Judges (High Magistrate), who should be a Moslem man, a free mature, a trustworthy sane and a jurisprudent one. He has in hands the authority of appointing the judges, and disciplining them, and discharging them within the administrative laws. As for the other officials of courts, they are within the authority of the administrator of the court Affairs department.

Explanation:

To facilitate performing his authorities, the Caliph may depute some competent officials to run these group of matters or those of Ummah's affairs internally and externally. In field of judging, for example, he may depute a judge to be the magistrate of the judges all over the territories of the State. This Boss has the authority to appoint the other judges, to discipline them and to dismiss them according to the administrative laws. Caliph has to be careful in appointing this magistrate with these specifications: to be man and not woman, free Moslem, mature sane, and a man of jurisprudence. It is because he is responsible to implement the Shariah adopted decrees throughout the judges he has to appoint in all

spheres of life affairs. Judges have to be under his authority since he is their director in every thing. He possesses this responsibility as a deputy of the Caliph. As for the other personnel officials, who collaborate in running and performing the duties necessary to easify the tasks of judges, they have a particular department for the administrative affairs of all courts. It is responsible for them all-in-all, and they have no connection with the High Magistrate in this field.

Discussion:

Q. Why does the Caliph undertake only the appointing of the High Magistrate and not all other judges?

A. It is because this judge, being the Head of all judges, can be the deputy of the Caliph in all matters of judges.

Q. Why does not the Delegation Assistant appoint the Magistrate?

A. He can do it since he is generally authorized if the Caliph admits him to do so.

Q. Why are the specifications of the Magistrate Judge more than those of the Caliph?

A. It is because he is one of the Caliph's intimacy and responsible for all affairs of the judiciary acts.

Q. What is meant with the High Magistrate (Judge of Judges) as a man of fiqh?

A. It means that he should be widely acknowledged with fiqh or jurisprudence sciences so as to be able of judgments deducting.

Q. Why is such a condition required in the Head Judge and not in his Boss the Caliph?

A. It is because he is responsible for applying the Shariah adopted judgments in tackling people's problems, and solving their questions, and settling the disputes between them. But as for the Caliph, such a condition of jurisprudence, is taken for granted.

Q. From where such authorities of the High Magistrate are taken out?

A. They are taken out from being the deputy of the Caliph.

Q. To what extent is the authority of the Head Judge effective?

A. It includes appointing judges all over the Islamic State's territories, question them and discharge them from their positions.

Q. Doesn't such a crowd of tasks causes complexity of work?

A. No, since it is a part of it or even a stage of Islam decrees applying in life.

Q. What is meant with questioning the judges?

A. It is examining their acts, so as to reward the

good act and punish the bad one.

Q. What is meant with discharging them within the disciplinary administration?

A. It is discharging them from their positions within the specified rules and conditions adopted for the purpose.

Q. How is it probable to separate between the judges and the rest of other officials in courts?

A. It is effective in accordance with the nature of the others' administrative work. Other officials in courts are connected with the administration of courts.

Q. To whom does this administration of courts follow?

A. It follows to the Caliph Assistant of Execution in the Capital.

Article 62

Judges are three: one, the Judge, who settles disputes between people in respect of dealings and punishments, two, Muhtasib, the judge who settles the misdeeds against the public rights, three, the judge of Injustice Acts, who removes the discord between people and officials.

Explanation:

Disagreement among people has three

spheres: Disputes between people in dealings and then punishments; Aggressions of people against the public rights, such as misusing measures, weights, public yards and public utilities; Discords between people and any of the State's officials, whether rulers or employees or workers. In consequence of these three spheres of disagreements, judges are three kinds, responding to those three spheres. The judge of the first sphere is called the judge, the second sphere judge is called Muhtasib, the third sphere judge is called the judge of Injustice Acts. The evidence for each of these judges comes from the Prophet's Sunnah and the Unanimity of Sahabah in Rashideen Caliphs times.

Discussion:

Q. What is meant with the settlement of disputes between people?

A. It is to remove them when applying Shariah judgment.

Q. What is the relationship between dealings and punishments?

A. Illegal dealings lead to punishments.

Q. Why is Muhtasib called so whereas he is one of the judges?

A. It is because he does not settle disputes between people, as the Judge of Disputes,

nor between them and the officials as the Judge of Injustice Acts, but he questions anyone who aggresses on the public right in both public properties and public utilities.

Q. Why is the Judge of Injustice Acts called so, whereas he is one of the judges, and all of them remove injustice acts?

A. It is because Injustice Acts are in particular those ill-acts committed by rulers or officials against anyone of the subjects, and the judge who is authorized to remove them is the one who is called so.

Q. Is there any example about the Judge from the Prophet's and the Rashideen Caliph's times?

A. Yes, Ali Ibn Abi Taleb was very famous for this purpose before becoming the Caliph.

Q. Is there any example about Muhtasib from Rashideen Caliphs' times?

A. Yes, there is Ash-Shefa', the well-known she-judge of Omar's time.

Q. Is there any example about the Judge of Injustice Acts?

A. Prophet himself (PBUHR) was used to ask people to get their rights if any injustice act happened. Also, Omar's words about piety when he said: "You are not good if you don't say it to us, and we are not good if we don't

respond to”, which means: Don’t commit any injustice act and be not afraid from God’s punishment.

Article 63

It is stipulated that the judge (of disputes) or Muhtasib (the judge of public rights) should be Moslem, free, sane, mature, trustworthy, jurisprudent and comprehensive in understanding Shariah judgments and applying them in life. But the Judge of Injustice Acts should be also, besides all those specifications, man and not woman, Mujtahid and not only jurisprudent.

Explanation:

This condition of jurisprudence should be available with the three sorts of judges, so as to be able to perform their duties in judging, since “It is an obligation which any obligation cannot be performed but by it”. As for the condition of comprehending application of Shariah judgments in life, it is necessary for all sorts of judges, because without it none of them can solve any question. But in respect of manhood condition, it is because the Judge of Injustice Acts is one of Caliph’s intimacy and decisive in removing any act of injustice done by rulers or any of the officials. But in regard of Ijtihad, the Judge of Injustice Act in particular cannot

perform his duties without this condition, since he has to settle the problems or discords between the people and the officials. These questions are in need of either interpretation of the articles of the constitution or of a new Ijtihad so as to deduct new judgments. As for the other conditions, they are the same with the three sorts of judges, except manhood, which is not required but with the Judge of Injustice Acts, because the other two are not of the intimacy of the Caliph, and also because woman, Ash-Shefa', was a Muhtasib in the time of Omar and Sahabah did not denounce this case, a matter which makes it one of the Unanimity questions.

Discussion:

- Q. Why is manhood not conditioned with the Judge and Muhtasib?
- A. It is because Sahabah Unanimity admits woman to be judge and Muhtasib.
- Q. Is there any practical evidence for that?
- A. Yes, Ash-Shefa', a woman, was Muhtasib all through the time of Caliph Omar and the Sahabah did not denounce that act.
- Q. What is the difference of being jurisprudent judge and comprehending the application of judgments in life?
- A. The jurisprudent judge is the one who is widely acknowledged with the sciences of fiqh,

whereas the other one is that who is aware of the way of applying the judgments in life.

Q. Why is Ijtihad not conditional but with the Judge of Injustice Acts?

A. It is because he is the only judge of the three who is very much in need of it. The Judge and Muhtasib, the other two sorts of judges, are merely informing of the Shariah adopted decrees, therefore, they are not in need of being Mujtahids, whereas the Judge of Injustice Acts is necessarily in need of that, because he has to deduct new judgments for the new problems and to interpret the constitution articles.

Q. When does the Judge of Injustice Acts become specified as a Mujtahid?

A. It is when he is qualified for Ijtihad after obtaining some or all Shariah sciences needed for. The important matter for this Judge is to be a Mujtahid even about the single problem and not all problems of one Mazhab or all Mazhabs.

Article 64

It is permissible to appoint the Judge and Muhtasib for the whole matters only of their spheres all over the territories of the State, though they may be restricted to a certain place

and certain sort of matters. But the Judge of Injustice Acts is not appointed but for the whole matters, though in a part of the State territories or for the whole of them.

Explanation:

Judge and Muhtasib may be appointed to settle the problems, whatever and wherever they are. But both of them may be restricted to a certain place, such as a city or a governorate or a vilayet. Also, both of them may be confined to look into a certain level of questions, such as financial matters, and to a certain amount of money, and another Judge to a certain amount but bigger than the before, and a third one to the biggest amount. But the Judge of Injustice Acts has to be appointed to look into the whole matters and questions between people and rulers or officials disregarding amounts or sorts. But in regard of place, this judge can be appointed for all territories or for a certain place, and another judge for another place, and so on. This situation was applied in its premier condition all through the times of the Rashideen Caliphs.

Discussion:

Q. What is meant with general appointing in judging?

A. It is to look into all problems without any

restrictions to a certain kind of them.

Q. How is Muhtasib confined in a certain kind of judging?

A. It is when he is to look into measures and weights, for example, and the other Muhtasib into the questions of transportation and roads, and the third one into the matters of buildings, and so on.

Q. How is the Judge of Injustice Acts appointed in a certain area of the territories of the State?

A. It is when his task covers all the matters in that area only.

Q. Who is responsible for following up the Judges of Injustice Acts in those areas?

A. He is the Judge of Judges (the High Magistrate) or the Caliph himself.

Q. Is the Judge of Injustice Acts appointed for a certain limit of matters, and why?

A. No, because he is originally appointed to look into all matters of injustice acts.

Article 65

The sitting of any court is impermissible to be formed but only from one judge, who is authorized to settle the matters. But it is permissible to have one or more judges with him, on condition that they have no authority to

share in judging but they afford consultation and views without being obligatory.

Explanation:

Since any view is originally issued only from a single person, man or woman, the settlement in judging is impossible to be but from only one judge. Therefore, there may be besides the Judge or Muhtasib or of Injustice Acts, when looking into any case, one or more other judges. They are only for consultations. The authorized judge is the only one who settles the case, and, hence, the consultation are non-obligatory ones. This state means that the authorized judge may restrict himself to this view or that, without any obligation. He himself has ultimately to settle the case throughout understanding the case and the Shariah rules about it. This is the attitude which was running all through the times of the Prophet (PBUHR) and his Rashideen Caliphs (God Satisfied Them).

Discussion:

Q. What is meant with forming the court?

A. It is its sitting so as to look into certain cases.

Q. What is meant with the authority of settling in judging?

A. It is not initially issuing judgments, which is the

Caliph's authority, but merely informing of the afore-adopted Shariah judgments which deal with the shown cases.

- Q. When is the view of other judges obligatory in courts?
- A. Judgments obligation is restricted to the appointed judge for the matters, but the other judges, beside him in the same court sitting, have no obligatory views in any case except in the Sittings of the Court of Injustice Acts and only whenever it looks into the case of deposing the Caliph from his position or deposing one of these judges, viz. When the Shariah view of the majority about the question is overweighed.

Article 66

It is impermissible for Judge to settle any problem but in the Court Sitting, and therefore no testimony and oath are considered legal but in such a sitting.

Explanation:

The Judge (of Disputes) or the Judge of Injustice Acts has to settle any problem and deal with any question only in the judging court ascertained specially for the judge. None of them has to look into any case just at the place and time it occurs in but there should be a sitting

convened to look into the case throughout its testimonies. On the other hand, the defendant, when denying the allegation, has to swear the special oath. Both the testimony of the alleged and the oath of the defendant should take place at the court and not when or where the problem takes place. On this way all the required circumstances of the case should be before the judge, and, therefore, he would perceive the problem well and utter the sentence safely. Besides all this, the dignity of the judge and judiciary should be kept beyond any blame.

Discussion:

Q. What is meant with the expression of: The judge judges in a case?

A. It means the judge looks into the case and pronounces the Shariah sentence by which it is suitably and legally tackled.

Q. What is meant with the judging court?

A. It is the court within which the judge views the cases and treats them legally.

Q. From whom is the testimony required in any case?

A. It is required from the alleged.

Q. From whom is the oath demanded?

A. It is demanded from the defendant when he

denies the subject of allegation.

Article 67

It is permissible to numerate the degrees of courts in accordance with the sorts of cases. Some judges may be ascertained for particular cases within particular limits, and some others for other cases and limits.

Explanation:

According to numerousness of cases and their levels the degrees of courts may be numerous. Some judges have to be specialized for the cases which do not increase more than certain amounts of money, whereas others are specialized for cases of much more amounts. Also, some judges may be specialized for the cases of theft, others of adultery, others of murder, and so on. Also, some judges may be specialized for looking into cases of punishment for legal murder (Qisas) and others of legal other-than-murder chastisement (Hudood). One particular court may be ascertained for this sort of cases and the other court for other sort of cases whether they are in one quarter of a city or in different quarters of the same city or in different cities. In this way, looking into cases is

facilitated administratively, and people's interests are protected properly, and judges' sittings are run adequately and equitably.

Discussion:

Q. What does it mean: numerousness of courts degrees, and why?

A. It means the courts should be of different levels, because of different cases.

Q. What are the different sorts of cases?

A. Some cases are simple, some are serious or complicated, some are connected with legal immoral chastise punishments (Hudood) and others with legal murder punishments (Qisas), some are financial and others are not financial.

Q. How can a certain case be ascertained to a certain limit?

A. It is when a financial case, for example, limited between one hundred thousand dinars and one million.

Q. How can a certain limit of a financial case, such as a theft, for example, be?

A. It is when the amount of stolen money comes to be equal with the sum for which the legal penalty of cutting-off the hand, which is one quarter dinar of gold and more.

Q. How does the numerousness of courts

degrees facilitate the settlement of cases administratively?

A. It is when it belittles the oppression or heaviness of the numerousness of the different cases required to be settled from the one judge in one place.

Q. Is there any Shariah evidence for numerousness of judges in the same Vilayet?

A. Yes, when the Apostle (PBUHR) sent Ali Ibn Abi Taleb and Mu'ath Ibn Jabal to Yemen Vilayet but to two different regions.

Article 68

There are no Courts of Appeal nor of Cassation in Islam Judiciary. Jurisdiction (judging) is one degree for settling the one case. Whenever the judge pronounces the sentence it is effective and no other judge's sentence may refute it at all.

Explanation:

Since jurisdiction in Islam is pronouncing the Shariah sentence or judgment to be effective or obligatory, none can refute nor revise the judge's sentence at all. Shariah sentence is either copied from the afore-issued by the Caliph or deducted out from the general rules adopted before. In this way, any case under discussion, should be settled without delay and

directly after testimonies are available. This means that the judge in an Islamic Court has done his best in comprehending the case and applying the suitable judgment of Shariah about it, a matter which needs no appealing or refuting by any other judge, and he inevitably will repeat the same sentence. As for the Courts of Appeal or Cassation in the objective not religious legislation, they rely on human mind comprehending of cases and applying objective secular legislation already issued throughout mental efforts. They are really in need of appealing and refuting to readjust or revise or correct their sentences which are mostly liable to be wrong and unjust whereas judgments of the Moslem judge have not any need of that.

Discussion:

Q. What is meant with the court of Appeal?

A. It is the court to which the sentence of the premier court is appealed so as to revise or confirm.

Q. What is meant with the Court of Cassation?

A. It is the court which confirms or refutes the sentence of the Court of Appeal.

Q. Why is the sentence of the judge in Islamic Shariah not appealed?

A. It is because he does his best in

comprehending the case, and in applying this Shariah sentence about it, and this sentence is either already adopted by the Caliph or taken from the general rules before adopted.

- Q. When are sentences appealed or refuted?
- A. Whenever they are pronounced by courts of objective legislation.
- Q. What is the difference between the two judges of Shariah and of objective legislation?
- A. The judge of Shariah is restricted to the Shariah evidences and judgments when dealing and settling cases, whereas that of objective legislation is restricted to the evidences and judgments of minds.
- Q. But both of them rely on mind when comprehending cases and deducting judgments out from sources, isn't it?
- A. Yes, it is, but mind is the means for understanding and applying the Shariah Judgments, whereas it is the source and not only the means for understanding and applying the objective sentences.

SYMPOSIUM No. 9 JUDGES - 2

Article 69

Muhtasib is the judge who settles all cases about public right which have no alleged, no condition that they are neither of legal chastisements (Hudood) nor of legal murders (Qisas).

Explanation:

Cases of the public rights, such as of common yards, streets, pastures, woods, rivers, lakes and seas, have no alleged against a certain defendant. All of these public rights or utilities are in need of being protected, otherwise they are exposed to aggression. Some people would try to possess them alone and prevent others, a matter which determines protection and keeping against the aggressions.

Muhtasib is the protector and keeper of the public rights and the judge who keeps them against any aggression. But because aggression against public rights may come to be under consideration of Hudood, such as using the wood for committing theft or crimes of adultery or drinking wine, Muhtasib has nothing to do with these crimes. They are within the authority of the Judge of Hudood. Also, waters of rivers or lakes may be used to destroy some houses of

the neighboring possessors. The land is illegally taken by force. This is within the authority of the judge of Hudood.

Discussion:

Q. Why is Muhtasib called by this title?

A. It is because he punishes those who aggress against the public rights even without any alleged against them.

Q. What is meant with the public rights?

A. They are all things Shariah has limited for all people interests, such as woods and seas.

Q. How does a person possess alone a public right?

A. It is when he uses it alone and prevents others from using it, such as grazing his cattles of sheep or goats or cows and prevents others.

Q. How are public rights connected with Hudood or Qisas when misusing them?

A. It is when trying to possess some of them alone, and using them in some illegal actions, such as swimming for women and men together in a certain area of the sea shore.

Article 70

Muhtasib has the authority to judge the case directly when he knows it, whenever it is existed

and without any court sitting. A number of policemen should be under his disposal to carry out immediately his orders and any sentence he pronounces.

Explanation:

Since public rights are connected with common properties, any misuse or aggression against them needs no delay to look into it just after it takes place when it is known. Also, no need to transfer this case to a court, the same as done with the cases of disputes and injustice acts. The cases about public rights, therefore, need no court sitting in any way, but they are to be interrogated and settled immediately and at the same place where they happen. In this way, public rights are protected without any delay or retard. Muhtasib is in need of a number of policemen so as to carry out directly the sentence he pronounces.

Discussion:

- Q. From where does Muhtasib get his authority to settle directly the cases?
- A. It is from the actions of the Apostle (PBUHR) and his Friends.
- Q. Is there one example for each?
- A. Yes, the Apostle (PBUHR) ordered the owner of the food to show out at once the moisture inside it; and Omar (God Satisfied Him)

poured down on the ground at once the milk being mixed with water.

Q. What is meant with carrying out the sentence pronounced by Muhtasib in any place and without any need for court sitting?

A. It is examining the misuse and interrogating the misuser of the public rights just at the same place where they happen and without any need to show it before a certain court in a certain sitting.

Q. To whom is the number of policemen follow when carrying out Muhtasib's sentences and orders?

A. They follow the authority of the Courts' Administration which distributes them in numbers according to the need of the courts and judges.

Q. The sentence pronounced by Muhtasib, how is it carried out at once?

A. It is carried out at once by removing the misuse or aggression against the public rights by the certain number of policemen.

Article 71

Muhtasib has the authority to choose some deputies for him, with the same specifications as himself. He can distribute them over different spots of the area under his responsibility, and

with the same authority as he himself.

Explanation:

Since numerousness of common properties is not easy to protect by Muhtasib alone, he has the authority to employ some people to help him here and there in the same area. They have to be qualified with the same specifications of he himself. Up to his need, he may distribute them to cover all spots of the city or district under his own responsibility. Each one of them will practice the authority he is deputed to. If he is generally deputed or for particular matters, he is to run his job in accordance with the matters he is deputed to only.

Discussion:

Q. From where does Muhtasib get the authority of deputing others?

A. It is from the nature of his work for which Shariah permits him to depute others to help him in running his responsibilities.

Q. Can we recall the qualifications of Muhtasib?

A. Yes, he has to be Moslem, free, mature, sane, trustworthy, jurisprudent and perceiving how to apply judgments on current matters.

Q. Hence, it is not conditional to be man not woman?

A. Yes, it isn't, since Ash-Shefa', a woman, was

Muhtasib all through the time of Omar (God Satisfied Him), and Sahabah did not denounce that.

Q. Will you explain how Muhtasib distributes his responsibilities among many deputies?

A. Yes, he may delegate one deputy to act for communications, other for transportation and streets, other for measures and weights, other for constructions and buildings, and so on.

Article 72

Judge of Injustice Acts is appointed to remove any injustice act caused by the Caliph or any of his rulers or employees against any person living under the State Sultanship, whether of the subjects or not.

Explanation:

It is O.K. that anybody who commits Moharram (prohibited act), he commits unfair act against himself and others when he affects others also. But the greatest injustice act is that which befalls from rulers on their subjects or those foreigners who live with them. Therefore, the judge specialized to settle such cases by Islam Shariah has a high power, so as to be able to remove such acts adequately.

As for such a removal away from the subjects, it is for granted, since the rulers and judges are

responsible to settle their problems equitably. But away from the non-subjects, it is because all human beings, living under the power of Islam, are equal before Islam Shariah without any discrimination between those from the subjects or not. It is the full righteousness which attracts non-Moslems to pay attention to Islam and embrace its beliefs and live under its Sultanship.

The Judge of Injustice Acts is not appointed for such a serious responsibility without being cautiously chosen from among the most qualified jurisprudent men. In this way, he should be able to settle such problems effectively and decisively.

Discussion:

Q. Why is the Judge of Injustice Acts called by such a nomination?

A. It is because his task is removing injustice acts away from people.

Q. What is meant with living under Sultanship of the State?

A. It is when the State in particular manages their affairs.

Q. How does Shariah equalize between subjects and non-subjects?

A. It is through applying these words of the Apostle "All people are equal the same as the comb-teeth" as long as they enjoy the State's

carefulness.

Q. How does an injustice act befall from the Caliph on one of the subjects?

A. It is when the Caliph, or any of his officials, orders this man to be harshly tortured, for example, during interrogation.

Q. How may an injustice act befall on one of the non-subjects?

A. It is when his luggage are stolen, for example, and the thief is not punished for his evil deed.

Q. How does removing the injustice acts establish the practical call for Islam?

A. It is because of justice and equity for all people, subjects and non-subjects, Moslems and non-Moslems, a matter which will be seen without any discrimination among them.

Q. From where does such a strong power come to the judge of Injustice Acts?

A. It is from the wide authority bestowed to him from the Caliph, who appoints him to remove all injustice acts caused by the rulers or employees.

Article 73

Judge of Injustice Acts is appointed by the Caliph or the High Magistrate, but both of them have nothing to do with discharging him from

position. Only the Court of Injustice Acts has the authority to examine his acts and decide if he is to be discharged or not.

Explanation:

It is alright the Caliph or the High Magistrate (Boss of Judges) is the one who appoints the Judge of Injustice Acts, but the question is: who disciplines or discharges him from his office when necessary? To answer such a question we have to remember the words of the Prophet: "God likes anyone to accomplish his action perfectly", which means that it is impossible for him to do so when he wants to remove any injustice act caused by the Caliph or any other ruler if he is under the power and authority of those who appoint him.

This is one thing, the other one is the viewpoint of Shariah which says that avoiding corruption or destruction is prior to bringing benefits. This general rule determines not to give them the authority of discharging him, else he is unable to interrogate them and decide to remove their injustice acts.

This is the second thing, but the third one is the other general rule which says that a thing becomes obligation if an obligation is not fulfilled but by it. This general rule confirms also that the Judge of Injustice Acts must be away from the rulers' power. But since this Judge of

Injustice Acts is a human being, and liable to commit some misdeeds, the one who is authorized to interrogate him and decide if he is to be discharged from his position or not is the Court of Injustice Acts themselves. This Court has to be formed for the purpose from the judges of Injustice Acts in the State, as a whole or some of them, due to the special decree for the purpose. The members of this court is beyond accusation or even blame.

Discussion:

Q. What is meant with examining the acts of the Judge of Injustices Acts?

A. It is to decide if there is any illegal action in them or not.

Q. How can such an illegal action be?

A. It is when revolting or deviating from the discipline or system which the Caliph has adopted.

Q. What does it mean deviation from the general adopted discipline?

A. It means to form an influential group of people, for example, or to back such a group in revolting against the State Discipline.

Q. How does the Court of Injustice Acts look into the acts of its members?

A. It is to be convened from all its members

except that one whose acts are to be examined, so as to decide if he is worthwhile discharging from his position or not.

Q. From whom is the Court of Injustice Acts formed or consisted?

A. It is consisted from the Judges of Injustice Acts whom the Caliph or the Judge of Judges has appointed all over the State territories, or some of them, up to a certain decree issued before.

Q. How is the Caliph or the Judge of Judges prevented from discharging the Judges of Injustice Acts meanwhile he is the one who has appointed them?

A. It is in accordance with the two general Shariah Rules above-mentioned: one, avoiding corruption is prior to bringing benefits, two, it is obligation which obligatory act cannot be fulfilled without it.

Q. Can you imagine an injustice resolution issued out from the Judge of Injustice Acts or the Court of Injustice Acts?

A. No, since they are the top of jurisprudence, piety and self-control within the Shariah judgments.

Article 74

Judges of Injustice Acts are not limited in a certain number, such as one, but the Caliph or the High Magistrate may appoint any number, whatever high, in accordance with the need of removing injustice acts. But during action the authority of judging is for only one judge of them, though a number of judges are allowed to sit with him in the same sitting. Those other judges can afford consultations only, but the Judge in Power is not obliged to respond to their views.

Explanation:

Undoubtedly, the number of anything follows its requirements. Whenever injustice acts are in need of a great number of judges, so as to remove them, the Caliph, or the Boss of Judges, has to appoint the necessary number for the purpose, since it is one of the items of the general of performing the obligation. But in respect of settling the shown case, only the authorized judge has to decide, though there are many judges sitting together with him in the sitting. By the way, those additional judges are not sitting vainly but they are consultants for the judge who asks them advice as an advice and not an obligation.

Therefore, the authorized judge can settle

the problem alone without going back to the consultants, and he can ask them an advice without being obliged to adhere to. It is because of any case, whatever it is simple or complicated, remains in need of the suitable judgment, whether adopted before or newly deducted. To pronounce the already-adopted judgment or the newly deducted one is the duty of the authorized judge. The interference of the other judges is merely for more enlightenment.

Discussion:

- Q. Has the High Magistrate (the Boss of Judges) the authority to appoint the judges of injustice acts without referring to the Caliph?
 - A. Yes, if he is authorized, but also he has to inform or acquaint the Caliph about that.
- Q. Is there a limited number of the Judges of Injustice Acts in the same city or court or sitting?
 - A. No, the number is due to the need of removing injustice acts.
- Q. Has the court of Injustice Acts a certain number of judges?
 - A. No, they are the same number of the appointed judges of this acts.
- Q. Are the judges of injustice acts numerous in the same sitting?

- A. Yes, but the authority of settling problems is in hands of the authorized one of them only.
- Q. Hence, why do the other judges of these acts attend the same sitting?
- A. It is for the sake of consultation and advice only.
- Q. Is their different views obligatory to the authorized judge?
- A. No, it is not obligatory however they are different.
- Q. Is the authorized judge of Injustice Acts obliged to apply the afore-adopted decree of the Caliph?
- A. Yes, when it is not ambiguous and requires no Ijtihad.

Article 75

The Court of Injustice Acts is authorized to depose any ruler or official even the Caliph himself.

Explanation:

Since the Judge of Injustice Acts is responsible to remove any injustice act caused by the Caliph or any of his officials against any of the inhabitants, the injustice act of the Caliph may be so serious that it causes him to be deposed,

esp. if one or more of the Bay'a conditions of Contracting are violated. When Abu Bakr, the First Rashid Caliph, pronounced on the first day of his responsibility: Obey me as long as I obey God (in Ruling) and don't obey me whenever I disobey Him, he meant that any Caliph should be deposed from his position whenever he disobeys God.

But who has such an authority of deposing? It is the powerful court of Injustice Acts which would be consisted, due to a certain decree, from the appointed group of this sort of judges and the authorized one of them for decision on the head. It examines the case of disobedience, and the authorized judge pronounces the sentence whether of deposition or not. The same procedure will be effected against any of the State officials or rulers, whether in the capital or in any vilayet far away from the Capital.

Discussion:

- Q. From whom is the Court of Injustice Acts consisted?
- A. It is consisted either from all the judges of Injustice Acts or some of them due to a certain decree the caliph has to issue before.
- Q. From where does the authority of this court come to depose the rulers and officials of the State?

- A. It comes from being specialized to remove any injustice act, though may lead to depose the causing one.
- Q. How can this court depose the Caliph who forms it by a certain decree?
- A. It is necessary to have such a court to remove all injustice acts before being in existence.
- Q. Does this court examine all cases committed by rulers or officials?
- A. No, it examines only the injustice acts, besides the legality of constitution and constitutionality of laws and legality of decrees.
- Q. What is the difference between the legality of constitution and of decrees?
- A. Both are the same in regard of their relationship with Shariah, but they are different in their nature since constitution is the basic law from which or upon which all other laws are taken or built, whereas a decree is a sub-law for application of the general law.

Article 76

Court of Injustice Acts is authorized to examine any injustice act whether related with the regime personnel, or with the Caliph illegal act, or with the legislative meaning of any text in

Constitution, laws and all Shariah decrees adopted by the Caliph, or with taxation, or any similar matter.

Explanation:

This Article clarifies the aspects of this Court's authority in removing injustice acts. They include those injustice acts caused by any official whether the Caliph or any of his rulers or employees. This is in regard of the doer of the action, but in regard of the action itself, they involve that of the Caliph when committing illegal acts connected with non-adopted matters, such as beliefs and worships, or adopted matters, such as Zakat of the premature one, on plea of being small and still not obliged to pay Zakat. They involve also the interpreting of the legislative texts of Constitution or laws or sub-laws already adopted or newly passed. Also, they include taxation, whether in respect of the sort of taxes or its amounts or payers or duration.

Discussion:

Q. Does this court examine any injustice act outside the structures of the regime?

A. No, because other judges settle those cases.

Q. How does the Caliph disobey Shariah?

A. It is when disagreeing with the adopted or the non-adopted but without any Shariah plea.

Q. How is injustice act connected with the meaning of any adopted texts?

A. It is when interpreting it wrongly, such as adopting the idea of liberty with the Western meaning.

Q. How is injustice act connected with the adopted obligation of Zakat?

A. It is when the Caliph cancels to collect it from the properties of the premature one, though he has already adopted that.

Q. How is injustice act connected with the sort of tax or amount or payer or duration?

A. It is run as follows: as for the sort, it is when the caliph obliges the head-tax, for example, on Moslems the same as non-Moslems' tax of Jezya: but as for the amount, it is when collected more than bearable or required; and as for the payer, it is when taken from those who can and who cannot pay: and as for duration, it is when obliged annually, whereas it is for emergency cases only.

Article 77

It is not conditional for settling any case of injustice acts to have a sitting, or a case of an alleged against a defendant, but the court of injustice Acts have the right to reconsider any act though alleged by none.

Explanation:

Since the Judge of Injustice Acts, who is authorized to settle a certain group of cases alone, and the other colleagues in the one sitting are only for consultation not more, the Court Board is not conditional in this kind of judging or jurisdiction. The Judge of these acts has the authority to reconsider or examine any case of such act merely when it is introduced to and without any alleged or defendant.

The question is simply: how to remove any injustice act, whether there is a case or not between two disputes. Undoubtedly, this procedure would result in justice and equity, stability and security, practical attraction to embrace Islam and to live under its Sultanship.

Discussion:

Q. What is meant with the Court Board?

A. It is the board or meeting or council in which the court is convened to examine any case.

Q. How does the Court of Injustice Acts examine any act of injustice without alleged?

A. It is when introduced to or acquainted with by anyone.

Q. Will this court be formed from only one judge?

A. Yes.

Q. Is there a case of injustice act without defendant?

A. Yes, when a ruler or an official, for example, refers to some Shariah Rules different from those the Caliph previously adopted, and then fixed the prices of all goods all over the area he controls. Some times later the court of injustice Acts becomes acquainted with this case. Then it examines the problem of prices fixing, and sentences it to be removed, and then actually the removal is effected.

Article 78

Everybody has the right to appoint an agent in dispute and defense, whether Moslem or non-Moslem, man or woman, without any difference between the agent and the one who charges him. Agent acts for a payment in agreement.

Explanation:

Agency in disputes and defenses is permissible, since it is to defend or protect one's right. Both the agent and the one who charges him may be man or woman, Moslem or non-Moslem, because of the Honourable Sunnah. The agent may be called the advocate or the lawyer, who may be paid a wage for his task.

As for the sum of this wage, it is up to the agreement between the two. When they

disagree about the wage, they have to go back to the wage of the same lawyer in the market of business, for the same task, and at the same time.

Discussion:

Q. What is meant with agency in dispute and defense?

A. In dispute, it is to charge an agent to settle the dispute with someone before being shown before the judge, but in defense, it is to defend one's right or any accusation before the judge.

Q. How is it permissible to charge the non-Moslem, meanwhile he is not trusted?

A. It is admitted in agency, since non-Moslems are the same as Moslems in being trusted or untrusted.

Q. How is a woman admitted to be a lawyer meanwhile she has many legal restrictions?

A. She is admitted to be a lawyer the same as to charge a lawyer. Such a meeting with the strange men in agency is legally admitted.

Q. What is the Shariah plea for paying the lawyer a wage?

A. It is a rent for a legal work, so it is of the requirements of agency admission in Shariah.

Article 79

Any authorized one for a private act, such as the guardian and custodian, or for a common act, such as the Caliph, the governor, the employee, the judge, is permitted to charge an agent only in dispute and defense, without any differentiation in being the alleged or the defendant.

Explanation:

Agency, in both private and common acts, is restricted only to the disputes and defenses. The alleged and the defendant, whether guardian or custodian, can charge an agent for dispute or defense against any other one, who rejects one's ability of performing his task. But it is impermissible to charge an agent to be a guardian or custodian in stead of him. Also, the Caliph or any other governor or official employee can charge an agent to dispute or defend one's ability instead of him in respect of performing and undertaking their authorities, but they are not admitted to charge agents to act their authorities instead of them. Therefore, agency is permissible for dispute or defense against one's performance for the task and not for performing task in stead of him.

Discussion:

Q. What is meant with the authorized one?

- A. He is the authorized person to act or defend the act of others.
- Q. What is meant with the private and common actions?
- A. The private one is that act whose production is for a private side, but the common one its production is for all people.
- Q. What is meant with agency in dispute?
- A. It is to charge an agent to settle the dispute before showing to the judge.
- Q. What is meant with agency in defense?
- A. It is to charge an agent to defend you or your right before the judge.
- Q. What is meant with not charging an agent for defending your right before the judge?
- A. It is to settle the problem far away from the judge.
- Q. What is meant with not charging an agent for your own authority or responsibility in private or common act?
- A. It means that a guardian or an employee has not to charge an agent to act for him in performing his act instead of him.

**SYMPOSIUM NO. 10
JIHAD AMIR
(THE ARMY AND DIRECTORS)**

Article 80

Jihad is an obligation for all Moslems, and military training is compulsory for every Moslem man, fifteen years old, to prepare him for Jihad, but recruitment is a collective obligation.

Explanation:

Because of many texts of Quran and Sunnah, such as: {O ye who believe! Fight the unbelievers who gird you about, and let them find firmness in you; and know that God is with those who fear him} (from the verse 123 of Tawba - Repentance - Sura), and Hadeeth: "Jihad is continuous till Resurrection Day under the flag of every Prince, good or evil", and Hadeeth: "No nation neglects Jihad but becomes contemptible" - Jihad becomes an obligation for all Moslem men. All of them should be ready for Jihad by training, due to each ability, when the man is fifteen years old.

But in respect of recruitment and initiating Jihad, whether by arm or word or money or all together, it is not an obligation for everyone but for any satisfactory number, because this number can be enough either for initiating Jihad

or defending Islam countries.

This recruitment should take place within the frame of one army of the Islamic ones, distributed all over the territories of the State.

Therefore, the Caliph duty, so as to fulfill the obligation of Jihad from all Moslem men, has to move in two ways: one, military training, as a compulsory act, so as to make every Moslem man ready for Jihad wherever and whenever he is called for; two, recruitment of soldiers as professional ones and not as stand-by ones.

Discussion:

Q. What is meant with Jihad?

A. It is the fight for the sake of God either by arm or word or both together besides money.

Q. Is Jihad an obligation of every Moslem man?

A. No, it is a collective obligation, viz. of any number of soldiers enough for the purpose.

Q. Is Jihad always a collective obligation?

A. No, because it becomes personal or individual obligation when the professional army becomes not enough for the purpose.

Q. How and when a man unable to fight bodily can fight?

A. It is by word and money only whenever there is general alarm.

Q. Is Jihad defensive or attacking war?

A. It is defensive when against any aggression, but attacking to put an end for aggression against the Islamic Call and removing all blocks and obstacles stand across the way of Islam to other peoples and nations.

Q. Does Jihad compel non-Moslem to believe in Islam?

A. No, because it is to remove the obstacles blocking the way before Islam Call, and then to show Shariah to other non-Moslems in a practical way, viz. throughout the application of Islamic legislation in all life spheres but without any compulsion to embrace its belief. That is because Quran says or orders Moslems not to compel non-Moslems to believe in Islam, and the Apostle (PBUHR) and his Friends (God Satisfied Them) had carried out this belief sincerely and perfectly.

Article 81

Islamic army is two parts: one, the reserves, who are all the trained Moslem men; two, the recruits, who are the permanent soldiers of paid salaries from the State budget the same as all the employees.

Explanation:

Jihad is an obligation for all Moslem men, and

it takes place through training all of them, and recruiting some of them as a collective obligation and not an individual one. Because of this situation, the army is divided into two parts: the reserve soldiers and the recruit ones. The first part is consisted from all the trained Moslem men, who are ready to carry weapons and participate in Jihad. The second part is formed from the professional recruits, who are paid certain salaries, whether monthly or annually, for serving in the army as profession. They are paid from a certain Chapter of the budget of State, the same as all other officials or employees.

Discussion:

- Q. What is meant with a Moslem able to carry arms?
- A. It is the physical ability together with the technical one which means training and skill of using weapon in fighting.
- Q. Does the reserves part of the Army involve women together with men?
- A. Yes, it includes women, who are already trained, and for private tasks, such as preparing food for the soldiers and serving as nurses for first aid.
- Q. Are women compelled to be trained as reservists as Moslem men?
- A. No, but they are optional and for certain

purposes only.

Article 82

All armed forces are one force which is the Army, and a certain group or brigade of it should be chosen and ordered in a special way and with a special knowledge.

Explanation:

Jihad is an obligation for all matured Moslem men. Ummah is obliged to be ready to undertake this obligation both in the reserve forces or the recruiting ones. This act means that Ummah as a whole should compose these forces in one big inclusive force, the Army.

But in respect of applying Islam laws and judgments, there are in need of a certain force of the army, prepared and trained in a certain way, so as to perform such a duty well. It is the Police Brigade, which may be divided into many parts in accordance with the special requirements of Islam Shariah application and the security fulfilling.

Discussion:

Q. What is meant with the Armed Forces?

A. They are the trained people, both reservists and recruits, who carry or ready to carry arms.

Q. Are the policemen one part of the Army?

A. Yes, but they are prepared to apply and carry out discipline, whereas the Army is for fighting against the aggressive enemy or for delivering Islam to other peoples and nations.

Q. What is meant with supplying policemen with a certain knowledge?

A. It is the knowledge necessary for performing their tasks. It is different from one section to another, viz. the traffic police is different from the courts one, and this one is different from the night guards, and so on.

Article 83

Policemen are appointed to protect Discipline, to supervise internal security and to undertake all kinds of implementation or execution.

Explanation:

It means that Islam Discipline, internally applied and externally called for, is in need of protecting for both implementation and adherence. Such a duty is in need of a force trained suitably well for the purpose. Also, internal and external security of the State may be exposed to dangerous acts. Such acts are very much in need of a certain force able to put an end for it quickly. This force is the police one

which supervises the whole security. There is another sphere of life which is in need of such a force. It is executing and carrying out orders and sentences of judges in and out of the courts all over the territories of the State. They should be also prepared through special training to perform such a very serious tasks. They are one section of the Police Force.

Discussion:

Q. What is meant with protecting State Discipline?

A. It is to prevent any deviation from or revolting against.

Q. What is meant with the internal or local security?

A. It is to keep the inhabitants safely in all their conditions and possessions.

Q. What is meant with the executive aspects?

A. They are running all matters of execution, whether Shariah or administrative orders and prohibitions.

Article 84

Army has its Banners and Flags. Caliph receives the Banners to the Prince of the Army, but the Flags are received by the Brigadiers.

Explanation:

In this specification and classification banners and flags were in existence within the very time of the Apostle (PBUHR) and His Caliphs later. Caliph was used to receive the Banner to the General Leader or Prince of the Army and his deputy, whereas Flags were used to be received by the Brigadiers of the Army.

Discussion:

- Q. What is the difference between Banners and Flags?
- A. A Banner is the special big signal for the whole Army. It is afforded to the Prince of the Army by the Caliph himself, whereas the Flag is a smaller signal offered to the commanders of brigades by the brigadiers themselves.
- Q. Have Banners and Flags certain distinguishing shapes?
- A. Yes, Banner is made of black velvet, of oblong shape, written on it "No God but Allah, Mohammad is the Apostle of Allah", whereas flags have different colours and shapes, so as to distinguish the brigades from each other.

Article 85

Caliph is the leader of the Army who appoints the Prince of Jihad, the Chief of General Staff, and the Princes of the Brigades and the

Generals of Legions. Other ranks of the Army are appointed by the Princes and Generals. Appointing less ranks would run due to one's military knowledge and view of the chief of the General Staff.

Explanation:

There is no title in the Islamic Army for such a Supreme leader, who is not more than a Symbol, the same as kings and presidents of the nowadays Arab Countries. But Caliph is the actual leader of the Army. Therefore, he is the one who appoints all high ranks of the Army, such as the Chief of General Staff and princes of Brigades and Generals of Legions. They behold in hands the high general authorities in the Army, representing as assistants of the Caliph. As for the less authorities, they are in hands of the less ranks in the Army, given to them by their princes and generals. As for the officers of the General Staff, they are appointed by their Chief in deputy of the Caliph, the General leader.

Discussion:

Q. Why is the Caliph not called as the General Leader of the Army?

A. It is O.K. to call him so, since he is the real and actual general leader of the Army.

Q. What is meant with the symbolic supreme leader?

- A. It is an honourable title and not real or actual one.
- Q. Where these titles available in times of the Prophet (PBUHR) and His Caliphs?
- A. No, but their meanings were in existence.
- Q. Are these military titles restricted to Shariah permission or some of administration?
- A. They are some of administration and military arrangement only.
- Q. But deputyship is restricted to Shariah, isn't it?
- A. Yes, and because of this the Caliph delegated, as the General Leader of the Army, those leaders less in rank to appoint, in turn, the other officers.

Article 86

Army should be one but distributed all over the State's Vilayets and Strategic Bases. Forces are positioned in private camps. Some of them are moveable always as striking forces. They are arranged in several groups, each one of them is called an Army, with a certain number, such as the First Army or the second Army; or called by the name of the Vilayet or Governorate where it is camping.

Explanation:

As a whole, the Islamic Army should be one army. It should be positioned in camps, based in the several Vilayets and strategic sites. Some of them have to be the striking forces, which are always ready to move at once to annihilate any danger threatening the internal security and stability, or to face any external danger against any spot of the Islamic territories. Every group of these camps should be named as an army of a certain number or after the Vilayet or Governorate where they are based. These arrangements should notice the security aspects internally and military ones externally.

Discussion:

Q. What is meant with the Army here?

A. It is the Armed Forces of all sorts.

Q. What is meant with the Strategic Sites?

A. They are the important military and security positions.

Q. What is meant with the moveable camps?

A. They are the camps ready to move immediately responding to the internal and external needs.

Q. What is meant with the striking forces?

A. They are the forces ready to fight at once or after alarming.

Q. Which is preferable to military and security

conditions: to give a certain number for each army and force or to call it by the name of the Vilayet or Governorate where it is based?

A. It is better to carry the name of the Vilayet or Governorate.

Q. Does the Army interfere in the internal security?

A. Yes, when security is exposed to danger wherever it comes.

Article 87

High Military education should be available for the Army in top degree. Army intellectual level should be risen as high as possible. Every officer and soldier should be Islamically cultured, so as to be aware of Islam at least generally.

Explanation:

Since it is obligation which any obligation is not fulfilled but by it, Jihad task determines having high military education with all standards, suitable for all sections and ranks. It is to excel the foreign high levels of the striking forces or the ready for striking or the reserves or the police.

As for awareness about events, whether past or present or future, all possible efforts should be exerted throughout the available sophisticated

means of media, so as to realize continuous high intellectual awareness about them all.

Also, all forces must be educated man-by-man Islamically, so as to enable them to be aware about Islam at least in a general way. This case will enable them to deliver the Islamic call well to other nations and peoples throughout seeing the practical facts of Islam, instead of the false so-called Islam of today States.

Discussion:

Q. What is meant with the military education?

A. It is educating the Army all several military sciences.

Q. What is meant with the intellectual level of the Army?

A. It is the degree of thinking the Army leaders and soldiers living with.

Q. Is the intellectual level different from the amount of culture with anyone?

A. Yes, since man may be widely educated but of a weak level of thinking, because he does not connect thoughts together with results in wider and wider scope, with more and more comprehension individually and collectively.

Q. How can awareness about Islam be general or in details?

A. It can be general whenever anybody knows

only some knowledge about all aspects of Islam: beliefs, morals, worships and legislation of dealings with others and punishments; but it is in details, when one is fully aware about all aspects of Islam.

Q. Why is general awareness sufficient for everybody in the Islamic Army?

A. It is because of being the legal obligation and it is enough to carry the Islamic call to other peoples, meanwhile the other awareness is the mission of scholars.

Q. Is awareness about history a part of the Islamic culture?

A. Yes, because it is one side of the knowledge about the reality of living on Islam truly or not truly, and also it acquaints everybody with other nations: how do they live on their beliefs whether fanciful or near to be real or true ones.

Article 88

Every Camp of the Army should have enough number of General Staff Officers of high military knowledge and progressive experiences about drawing plans and directing battles.

Explanation:

Since the General Staff Officers are the most

important body of the army, because of their high military sciences and progressive military experiences, a great number of them in every part of the Islamic Army should be very necessary to fulfill Jihad well in all battles. Therefore, one or more colleges should be established to graduate them provided with the highest military sciences and experiences, not only about the past but also the running present and future of all peoples and nations.

Discussion:

- Q. Are the General Staff Officers positioned in the headquarters of the General leadership of the Army?
- A. No, they are to be distributed all over the camps of the Army in all Vilayets.
- Q. What is meant with the progressive military experiences?
- A. They are the best ways and methods of drawing military plans and of directing military battles.
- Q. How is the sufficient number of General Staff Officers realized in the Islamic Army?
- A. It is realized throughout establishment of the necessary number of Military Colleges to graduate them.

Article 89

It is necessary for the Army to have the weapons, instruments, equipments, devices and tasks which enable it to fulfill its mission as an Islamic Army.

Explanation:

It is for granted that performing any mission, asked from a certain side, is in need of a sufficient amount of the necessary tools. Otherwise, what is the value of the high military knowledge and progressive military experience in an army without having the sufficient number of military instruments necessary for undertaking its fighting mission as an Islamic Army, such as the new and sophisticated weapons, devices, equipments, which make it an ideal army in all its formations, arrangements and performances?!

To have such amounts of such materials would determine constructing factories and laboratories so as to manufacture them in the different spots all over the State. They should be easily protected from enemies there more than other spots, and where raw materials are more quickly and easily accessible than other spots.

As for those sophisticated and suitable

materials, available in other countries, the Caliph should do his utmost best to get them, either in themselves or their secrets, by any legal means or method.

Discussion:

Q. What is the difference between weapons and instruments?

A. Weapons are well-known but instruments are the means, such as ammunition, of using weapons.

Q. What are equipments, devices and tasks?

A. Equipments are such as clothes of soldiers, devices are such as machines of communications and typing, tasks are such materials necessary to perform certain task or mission.

Q. What is the mission of the Islamic Army?

A. It is to protect the State and the security of the people internally and externally, and to carry the call of Islam to other peoples and nations by removing the materialistic obstacles.

Q. But States today refuse to use armies to carry Islam Call outside?

A. Regardless this refusal, Islam has limited the mission of the Islamic Army since fourteen centuries and whenever possibilities and

conditions are available, otherwise all preparations should go on till all circumstances are ready.

Q. Isn't it of prohibited spying to run after the secrets of military technology in the other countries?

A. No, because it is permitted legally to know the secrets of the enemy, but as for the prohibited spying, it is those acts done against Moslems in their countries.

Q. What is the best way to equip the Islamic Army with the sophisticated weapons?

A. It is to build the modern factories of those military equipments and not to import them.

DIRECTORS OF DEPARTMENTS AND ADMINISTRATIONS

Article 90:

Directors of Departments and Administrations undertake the responsibilities of taking care of affairs and interests of those who live under the Sultanship of the State.

Explanation:

This carefulness include the interests of all subjects, Moslems and non-Moslems,

Contractors and Sheltered people and Visitors. Each department or administration has to take care of a certain aspect of life, such as economy, finance, health, petrol, education, transportation, communication, water, electricity, gas or any other. As for people, they should be under such a care, since it is one of the State duties. But as for others, it is up to one's contract or pact or permission, the object of which, as a whole, is to see and live under Islam Rule and justice, and then to decide to embrace its beliefs with full choice and will and far from any oppression or compulsion, or not.

Discussion:

- Q. What is the difference between a department and administration?
- A. A department is that authority which runs a part of the State's duties directly, such as that of health, which supervises hospitals and clinics, or that of education, which supervises schools; whereas administration is the authority which runs a part of people's interests directly, such as that of electricity or water or gas.
- Q. What is the difference between a contractor and a sheltered one and a visitor?
- A. Contractor is the one whose country or state has signed a contract with the Islam State about exchanging benefits in a certain

aspect of life, and such a country should be not fighting against the Islam State in reality; but the Sheltered one is the one who has asked for safe place to live in with Moslems, and such one may be from a real or suppositional fighting country against Islam State; but the Visitor is the one who is permitted to come in Moslem countries by a certain visa, and he is from a non-real fighting country in fact.

Article 91

Assistant of Execution appoints a director for each department or administration to be responsible directly about all affairs. He is authorized to employ all the employees, to transfer them, to discipline them, and to discharge them in accordance with the administrative regulations. But in regard of all their other acts, connected with Shariah laws and public disciplines, they would be responsible before the Caliph, his Assistants and Valis.

Explanation:

In regard of all internal affairs of the subjects, they should be cared for perfectly and completely by the State. Assistant of Execution has to fulfill all this act throughout appointing a director or manager for each department or

administration. This director has to be responsible for it all-in-all directly before the Assistant himself. He has to employ, the same as the Assistant, all the employees to run duties all over the divisions and sections. Also, he is authorized to transfer anyone of them from post to post within his department, and to discipline them for any misact, and to discharge them due to administrative regulations already adopted by the Caliph, who, with the Execution Assistant and Vali, have also such an authority. This is in regard of their duties within the frame of their departments or administrations, but in regard of restriction to the Shariah laws and public disciplines, responsibility is shifted from their directors to ruling men, who are responsible for carrying out these laws and disciplines. They are the Caliph, his Assistants, Vali and Governors.

Discussion:

- Q. What is the difference between being responsible for the department and running its duties?
- A. Its responsibility means before the Execution Assistant, who has appointed him as the director of the department, but the running of its duties means fulfilling them throughout employing the employees, discipline them, transferring them and discharging them.
- Q. What does it mean the direct responsibility of

the director for his department?

A. It means to be responsible for all its duties directly before the Execution Assistant who delegates him, and who is the indirect responsible for those duties before the Caliph.

Q. What does it mean discharging the employees within the administrative regulations?

A. It means that the director should be restricted to those regulations adopted by the Caliph when discharging anyone of the employees of his directorate or department.

Q. The employees are responsible to be restricted to Shariah laws and public disciplines before other than their director, how is it?

A. It is because their director is responsible for the duties of his department only, but in regard of their acts related with violations of Shariah rules, such as theft or adultery, even if they are committed in the department itself, their director is not responsible for those violations but to acquaint the responsible one about them, such as those ruling ones.

Q. But the responsibility about those violations is in hands of the judge specialized for them?

A. Yes, he is responsible about that but in deputy for the Caliph or the judge of judges (the High

Magistrate).

Article 92

Strategic Policy upon which the Departments and Administrations are based is simplicity in discipline, quickness in fulfilling acts, and competency in directors.

Explanation:

Acts of departments and administrations are close to daily life of people. Therefore, their policy should be built upon avoiding any complexity in caring for any aspect of it. Simplicity should be available in discipline within which they are regulated, and fast accomplishment should be also available in acts, because both of them spare much efforts and costs. As for the directors, and in respect of simplicity and quickness, they have to be of high competence to run their duties with their attained best scientific qualifications and progressive experiences. In this way, the following holy words of the prophet (PBUHR) are effective: "God likes every deed to be perfect", and "Easify and not uneasify acting".

Discussion:

Q. What is meant with the policy of departments and administrations?

A. It is the General Basic View upon which the departments and administrations are based.

Q. What is meant with simplicity in discipline?

A. It is to avoid complications when fulfilling any act asked by people.

Q. What is meant with quickness in fulfilling acts?

A. It is to settle any act as fast as possible and without any obstacle or delay.

Q. What is meant with competence in directors?

A. It is to be qualified with the highest necessary knowledge and experience.

Q. What is the relationship between the holy word of the Prophet: "Easify and not uneasify acting" and the subject here?

A. It is their calling for easifying and simplifying measures and for avoiding any complication. This case undoubtedly attracts attention to the best way of fulfilling acts.

Article 93

Every competent citizen, man or woman, Moslem or non-Moslem, is admissible to be appointed as a director of department or administration, or to be employed in

.Explanation:

This admittance, because of administration, as afore discussed, is a means or method of planning acts and carrying them out. It has nothing to do with Shariah rules but as a way of execution. Therefore, it is admitted for both a man and a woman to be a director, whether Moslem or non-Moslem. But to be as one of the citizens, it is because of the internal policy which admits such acts only for the subjects of the State. As for the qualifications, these directors should be of high competency, since each work must be run by the suitable competent one, so as to be acted as well, fast and simple as it must be. This condition should be also available with the employees as well as the directors. By the way, the administrative sciences colleges are nowadays spread all over the Islamic countries, though they are limiting the number of the so-called foreign students. It is O.K. that there is no supposed evil action in such administration, but the big question is: are the necessary qualifications of directors and employees notified? They are, sorry to say, completely absent since there are no perfection in acts and simplicity in procedures, no quickness in fulfilling actions.

Discussion:

Q. Who beholds citizenship of Islamic State?

- A. He is the loyal citizen to the State and Islamic Discipline.
- Q. How can non-Moslem be a director of any department or administration?
- A. It is because administration is the means of action, and not governing or Shariah applying.
- Q. How can a woman be a director of any department or administration?
- A. It is because of being not a part of governing. The prophet (PBUHR) forbid her of governing matters only.
- Q. How can a woman be a director or an employee in any department without meeting the strange men?
- A. Such a job is legally admissible for , and to meet strange men during the work-hours is admitted on condition without privacy.
- Q. What is the difference between co-living and couple-living?
- A. Co-living in work-hours is meeting between men and women in open offices with more than couples, whereas couple-living is meeting only in couple man and woman alone inside closed offices.
- Q. What is meant with competent man and woman in work?

- A. It is being qualified adequately for the work whether as a director or an employee.
- Q. Is it permissible to adopt the foreign administrative sciences?
- A. Yes, since they teach us the way of acting any work. This is exactly what took place during the times of the Prophet and his Rashideen Caliphs.
- Q. How are simplicity and quickness realized in administration?
- A. They are easily realized when administration avoids numerous and complicated measures in fulfilling any work. In this way, action should be accomplished with best product, with complete perfection and in the shortest period of time.

**SYMPOSIUM NO. 11
UMMAH'S COUNCIL
(NATIONAL ASSEMBLY)**

Article 94

Ummah's Council is formed from the persons who represent all Moslems' viewpoints, so as the Caliph may go back to them. Non-Moslems are permissible to be members of the Council, so as to complain against the injustice acts that may happen to them from the rulers, or against the miss/mal-application of Islam decrees and laws.

Explanation:

Since God orders the Caliph: {And consult them in affairs (of moment)} (from verse 159 of Al-Omran Sura) and depicts Moslems: {Who (conduct) their affairs by mutual consultation} (from verse 38 of Shura - Consultation - Sura), the Caliph is obliged to go back to Moslems to ask them their opinions, and they are, by turn, obliged to offer their advices, otherwise both of them are negligent. To realize this obligation practically the Apostle (PBUHR) asked his Friends, who attended the meeting at the spot called A'qapa, to choose a number of them as representatives. Because of this act, Moslems have to form what is called nowadays Ummah's Council, the members of which have to

represent Moslems in opinion before the Caliph. But, whether these members are Moslems only or also non-Moslems, it is up to the tasks demanded from them to be fulfilled. As we see later, it is admissible to have a number of non-Moslem members in this Council, so as to complain against the injustice acts done against them by the rulers or against any miss/mal-application of Islam decrees and laws. It is because "All people of the subjects are as equal as the comb-teeth" before the rules and without any distinction between Moslem and non-Moslem, that non-Moslems have the right to practice such an expression of complaint when there is any act of injustice done against them, and they should be represented in the Council to practice this right. This is a duty for a duty.

Discussion:

- Q. Is it legally permissible to use this term "Ummah's Council"?
- A. Yes, it is, since the Council responds with Shariah in forming and mission.
- Q. What is meant with representing Moslems in opinions?
- A. It is to meet their opinions or to be of the same opinions before the Caliph when he asks them advice.
- Q. How is it admissible to non-Moslems to have

representatives for them in the Council?

A. It is because the Council is formed from deputies to consult, and non-Moslems have the right to have deputies the same as Moslems before the rulers since they are all the same in this case.

Q. Have non-Moslems the right to express their views in all matters before the Council?

A. As later explained, they have only the right to complain the injustice acts done by the rulers and the miss/mal-application of Islam decrees and laws.

Q. Why don't they participate in discussing all matters?

A. It is because they have nothing to do with the matters of Islam and Moslems.

Q. What does it mean equality between Moslems and non-Moslems before judging and ruling?

A. It means there is no distinction between them when applying Shariah rules and laws.

Q. But Shariah does not force them against their religions?

A. Yes, they are not compelled to leave their religions and embrace Islam beliefs even in their marital matters, but all other dealings, in war and peace, they are equal with Moslems exactly.

Article 95

Members of Ummah's Council have to be chosen through election.

Explanation:

To realize consultation between Moslems and their Caliph it is necessary to involve them all strongly, else it should be limited to a certain group. And to fulfill this situation, all Moslems have to elect their representatives, so as to form the Council through which they offer consultation to the Caliph. As for non-Moslems, they are also in need of electing their representatives, so as to express their views against any injustice act the rulers or any of their employees may commit against them or when Shariah rules are miss/mal-applied against them. Therefore, membership of the Council should not be through appointing, else the members are not real representatives and their views are not representing Ummah neither in consultation nor against injustice acts.

Discussion:

Q. What is meant with election?

A. It is the process of voting to have representatives for any action or work.

Q. What is the relationship between election and consultation in Ummah's Council?

- A. Election is the practical way to have comprehensive consultative views of Ummah.
- Q. Aren't the influential people enough to represent Ummah instead of the elected representatives?
- A. Yes, they may represent Ummah to a certain limit, but election is better all-in-all.
- Q. From where does election process come to be legal act?
- A. It is from the Apostle's act, which limits the mission of the Council members as deputies for Ummah in consultation with the Caliph.
- Q. Are consultative councils of today, which are formed from the influential peoples, Islamic ones?
- A. No, since they represent not all influential people and they are mere mixtures of Islam with democracy.

Article 96

Every mature sane citizen has the right to participate in electing the members of Ummah's Council or to be elected as a member, whether men or women, Moslems or non-Moslems, on condition that the non-Moslem members can only express complaints against injustice acts of the rulers or miss/mal-application of Islam rules.

Explanation:

Since Moslems have the right to participate in consultation and non-Moslems in expressing complaints, this right cannot be enjoyed but when one is mature and sane. This enjoyment is not limited for men only, hence women can enjoy it together with men whether as representatives or agents for others. Also, it is the same for Moslems and non-Moslems, though non-Moslems have to restrict themselves to the mission they are deputed to, which is to express complaint and inconvenience against any injustice act, befalls on them all or on some of them, from the rulers or any of their employees, at the Capital or any nearby or far Vilayet. Also, they may complain against any miss/mal-application of Islam judgments and rules, such as expropriating their individual possessions, the right of which they enjoy the same as other subjects.

Discussion:

- Q. What is meant with citizenship document in view of Islam?
- A. It is the document which notifies that the carrier is loyal to the Islam system and regime.
- Q. What is the age of maturity?
- A. It is fifteen years old.
- Q. Did expressing complaint against rulers'

injustice acts take place in times of the Apostle and his Rashideen Caliphs?

A. Yes, for example, when a man pulled the Apostle from his gown, till it marked round his neck, asking his right, and, another example, when a poor Jewish man complaint his poverty to Omar against Omar himself, on plea that head tax was collected from him in youthhood and in old age he was left so poor.

Q. Did such a complaint take place because of miss/mal-application Islam rules in those times?

A. Yes, for example, when some of Ansar thought that the Apostle had not been fair with them in dividing Hunayn loots, and when a woman rejected Omar's viewpoint about limiting the bridal money.

Article 97

Consultation means taking others' viewpoints absolutely, whereas Mashurah (counsel) is taking others' viewpoints obligatorily. Neither views about legislation, nor definitions, nor technical and scientific matters, nor intellectual matters for finding out facts, are parts of counsel, whereas other views are parts of it.

Explanation:

Because of Quran Verse, which determines that Moslems are {Who (conduct) their affairs by mutual consultation}, consultation is taking views generally. But because of the Holy Words of the Apostle to His two close Assistants, Abu Bakr and Omar, "Whenever you agree upon a counsel I do not disagree with you", counsel (Mashurah) is obligatory when taking views. But because of the seriousness of counsel, it is necessary to limit what it involves and what it does not, since it is obligatory to the Caliph.

Therefore, this Article defines what has nothing to do with counsel when taking views. It determines that legislation is not a part from Mashurah, because it is not objective, or from human minds, but from its two sources: Quran and Sunnah, and from what these two sources notify in respect of Sahabah Unanimity and Shariah Analogy. Mashurah has nothing to do also with intellectual definitions, since they are individual acts of scientists. Also, it has nothing to do with the reasonable matters, such as discovery of facts, nor technical matters, such as application of technology, since both are of specialized scientists and experts. Finally, it is said that other matters more than these four ones are of Mashurah, and views about them are obligatory to the Caliph.

Discussion:

Q. What is meant with legislation?

A. It is deduction of Shariah practical judgments or decrees out from Shariah four evidences: Quran, Sunnah, Sahabah Unanimity and Shariah Analogy, so as to regulate the daily life events and questions.

Q. What is meant with definitions?

A. They are the terms by which we limit the whole meanings of anything or matter.

Q. What is meant with scientific and technical matters?

A. In regard of technical matters: they are the limitations of how machines are run or used, but as for scientific matters: they are limitations of the reality of things and the way of manufacturing new things out from them.

Q. What is meant with reasonable matters by which we find out facts?

A. They are the reasonable discussions, studies and debates which result in new facts.

Q. What things or matters can be included in Mashurah (counsel) except all these matters?

A. There are the thoughts of actions or works, such as constructing a new school or mosque or hospital or harbour, or such as launching a battle or participating in a contest or competition, or such as writing an essay or planning a project, or any similar things, on condition that it is restricted to the action and

work itself and without any transference to the way or method of establishing the action or work.

Article 98

Consultation is a right of only Moslems and not of non-Moslems at all. All subjects, Moslems and non-Moslems are admitted to express their viewpoints.

Explanation:

Because of the many Shariah texts which confine consultation in Moslems only, it is a right of them only, so that non-Moslems are not to be asked consultation. They are admitted only to give or express their viewpoints. This expression is not restricted to non-Moslems. Therefore, consultation is limited to Moslems only, meanwhile expressing viewpoints are admitted to both non-Moslems and Moslems together.

Discussion:

Q. What is meant with consultation as a right of only Moslems?

A. It means that Moslems have only this right whenever matters are discussed with them.

Q. What is meant with Consultation herein?

A. It means taking viewpoints absolutely by the

ruler from Moslem subjects only.

Q. What is meant with expressing viewpoints herein?

A. It is merely expressing their viewpoints to the ruler by all subjects, both Moslems and non-Moslems.

Q. Are there examples for Consultation?

A. Yes, there are many examples: In Badr Battle: the Apostle adopted the one-expert view point about the better site of the battle; in Ohud Battle: the Apostle adopted the viewpoint of the majority to fight outside the city; in Ditch Battle: the Apostle adopted the viewpoint of Salman the Persian to dig a ditch around the city; in Hdaybeya Pact: the Apostle refused to adopt anyone's viewpoint however harsh the conditions were, since He was revealed to or inspired by God.

Q. Are there examples for expressing viewpoints?

A. Yes, there are many examples: from the Pacts of neighborhood with the three tribes of Jews; from the Prophet refusal to admit the idolater to participate fighting with Moslems; from the Prophet refusal that Jablah Ibn Ayham should be punished for a harm he caused to a Moslem; from giving back Jezya to Homs' inhabitants till Khaled Ibn Al-Waleed came back to them.

Article 99

Questions of consultation, except those of counsel, are settled by the right viewpoints, disregarding majority or minority, but the questions of counsel are settled by the majority viewpoint, disregarding the right or wrong viewpoints.

Explanation:

Consultation is inclusive. It involves Mashurah (counsel), which is taken obligatorily, and expressing viewpoints, which is taken optionally. Therefore, it is different in taking: if it is Mashurah it is taken due to the majority viewpoint without paying any attention to right or wrong, but if it is not Mashurah it necessitates to look for the right viewpoint and leave the wrong one without paying any attention to the majority or the minority viewpoint, but if it is expressing viewpoint it is the same as consultation of not Mashurah, in regard of Moslems, but restricted to expressing complaints, in regard of non-Moslems. As for the evidence for all this process, it is clear well in the Prophet's addressing to his two Assistants, Abu Bakr and Omar (God Satisfied them); "Whenever you agree upon a Mashurah (counsel) I should not disagree with you". Here he (PBUHR) considered their viewpoint as a counsel obligatory to him since they are the majority. But the Quranic Verse

{And consult them in their (current) matter, and whenever you are decisive ask help from God} (from Verse 159 of Al-Omran Sura) means you have not to care for majority or minority but for the viewpoint which you as a ruler overweighs as the right one out from the many other viewpoints. God orders him {when you are decisive} about one viewpoint, which you overweigh as the right solution for the question {you are to ask God help} and go on in adopting that viewpoint and ordering others to carry it out in life.

Discussion:

Q. Is consultation one sort of matters?

A. No, it is two sorts: one obligatory, which is Mashurah, and the other optional, which is expressing viewpoints.

Q. How is Mashurah adopted?

A. It is an obligatory view, and adopted not because of right or wrong but because of majority or minority.

Q. How is viewpoint expressing taken as optional?

A. It is adopted because of overweighing as the right one, disregarding viewpoint of the majority or minority.

Q. Is all viewpoints expressing one optional sort?

- A. No, because some of them are views notifying actions, such as when the Apostle asked his Friends: Do you want to go outside the city to fight or to remain and fight inside? And they chose to go and fight outside.
- Q. How do you understand it from the Prophet's words [If you agree upon a counsel I should not disagree with you] that the Prophet's words mean majority and not the right viewpoint?
- A. It is from addressing the two as two, and from restricting obligation in their agreement as two meanwhile he is one.
- Q. How do you understand from the Quranic Verse {and consult them in their (current) matters} that he overweighs the right on the majority?
- A. It is from God's words directly after that {whenever you are decisive} addressing him as an individual who comes to final decision after consulting all around him.

Article 100

Ummah's Council has four authorities:

One: A. Every internal matter, such as affairs of ruling, education, health, economy, and so on, which is included under the word Mashurah (counsel), has to be reviewed by Ummah's

Council, whose view should be obligatory, but those matters not including Mashurah, such as foreign policy, finance and army, have not to be reviewed by the Council.

B. The Council has the right to examine all duties effected by the State, whether internal or external or financial or military affairs. Its resolution is obligatory if it is of majority authority, and not if not. But when the Council disagrees upon any matter with the rulers, in respect of legislative field, they have to go back to the Court of Injustice Acts, so as to settle the dispute.

Two: Council has the right to express dissatisfaction from Valis or Assistants, and its viewpoint is so obligatory that the Caliph has to depose the one of them at once.

Three: When the Caliph wants to adopt any rule of Constitution or laws, he transfers it to the Council. Moslem members only have the right to discuss it, so as to give their viewpoints about it, but they are not obligatory.

Four: Moslem members of the Council have the right to nominate the nominees for the Headship of the State, and their viewpoint is so obligatory that none should be more nominated.

Explanation:

In respect of authority No. 1: The first part of it

shows that the internal practical affairs, such as of ruling, education, health, economy, communication, transportation, water, power and so on, which are included or covered by the word Mashurah, should be reviewed by the Council and the resolution is obligatory since it is of the majority authority. But if it is not involved by Mashurah, such as foreign policy, finance and military affairs, they may be reviewed by the Council if it is not secret, and the view is not obligatory. To put it more clear, whenever the viewpoint is about an action, such as constructing a hospital or mosque or school, it is one of the obligatory Mashurah views, because it is of the majority authority, and the words of the Prophet to his two Assistants Abu Bakr and Omar involve it. But if it is one of the State secrets, such as the sort or plenty of a certain weapon, wanted to buy, the State does not go back to the Council except when the Caliph wants to know the viewpoints of some of them who are expert in the subject, and, despite all this, their view also is not obligatory.

As for the second part of the first authority: it is clear that reconsidering all the State effected acts is one of the Council's rights. It is obligatory if the act is one of the internal affairs, such as education, health and economy.., or it is of the foreign affairs, such as the external trade, pacts and bonds.., or it is of the financial affairs, such as taxes, Zakat and Kharaj.., or it is of the army

affairs, such as weapons, equipment and camp-bases... The Council's resolutions should be obligatory if the act is related with the viewpoint of the majority, and not obligatory if it has nothing to do with the majority, such as constructing hospitals or schools or universities or power stations or water pumping: if such constructions are to be built in this Vilayet or that, and for these costs or those.. such matters are a sort of the obligatory Mashurah. But when the construction is to be built in this site or that, and according to these specifications or those, it is a sort of consultation which demands the right viewpoint and not the wrong one, disregarding the matter of majority or minority, since it is a matter of experience and scientific knowledge.

As for the authority of the Council No. 2: it refers to expressing dissatisfaction from any Vali or Assistant. It is one of the Council rights for which the Caliph has no hesitation to carry out whether about discharging or disciplining. It is because the Caliph and his assistants in ruling or deputies are in fact deputies of Ummah for applying Islam Shariah internally and delivering its Call externally. Therefore, Ummah has the right to cancel this deputyship for any cause, and the Caliph, who is the general deputy of Ummah for ruling, has to depose or discharge the one who misses his deputyship at once. It is one of the fundamental factors for stability all

over the State, and a cause of tranquility within all souls of all the subjects. It is well-known, by the way, that the Second Caliph after the Prophet deposed the Vali Sa'ad Ibn Abi Waqqas, when the inhabitants of his Vilayet expressed dissatisfaction against him, a matter upon which all Sahabah agreed to be one of the clear evidences on the subject matter.

As for the authority of Council No. 3: the Council has the right to discuss only by the Moslem members all the matters transferred to by the Caliph, such as decrees and laws if they are constitutional and lawful, or not. The viewpoints they express are not obligatory for the Caliph. They are only for enlightenment. It is well-known that all the Prophet's Sahabah were unanimous about this matter all through the times of the Rashideen four Caliphs that it was up to the Caliph only to adopt a certain judgment as the Shariah decree to solve the current question, and that when one of them went back to any other viewpoint it was not an obligatory consultation. Also, the words of the Quranic Verse {Whenever you are decisive about any consultative matter, carry out your own decision depending on God's Assistance} mean decisively that the Caliph has the final word to decide, despite all others' words.

As for the last authority of the Council No. 4: Moslem members only of the Council have the

right to limit the candidates to the election of the Headship of the State. Up to their knowledge and case of representing Ummah, they have such a right to nominate or limit the specified nominees to the head position of the State, so as to have one of them elected as the Caliph, who would be delegated and deputed by Ummah to rule in accordance with God's Book and Apostle's Sunnah as the only two sources of Shariah.

Discussion:

Q. From where do these four authorities come out to the Council of Ummah?

A. They come out from the reality of consultation, and from Shariah texts which restrict the responsibilities of Ummah to the owner of Sultanship.

Q. What is the first authority of the Council of Ummah?

A. It has two parts: one - it is obligatory to ask the Council its viewpoints about the internal affairs, and the majority's have to be adhered to.

two- It is its right to reconsider all accomplished acts in all life spheres, and the majority's have to be adhered to.

Q. What is meant with the matter of Counsel (Mashurah)?

- A. It is every view that leads to action in some of the internal affairs and not all of them.
- Q. What is meant with reconsideration about the action really fulfilled by the State?
- A. It is reconsidering all accomplished acts of the State in all life affairs, whether internal or external or financial or military, so as to correct their faults.
- Q. From where has the right of the Council come out about expressing dissatisfaction from Valis and Assistants of the Caliph?
- A. It comes out from representing Ummah, the owner of Sultanship and original governor, and because these responsible characters have been appointed by the Caliph, so as to assist him in governing and executing.
- Q. Why does the Caliph transfer the decrees and laws he wants to adopt to the Council before issue?
- A. It is because the Council, as aforementioned, represents Ummah, the owner of Sultanship and original governor, and because it has the right to discuss decrees the Caliph aims to apply, so as to feel content of being taken from Quran and Sunnah, according which the Caliph, as a deputy, has to govern.
- Q. What is meant with restricting the nominations to Headship of the State?

- A. It is limiting them not in number but in legal qualifications.
- Q. Why is such an action confined in the Moslem members of the Council?
- A. It is because nomination is for governing with Islam in which non-Moslems do not believe.

SYMPOSIUM NO. 12 SOCIAL SYSTEM

Article 101

Woman in origin is mother and housewife. She is the Honour ought to be protected.

Explanation:

Since the Quranic Verse {And among His signs is this, that he created for the mates from among yourselves, that ye may dwell in tranquility with them, and he has put love and mercy between your (hearts)} (from Verse 21 of Ar-Rum) determines that the first wife, Eve, was created from her husband Adam ((Peace Be Upon Them), so as to dwell in tranquility with her, and all the other next wives have to be created by being begotten from couples. This process means that woman is in origin the mother and housewife of the marital life. Also, the Holy Words of the Apostle (PBUHR): "And woman is the house-keeper of her husband's house, and responsible for the house" determine that she is the responsible for the house. As for being ought-to-be protected honour, she is the mother of the children whom she must beget purely for their father, a matter which means that she has to be virtuous and well kept away from playful men by legal marriage. Therefore, Islam prohibits adultery and all its factors, so as to keep her

pure, chaste and inviolated honour.

Discussion:

Q. What is meant with the origin in woman?

A. It is the basic purpose she has been created for.

Q. How can a woman be a mother and a housewife together?

A. It is when she is the wife to deliver children and keep the house of the marital life.

Q. What is meant with dwelling in tranquility to the wife?

A. It means she brings rest and calmness to the marital house because she satisfies the mind and instinct of the husband purely for the purpose of children delivery.

Q. What is meant with the responsibility of the woman for keeping her husband's house?

A. It is to be loyal and sincere as a housewife to her husband and children.

Q. What is meant with the factors of adultery?

A. They are the prefaces and causes, such as privacy, flirtation, hug, caress, kiss and so on.

Article 102

Men and women have to be in origin separated from each other in running life except for a legal need and for which gathering is admissible such as sale and pilgrimage.

Explanation:

The Holy Words of the Apostle (PBUHR) "No couple, man and woman, are together in private but Satan is the third" forbid the meeting of man and woman together alone and far from seeing in privacy. But meeting in groups of men and women is in origin ineffective, since woman is in origin mother and housekeeper, and, therefore, she lives in her house. Also, she is well protected honour, and, therefore, she is to be separated from men. But life career is full of needs, some of which Shariah accepts and admits gathering of men and women because of them, such as a man or a woman to be a trader or a shopkeeper, where men and women gather together for shopping. Also, Shariah obliges men and women to gather together in Haj (pilgrimage). Shariah admits men and women to gather in such dealings and cases together on condition without being in privacy.

Discussion:

Q. What is meant with separating men from women?

A. It is to separate women from strange men who are marriageable.

Q. Is sale only the need admitted by Shariah?

A. No, it is a financial need admitted in itself and in meeting men and women for it when the sold thing is Halal (legally permitted).

Q. Is Haj the only need for which men and women are permitted to meet together?

A. No, because it is not a mere need of life but a worship which Moslems are ordered to perform as an obligation once an age.

Q. Are there certain needs legally permissible in themselves but not in gathering women and strange men for them?

A. Yes, such as swimming and all kinds of sports and athletics.

Q. What is meant with saying: it is original not to gather strange men with women together?

A. It means not to meet together since woman is in origin mother and housewife.

Q. Does such an origin forbid gathering strange men together with women?

A. No, but because Shariah arranges and satisfies human nature it prohibits any unnatural matter or violates Shariah laws which satisfy it.

Article 103

Woman is given rights and obliged duties the same as man, but with some legal exceptions for each. She has the right to practice trade, farming and industry, to effect contracts and dealings, to possess all sorts of properties, to develop her possessions by herself and by others, and to undertake all life affairs by herself.

Explanation:

This Article states that man and woman are equal in rights and duties, but with some exceptions, in their three relations: with God, with oneself and with others, which include beliefs, worships, morals, dealings & punishments. Whenever she is given, the same as man, the right to practice commercial or industrial or farming business, she undertakes all dealings and contracts, she possesses all kinds of legal things and develop them whether by herself or agents. But despite this equality she is not obliged to practice all these matters the same as man, since she is in origin mother and housewife, meanwhile her husband has to behold the responsibility of expenses related with the marital home and even the wife herself. And if the man is admitted to meet with other men during these practices, woman is not admitted to do so but within what need demands and without any privacy. And

whenever she is admitted to pray with men in mosques, she is asked to come late and to be in the back lines of men. Also, whenever she is ordered to perform Hajj together with men, she is ordered not to press together with men, and not to be in privacy with any strange man.

Discussion:

Q. What is meant with the word (the man is given) and (the woman is given)?

A. It means that Shariah gives them so-and-so rights.

Q. What is meant with the word (the man is obliged) and (the woman is obliged)?

A. It means that Shariah obliges them so-and-so duties.

Q. What is meant with term: Islam distinguishes woman with so-and-so?

A. It means that Islam gives woman special things and does not give them to man.

Q. How can a woman practice all kinds of business without gathering together with a strange man or in privacy?

A. Businesses in which men and women are admitted to gather together have no problem for such a gathering, but meeting in privacy is the matter which should be avoided by certain measures.

Q. Since man is obliged to pay the costs of living for his wife and his daughters before being married, what is the need for woman's business?

A. They are legal rights which she can practice whether when needed or desired, disregarding having a husband or father to pay living expenses, since they are legal without any restrictions.

Q. Did women practice such businesses during the times of the Prophet and His Rashideen Caliphs?

A. Yes.

Article 104

Woman is admitted to be appointed in State employment and in positions of jurisdiction except in the Court of Injustice Acts. She has the right also to participate in electing, the members, of Ummah Council and to be elected as a member in, and in electing the Caliph and pledging him allegiance of Bay'a.

Explanation:

Woman's jobs with the State are run in accordance with her right to do for living in any legal work. Hence, she may be the Judge of Hesbah or the Judge of Disputes but not the Judge of Injustice Acts, since this judge

dominates over the rulers. She can participate in election of Ummah's Council and to be elected for the membership. As for the Headship of the State, she can participate in electing and pledging loyalty to the Caliph but not to be him, because the words of the Prophet: "Never any nation may be prosperous when ruled by a woman" forbid that. The important point in regard of permission for work, woman has to be qualified suitably for the post, the same as the man, and she would avoid privacy and even gathering together with strange men but for legal needs.

Discussion:

- Q. Why is the term (woman is admitted) used instead of (woman has to be admitted)?
- A. It is because it is one of her rights, and she can concede it.
- Q. How can a woman become a judge whereas it is ruling?
- A. Judging is not ruling because it is merely uttering the adopted rules to solve the question, whereas ruling is adopting the rule and ordering to carry it out in solving the question.
- Q. Why must the Judge of Injustice Acts not be a woman?
- A. It is because he may reconsider the Caliph's

acts or cases and depose him, and also he may look into the legality of Constitution and the constitutionality of laws, and this act is of ruling ones.

- Q. How can a woman run any appointment without opposing being a real-full mother and housewife?
- A. Shariah has given her such a right as a woman, and she has to enjoy it when it is obligatory or even desired.

Article 105

Woman has not to be admitted to be the Caliph, nor the Judge of Injustice Acts, nor Vali, nor Governor, nor to perform any work of Ruling.

Explanation:

Because of the Holy Words of the Apostle (PBUHR): "No Ummah may be prosperous when they are ruled by a woman", and because of Sahabah Unanimity that woman has never to be a ruler - because of these two evidences which really respond with the human nature of woman, she has not to run any work or post related with ruling or governing whether as a Caliph or his Assistant of Delegation or Assistant of Execution or Vali or Governor or any other work connected with ruling.

Discussion:

- Q. Is Jurisdiction of Injustice Acts a part of Governing Acts?
- A. Yes, since Judges of this jurisdiction have domination over the Caliph himself, both in reconsidering and deposing when necessary.
- Q. Is Assistant of Execution one of the Governing bodies?
- A. No, but he is one of the Caliph close intimacy.

Article 106

Woman runs her life in two spheres: the first one is the common life, in which she is admitted to meet with other women, and with relative unmarriageable men, and strange marriageable men, on condition that only her face and hands may be seen without any beautifying or vulgarity; the other sphere is her private life, in which she is admitted to meet or live only with women or her unmarriageable relative men. In both lives she has to be restricted to all Shariah rules and laws.

Explanation:

Common or public life is outside doors and in all public places, such as markets or departments of the State where there is no permission to come in or go out. Woman is

admitted to go round these places, the same as man, whether alone or with women or with unmarriageable relative men or with strange marriageable men, but on condition that nothing should be seen of her body except her face and hands. This is because of the Apostle's words: "When a woman becomes adult no organ of her body is permitted to be seen but her face and hands", and also because of the meaning of the Quranic Verse {And they (women) should not display their beauty and ornaments except what (must ordinarily) appear thereof}, which refers to the face and hands. These two organs are themselves of beauty or places of beauty or both. Woman has not even to show her beauty on these two organs attractively. As for her private life, she lives inside her house, and has not to co-live with marriageable men, but only with women and with unmarriageable men. As a whole, woman has to live in her two lives within the frame of Shariah rules and to pay attention to avoid privacy with any marriageable man.

Discussion:

Q. Why do you speak more seriously about woman's life than man's?

A. It is because of her sensitive nature, known by her Creator, which needs other's control.

Q. What is meant with Tabarruj (over-

beautifying)?

A. It is displaying her beauty attractively in public life.

Q. What is meant with Tabathul (vulgarity in clothes)?

A. It is displaying many organs of the woman's body in her private life.

Q. What is meant with meeting between women and strange men in public life?

A. It is the legal meeting in running of public life.

Q. Is it permissible for a woman to co-live in her private life with non-Moslem women?

A. Yes, it is, though there is another view, but it is overweighed one.

Q. What is meant with the strange men in regard of a woman?

A. They are the men whom she may marry one of them.

Q. What is meant with displaying the face and the hands?

A. It is to let the eye of the strange man sees all the face and the hands up till a space of grasp of the arm.

Q. How has a woman to be restricted to Shariah rules more than these cases in her public or private life?

A. It is when she avoids playful speaking, for example, and all acts stimulating man's lust or sexual desire, such as to be seen in her room or on balconies in vulgarity.

Article 107

Woman's privacy, or displaying her beauty or some of her body, are forbidden to marriageable men.

Explanation:

Since the Holy Words of the Prophet (PBUHR) define the meaning of the woman's privacy, when he said: "no man and woman are alone together but Satan is the third with them", that it is merely when a woman is with a marriageable man together in one place in so a case that he can tempt her without being seen from any other body, such a privacy is forbidden, whether inside or outside her home. Also, all means or ways of temptation, such as displaying something of her ornaments or beauty, are forbidden to the eyes of the strange men, because of God's Words: {And make not a dazzling display, like that of the former times of Ignorance (about Islam)} (from verse 33 of Ahzab - parties - Sura). On the opposite, these restrictions are different for man from woman's, since there is no private or public life for his living as the woman. Also, there is no question of

displaying man's beauty, except when he behaves womanishly, and, therefore, he deserves to be punished or exiled to another city, due to Sahabah Unanimity. As for man's A'wrah, it is from his navel down to the knees.

Discussion:

Q. What is meant with Satan as the third one when a privacy of man and woman?

A. It is a sign of temptation and alluring between them.

Q. If sodomy is prohibited the same as adultery, how is it admitted to have man and man alone?

A. It is because woman is in herself a normal factor of sexual desire, meanwhile man to man is abnormal, and abnormality has its exceptional harsh punishment.

Q. What is Shariah judgment for woman's privacy with a strange man?

A. It is chastisement or any similar adopted one.

Q. What are Shariah judgments for privacy or over beautifying or displaying some of woman's body?

A. They are kinds of chastisement or any other adopted judgments.

Q. What are these kinds of chastisement?

A. They start of bewaring and threatening, then moral punishment, then physical punishment, and all of them should be as adopted.

Q. Is it admissible for man and woman to imitate one another in clothes or other things?

A. No, they would be punished by chastisement punishment, because the Apostle (PBUHR) cursed who may commit any act of this disgraceful behaviour.

Article 108

Man and woman are forbidden to run any work dangerous against morals or corruptible to society, such as employing a woman as an air hostess, because of her beauty, or a boy in a barbershop or restaurant, because of being handsome since both works aim to get benefit out from sexual desire and lust.

Explanation:

Since adultery and its preface factors are forbidden, every act stimulates sexual tendency is forbidden. Woman is impermissible to fornicate, and, hence, to be employed in any work introduces to adultery. Any job stimulates sexual lust or exploits men sexual desire towards woman is forbidden. This act is well clear in advertisement for employing air hostesses. They want her to be beautiful and attractive. Men,

also, both young and old, are impermissible to practice any business cares for the benefits earned out from sexual tendency.

Discussion:

Q. What is meant with directing or performing any business?

A. It is the practicing of it formally or informally.

Q. Is danger about morals different from corruption of society?

A. Yes, because the first affects the individual only, whereas the second trespasses it to the society.

Q. How does such a case take place?

A. It is throughout employing a beautiful girl as an air hostess, for example. Her womanish attraction is dangerous to the individual morals and corruptible to the societal habits and conducts.

Q. Who is the direct responsible official for these dangerous and corruptible works?

A. He is the employer, at first, then the judge of Hesbah, who has to chastise the employer and discharge the employee, bewareing them both of harsher punishment when repeated.

Article 109

Marital life is a peaceful one, based on friendship between husband and wife. His responsibility is a kind of sponsorship and not governing. She has to obey him and, by turn, he has to pay her living costs due to similarity.

Explanation:

This Quranic Verse {And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He put love and mercy between your Hearts} (from verse 21 of Al-Rum Sura) indicates that the marital life is built upon peace and tranquility, because husband dwells to his wife and exchanges love in passions and mercy in treatment with her. This case is impossible to be a company with which some unaware people are used to specify it. It is marital life, relied on friendship, intimacy and mercy.

As for sponsorship, Quran says: {Men are the protectors and maintainers of women} (from verse 33 of Nesa' - women - Sura) which means that it is not domineering, else there is no friendship nor calmness. It is a sponsorship responsibility, since the same Verse of Quran refers to its cause saying: {Because God has given the one more (strength) than the other, and because they support them from their means}. This means that he is obliged to pay the living costs, and she to pay attention for their house and sons as a mother and a housewife as

well. Therefore, she has to obey him in this marital life and he has, by turn, to pay the costs of living, not as he wishes but as he really can, since Quran says {Let the woman live in the same style ye live, according to your means} (from verse 6 of Talaq-Divorce - Sura) and (Let a man of means spend according to his means) - from verse 7 of Talaq - Divorce - Sura, and the Holy Words of the Apostle say to the wife "Take from the means of your husband what is enough for you and your son habitually".

Discussion:

Q. What is meant with the life of tranquility?

A. It is the marital life, in which the sexual instinct of the couple is satisfied and psycho-anxiety and inconvenience are avoided and the family is formed to have children.

Q. What is meant with friendship in family life?

A. It is building the husbandry life on love and mercy and not on marital partnership.

Q. What is meant with sponsorship responsibility?

A. It is to sponsor the wife and the marital house by one's means to realize tranquility and co-operation with one's wife.

Q. What is meant with the governing responsibility?

A. It is to domineer over the ruled one and to

force him to be under one's full control without paying any attention for both love and mercy.

Q. What is meant with obedience from the wife to the husband?

A. It is to be serious to attain his satisfaction through responding to all what he asks her legally.

Q. What is meant with living-costs due to similar women?

A. It is to pay her living-costs in accordance with the same level of her similar women.

Q. But the Quranic Verse limits the dwelling within his own financial ability?

A. Yes, since God does not oblige anybody but within his own financial ability.

Article 110

Husband and wife have to co-operate in practicing the house acts completely. He has to undertake all deeds outside the house, and she has to do all deeds inside the house, in according with her possibility, so that he ought to bring her servants enough to satisfy the needs she cannot achieve.

Explanation:

Since the husband responsibility for his wife is a sort of sponsorship, and her marital life is a friendship and tranquility one, they both, husband and wife, have to co-operate in running the house works. He, according to his responsibility for living-cost, has to do his best in endeavoring to save all necessities of the house, whereas she has to do her best in performing all inside duties of the house, such as cleaning, washing clothes and cooking food. But whenever she is unable to do all these numerous and several deeds, he has to employ as much servants as it is necessary to fulfill completely all what she has been unable to do within his fiscal ability. The Apostle (PBUHR) was used to help his wives, and he said, "The most generous one of you is that to his dependents, and I am the most generous to my dependents", and His daughter, Madam Fatmah, was helped by her husband, Ali, who was unable to employ servants.

Discussion:

- Q. Is co-operation between husband and wife comes merely out from dividing duties between them?
- A. Yes, it is, but it is not only for dividing but also for fulfilling the target of friendship in their husbandry live.
- Q. But is it so obligatory that none of them may help the other?

A. No, it is not, but it is out from merely distributing responsibilities, due to each one, on which Shariah rules are applied. This case will not hinder co-operation, both inside and outside duties.

Q. Is it obligatory to employ servants for the wife if she is unable to run some inside duties?

A. No, but it is up to his financial possibilities, because Ali (God Satisfied Him) was not able to respond to his wife's demand, and the Apostle, his father-in-law, did not force him against his possibility.

Article 111

Custody for children is the mother obligation and right, at the same time, whether she is Moslem or not, and as long as they are in need of her. But whenever they are not, they are to choose one of the two: the custodian mother and the guardian, to live with him if the two are Moslems. But if one of them is non-Moslem there is no choice for the child but to join the Moslem one.

Explanation:

Mother has to protect her children, because the Apostle (PBUHR) says: "House wife is the keeper of her house and responsible for her children and husband". This protection or

custody is, at the same time, one of her rights. When she is divorced or become widow, none is preferable to her to be custodian for her children but when she gives them up. Of course, this case goes on during the period of the children's need to their mother. But when they become not in need of her, each one of them has the right to choose her or the guardian, if the two are Moslems, to live with him, since both of them would keep on his/ her religion. But if one of the two is non-Moslem, there is no option to choose but to join the Moslem one, since he would keep on his/ her religion. It is notified, on the other hand, that the non-Moslem mother is used to plant her religious rites and habits in her children, who are liable to apostate from Islam. This case is common. But whenever a mother is not honest, or unable to protect her children, she has to concede her right, esp. if she is not paid the expenses from their obliged relatives.

Discussion:

- Q. What is meant with children's need to their mother?
- A. It is being unable to manage their living.
- Q. What is meant with choice of living between the custodian mother and guardian?
- A. It is to live with her/ him to manage their living.

Q. Has this option or choice a certain years of age?

A. No, since age of self-helping is different.

Q. Have children to join the Moslem mother or guardian disregarding being honest?

A. Yes, it is so from the very beginning, then he/she is forced to give up to the one, who is legally defined.

Q. What is meant with dishonesty for children?

A. It is of immoral behaviour.

Q. Does such a case take place really?

A. Yes.

Q. Then Islam respond to life realities?

A. Yes, to human nature, for which all regulations are revealed to set it on the righteous straightforward path.

SYMPOSIUM NO. 13 ECONOMY SYSTEM - 1

Article 112

Policy of Economy is the State prospective view about what society should be in regard of needs satisfaction, which must be the output of the societal ought-to-be case.

Explanation:

Policy is care, and policy of economy is the care for the economic affairs throughout studying the necessary demands of the individuals, so as to define them and limit what satisfies them. Then to endeavour to fulfill that satisfaction by constructing factories which would produce more of the materials needed.

For example, whenever peoples are in need of bread, wheat grains should be abundant enough to result in satiety, whether by increasing production or importation, though the latter should be avoided, so as to get Ummah rid of any foreign influence.

Also, whenever individuals are in need of house refrigerators, factories should be established much enough to satisfy the need without trying to import them. This policy would realize much good for Ummah, whether in saving many opportunities of work or keeping

Ummah away of foreign influences.

Also, whenever peoples are in need of means of transportation or communication, they have to be available in best standard, whether by fast importation or step-by-step establishing their factories.

In a word, the necessary best economic attitude of the society should be defined at first, and then the policy of saving materials and means should be built upon that definition, so as to have in reality the best and promotive society.

Discussion:

- Q. What is meant with the word (policy) in general?
- A. It is care for Ummah's inside and outside affairs.
- Q. What is meant with the (perspective case) in which the society should be?
- A. It is the reality in which society hoped to be.
- Q. What is meant with satiety of needs?
- A. It is satisfying all material demands of society.
- Q. How can the determined case of society be as the basis of needs satisfaction?
- A. It is not by satisfying the real material needs but by the desired determined one through

establishing industrial factories to satisfy all demands continuously instead of importation which exposes the State to foreign influences.

Q. But because foreigners are careful not to export machines and factories to the Islamic State, how can such a case be overcome?

A. It is easy whenever Islamic Countries are under the Rule of one wise Islamic State, which avoids this separatist policy of nowadays, in which the rulers are more or less puppets of the foreigners.

Article 113

The Economic Question is distributing means and benefits all over subjects' individuals, and enabling them to utilize all of them by possessing and sparing work opportunities.

Explanation:

Economic Question does not come in reality out from rareness of means and scarcity of benefits, and its solution is not, consequently, amplifying these and those.

It is, in fact, allowing individuals to reach them all fairly, and never make them concentrated in hands of any group.

It is to enable each individual to participate in getting benefits of possessing or utilizing work opportunity to possess.

This view about economic question, viz. distributing means and benefits fairly, will not result in monopoly nor shortage of production. These means will be abundant and much enough work opportunities for all that each individual of the subjects is able to have what he needs. Only he has to do his best and then to have his demands and savings without restriction to a certain limit.

In a word, if the economy question is merely amplifying means and benefits, disregarding distribution for all, neither individuals nor satisfying their demands are under consideration.

It is a serious unfair case, not only for the individual but also for the society as a whole.

Discussion:

Q. What is meant with the economic question?

A. It is the question of the economic reality of a state.

Q. What is meant with means and benefits?

A. Means are all things evaluated by money, such as buildings, estates, foods, clothes, and so on, but benefits are all services, such as education, medication, pharmacy, constructions, and so on.

Q. Are means and benefits distributed equally among all individuals of subjects?

A. No, but they are given equal working and possessing opportunities and without limiting the amounts.

Q. When are subject individuals helped to have means and benefits?

A. It is when numerous work opportunities are available side by side with increasing production.

Q. What does it mean to enable the one to have means and benefits accessible?

A. It means to be able to have them by a certain help. The farmer, for example, who was given a land to cultivate, should be helped to fulfill his purpose.

Q. How does such a help prevent monopoly?

A. It is because of being not limited in some people nor in a certain field or amount.

Article 114

Satisfaction of all fundamental demands, for all individuals of subjects, should be fully guaranteed, and enabling them all to satisfy all luxury needs should be also guaranteed as high as possible.

Explanation:

Since economic policy is always developing

the material things, so as to be better, and to satisfy the individual needs in a better and permanent way, the State has to guarantee much enough work opportunities for all, and give money for living costs to those who are unable to work or inaccessible to. Consequently, every one of the subjects should be able to satisfy his fundamental demands, such as food, clothes and house, and be able to manage himself to satisfy his luxury needs, such as the means of transporting or of marriage or of cooling water and air conditioning when living in hot or cold weather country. When the State guarantees enabling the subjects' individuals to satisfy all these demands, all materials, and of best qualities, everything should be guaranteed so as to secure welfare for them all.

Discussion:

- Q. What is meant with a fundamental demands of the individual?
 - A. It is the demand when missing exposes the one to death, such as food or drink.
- Q. What is meant with the luxurious demand?
 - A. It is the demand when missing does not expose the one to death but to anxiety, such as marriage.
- Q. What is meant with complete satisfaction for fundamental demands?

- A. It is satisfying all fundamental demands in one's life, such as food, clothes and house.
- Q. What is meant with enabling the one to satisfy his luxurious demands?
- A. It is sparing him opportunities of work, if he is able, and giving him life costs, if he is unable, so as to satisfy his luxurious demands, such as marriage, riding means and the like.
- Q. What is meant with guaranty of satisfying fundamental demands?
- A. It is to save all means and materials necessary for one's life, so as to be possessed by those who can pay the price, and so as to be endowed to those who are unable to pay.

Article 115

God is the Owner of properties, and people inherit them. They have the right to possess by this general inheritance. God permits everybody to possess, and everyone cannot possess anything in reality but by this special permission.

Explanation:

Quranic Verse: {And spend out of what He has made you heirs} (from verse 7 of Hadid - iron - Sura) states that all substances of life are only God's, and people are only inherited. God is the owner of all properties, in reference to His Words

{Give them (the poor) something out of the means God has given you} (from verse 33 of An Nur-Light-Sura), and He gives people the right of possession when He inherited them and asked them to spend out of it and deal among themselves with it. But so as to possess a certain thing, one has to have a special permission. In regard of possessing something, it is in need to mention the factors of ownership, which would be mentioned later. Therefore, everybody cannot possess anything in fact, deal with it and enjoy its benefits, except when there is a special previous permission.

Discussion:

Q. What is meant with saying: property is God's?

A. It means that He (the Almighty) is the Owner of all properties since He Created all existence out from non-existence.

Q. What is meant with inheriting people property?

A. It is the mere process of possession.

Q. Why does the text consider inheriting as a general one?

A. It is because it refers to property in general and without limiting any thing.

Q. What is meant with the special permission for possessing any certain thing?

- A. It is the Shariah judgment, taken from Quran or Sunnah or Sahabah Unanimity or legal Analogy.
- Q. Does ownership need a special permission though general inheritance has given man the right of possession?
- A. General inheritance gives man the right of ownership without limitation, but the special permission limits things impermissible or impermissible to be owned.

Article 116

Properties are three sorts: individual, public and governmental.

Explanation:

Shariah divides lands and other properties into three sorts:

1. Individual one, referred to by these words of the Prophet: "He who encircles any land by a wall owns it", which encourage people to animate the dead land by encircling it with a wall, so as to utilize it in building on or in using it as a cattle barn or in cultivating it.
2. Public or collective one, referred to by these words of the Prophet: "People are partners in three: water, grass and fire" which means that there is a public property owned by all

people of the subjects.

3. Governmental one, referred to in inheritance judgments and rules which show that the properties of a deceased one, who has no heirs, are to be owned by the House of Finance, viz. they become of governmental properties. Also, taxes of land (Kharaj) and of heads (Jezya) are of the resources of governmental properties. Therefore, the sorts of properties are the above mentioned three sorts.

Discussion:

Q. What is meant with individual property?

A. It is to own legally certain things, such as houses, by individuals.

Q. What is meant with public or collective property?

A. It is to own legally certain things, such as petroleum, by the people as a whole.

Q. What is meant with governmental property?

A. It is to own legally certain things, such as dead lands, by the State.

Q. What is meant with dead lands?

A. They are the lands neglected without any utilization.

Article 117

Individual property is admitted by Shariah Judgment which limits the thing to be owned in itself or in its benefit, and which requires the owner to be able to utilize the property and to be compensated for it.

Explanation:

Since possessing any property in hand is impermissible but after certain Shariah judgment, the individual property has to be Shariah judgment, and it either ascertains the thing itself, such as the house, or in its benefit, such as the rent of the house. When legal permission is given, either for this purpose or that, the owned thing should be enjoyed either in itself, such as eating the food, or in its benefit, such as living in the house or selling it or renting it. Worthwhile mentioning, to satisfy one's demands by this individual property its amount should not be limited in a certain plenty. In this way, it responds to one's nature and, at the same time, pushes on the wheel of economic development forward to give abundant production and increasing legal profits side by

side.

Discussion:

Q. What is meant with saying: individual property is Shariah judgment?

A. It means that there is no property but with the certain Shariah Judgment.

Q. What is meant with connecting the Shariah judgment with the thing itself or its benefit?

A. It means the Judgment decides owning the very thing or its benefit.

Q. What is meant with utilizing the thing itself?

A. It is using it to get its benefit, such as living in the house or eating the food.

Q. What is meant with having compensation for the thing?

A. It is selling it and having its price instead of it.

Q. How does utilizing a thing satisfy human natural demands?

A. It is either when utilizing the very thing, such as eating the food to satisfy the stomach demand, or when utilizing the benefit of the thing, such as living in the house to satisfy the human need for protection.

Q. How does individual property push forward the wheel of economic development?

A. It is throughout stimulating the individual

incites, so as to increase possessing and develop the possessed thing.

Article 118

Public Property or Collective Ownership is the legal permission about the partnership of people in utilizing the thing itself.

Explanation:

Shariah has restricted the things of whole partnership in three sorts: one, utilities, for which people are separated in searching for if not available; two, the permanent minerals; three, the things which are naturally not owned individually. To the first sort the Holy Words of the Prophet refer "People are partners in three: water, grass and fire". But since the Prophet (PBUHR) admitted possessing water in Ta'ef city and Khaybar Area, for the purpose of watering and drinking, it means that when water or any of these three things is a collective utility and necessary for the whole people, it should be one of the public property. It is controlled by one factor, viz. people are spread out looking for it when not available, such as, also, water springs, wood forests, pastures, etc.

As for the minerals, some of them are limited

in amounts, and some are limitless. The limited one is of the individual properties, and dealt with the same as buried treasures for which the Zakat of the fifth is paid. It is known that when the Prophet (PBUHR) was asked about the found thing he said "Acquaint it for one year, and if its owner does not come it is yours", then he was asked: "O, God's Apostle: what about the thing in normal ruins? He answered: It and the buried treasures should pay the Zakat of the fifth".

But in regard of the limitless minerals they are public properties and impermissible to be owned by the individual. It is known that when the Prophet knew that the Salty Land of Ma'reb, granted to the man Abyadh Ibn Hammal, was limitless he brought it back from him. All other hidden minerals, such as gold, silver, iron, copper, brass, etc. are looked upon the same as that salty land when limitless.

As for things naturally not owned by any individual, such as roads, rivers, seas, gulfs, straits, governmental hospitals and playgrounds, and so on, they are utilities different in nature from the sort No.1, since spring of water may be owned individually but road is impossible to be owned but collectively.

Discussion:

Q. What is meant with owning the public property?

- A. It is the property of the whole citizens, Moslems and non-Moslems.
- Q. Why do you refer to non-Moslems with Moslems here?
- A. It is because they are partners with Moslems, due to the Holy Words of the Prophet.
- Q. What is meant with (water) in the Holy Hadeeth?
- A. It is any great gathering of water, such as rivers or seas.
- Q. What is meant with (grass) in the Holy Hadeeth?
- A. It is the pastures of the cattles.
- Q. What is meant with (fire) in the Holy Hadeeth?
- A. It is all things produce fire, such as petrol, or they are produced by fire, such as iron.
- Q. What is meant with (Ma'reb Salt) in the Holy Hadeeth?
- A. It is a land in Ma'reb, Yemen, where salt was easy to produce.
- Q. What is meant with nature of things as a cause which forbids individual to own them?
- A. It is the reality of the thing, such as common streets. They are for all people and impossible to be owned by any individual. But if it is a private street, such as the narrow road

between the street and the house, its reality is individual's property and not public one.

Article 119

Every property, restricted in spending to the viewpoint of the Caliph and his Ijtihad, is considered governmental property, such as taxes, Kharaj and Jezya.

Explanation:

Every property, possible to be owned individually, should be dropped of individual property when Moslems as a whole have the right to own it. It becomes of government's. Its management is up to the Caliph, since it is for all Moslems. But he may give some of it to one or more of Moslems due to his viewpoint and estimation. This attitude means that only the Caliph can deal with it, and it is under his full disposal to limit the sides to whom he may give or grant, according to his estimation. Shariah has not limited for whom such things as loots, Kharaj, Jezya should be spent. But when Shariah limits for whom to spend such as with Zakat, they become not government's but the ones limited for. The difference between government's managing its property and public one is that it is

impermissible to grant the source of the public one to anybody, whereas it is possible in regard of the other. In a word, it is impermissible to give the public yards and streets to anyone and forbids the others from them, whereas Kharaj is permissible to be spent to the farmers only, so as to help them in solving the farming problem, or on buying weapons. This procedure is restricted to the Caliph's estimation, since he has to take much care for the benefit of the whole subjects.

Discussion:

Q. What is meant with spending money in respect of government's property?

A. It is how to deal with it and pay it.

Q. How can a right of Moslems be connected with taxes, Kharaj and Jezya?

A. It is when taxes are collected from them to spend on any of their affairs, and when Kharaj is taken from the lands conquered by Moslems to spend on any of their affairs, and when Jezya is collected from non-Moslems on behalf of protecting them for keeping their own beliefs.

Q. What is the control of the Caliph' management for the government's properties?

A. It is the benefit of the subjects or the common benefit.

- Q. What is the difference between government's properties and public ones?
- A. The government's one are under the full disposal of the Caliph, whereas the public ones are restricted to the benefits of all subjects, and the Caliph has no choice to change it.

Article 120

Individual moveable or immovable property is restricted to the five legal causes: work, inheritance, need for means for living, government's grants to the subjects and properties taken for no replacement of money or efforts.

Explanation:

Since individual property is not legal really but after Shariah permission, Shariah has defined five causes for anybody to own, throughout one or more of them, any property. In regard of legal works, Shariah decides the following kinds: enlivening the uncultivated land, taking things out from the ground and air, hunting and fishing, commission and brokerage, silent partnership, share-cropping of woody land, and working for rent.

As for enlivening the uncultivated land, it is making the unowned and unutilized land ready

for farming or planting or building. The evidence for the case comes from these words of the Prophet (PBUHR): "He who enlivens an uncultivated land becomes his".

But getting thing out from the earth or air, it is not of the whole people necessities, such as buried treasures or oxygen.

Hunting and fishing are referred to by these two Quranic Verses {Seas fishes and foods are Halal (permissible)} (from verse 96 of Ma'eda - Food table - Sura) and {to hunt when your pilgrimage is over} (from verse 3 of Ma'eda - Sura).

As for commission and brokerage, they look like buying and selling on behalf of others for rent. The Apostle (PBUHR) agreed upon them and called the dealers as traders.

As for the silent partnership, it is co-trading of two persons: one to pay the capital, and the other to make business. It is one kind of legal companies, since it is partnership of body and money. The Prophet said: "God's Grace is with the two partners if not dishonest".

As for share-cropping, it is to work in watering others' trees for a part of the crop. It's impermissible in fruitless trees, such as willow if not for other benefits such as wood.

As for working for rent, it is a contract for the benefit of the apprentice, and compensation of

the employee, though it is a private job, such as with the State, or public one, such as the tailor. The Prophet says: "Give the apprentice his wage before his sweat dried" and "the pay is equal to effort".

This is in respect of work, and its several legal sorts, but in regard of inheritance, it is determined by many Quranic and Sunnah texts, such as {God directs you as regards your children's (inheritance): to the male, a portion equal to that of two females; if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half..} (from verse 10 of Nesa'-women-Sura). There are other verses about inheritance distribution.

As for the third cause of ownership, which is the need for money for living, the Prophet says: "The Caliph is the sponsor and responsible for his subjects", a matter which obliges the State to satisfy all subjects' demands. If there is no work for anybody, or he is unable to work, Shariah obliges his/her relatives to pay the living costs, if they are living out, if not the House of Finance would pay them from Zakat, {And in their wealth a certain righteous portion for the asking and non-asking needy} (verses 24, 25 of Ma'arej - ascend-Sura), referring to the wealth of the wealthy.

As for the fourth cause of ownership, which is government's giving from its properties to the

subjects, it gives the needy ones what satisfies their needs from the House of Finance, or to help them so as to get benefit out from their properties, if they are unable to do so, either because of poverty or debts. Also, subjects may have some of the government's uncultivated lands. The Prophet (PBUHR) portioned each of Abu Bakr and Omar a piece of land.

As for the fifth cause of ownership, which is what people take of properties, for no effort or money, it covers:

1. the relationship among individuals, such as gifts,

2. deserving money as damages, due to these Holy Words of the Prophet "Each believing soul must be paid one hundred camels when murdered", and "He who damages a man's tongue should pay full Deyya",

3. deserving Mahr (marriage money) and its following things, because of marriage bond, the Quran says: {And give the women (on marriage) their dower as a free gift} (from verse 4 of Nesa-women-Sura),

4. the found thing, due to the Prophet's Words: "Whatever you find in a passable road you have to acquaint it for one year, if its owner doesn't come it is yours".

Discussion:

Q. What are moveable properties?

A. They are the moveable means, such as money.

Q. What are immoveable properties?

A. They are the immoveable means, such as lands.

Q. How is ownership restricted to Shariah causes?

A. It is because it does not become legal but due to one of them.

Q. How is ownership transferred from words to reality?

A. It is when the thing becomes under one's disposal.

Q. Is each real ownership connected with Shariah judgment?

A. Yes.

Q. But there are many new things after Shariah revelation was over?

A. Yes, but the judgments sources are ready to supply us with suitable judgments through deduction, and this attitude determines the soundness of Shariah for every time everywhere.

Q. Why is silent-partnership company mentioned here, in particular, whereas it is one sort of the

companies?

A. It is because one body alone runs business herein, though all companies are restricted to Shariah rules.

Q. What is the difference between commission and brokerage?

A. Commission needs no auction as the other.

Q. But willow trees may be planted for wood benefits?

A. It is O.K. when they are planted for such a purpose.

Q. What is meant with these words of the Quranic Verse {God recommends your children to you}?

A. It is an order to follow when distributing the portions of inheritance among them.

Q. What is meant with the need for money for life?

A. It is to satisfy the necessities of life.

Q. What is meant with the known right in Quranic Verse?

A. It is the limited portion in Zakat.

Q. Is giving in Islam a portion or a piece of land to a farmer to cultivate similar to feudalism?

A. No, because feudalism is a complete system in which man is enslaved with land, but giving in Islam is granting the land as a help to

manage one's life.

Q. What is meant with the Holy Hadeeth "Deyya for the tongue"?

A. It is to pay full Deyya (murder money) if tongue is damaged.

Q. Has Mahr (marriage or bridal money) any followings?

A. Yes, such as gifts.

SYMPOSIUM NO. 14 ECONOMY SYSTEM - 2

Article 121

Dealing with property is restricted to Shariah permission both in spending and developing. So the followings are forbidden: extravagance, stinginess and luxury in ones life; and capitalist companies, cooperative societies and all illegal dealings with others; and usury, immoderate over/less profit, monopolization, gambling and the like.

Explanation:

Since property is Shariah Judgment about the thing itself or its benefit, it is the Shariah permission to enable the owner to utilize the thing and get its substitution. This case includes developing and spending: developing involves the ways how to grow or increase properties, whether out of land or by exchanging things or by modifying things from a certain mode to another. Herein, the judgments in regard of agriculture, commerce and industry should be considered to clarify the decrees of land and all about; to clarify the decrees of sale, of companies and all about; to clarify the decrees of workers and industrialization and all about. Shariah rules limit the legal and illegal dealings

by clear texts. When they forbid extravagant spending or the opposite stingy one or luxurious one, it puts in hand this Quranic Verse {Make not thy hand tied to thy neck, nor stretch it forth to its utmost reach, so that you become blameworthy and destitute}. (verse 29 of Esra' - Night tour-Sura). Als, it forbids the capitalist companies and the so-called cooperative societies, as means of running business, since they are non-Islamic. It also forbids all ways of usury, monopoly, gamble and immoderate over/less profit in regard of developing property.

Discussion:

Q. What is meant with extravagance?

A. It is the illegal spending even of little money.

Q. What is meant with luxury?

A. It is the illegal spending of much money and in many ways.

Q. What is meant with stinginess?

A. It is legal spending but less than obligatory.

Q. Why are the capitalist companies and cooperative societies non-Islamic?

A. It is because the contract of each of them is non-Islamic.

Q. What is the immoderate over/less profit?

A. It is the profit more/less than conventional.

Q. What is meant with this Quranic Verse {Make not thy hand tied to thy neck, nor stretch it forth to its utmost reach}?

A. It forbids stinginess, when tying one's hand to one's neck, and not spending legally. It also forbids extravagance and luxury, when stretching one's hand to its utmost reach, and spend much or less illegally.

Article 122

Decimal Land (viz. which pays the Zakat of the tenth) is that land whose landlord embraces Islam without war, together with the Arab Peninsula lands, whereas Kharaj land is the conquered one by fight or arbitrationally, except the Arab Peninsula. Decimal Land is owned in itself and its benefit, whereas Kharaj one, its benefit only is owned by individuals but itself is the State's. Every owner has the right to exchange through legal contracts the Decimal land in itself and benefit, but only the benefit of the Kharaj one. Also, both of them, are inherited the same as any other properties.

Explanation:

Moveable properties are distributed among warrior in Jihad, whereas immoveable ones, such as land, remain in itself owned by the Moslems' House of Finance, though its benefit is

owned by ones, except the lands of the Arab Peninsula, which remains in themselves and benefits owned by ones. Shariah Judgment says: {To fight them or to believe in Islam} -(from verse 16 of Fath-conquer-Sura), determining that they have no other choice to keep on their beliefs as non-Moslems, and so Jezya and Kharaj are not accepted from them. Therefore, all conquered lands, in themselves, are owned by the State, and they are Kharaj Lands, whether they are still owned by Moslems or non-Moslems. As for lands which their lords have believed in Islam, such as Indonesia and the Arab Peninsula, they are owned by their owners as Decimal Lands.

The difference between Decimal Land and Kharaj one is that the former tax is evaluated in accordance with the practical production, and it is collected by the State when the land is irrigated naturally by rain, whereas half of it when it is irrigated artificially by pumps and canals. But, the latter one is evaluated due to the estimated normal production and not the practical or real one, and it is, therefore, to consider the probable production, so as to avoid injustice. It is to be paid annually both if the land is farmed or not, or fertile and not. By the way, the decimal tax is Zakat and should be spent only on one of the known eight sorts of people, but Kharaj tax should be preserved in the House of Finance, and in a certain chapter other than Zakat, and should be spent

according to Caliph's viewpoint.

Discussion:

- Q. What is meant with the term (land owners embraced Islam)?
- A. It is believing in Islam initially and without force or contract.
- Q. What is meant with conquering the land peacefully?
- A. It is agreeing to be governed by Islam State without any fighting.
- Q. What is meant with the land itself and its benefit?
- A. Itself means the very land, but its benefit means all utilities established on it, such as plants or buildings or the like.
- Q. What is meant with owning the Kharaj land itself by the State?
- A. It means that the State will not pay anything for it but only for the utilities established on, for example, when it is needed for a school or hospital or camp-site.
- Q. What is inherited from the Decimal and Kharaj lands?
- A. It is both itself and benefit, in regard of the Decimal one, but only the benefit, in regard of the other.

Q. Are these laws applied only according to the past or also for present and future?

A. They took place in the past and would be effective for today and future and till Doom's Day.

Q. How is probable production of Kharaj land considered together with collecting the tax when infertile?

A. Though crop damage is under consideration, but infertility because of carelessness is out of consideration, so the tax of Kharaj should be collected.

Q. Is Kharaj tax mixed with others, such as Zakat, in House of Finance?

A. No, it isn't, because it is put in a certain section of the special chapter of Governmental properties.

Article 123

Uncultivated Land is owned by cultivating or fencing, but cultivated or fenced one is not owned but by Shariah cause, such as inheritance or purchasing or granting.

Explanation:

Uncultivated land is that land which is not owned by anyone. It is enlivened by fencing or cultivating for farming, and the farmer is owner.

The Prophet (PBUHR) said: "He who enlivens a land not owned by anybody deserves it", and said: "He who enlivens a land it should be his own". Also, it may be enlivened by fencing, since the Prophet said: "He who encircles a land with a wall becomes his". Anybody may initially enliven a dead land by cultivation or fencing without asking the Caliph permission, but the lively land has not to be owned but after such a permission.

The difference between enlivening a land and having it as a grant is that enlivening refers to the dead land whereas granting to the lively one, which is of the State already enlivened lands. By the way, it is known that the Prophet (PBUHR) refused to grant a certain piece of land to Belal Al-Muzany when this man asked it, a matter which means that requesting the permission of the Caliph is necessary for owning the lively land. Also, such a land can be owned by inheritance and purchasing.

Discussion:

Q. What is meant with Uncultivated Land?

A. It is the unprepared for farming or building or the like.

Q. What is meant with enlivening the land or fencing it?

A. It is preparing it for farming or encircling it with

a stone wall or the like.

Q. Why did the Apostle (PBUHR) refuse to grant Al-Muzany a piece of land?

A. It is because he was afraid of being unable to farm it.

Q. Is enlivening an uncultivated land restricted to Moslem subjects?

A. No, since the Apostle didn't do so.

Q. When is the enlivened land expropriated from its owner?

A. When he neglects it without farming or fencing for three years or more.

Article 124

Renting the land for farming is absolutely forbidden, whether it is Kharaj or Decimal one. Also, share-cropping of the bare land is forbidden, whereas share-cropping of the woody land is absolutely permissible.

Explanation:

The Apostle (PBUHR) says: "He who has a land must farm it or grant it, else keep it", and says "Farm it or grant it your brother" answering the question about renting it for a share of crop or ash tree, and says "He who has a land must farm it or let his brother farm it on condition that not

renting it for the third or fourth of the crop or any certain food". These Honourable Words and the like forbid renting the land for farming, and the prophet's Sahabah restricted themselves to this case. As for what the Prophet did when renting Khaybar land for a half of the crop, it was renting a land bound in trees or woody land and not bare one. This case is share-cropping of the woody land and not bare one. On the other hand, share-cropping of the bare land for farming is forbidden, since the Apostle (PBUHR) expressed that frankly, whether it is for a share of the crop or a sum of money or food.

Discussion:

Q. Is it permissible legally to rent the land for not farming?

A. Yes, but for such as a barn of cattles.

Q. What is meant with farming in share-cropping?

A. It is renting the farming land for a share of the crop.

Q. What is meant with watering in share-cropping?

A. It is renting the tree-bound land for a share of the crop.

Q. What is meant with renting the land today?

A. It is renting the farming land for a sum of

money per a year.

Article 125

Every land owner is compelled to utilize his land, and the needy one should be helped by the House of Finance to utilize it, but if he neglects that for three successive years it would be dispossessed from him and given to others.

Explanation:

Because of the Honourable Words of the Prophet (PBUHR): "The old uncultivated land is God's and His Apostle, then to you, and the one who enlivens an uncultivated land becomes his, but he has no right in it if he neglects it for three years", and of the words of Omar (God Satisfied Him): He who does not cultivate his land for three years it should be given to the one who cultivates it. Any land owner has to utilize the land he owned whether in farming or others. But if he is unable to do so, the State has to enable him, and when he neglects it for three successive years it should be dispossessed from him to be given to any other one of the subjects.

Discussion:

Q. What is meant with utilizing the land?

A. It is using it in farming or other benefits.

Q. What is meant with the needy landowner?

A. He is the one unable financially to utilize the land.

Q. What is meant with the old land?

A. It is the uncultivated one many years ago.

Q. What does the House of Finance give to the needy?

A. Up to experts' study he is given what he needs to utilize the land.

Article 126

Public Property is realized in three things: in utilities, such as town yards, in limitless minerals, such as petroleum, and in things naturally unowned by individuals, such as rivers.

Explanation:

Public Properties are things for all people and anyone is forbidden to own anything of them. The Apostle's Words: "the whole people are partners in three things: water, grass and fire". These Honourable Words mean that all people of the subjects own these things and anybody of them is forbidden to own any thing of them alone. It is because water in rivers, seas and oceans is naturally unowned by individuals, and

grass in pastures is for the benefit of the cattles of all, and fire or all things bring out fire, such as oil and gas, and all other limitless minerals or common utilities are unowned by individuals.

Discussion:

Q. What is meant with the term: the public property is realized in a thing?

A. It means that the thing is of the public properties.

Q. What does it mean that the town yards are of the common utilities?

A. It means that all people are in need of them to facilitate life.

Q. What does it mean that the nature of a thing forbids the individual to own it?

A. It means that the abundance of a thing, for example, such as sea water, forbids the individual to own it.

Q. What is the difference between public properties and common utilities?

A. Public properties include these utilities, such as streets, and others, such as limitless minerals and things naturally unowned by individuals.

Article 127

Factory as a factory is one of the individual

properties, but its final consideration is due to its production: if it is a material of the individual properties, such as textile, the factory is an individual property, but if it is of the public ones, such as iron recovery, it is a public property.

Explanation:

The Apostle (PBUHR) asked others to make him a ring and a mimbar. He also agreed silently upon asking things to be manufactured at that time. These cases determine that factory is an individual property. But since things are different in nature, and some of them are liable to be owned individually and some are not, also some are of utilities or limitless and some are not, factory should follow, in final consideration, the sort of thing or things it produces. Whenever the manufactured material is public property, such as war tanks, the factory should be the same, but when it is individually owned, such as sweets, the factory is the same.

Discussion:

Q. What is meant with factory?

A. It is the plant where things are changed from raw material to new desired manufactured one.

Q. How does a factory become owned due to

production?

- A. It is public property if its production is public one and it is an individual property if its production is the same.
- Q. Are there governmental property among factories?
- A. No, since they follow the production, and it is either individual or public one.
- Q. But since governmental property involves every matter under the caliph disposal, aren't there factories production of the same?
- A. Yes, but they are part of the public property, which is also under the full disposal of the Caliph, who is the deputy for Ummah or the whole people or nation.

Article 128

State is not admissible to change any individual property into public one, since being public is determined by the nature of things or their specifications and not by the State viewpoint.

Explanation:

Since ownership of any property is proved by Shariah texts, and the public one is determined by nature of things or their specifications, Shariah permission about it is not connected

with Ijtihad and Mujtahid, even the Caliph. With reference to Article No. 126, properties are either of common utilities, for people as a whole, or of limited or limitless material, which the whole people may or may not be in need of them, or of a nature which impossible to be owned individually. The public property, therefore, is due to its nature or sort of thing. Hence, none can change any individual property into public one on any plea or consideration even if he is of the top Mujtahideen. Consequently, it is impermissible to the State to change any individual property into public one, and the public one should be kept on within the frame of the aforementioned three things only.

Discussion:

Q. What is meant with changing an individual property into public one?

A. It is expropriation of the individual one and making it public whether for full price or half or no.

Q. What is the difference between the nature of property and its specifications?

A. Its nature is its very case, since creation, but its specifications are the case gradually formed in consequence of outside factors.

Q. Is there any example for these cases?

A. The mineral of iron, for example, if it is limited

individual can possess it due to this specification at this very spot, though it may be limitless at another spot. This is in regard of specification, but in regard of nature, such as waters of seas, lakes and oceans, these nature as a huge gatherings of water, forbids individuals to possess.

Article 129

Every individual of Ummah has the right to get the benefit of anything of the public properties, and the State is not admitted to permit anyone of the subjects to possess alone anything of the public properties or utilize it.

Explanation:

To get benefit as an individual of the public property, such as when swimming or fishing in the sea, is not in need of a Shariah permission since it is of the permissible, whereas to possess the sea beach, as a whole, or as a part of it, by somebody and prevent other subjects, is forbidden, because it is for the whole people as a public property. Also, to benefit individually from the town yards is permitted, but to prevent others is forbidden since they are public property. If the State permits anything different from this case it is illegal and the State has to cancel such a permission at once or the Court of Injustice Acts should interfere to cancel it. The

State, by the way, has not to permit some people to construct swimming huts by the sea and forbid others, since sea beaches have to be opened for all as a public property. Also, huts on the streets pavements are forbidden for individual benefit.

Discussion:

Q. What is meant with the right of utilizing the joint property?

A. It is the permission for every body to benefit it without preventing others.

Q. What is meant with exploiting the joint property?

A. It is to benefit it in any way, such as building a hut for sale at any spot of the common yards of the city.

Q. Is it permitted to prevent fishing in a certain time?

A. Yes, as a policy of protecting the public interest, so as to give full opportunity for fish breeding or to protect a certain kind of fish against extinction.

Article 130

State is permitted to protect and own some of the uncultivated land, and of the public property, for the sake of any benefit of the whole

subjects.

Explanation:

Uncultivated land is one of the permissible from which the State or any individual of the subjects can protect or possess either by utilizing or encircling with a stony wall. As for the public property, the State is permitted to protect any part of it necessary for the public benefit, such as setting up a school or hospital or play-ground or shelter, but it is not permitted to admit anybody of the subjects to possess any part of it and prevent others from using or getting any special benefit from it.

Discussion:

- Q. What is meant with protecting the uncultivated land?
- A. It is using any part of it for any appreciated public benefit, and this case results in enlivening the land.
- Q. Is this meaning the meant one in regard of protecting the public property?
- A. Yes, but without the process of enlivening since the public property is before alive.
- Q. Which is the authoritative side of the State to consider the benefit?
- A. He is the Caliph himself or any other deputy of him, such as the assistants or valis.

- Q. From where is the State authorized with such a permission?
- A. It is from being generally responsible about the whole benefits of Ummah.

Article 131

Burying money is forbidden though its Zakat is paid.

Explanation:

Because of the Quranic Verse: {And those who bury (Hide) gold and silver and spend them not in the Way of God, announce unto them a most grievous penalty} - (from verse 34 of Tawpa-Repentance-Sura), to bury wealth or gold and silver, and not spend them, is forbidden, and the State has to prevent it. Gold and silver, as well-known in Islam, are the source of all properties and wealths, whether in themselves or in evaluating other wealths, as being looked upon as the criterion for all wealths. As for the viewpoint, which does not forbid burying wealth if its Zakat is paid, and avoids the owner any punishment, it is a less weighed thought, because the Verse compares the buried wealth with spending in God's Way, and paying Zakat is merely a part of this

spending and not all of it. Also, burying wealth, on plea of future need, is wrong, because it results in hindrance of economic life rotation. Therefore, it is necessary to move wealths in life, developing and spending together, so as to push the economic wheel always forward.

Discussion:

Q. What is meant with forbidding to bury or hide money for unlimited period?

A. It is the State interference with any legal way.

Q. What is meant with wealth forbidden to be buried or longly hidden?

A. It is gold and silver or any deputy money.

Q. Is there any other legal view admits burial of money?

A. Yes, but with paying Zakat.

Q. What is meant with paying Zakat?

A. It is either directly paid to one of the deserving eight ones or indirectly to the governmental House of Finance which will pay it to one of the eight or more than one.

Q. How does burial of wealth hinder the economic rotation?

A. It is when putting it away of dealing, and suspending works and projects.

Q. How does spending money in legal ways

move on the economy rotation?

- A. It motivates those ways through more dealings, else they should Yemain frozen.

Article 132

Zakat is collected from Moslem's wealths legally confined in money, trade-materials, cattles and grains only. It is to be taken from every owner of some or all of these wealths, whether obliged mature or not, and should be stored in a certain chapter of the House of Finance, and would not be spent but to one or more of the limited eight ones.

Explanation:

Since Zakat is a financial worship it is not collected but from Moslems only. Quran Verse says: {And in their wealth and possessions the known right of the needy who asked and who does not ask} - (verses 24, 25 of Ma'arej-Ascend-Sura), they mean that Shariah has to limit the wealths from which Zakat is taken. Shariah restricts them to the followings: the money of gold, silver and banknote; trade materials; cattles of camels, cows and sheep or goat; and grains of wheat, barely, corn, dates and raisin. Zakat has not to be taken but only from these materials though some jurisprudence scholars widen its scope to make it unlimited in any number of

materials. But since it is financial worship it aims the owned wealths and possessions and not the owner, whether obliged mature, such as of being sane matured, or non-obliged, such as of being insane and immature. Therefore, everybody who has the Nisab (fix amount) for one year has to pay Zakat for it. As for keeping, it should be stored in the House of Finance, and in a special chapter, so as not to be mixed with any other financial resources.

In regard of spending, the Quranic Verse says: {Alms (Zakat) are for the poor; and for the needy; and for the employees for it; and for the newly unsteady believers; and for those in bondage; and for those in debt; and for the sake of God; and for the wayfarer} - (from verse 60 of Tawpa-Repentance-Sura), restricting punctually for whom is Zakat paid. By the way, the poor are those people who own some wealth but less than their expenditures, whereas the needy are those who have neither any wealth nor any income. The employees for it are those who administer both collecting and spending it. As for the newly unsteady believers are those whom the Caliph sees in need of help to be of steadfast belief in Islam. Those in bondage or in debt are known, but for the sake of God, it is specially deducted for Jihad and not fluctuated on all so-called good deeds. The wayfarer are those travelers who suffer from shortage or missing of money. Only to these eight ones of people the Quranic

Verse has restricted Zakat to be paid.

Discussion:

Q. Is there any other worship than financial?

A. Yes, such as fasting, which is spiritual bodily one.

Q. What is meant with financial worship?

A. It is taken from the wealth disregarding its owner, but only Moslem.

Q. Are Zakat amounts the same or different?

A. They are different: 2.5% from all sorts of money and trade materials, but different due to the sort of cattles. As for grains, it is tenth of the rainy watered, whereas half of the tenth of the artificially watered.

Q. Is it the known right referred to in the Quranic Verse?

A. Yes.

Q. Is Zakat spent for constructing schools or hospitals or the like on plea that they are parts of God's sake or cause mentioned in the Quranic Verse?

A. No, because the referred to Verse aims only Jihad (the Holy War), and of these charitable or governmental deeds has its certain chapter of the House of Finance to be paid for and accomplished though some

jurisprudents justify giving or paying for all good deeds.

Article 133

Jezya is collected from non-Moslem subjects (Thimmis), and only from endurable men and not women or children.

Explanation:

The Quranic Verse says: {Till they pay Jezya when able and within humiliation} (from verse 29 of Tawpa-Repentance-Sura), and the Honourable Hadeeth says about Hajar Magus: He who believes in Islam is O.K., else Jezya should be ordained on them. It is to be collected from men capable to pay, and who keep on their religions and refuse Islam. It is not to be taken from the unable nor women nor children nor the insane. As for the amount of Jezya, it is up to the Caliph and his Ijtihad, on condition that it is endurable. If the one becomes unable to pay he should be in debt.

Discussion:

Q. What is meant with Thimmi?

A. He is one of the non-Moslem citizens.

Q. Why is Jezya taken only from men?

A. It is because being a tax ordained on the warrior men who keep on their religion.

Q. Is it dropped when Thimmi believes in Islam?
Why?

A. Yes, because the Prophet Mohammad (PBUHR) has been sent as a leader to have the true faith and Shariah in existence and not as a tax collector.

Article 134

Kharaj is collected from the Kharaj lands, due to its endurability, whereas lands of the tenth should pay the Zakat of tenth, in accordance to its real productivity.

Explanation:

Kharaj, the same as Jezya, is a right God grants Moslems from non-Moslems, but it is on land occupied in war or in peace. The Apostle (PBUHR) decided that the land of Bahrain is the Fay' (loot) for Mosle. Also, Kharaj is collected due to the land possible and not real production. This case was agreed upon by the Friends in time of Omar (God Satisfied Him). This land tax is collected the same as Jezya per Hejra year. It is evaluated due to the breadth of the land or grown plants or amount of production and in a certain period, so that it may be modified to be increased if the rise of production caused by the State help. As for the land whose owners have believed in Islam and was not occupied in war nor in peace, they

have to pay the tenth of its real production as an annual Zakat.

Discussion:

- Q. what is meant with capability of the land?
 - A. It is what the land capable to produce of plants or for any other benefit.
- Q. What is meant with the real production of land?
 - A. It is the actual crop from which the Zakat of the tenth is paid every Hejra year.
- Q. Why is Kharaj ordained on the capability of land meanwhile the tenth Zakat on its real production?
 - A. It is because Kharaj is the tax of the land itself when occupied in war or in peace, whereas Zakat is the tax of the production itself.

SYMPOSIUM NO. 15 ECONOMY SYSTEM - 3

Article 135

The tax Shariah permitted should be collected from Moslems to satisfy the expenditures of the House of Finance. It should be collected only from what increases more than the needs of the wealthy, and what satisfies the needs of the State, and from Moslems, because non-Moslems have not to pay anything but *Jezya*.

Explanation:

Shariah has divided Ummah's needs into two parts: one, to be satisfied by the House of Finance, two, to be covered by the whole Moslems. State has the right to collect the money enough for that. This means that taxes are the money which is collected from Moslems to satisfy their requirements, and the Caliph is the responsible one who has to command for collecting and spending on the necessary projects, such as schools, hospitals, streets and the like.

But how is this tax collected from Moslems? It is taken only from the money more than their expenses and when they are habitually satisfied both in necessities and luxuries. It is, therefore, taken from the money more than one's need for

a car and servant, for example, or for a wife. Both of increasing wealths and big wealths are disregarded when collecting taxes, because Islam does not prevent becoming wealthy.

Islam cares only for adequacy of money in the House of Finance to satisfy all demanded requirements. Hence, taxes are collected much enough for State's expenditures, on condition that they are absolutely neither ascending nor descending. They should be the same percentage from all Moslems, disregarding the abundant money from which it is taken. Also, it should be fair to be taken only from wealths more than necessary and luxury requirements of one's life, and not from one's income. The instruments of production in industry and farming, and the land and houses, are not considered as parts of the capital from which the percentage to be taken.

In one word, what Shariah has ordained on Ummah, the State has to collect taxes to satisfy it if there is a shortage of money at the House of Finance, and it has not to collect anything if it is not ordained on Ummah, such as courts' or departments' fees. It is decisive not to collect any tax from the non-Moslems except the annual Jezya.

Discussion:

Q. What is meant with collecting much enough

taxes?

A. It is collecting them from the wealthy Moslems much enough to satisfy the requirements only.

Q. What is meant with the requirements of the capital owners?

A. They are the necessary and luxury habitual ones.

Q. What is meant with adequacy for the satisfaction of the State's needs?

A. It is the full coverage for what the State needs.

Q. Why are taxes restricted to Moslems to cover the expenditures of the House of Finance?

A. It is because they are to satisfy the requirements ordained on all Moslems, whereas Jezya tax only is collected from the non-Moslems.

Q. What is meant with an ascending or descending tax?

A. Ascending one is that which increases due to capital or income increasing, but the descending one is vice versa.

Q. What is fair percentage taken from the whole Moslems?

A. It is when taken equally from all Moslems, disregarding the amount of money more than one's needs. For example, %10 is collected

from all the means beyond one's all needs.

- Q. If instruments of products and estates are not considered in percentage: from where should tax be taken?
- A. It should be taken out from the currency available much more than necessities and luxuries.
- Q. If taxes are restricted to what is ordained on Ummah only it should be much little?
- A. Since Islam encourages wealth and fights poverty they should not be little, and if they are little there are other resources for the House of Finance.

Article 136

The State Budget has permanent chapters legally decided; but its sections, and the sum of each section, and the items for which the sum is spent, are all due to the Caliph and his viewpoints.

Explanation:

The Budget of the Islamic State is different from the democratic states: there is no annual budget nor discussing by Ummah's Council. It is because of the resources of the House of Finance being collected and spent according to certain Shariah rules, and these rules are so

permanent that there is no chance for thinking about the chapters of resources and expenditures at all. But as for the sections of the budget chapters, and the amounts for each one, and the items for which each amount should be spent, they are all due to the views of the Caliph, since they are some of his responsibility about caring for all Ummah affairs in respect of deciding and executing and without any reference to Ummah's Council which has the right to reconsider and examine all expenditures.

Discussion:

Q. What is meant with the State budget?

A. It is the amounts of money limited in chapters and sections about resources and expenditures of the State which they have to be parallel if not realizing some savings.

Q. Are chapters of the State budget temporary?

A. No, in Islam, since they are ordained by Shariah rules, but they may be temporary in democracy, since their budgets are decided within the views of Ummah and its Assemblies.

Q. What does it mean that the sections and temporary sums are a part of caring about affairs?

A. It is because they are some of the Caliph's

responsibility for managing the affairs of the subjects internally and externally.

Article 137

The permanent resources of the House of Finance are: all Fay' (war and non-war spoils), Jezya, Kharaj, fifth of the buried treasures and Zakat. They are all collected permanently whether there is need for them or not.

Explanation:

God says: {They ask thee concerning spoils of war, say: spoils are at the disposal of God and the Apostle..} (verse 1 of Anfal -Spoils-Sura). This Quranic Verse means that spoils are for all Moslems, since they are under God's and Apostle's disposal. Booties or spoils are to be deposited at the House of Finance, the same as Jezya and Kharaj. All of these three resources are collected from non-Moslems, in respect of booties and Jezya, and from the occupied land owners, Moslems or non-Moslems. As for Zakat of the fifth and all other Zakat, they are all ordained legally every year to be also deposited at the House of Finance, whether there is need for them or not. The important thing is to deposit all kinds of Zakat at a particular place of the House of Finance, and without mixing them with others, and should be spent for one or more of the eight certain ones limited in Quran Verse.

Discussion:

- Q. What is meant with the permanent resources of the House of Finance?
- A. They are the sources deposited at the House of Finance annually and without any decisions.
- Q. What is meant with Fay' (booties)?
- A. They are the booties got as a result of war or peace contract against non-Moslem countries.
- Q. Is Zakat in itself not to be mixed with the other wealths deposited at the House of Finance or only a particular register should be used for it?
- A. It is as Zakat itself should not be mixed with other resources of the House of Finance.

Article 138

When the permanent resources of the House of Finance are not much enough to satisfy the State's expenditures it is permitted to collect taxes from Moslems, on condition that they are run as follows:

- A. They are collected to cover the ordained expenditures asked from the House of Finance, without any substitution, for the poor, the needy, the wayfarer and Jihad.**
- B. To cover the ordained expenditures asked**

from the House of Finance for a substitution, such as payments of employees, soldiers and rulers.

- C. To cover the ordained expenditures asked from the House of Finance in favor of utility and public benefit but for no substitution, such as paving roads, pumping up water, establishing schools, hospitals, mosques.. etc.
- D. To cover the ordained expenditures asked from the House of Finance on behalf of necessity, such as emergent hunger or flood or earthquake.

Explanation:

Originally all these expenditures have to be covered by the permanent resources of the House of Finance and throughout the Caliph's viewpoint about taxes collection if those are not enough. Taxes, as above-mentioned, have not to be ordained on Moslems but when the House of Finance becomes unable to fulfill any purpose. Out from Zakat and Zakat of the Fifth the poor, the needy, the wayfarer and Jihad are to be paid, because all of them are of the eight known ones in Quran. But when all sorts of Zakat available at the House of Finance are not much enough for the purpose obligation should be shifted to be ordained on all Moslems until the need of these four ones is covered, and the Caliph is the only authoritative one to manage

tax collection from Moslems. As for the payments of soldiers, employees and rulers, they should be shifted to be ordained from Moslems, instead of the House of Finance only when this House is really unable to pay them adequately. Also, the expenditures of roads paving, water pumping-up, constructing of mosques, of schools, of hospitals, of shelters & of playgrounds, have not to be ordained on Moslems in stead of the House of Finance but when it is really unable to pay for them adequately, since they are of Moslems' utilities and benefits, and if not satisfied some disadvantages will be caused to Moslems. Also, to get rid of the emergent cases, such as famine, earthquake, flood, enemy's assault or raid and the like: they are to be paid from the House of Finance, else from taxes ordained on all Moslems, so as to save them from such disasters as a matter of necessity.

Discussion:

Q. What is meant with the ordained expenditures on the House of Finance?

A. They are to be paid from what is spared in the House.

Q. What is meant with expenditure for substitution?

A. It is to be paid for something, such as the work exerted by the employees.

Q. What is meant with expenditure for no substitution?

A. It is to be paid for nothing, such as feeding the poor.

Q. Why are the salaries called compensations?

A. They are called so esp. for compensating those who are devoted day and night for the task of ruling, but in respect of all employees and the like it is called so for the effort of hours-duty.

Q. What is meant with expenditure on behalf of utility and benefit?

A. It is to realize benefits and facilitation of life.

Q. What is meant with expenditure on behalf of necessity?

A. It is to get Ummah rid of a certain emergent disaster, such as an earthquake destruction.

Q. What is the cause of shifting these expenditures to the whole Moslem?

A. It is the disability of the House of Finance completely or partially.

Q. What is the amount of these taxes collected from the whole Moslems?

A. It should be much enough to cover the expenditures fully.

Article 139

The revenues of Customs and of the public and governmental properties, and the inherited properties of no heirs are all considered from resources of the House of Finance.

Explanation:

Customs revenues have to be taken only on the so-called border stations as a similar treatment according to the principle of reciprocity with other non-Moslem countries. They have not to be collected within the territories of the Islam State, since it is the called Mukoos or evil revenues, and the Apostle (PBUHR) said: "He who collects evil revenues of customs should be punished in fire". Those legal properties of customs are to be deposited in the House of Finance, so as to be spent on the benefits of the subjects. The same thing should be dealt with for the production or income of the public property and State property and the properties of the inherited deceased one. All of them are under the disposal of the Caliph and his views about the benefits of the subjects.

Discussion:

Q. What is meant with the revenues of customs?

A. They are the fees collected on the so-called border stations in accordance with similar treatment with the traders of the other

countries.

- Q. On what basis are customs collected and why?
- A. It is on the basis of the nationality of goods owner and not the origin of goods, since that is the basis of treatment with the subjects of other countries.
- Q. What is meant with Maks (customs) mentioned in the Honorable Hadeeth of the Prophet (PBUHR)?
- A. They are the illegal customs collected from Moslems during moving with their goods from place to another within the territories of the Islamic State.

Article 140

The expenditures of the House of Finance are divided among six categories as follows:

- 1. The eight sorts deserving Zakat: they are paid from Zakat when available;**
- 2. The poor, the needy, the wayfarer, Jihad and the indebt: they are paid from the permanent resources if there is no Zakat, and if Zakat is over nothing is paid to the indebt, but the poor, the needy, the wayfarer and Jihad: taxes should be collected to cover their expenses, and if perhaps corruption happens the State should borrow for the purpose;**

3. Those who serve the State, such as soldiers and employees: they have to be paid from the House of Finance, and if not enough taxes should be collected, and if probable corruption is feared the State should borrow;
4. The basic benefits and utilities, such as roads, mosques, hospitals, schools and the like: they have to be paid from the House of Finance, else taxes are collected so much enough to cover their demands;
5. The luxury benefits and utilities, such as playgrounds, swimming pools, etc. have to be paid from the House of Finance, else nothing is paid;
6. The emergent cases, such as famine, earthquake, floods and the like: they are paid from the House of Finance, else borrowed, and then borrows are paid from the collected taxes.

Explanation:

The House of Finance expenditures move within six lines: Zakat and Zakat of the Fifth are paid to the deserving eight sorts only if there is enough money, but if not there are no additional borrows; paying the dependents and Jihad is necessary to fulfill if enough, else additional borrows when there is probable corruption, otherwise postponed to collect taxes; paying the salaries of employees, soldiers, judges and

compensations of rulers are necessary to do if enough, else borrows if probable corruption, otherwise postponed; paying the expenses of basic benefits and utilities should be done if enough, else taxes; paying the luxurious benefits and utilities should be done if available, else not borrowed; paying the expenses of the emergencies should be done, else taxes and borrows till taxes are collected if taxes are delayed.

Discussion:

- Q. Upon what do you rely in dividing the expenditures of the House of Finance into six parts?
 - A. It relies upon Shariah spending phases.
- Q. Upon what do you rely in preferring some of the eight categories to the others?
 - A. It relies upon the preferable obligations in priority.
- Q. What is meant with the fear of corruption?
 - A. It is being exposed to immoral deeds or violation of security.
- Q. How do you differentiate between the basic and the luxurious benefits and utilities?
 - A. It is due to the one's extent of need.
- Q. What is meant with collecting taxes enough to satisfy a need?
 - A. It is to collect so much taxes enough to cover

the expenses completely.

Q. What is meant with to reconsider satisfying the need of fulfill better case?

A. It is to postpone paying and then to borrow for collecting taxes.

Q. When is money borrowed to pay expenses?

A. It is when fearing corruption out of delaying collecting taxes.

Article 141

The State has to assure opportunities of jobs to be available for everyone of the subjects.

Explanation:

The State, represented by the Caliph, has to care for the individuals' affairs by assuring work and job opportunities for everyone able to work. It is because the Apostle (PBUHR) says: "All of you are responsible starting from the Caliph, who is responsible for all subjects". But if an individual is unable to work any of his responsible wealthy relatives should help him permanently, esp. if his disability is permanent, otherwise he should be in debt to his relative. But if he has no wealthy responsible relative the State has to help him. That is because whenever State is unable to spare work opportunity for everybody of the subjects, it has to satisfy their needs if there are no responsible wealthy relatives.

Discussion:

- Q. What is meant with State guaranty?
- A. It is being responsible to administer what is to be secured.
- Q. Are works or jobs warrant for everybody of the subjects?
- A. No, but for everyone who asks for it.
- Q. When is the State unable to secure works and jobs for all who ask for?
- A. It is when the society stops developing economically, so that individuals become more in number than the necessary opportunities.

Article 142

Employees of individuals and companies have the same rights and duties as those of the State. Everyone who works for a rent is an employee, whatever different his work is. Whenever the employer and the employee disagree upon the rent the similar rent is forced, but whenever they disagree upon some other thing the contract is forced in accordance with Shariah rules.

Explanation:

All individuals of the subjects are under the Caliph sponsorship. He is obliged to apply the

Shariah rules equally since the Apostle (PBUHR) says: "People are equal (before rules) the same as the comb teeth". Consequently, all employees are equal before Shariah rules both in rights and duties since the Apostle (PBUHR) says: "Rent is equal to effort" whenever exerted by Moslems or non-Moslems. Both private employees of individuals and companies, have the same rights and duties as the employees of the State, disregarding the sorts of jobs or works they run.

As for disagreement upon the rent or some thing else, the similar rent should be effected for the former, and the items of the contract should be effected for the latter, in accordance with the Shariah rules.

Discussion:

- Q. What is meant with equality in right and duty?
- A. It means there is no discrimination between the State employees and those of individuals and companies.
- Q. What is meant with the rent?
- A. It is the salary paid to the employee whether daily or weekly or monthly or annually.
- Q. What is meant with the rent of the similar one?
- A. It is the rent or salary which is paid to another one similar in the job or work.

Q. What is meant with enforcing the contract in accordance with the Shariah rules?

A. It is to settle the disagreement with Shariah rules so that if there is any illegal or anti-Shariah item in the contract it should be corrected to be within the legal rules.

Article 143

Rent or salary may be due to the benefit of work or the benefit of worker, and not due to the knowledge or scientific certificates of the worker or the employee. There are no annual increments for the workers or the employees but they have to be paid their full rents or salaries.

Explanation:

Engineers' rents or doctors' or teachers' are evaluated according to the benefit of one's work, a matter which makes it high due to the high benefit of the work, whereas it is low due to the low value of the worker's benefit, such as the servant's. Rent in both cases is connected with the benefit and not with the effort, else the worker of building should be paid higher than the architect or engineer himself.

As for the knowledge and scientific certificates of the employee, they may be notified at the beginning of renting or employing, because they may foretell about the

good benefit may be got of the employee. When he assures it he deserves the agreed-upon rent, else they may go back to enforce the similar rent of such a less benefit. When the employee alleges that the agreement is something different they go back to enforce it within the rules of Shariah.

As for the secular laws, which increase the salaries or rents from time to time, it is legally rejected because the benefit of the employee may improve more or less than before. So there is no value for passing time but it is for improving the work or worker's benefit, a matter which improves the rent respectively.

This case means that the contract should be limited either daily or monthly or annually, and the rent should differ from time to time, according to the increasing benefit, and from one to one, according to the rent of the similar in the market.

When the employee or worker becomes more and more experienced, and the benefit of his work improves more and more, he would not accept the same salary as before. Hence, every employee or worker should get his complete rent according to the contract without any increment at all, and he can re-contract with more rent according to the rent of the similar.

Discussion:

Q. What is meant with the rent according to the benefit of the work? Give example, please.

A. It is due to the benefit got from the work, such as that of the engineer's.

Q. What is meant with the rent according to the benefit of the worker? Give example, please.

A. It is due to the benefit got from the worker, such as the servant.

Q. What is meant with the knowledge and scientific certificates of the rented one?

A. It is his experience in work and the certificates he gets from any scientific foundation.

Q. Is it reasonable to give the same rent for the new graduate and the experienced graduate?

A. No, because the benefit of the expert is higher.

Q. What is the value of experience and of scientific certificates on the day of contracting?

A. They are to be notified and they should be given chance for one month or more under notice, then to go on with the same rent or to be higher or lower.

Q. What is meant with the rent of the similar?

A. It is the rent valued by the market experts in regard of the benefit of such a work or worker, and then to settle the disagreement

between the employee and the employer in accordance with it.

Article 144

The State has to warrant the paying of the expense of every moneyless or workless one of the subjects, who has no obligated relatives, and, at the same time, it should undertake patronage process for the aged and the disabled one in suitable shelters.

Explanation:

Since the Apostle (PBUHR) says: "The Caliph is full responsible for his subjects", the State is responsible for them all-in-all. They have to assure payment of the expenses of everyone of the subjects who has no money or properties if he cannot find any suitable work or job to manage his living, and he has none of his relatives who are legally obligated to pay in such cases his expenses, whether from his fathers' or sons'. The House of Finance has to pay these people their expenses out from Zakat, and if there is no Zakat the State should collect taxes for the purpose. But if taxes are delayed to collect, and this case may result in any corruption, the State has to borrow, and then to pay this borrow out from the collected taxes.

Discussion:

Q. Who is meant with moneyless one of the subjects?

A. He is the one who has no money or anything evaluated for money.

Q. Who are the relatives obligated legally to pay one's expenses?

A. They are his heirs, esp. one's fathers and sons whatever up or down.

Q. Who is meant with being incapable or of a certain physical disability?

A. The incapable is that feeble one because of age weakness, but the others are those people who suffer from certain retards physically or mentally.

Article 145

The State has to manage the exchange of wealth among all the subjects and prevent limiting its exchange in a certain group of them.

Explanation:

Since the Quranic Verse says: {In order that it (wealth) may no merely make a circuit between the wealthy among you} - (from Verse 7 of Hashr - Gathering-Sura), it enforces the equilibrium among people through State's granting those needy persons from the House of Finance until they cover their needs, and realize equilibrium

between the wealthy and the needy in the society. Those grants are not to be given in a temporary way, such as giving money helps, but in a permanent one, such as enabling them to possess moveable or immoveable properties out from booties or public properties. But when the House of Finance is unable to satisfy the demanded equilibrium in society no taxes are to be ordained, since such a case is an individual duty and not a collective one.

Discussion:

Q. What is meant with exchanging wealths among the subjects?

A. It is circulating them among them all in stead of a certain group.

Q. Who are meant with the needy here?

A. They are those people who are in need of more help to develop or improve their farming or commercial or industrial business, and they are not the poor and the needy in general.

Article 146

The State has to tackle the question of enabling all subjects to satisfy their luxurious needs, and the question of establishing equilibrium among all people of the Society as follows:

- a- The moveable or immovable properties of House of Finance are given the same as booties and the like.
- b- The cultivated land is given only to those who have not enough land, but not to who have land and not exploit it. The one unable to plant is paid money to help him.
- c- The debts of the unable are to be paid from Zakat or booties or the like.
- d- The needy and non-needy are given from the public property to satisfy their luxurious needs and establish equilibrium among people.

Explanation:

The State has to conduct the treatment of these two questions throughout granting the moveable and immoveable properties out from the House of Finance to the people, so as to enable everyone of the subjects to satisfy his luxurious needs. The cultivated lands of the State property may be given to those who can farm them, and as for those who have lands but unable to farm them, they have to be helped also, and their debts are to be paid from Zakat or booties or Jezya or Kharaj. But to establish equilibrium among society the public properties

have to be given to the needy and not needy, Moslems and non-Moslems except when paying Zakat which is restricted to Moslems only.

Discussion:

Q. What is meant with enabling the one of the subjects?

A. It is helping him according to his need.

Q. What is meant with the cultivated land?

A. It is the land ready for farming.

Q. From which properties does the State establish equilibrium among Society?

A. It is from the State and public properties only and not the individual one.

Q. From which properties does the State enable all subjects to satisfy all their luxurious needs?

A. It is also from the State or governmental and public properties only.

SYMPOSIUM NO. 16 ECONOMY SYSTEM - 4

Article 147

The State has to supervise the agricultural affairs and products in accordance with the requirements of the policy of agriculture which realizes the exploitation of land in the highest level of production.

Explanation:

The State has to give, from its cultivated lands, every needy one, able to invest it, and to give money or seeds every land-owner, unable to invest it.

The State has to collect Kharaj taxes and Zakat of the Tenth from each land, and spares, on the return, instruments and machines to all who need them and unable to import them, if still not available in markets, and to establish factories to manufacture them, if there are no such factories.

In this way, the policy of agriculture involves supervision on all requirements of land investment, so as to rise its crops to the utmost levels.

Therefore, it will not only realize the auto-nutritional satisfaction but also exportation to

other markets.

Discussion:

Q. What is meant with the State Supervision over the affairs of agriculture?

A. It is to control and direct them, so as to fulfill certain purposes.

Q. What is meant with the policy of agriculture?

A. It is to take care of all affairs of agriculture.

Q. How does such a policy realize this care?

A. It is throughout sponsorship of farmers and land together, so as to give the best and highest crops.

Q. What is meant with the auto-nutritional satisfaction?

A. It is sparing all kinds of foods so much enough to be accessible by everybody of the subjects.

Article 148

The State supervises all the Affairs of industry, and undertakes in hand the industries related with the public property.

Explanation:

Factory is judged with the same judgment in regard of its products, because of the

Honourable Hadeeth of the Prophet (PBUHR) which cursed the squeezer of wine. If the material made in a factory is from the public property, such as the limitless minerals and metals, the factory has to be of the public property, and vice versa.

Hence, the factory of limitless metals and of smelting-forging-molding form is of public property, whereas that of cars is individual one. The State has to separate between these two kinds of factories, as a part of supervision, then to encourage the sophisticated ones, which are necessary for progress.

By the way, the State has to apply the Shariah economic rules necessary in this field, including those of companies, of rentship, of sales, and the abroad trade.

In a word, because the State is responsible for the public property, it will undertake directly in hand the industries of the public property and the supervision for all industrial affairs at the same time.

Discussion:

Q. What is meant with all affairs of industries?

A. They are the public and individual ones.

Q. What is meant with running the public industries?

A. It is establishing and conducting and

investing all industries.

Q. What is the evidence that factory is judged with the same judgment of the material it manufactured?

A. It is the Honourable Hadeeth in which the Apostle (PBUHR) frankly expresses that God curses the squeezer of wine involving the man and factory they cooperate in this process together.

Q. If the cars industry is individual property what is the property of tanks? Why?

A. It is a public property, because all warlike industries including tanks are so.

Article 149

The abroad trade is looked upon according to nationality of the trader and not the origin of the goods. Whenever the trader is of a fighting country against the Islamic one he is prevented from trading in our country, except after a special permission for him or his means, but whenever he is from a country of treaty he is dealt with according to the treaty with his country. As for the traders of the subjects, they are forbidden to export any strategic material or necessary for our countries. But they are allowed to bring in any means they possess abroad.

Explanation:

Since foreign policy of the Islamic State is built on the basis of the Islam Call abroad, the external trade is built upon the same basis because it is a part of the foreign policy. Therefore, this policy cares only for the nationality of the trader with whom we deal and not the goods he cargoes. This case means when the traders abroad are of war-countries they are forbidden from trading with or in our countries whatever the origin of the goods they want to export to our countries are, except if those goods are strategic.

But if the traders are from treaty-countries we deal with them according to the treaties with their countries. When the treaty is inclusive we deal with all goods they export.

As for the traders of the subjects, they are to be restricted to the form of relationship the Islamic State has conducted with the countries abroad, due to reciprocity principle. They are not allowed to export the material necessary or strategic, though they are allowed to bring in all means they possess abroad.

Discussion:

- Q. Why is the abroad trade built on trader nationality and not on origin of goods?
- A. It is because this trade is a part of the foreign policy, which is built on the principle of Islam Call, which is in turn directed to people and

not to goods.

Q. What is meant with the origin of goods?

A. It is the country where the goods are made.

Q. What is meant with the war-trader?

A. He is from a country in a war attitude or position against the Islamic State.

Q. What is meant with the treaty-trader?

A. He is from a country in a treaty attitude or position with the Islamic State.

Q. What is meant with the Strategic materials?

A. They are necessary for the Jihad attitude itself.

Q. May Strategic materials be dealt with in all cases and with all countries?

A. No, but as a part of Jihad policy.

Article 150

All the citizens have the right to establish scientific laboratories involving all life affairs, and the State has to establish such laboratories.

Explanation:

Regarding the importance of the scientific promotion, side by side with the intellectual one, in the one state, it is admitted for all individuals of the subjects people to establish scientific labs,

which push forward scientific promotion. The State can attain, throughout the products and discoveries of these labs, the last inventions and innovations. It can excel other countries by helping others' labs and by establishing its private ones.

By the way, it is remarkable nowadays that promotion in all material affairs of life has become really in need of such labs, because they can afford people with all inventions and means of developing all affairs in a dignified and glorified way not only for Ummah but also for Islam, inside and outside.

Why not?! We see the communist camp is collapsing down and nothing remains to block the way before Islam as an obstacle but only the blood-sucking Western Imperialism whose bones are quickly decaying. It is capitalism and its shaken camp. Nothing is waited but only the deep cry, the heart outburst, which would chant: Allah Akbar! God is the Great! All idols come down! Era of light and lightening comes back! No place for all arrogants and haughties! Islam's Revival has come back for the mercy of all human kinds!. It is God's Destiny! None can stand to black the way before the Almighty!

Discussion:

Q. What is meant with the scientific laboratories?

A. They are the centres of research based on

notice, experiment and deduction.

Q. What is meant with the whole affairs of life here?

A. They are the material, mental and spiritual affairs.

Q. Are there labs for other affairs then the material ones?

A. Yes.

Q. Will you give one example for the mental and spiritual labs?

A. There are the centres of military researches, which concentrate on the mental attitudes of the armies, both in peace and war. There are the centres of psychological, sociological and educational Western researches, which run after the growing movements of Islam all over the world.

Q. How do different centres of scientific researches help the promotion of Islamic Ummah?

A. They effect promotion throughout inventions and discoveries in all spheres.

Article 151

The whole citizens are forbidden to possess the laboratories which produce materials its ownership results in impermissible injure to

Ummah or State.

Explanation:

But if the scientific promotion enforces the State to admit establishing labs by subjects and itself as well, this permission is restricted to what results in promotion of Ummah and its glorification among all nations.

But when the ownership of any lab produces materials disadvantageous to Ummah or State, according to judicial decree which forbids such a case, the State has not to admit anyone of the subject or non-subject to own it. When one of the subjects, for example, possesses a lab for the industry of cigarettes, and developing such an industry, this industry injures Ummah despite what wealths bring in out from exportation. Such a lab is inadmissible to be owned or established by anyone of the subjects.

But when one of the subjects owns a lab for developing the industry of weapons, such a case exposes the State to many risks, both in regard of its internal security and external one. This case determines the State's ownership of such a lab.

Discussion:

Q. What is meant with forbidden injure?

- A. It is forbidden legally and not scientifically or rationally.
- Q. What is meant with saying: ownership injures Ummah?
- A. It is injury to all individuals, such as labs of drugs.
- Q. What is meant with saying: ownership injures the State?
- A. It is injury to in- and-outside security, such as labs of explosives.
- Q. Is it admissible to non-subjects to establish labs on the territories of the Islamic State?
- A. Yes, if the agreement between their country and the Islamic State admits such a business.

Article 152

The State has to guarantee all health services, free for all subjects, but has not to prevent renting doctors and selling medicines.

Explanation:

Due to the Honourable Hadeeth: "The Caliph is responsible for all subjects" the State is enforced to save all necessities for health services, free for the whole subjects. This same thing took place during the times of the Prophet (PBUHR) and his Rashideen Caliphs.

But because these services are individually obligated from the very beginning, throughout paying attention for hygienic and medication rules, Ummah may have established hospitals and clinics and to rent doctors as well, and may erect pharmacies, so as to sell medicines or make and deal with them. Doctors also may work for rents at hospitals or clinics, and may be employed by the State for monthly salaries.

Discussion:

Q. What is meant with out-clinics?

A. They are out of the hospitals, or in-hospital but treat out-patients.

Q. What is meant with the health services?

A. They are the services of the in- and out-clinics, and of hospitals. They cover medicines, doctors, nurses, employees and sanitary workers.

Q. What is meant with renting doctors?

A. It is running their clinics for rents, whether as family doctors or for each visit.

Q. What is meant with drugs sale?

A. It involves pharmacies, drug stores and medical industries.

Q. What are the texts referred to as an origin for individual medication?

A. There are many texts, the following is one of them: "Medicate, O servants of God, since God has created diseases and medicines, and limits a medicine for each disease except that of death" said the Prophet (PBUHR).

Article 153

Investment of foreign wealths is forbidden all over the Islamic territories. Granting capitulations is forbidden to any foreigner.

Explanation:

Since business of exploiting and investing the foreign properties in any country does not take place but with certain enforced concessions, it results in exposing its sovereignty and security for danger.

Naturally, states of wealths care much for buying consciences of those who work with them, or anyone whom they can deal with from the natives of the country. Therefore, such an investment and exploitation are prevented in our countries. It is well-known that the new imperialism has become used to such a way of domination over other countries in which they run exploitation and investment. All what have happened in several countries, of the so-called Third World, give the greatest evidence for such

an evil result. Many of their impartial scientists and experts of economy and finance talk about such a danger frankly.

As for the foreign capitulations, they are more dangerous against countries than investment of properties, because they accompany them with a certain compulsory so-called custody or sponsorship, which leads to shortage of the State sovereignty. It is well-known in all our countries.

Discussion:

Q. What is meant with exploitation and investment?

A. It is working with wealths in agricultural or industrial projects.

Q. What is meant with the foreign wealths?

A. They are of traders from other countries which are in case of actual war or virtual one against us.

Q. What is meant with the foreign capitulations?

A. They are the special rights granted to the owners of exploited wealths.

Q. What is meant with foreigner?

A. He is everybody of other citizenship than the Islamic State.

Q. How does the foreign exploitation diminish

the country sovereignty?

- A. It is by enforcing certain stipulations and getting certain facilitations which confine the State's conduct in those certain fields.
- Q. What is meant with impairment of sovereignty?
- A. It is making the State unable to behave completely over its territories.

Article 154

The State has to issue a particular and so independent money paper and coin that they are disconnected with any foreign currency.

Explanation:

Money paper and coin are the means of exchanging goods and services. Whenever this currency is connected with other State's currency it is unable to be current but according to the value of the other currency. When that one's value rises the other's rises and vice versa. This economic aspect enforces the foreign or abroad trade to be under the foreign currency mercy. Hence, the currency should be intend to enjoy one's sovereignty in complete.

But how can currency be independent?

It is when the State is able to cover it with gold and silver and then to enforce its position

throughout its great economic and financial power, besides its political and military great and influential position.

Discussion:

Q. What is meant with issuing currency?

A. It is minting coin and issuing paper money.

Q. How is currency independent?

A. It is so when depending on the State great economic power and its own natural resources.

Q. How is currency connected with another foreign currency?

A. It is so when depending on the strength or power of that foreign currency and not on its own one.

Q. How is currency powerful?

A. It is so when being covered with gold and silver and strong enough in its country due to the strong and rich natural resources and without any relying upon any foreign country.

Article 155

Currency of the State is gold and silver, whether minted or not. It is impermissible to issue any other currency, such as coin or paper money but after having full coverage of gold

and silver at the State Treasury.

Explanation:

Because of many causes the currency of the Islamic State should be only gold and silver or what is equal to any amount of gold and silver at the State Treasury:

1. Islam, when forbids burial of gold and silver, mentions them in particular as current money and means of exchanging, a matter means that they themselves are the currency in Islam.

2. Islam, also, when connects them with permanent decrees about the blood money, and application of theft decree, expresses that they are its only currency.

3. The Apostle (PBUHR), also, when he used them as the measure of goods and services in all dealings, he assured that they are the currency in Islam.

4. The Quran, also, when determines that the Zakat of currency is only in gold and silver, it determines that they are the only currency in Islam.

5. The dealings of exchange, also, when Islam limits them in gold and silver only, it limits that they are the only currency in Islam.

All these evidences denote that gold and silver are the only currency in Islam, and though exchanging among people may include all

things but gold and silver are still the measure of this exchanging, whether minted in a certain shape and writings or not minted.

All through the times of the Prophet (PBUHR) and his Rashideen Caliphs and the commencement of the Umayyad Era there was no minted particular currency for the State. The private currency was firstly minted in the year 75 H., a matter which denotes that it is permissible to have gold and silver currency minted or not.

As for issuing substitute currency in a form of metal coin, whether of copper or bronze or any other metal, it is permissible since it has full coverage of gold and silver stored at the State Treasury.

Discussion:

Q. What is meant with the minted money and non-minted one?

A. They are the made ones according to certain shape and writing and weight or not made so.

Q. What is meant with currency equivalence with gold and silver?

A. It means it is fully covered by the same value of gold and silver stored at the State Treasury.

Q. How many evidences are there that the Islam currency is gold and silver or their substitution?

- A. They are five evidences from Quran and Sunnah.
- Q. What is meant with permissible exchanging of things?
- A. It is giving something to somebody and getting something in place of it.
- Q. How are the values of things measured in exchanging?
- A. It is by having the equivalent of each from gold and silver.
- Q. Is it necessary to have minted pieces of gold and silver as the State currency?
- A. No, at the beginning but later yes since minted currency was not effective but in the year 75 H.
- Q. Is it permissible to mint currency out from the metal other than gold and silver?
- A. Yes, it is, on condition that it is completely covered with both gold and silver or one of them.
- Q. Is there any certain shape for the State coin and paper money?
- A. No, it is up to the viewpoint of the Caliph, and within Shariah rules.

Article 156

Banks are prevented absolutely to open, and the only bank all over the State territories is the State one, which has not to deal with usury, and should be one of the House of Finance departments, and should run lending loans according to Shariah rules, and should facilitate all financial and monetary dealings.

Explanation:

Banks today are merely a means of investing money throughout exchanging and assurances. They are mainly based upon their golden rule that money can be auto-developed, meanwhile in Islam money or all wealths do not auto-develop but throughout legal dealings. Therefore, banks are prevented all over the Islamic State territories, except the State one, and as a branch or a department of those of the House of Finance ones.

But how does such a bank deal with all citizens?

There are no usury dealings, of course, and loans can be given due to one's legal need or demand without any interest at all. Also, this bank has to facilitate all financial and monetary dealings, such as opening credits for the trade abroad, and exchanging any kind of money with gold and silver, on condition that money is covered with gold or silver or both together.

Discussion:

Q. What is meant with the word (bank)?

A. It is in origin a word means the place of exchanging money.

Q. Why is it called so?

A. It is because of exchanging money as its original task.

Q. How is the State bank one of the House of Finance departments or branches?

A. It is when being under its regulations and control.

Q. When does the State bank lend anybody of the subjects?

A. This is in accordance with a legal need, such as marriage, or a need accepted by the State, such as farming or developing one's land.

Q. What is meant with saying to control the dealing with Shariah rules?

A. It is to run dealing within the frame of Shariah internally and externally.

Article 157

It is permissible to exchange money between the State currency and foreign one the same as between the State ones, but with increase if they

are of different sorts, on condition that paying is from hand to hand. It is permissible to change the price of exchange without any restrictions but with different sorts. Everybody of the subjects may buy any currency inside or outside and pay it for things without any request or permission.

Explanation:

Exchange between the same sort of currency, such as gold or silver, must be of similar price or value, but of different one if different sorts. The only condition is to pay hand to hand, whether metal money or paper one if the deputy paper of money is fully covered with gold or silver or both. But if it is partially covered, or it is documentary, its value or price should be due to its level of coverage.

Also, if it is non-covered, such as the banknote, or the obligatory papers of money, they are not considered money at all, and, consequently, will not be controlled by the decrees of exchange. They are merely goods the same as other goods, and their prices are due to the market, without any paying attention to equivalence or preference. They are dealt with the same as other goods and ruled by the rules of purchasing with ups and downs in prices. Therefore, different prices are available among different sorts of currencies internally and externally.

Discussion:

Q. How is the State currency exchanged with the foreign ones?

A. It is by dealing in the local exchanging market.

Q. Is there local legal exchanging market?

A. Yes, sure but with restraints of the Shariah rules.

Q. What are those Shariah rules in exchanging?

A. They are being equivalent when similar currencies, such as gold for gold, and silver for silver, whereas different when different currencies.

Q. What is meant with the deputy currency?

A. It is what deposes gold or silver or both, totally or partially.

Q. What is meant with the obligatory and documentary currencies?

A. It is what obligates people to deal with as a currency without covering, not the same as the deputy one.

Q. What does it mean to deal with these currencies as goods?

A. It means that they have the value of the market, built on its benefit, and not on being covered with gold and silver or one of them.

Q. Does dealing with the obligatory currency as a goods mean not to subjugate it to the laws of other currencies in exchanging?

A. Yes, and it is controlled by only laws of exchanging goods.

SYMPOSIUM NO. 17 EDUCATION POLICY

Article 158

Islamic Belief or Creed should be the basis of educational curriculums, so that nothing of all subjects of study nor of methods of teaching is away of this basis.

Explanation:

Curricula of education in all stages should be based on Islam Beliefs or Creeds.

The present-effected stages of education: nursery, kindergarten, primary, preparatory, secondary and at last university with all stages, should be restricted to the thoughts and decrees of Islam.

These restraints should control and cover all subjects of study and methods of teaching.

The subject of the Islamic Culture with all its branches, and the scientific subjects with all their branches, should be based upon Islam Beliefs or Creeds.

The methods of teaching all subjects should also be based upon the thoughts and decrees of Islam, so that no illegal instrument or means nor any illegal theoretical or practical knowledge is admitted.

Co-education, for example, is forbidden as a method of teaching. Also, studying open sexuality is so forbidden in all stages of education that Photo-recorded cassettes are forbidden to show sexual intercourse on plea of education, as another example.

Discussion:

Q. What is meant with the curriculum of education?

A. It is all subjects of education, methods of teaching or studying, instruments and means of education.

q. What is meant with the Islamic Creeds here?

A. It is here and everywhere the elements of Islam Belief and all thoughts emanated from it.

Q. What is meant with keeping all subjects of education controlled within the frame of Islamic Creed or Belief?

A. It is not to disagree with it or with its thoughts in any part of educational subjects.

Q. How are methods of education restricted to Islamic Creed or Belief?

A. It is by not disagreeing with any of its thoughts, such as in co-education method of teaching or studying.

Q. How are the means of teaching or studying

restricted to Islamic Creed or Belief?

A. It is by not disagreeing with any of its thoughts, such as in means of showing sexual scenes.

Q. How are instruments of teaching or studying restricted to Islamic Creed or Belief?

A. It is by not disagreeing with any of its thoughts, such as using any instrument which surely leads to Haram or forbidden action, when using bare bodies of men and women on plea of education.

Article 159

Policy of Education is forming the Islamic mentality and sympathy. All subjects of teaching or studying should be restricted to this policy.

Explanation:

Since Policy in general is taking care of all affairs of peoples or citizens, policy of education is taking care of education.

Caliph has to act for forming the Islamic Mentality and Sympathy of the pupils and students of all stages of education. He has to base and direct all subjects of study by this policy.

Any information, in any subject of study, has not to be included if it confuses the formation of both Islamic Mentality and Sympathy, because

they are the object of education.

This object must be noticed when building up the educational curriculums, whose thoughts and cultural subjects should aim forming the Mentality aspect of pupils' personality, whereas performing prayers and all worships at all centres of education, together with connecting them with thoughts should be the golden rule: Every effect has its cause, which means every idea has to lead to its fact, to its result, and at the end to the last factor, or the Fact of Facts, the Creator Himself. This process results in building up the psychology or Sympathy of pupil's personality.

Discussion:

- Q. What is meant with the Policy of Education?
 - A. It is to take care of Education so as to fulfill its object in this life and aim in the next life.
- Q. What is meant with the Islamic Mentality?
 - A. It is the process of thinking according to the Islamic viewpoint.
- Q. What is meant with the Islamic Sympathy?
 - A. It is the process of feeling according to the Islamic viewpoint.
- Q. Has the process of forming Islamic Mentality certain subjects other than those of Sympathy?

A. No, they are the same subjects of education, but the way of tackling each subject is the method for the formation of both aspects of one's personality.

Article 160

The Final Aim of Education is establishing Islamic personality and providing people with sciences and knowledge about life. Educational curriculums and methods must lead to fulfill that aim. Anything may deteriorate achieving this aim should be forbidden.

Explanation:

It is O.K. that the State aims to form the Islamic Personality throughout educational curricula and methods, but what is the final aim of this formation?

It is establishing the Islamic Personality, since education is impossible to be in existence but throughout forming the Islamic Mentality and Sympathy.

But since some of life affairs are connected with permissible things, such as material sciences, they enforce educational curriculums so as to supply all the subjects with the necessary sciences related with these things.

But why?

It is to comprehend them, and deal well with them, and find out the best ways of getting benefits out of them, and discover the easiest way to develop them. Such a matter will assure prosperity and welfare for all Ummah.

Educational process, in this way, accomplishes two aims:

One: establishing the Islamic Personality, by the Islamic culture.

Two: supplying all people with sciences about material affairs of life, by labs, factories and plants.

Discussion:

Q. What is meant with the final aim of education?

A. It is the aim of aims or the top aim of them.

Q. What is meant with the Islamic Personality?

A. It is the combination of the Islamic Mentality together with the Islamic Sympathy in one personality.

Q. Are all material sciences permitted?

A. No, because some of them call for disbelief in God.

Q. Which of the material sciences are admitted?

A. They are those sciences specialized in permitted things, such as atomic physics, oil

chemistry and biology and the like.

Q. Which of the material sciences are not permitted?

A. They are those ones specialized in forbidden things, such as wines and drugs and the like.

Q. How do material sciences provide Ummah with prosperity and welfare?

A. It is by discoveries and inventions.

Article 161

It is necessary to distinguish in education process between the experimental sciences and their supplementary ones, such as mathematics, and the cultural knowledge. The first ones should be taught according to need without any restriction to a certain stage of education, but the second one should be taught in the basic stage: from the primary up to the end of the secondary, on condition that they do not contradict the Islamic thoughts and rules. But in the high stage of university these sciences should be given as sciences, on condition that nothing in them is away of the educational policy and aim.

Explanation:

Experimental Sciences, such as physics, chemistry, biology and mathematics depend on

labs in their methods and results. Any of their discussions starts with experiment, then notice and at last deduction, whereas any of the cultural knowledge, such as those of Shariah, language, history, sociology and the like, depend on instructing, discussion, comparing and discovery.

This case means that the needs of Ummah control the quality and quantity of what should be enough taught of the experimental sciences in all stages, so as to graduate the competent scientists who would share in pushing forward Ummah's welfare and strength together.

As for the policy of education and its final aim, they control the sort and amount of the cultural knowledge that would be taught all through the basic stage of education, and throughout the high stage of university when gathering the knowledge together with other non-Islamic ones.

Only during this stage of university students, as becoming mature Moslems, can distinguish between these two sorts of cultural knowledge, and can refuse or accept any non-Islamic knowledge if contradictory or not with the Islamic culture according which their mentality and sympathy are formed.

This is the only way by which the continuity of the educational process and the final end are still going on side by side.

Discussion:

- Q. What is meant with the experimental sciences?
- A. They are the sciences result in from the method of: experiment, notice and then deduce. They are called experimental because experiment is the basis of them.
- Q. Why are mathematics looked upon as a supplementary sciences for the experimental ones?
- A. It is because they are used in all their processes, although they are not the output of the same method.
- Q. What is meant with the cultural knowledge?
- A. They are the output of the method of knowledge-reception or instructing, together with comparing and deduction. They are cultural because they adjust the individual and societal behaviour.
- Q. What is meant with the need for teaching or studying the experimental sciences?
- A. It is Moslems' need as Ummah and society, both in their existence and welfare, and both in their call and its delivery, internally and externally.
- Q. What is meant with the stages of education: the Basic and the high studies of university?

- A. The basic covers the three nowadays stages, viz., it involves the elementary, the preparatory and the secondary, whereas the high studies cover the university three levels: B.A., M.A. and Ph.D.
- Q. Are the cultures contradictory with Islam studied in the high stage as a sort of comparison?
- A. Yes, they are studied for such a purpose, so as to show the dignity and glory of Islam and culture.
- Q. Why are the pre-university present stages named in Basic Education?
- A. Because they are necessary to formulate the Islamic personality mentally and psychologically.

Article 162

Islamic Culture should be taught in all stages of educational process. But in the high stage there should be branches for each of the several Islamic knowledge branches, the same as for medicine, engineering, physics and the like.

Explanation:

Since the policy and end of education are to form the Islamic personality with its two elements: Mentality and Sympathy, it is

necessary to care for educating the Islamic Culture, such as Shariah and Arabic language branches, in all education stages: basic and high ones.

But, at the same time, there should be also branches for experimental scientific knowledge, such as medicine, geometry and the like.

By the way, at the high stage, students are able to practice the method of comparative studies, research seminars and discussion symposiums. By this methods they can distinguish between what is concord or not with Islam.

On the basic stage, teaching is general for all branches of Islamic culture and experimental sciences, whereas in the high stage special promoted branches for each one of them should be in hand for the students covering all experimental and Shariah knowledge.

Discussion:

Q. What does Islamic culture involve?

A. It involves Shariah, linguistic, historic and the like.

Q. What are Shariah knowledge branches?

A. They are Quran and Sunnah knowledge.

Q. What are linguistic knowledge branches?

A. They are Arabic language and its grammar, rhetoric, poetry and all branches of literature.

Q. Is history a culture or a science?

A. It is a culture, but it is in a very necessary and urgent need of rewriting, so as to purify it from distortions and deviations.

Q. Which method should be followed in education?

A. It is the method of presentation, research and discussion, and not dictation in all stages of education.

Q. Which branches of the experimental sciences should be studied?

A. All branches of each one, with more concentration on those Ummah is in lack of them.

Article 163

Arts and industries may be attached to sciences, as one aspect, such as in commercial, navigation and agricultural ones, which admit their study without any restraints; and may be attached, as another aspect, to culture, when a private viewpoint affects them, such as about painting, photographing and sculpture, which does not admit their study when contradictory with the Islamic viewpoint.

Explanation:

Arts of internal and external commerce, such as typing, accountancy, book-keeping and

correspondence; and arts of navigation, such as weather and sea-air studies, ships managing and the like; and arts of agriculture, such as studies of trees, seeds, plants and the ways of developing; all these studies are attached to the experimental sciences.

Therefore, they are studied without any restraint, but only with one attention, viz. avoiding every theory contradicts the Islamic thought, such as the evolution theory of Darwin.

But when these sciences are affected by a private viewpoint, such as with painting, sculpture and photographing when they show the naked body of the woman, they are not to be taught in any of the various stages of education. It is because they contradict the Islamic viewpoint, which looks upon woman as a must-be-protected honour.

Discussion:

Q. What is meant with arts in actions?

A. They are the ways or methods of running actions and works.

Q. What is meant with industries?

A. They are the ways or means of getting the outputs of factories in certain shapes.

Q. What is meant with attaching arts to sciences?

A. It is the way of how to act an action and work due to the scientific information, discoveries and inventions, such as the machines and instruments which sciences afford for trade, navigation and agriculture.

Q. How are industries attached to sciences?

A. When the way of making any material, such as textiles, depends on what sciences afford for such a material, in regard of machines, instruments and information.

Q. How are arts and industries affected by culture?

A. When arts of photographing, painting and sculpture, for example, rely upon a certain thought or viewpoint of life, which admits or unadmits to photo or sculpture woman's body in naked or semi-naked case.

Article 164

Educational program is only one that no other one is admitted besides the State's, but private schools are admitted as long as they are adhered to the State's one and based on the educational curriculum and fulfilling the educational policy and end and not foreigners'.

Explanation:

So as to accomplish or achieve the internal

care for all subjects equally, the State has to unify the educational program in one and never to admit any other one.

This case does not mean that the private schools are forbidden, but they have to be adhered to the State's one, and to be built upon the same basis of the decided State's one, and to be looking forward to fulfill the same educational policy of the State, in forming both the Islamic Mentality and Sympathy.

It is to achieve the end of forming the Islamic Personality.

This attitude means that no other foreign educational program and curriculum are admitted. The so-called colonies of foreigners or minorities have no existence all over the territories of the Islamic State.

As for those non-Moslems, whether of contracts or security bonds, they have to be restricted to the State's program and curriculums of education. It is not admitted legally to held any contract or bond but to be controlled within the Shariah Rules, which determine that everyone and his family, when residing as subjects, must be acquainted with Islam.

Discussion:

Q. What is meant with the educational program

of State?

A. It is all the curricula of education with their methods, ways and instruments of teaching.

Q. What is meant with the educational curriculum in the State?

A. It is the decided subject of education for each aspect and its method, means and instruments.

Q. What is meant with national schools?

A. They are the private ones.

Q. What is meant with minorities or foreigner colonies in the State?

A. They are the groups of people, of foreigners, living in the State.

Article 165

State has to teach and instruct freely everyone of the citizens with what he needs in life during the basic stage of education, and to give them all the chance of high stage freely and as much as possible.

Explanation:

Everybody has to work for living, and the State has to spare work opportunities for all. This means that the necessary education for life should be available during the basic stage

before the real practical life for those who do not want, or unable to go on in education till the end of the high stage.

Islam obliges the State to have this case accessible for all and free up till the high stage. State has to do her best in making all this available, so as to fulfill the complete care for all subjects and without any discrimination, and to construct Ummah and Society soundly and strongly.

Discussion:

Q. What is meant with education for life?

A. It is education for practical living.

Q. Is woman educated the same as man?

A. No, it is not necessary, since it is the necessary education for living.

Q. Is education optional before the high stage? and why?

A. No, it is all compulsory, so as to integrate the formulation of the Islamic Personality.

Q. What is the evidence that education is free in the Islamic viewpoint?

A. It is what the Apostle (PBUHR) has done and the Friends copied.

Article 166

The State must establish libraries, laboratories, and all means of knowledge inside and outside schools and universities, so as to enable all those who want to go on with their researches in any branch of knowledge, such as fiqh, Usul Fiqh, Hadeeth, Quran Interpretation, thought, medicine, geometry, chemistry, inventions, discoveries and all other cultures and sciences. This case would result in a crowd of Mujtahideen, inventors and innovators everywhere in the State.

Explanation:

Islamic Ummah wants to be at the foremost of all nations, so as to lead them all in life in the right path. This attitude requires great men able to be in charge of all sophisticated works. This matter is impossible to be realized within the frame of schools and universities only but also outside them and in the centres of research.

This case forces the State to make them ready for the purpose by providing libraries with all references, esp. the recent ones and in all several sciences, and by providing labs with all audio and visual aids, which facilitate continuous researches in any special field of knowledge, whether in Shariah, such as Fiqh, Usul Fiqh, Tafseer, Hadeeth and Language; or in material sciences, such as Medicine, Geometry, Chemistry and Physics; and in both fields of Ijtihad and invention.

This situation will necessary spare a crowd of leaders in all spheres. Other nations will come back again to look for and acquire knowledge and sciences from the Islamic Ummah instead of the nowadays opposite case in which not only our sons go for such a purpose to their countries but also they immigrate to reside their abroad.

Discussion:

Q. What is the difference between library and laboratory?

A. Library is the centre of theoretical studies and researches, meanwhile lab is the centre of practical researches.

Q. What is the difference between innovation and invention?

A. Innovation covers all spheres of knowledge intellectual and material, whereas invention is only in the material ones.

Q. What is meant with the centres of researches?

A. They are the centres where the researches of intellectual and material domains are run.

Q. Is it necessary to limit library in books only?

A. No, because it may include modern audio-visual means of communication.

Q. What are TV & Video considered?

- A. They are means of reading and communication.
- Q. What is the most important means of communication and informatics today?
- A. It is the satellite as well as the international computer nets.
- Q. How is fax. looked upon?
- A. It is one of the limited means of communication and informatics.

Article 167

Authorship is forbidden to be exploited for education in all stages, so that no author can patent the rights of printing and publishing of any book after being printed and published, but before that he may get the wage of transmitting his thoughts the same as the wage of teaching.

Explanation:

Thought and science, when between hands of people, have not to be patented by anyone, who can prevent others from printing and publishing all or some of them. All people have the right to do so without referring or asking permission from the author.

But before printing and publishing, and the book is still as thoughts in the head of the author, he has the right to get wage or to be paid for

them by any body who requests them, the same as teaching.

Thought and science, when spread out and circulated in books or even bulletins, they become admitted for all, but before circulation, they are still in case of teaching, a matter which gives the owner the right to be paid by others on request.

Discussion:

Q. What is meant with exploiting authorship in education?

A. It is using the book as a means of trade esp. in the field of education.

Q. What is meant with printing a book?

A. It is making the book ready for reading.

Q. What is meant with publishing a book?

A. It is providing the libraries with lots of the book for sale.

Q. What is the difference between thought and science?

A. Science is specialized in the output of the process of experiment-notice-deduction, whereas thought includes it and more when it involves culture also, although, when speaking about specialization, thought stops by culture only.

Q. Where are the legal rights of authorship, printing and publishing?

A. They are preserved only before publishing the book, but after that they are out of existence and legality in view of Islam.

Article 168

Anybody of the citizens is not in need of a permission or a license to issue any newspaper or magazine or book, but he who prints or publishes or issues any printed or typed or written material would be punished when he aims to destroy the basis upon which the State is built.

Explanation:

Islamic State is built upon the basis of the Islamic Belief. So there is no tolerance or even indifference towards those who try to destroy that basis, whether by printed materials or handwritten publication or any information media.

But if such a means does not aim to destroy Belief it needs no permission nor license whatever is it, even it is audiovisual means, such as TV or video or cinema or the like.

Discussion:

Q. What is meant with permission?

A. It is the oral admission.

Q. What is meant with license?

A. It is the written admission.

Q. What is the penalty of any destructive publication against the Islamic Belief?

A. It is to forbid them firstly, and then to punish the printers and publishers together with the author by the suitable punishment, due to his misdeed: he is to be killed if apostate and refused to repent, but less penalty up to his sin and attitude.

Q. Is establishing a broadcasting station or TV station needs no permission or license?

A. Yes, they need nothing but only co-ordination to act with their utmost competence.

Article 169

Islamic State has to struggle against illiteracy, and educate all those who miss culture and science in the age of basic education.

Explanation:

Undoubtedly, illiteracy is ignorance and blindness. It forces Ummah to struggle to eradicate it completely and without stopping by the Alphabetic illiteracy, viz. of reading and writing, but also the cultural illiteracy by

educating or culturing all those subjects who miss being cultured by the Islamic Culture in the several stages of education, esp. the basic one.

This process will not stop by merely eradication of the alphabetic illiteracy but gives full opportunity to those who are able to go on with education and those who are in need of the general Islamic Culture, or of crafts illiteracy.

Discussion:

Q. What is meant with the Alphabetic Illiteracy?

A. It is the ignorance of reading and writing.

Q. What is meant with the cultural illiteracy?

A. It is the ignorance of Ummah's culture.

Q. What is meant with struggling against illiteracy?

A. It is acting to eradicate it from the whole Ummah and subjects.

Q. What is the difference between struggling against illiteracy and teaching the adult?

A. Struggling is to eradicate illiteracy all over the State's territories, but teaching of the adults goes on to prevent collapse to illiteracy and, at the same time, gives them full chance to complete their education till the level they want or they can.

Q. What is meant with eradication of intellectual

illiteracy?

A. It is eradicating backwardness of Ummah in field of civilization and thought.

Q. Is eradication of adults' illiteracy managed with the same syllabuses of the young?

A. No, but with suitable ones.

Q. What is meant with eradication of crafts illiteracy?

A. It is instructing and developing adults' crafts to enable them to do one's living.

SYMPOSIUM NO. 18 FOREIGN POLICY - 1

Article 170

Policy care for Ummah's Affairs internally and externally. It is performed by Ummah and State when this practically performs it and that reconsiders the State's performance.

Explanation:

It is because the Apostle (PBUHR) has said, "And all of you are responsible for their subjects, the Imam for the whole subjects, the husband for his family.." the Imam or Caliph represents the State in care for the internal and external affairs in the practical way.

This case means that the State performs such a care by the laws issued to tackle all internal affairs, and by the agreements approved with foreign states to control the external affairs.

In respect of the meaning of the Quranic Verse {Let there arise out of you a band of people calling for all that is good, enjoining what is right and forbidding what is wrong..} (from verse 104 of AL-Omran-Sura) and the meaning of the Hadeeth of the Prophet "He who sees any misbehavior must change it into good one either by his hand, if able, and if not by his tongue, else by his heart, and that is the

weakest faith”: they refer to reconsidering what the State has practically performed internally and externally, whether throughout the political parties or individuals or Ummah’s Council.

By such a consideration the care should be right and will go on without any shortage or retreat.

Discussion:

Q. What is meant with the internal care?

A. It is care for the inside affairs, such as education, health, transports, water, power and others.

Q. What is meant with the external care?

A. It is care for the outside affairs, such as agreements, pacts and affairs of peace and war with the foreign countries.

Q. How does Ummah interfere in policy?

A. It is by reconsideration of the State effected-external-fiscal-military policy and the before-effecting internal policy.

Q. How is such an interference effected by Ummah?

A. It is throughout the individual deeds and the Islamic parties and Ummah’s Council.

Article 171

Anybody or party or bloc or society of the citizens is forbidden to establish any relationship with any foreign state, and such relations are limited only with the State, the only authority responsible for all the affairs practically, and the whole Ummah and groups have only to reconsider all the actions of the State in regard of those relationships.

Explanation:

The State in Islam is only the responsible for foreign, fiscal and military affairs and the only authority who holds agreements and pacts with other states, whether in economic domain or financial or scientific or any other one, and for facilitating the process of delivering the Islamic Call to other peoples and nations by both missions and information media.

Therefore, it is forbidden for anybody or bloc or society or party to hold any relationship with other states whatever the cause is. This is the authority of only the State to establish any relationship with other nations according to the benefits of Islam and Moslems.

The role of Ummah, all-in-all, should be confined in questioning or reconsidering all effected sides of such a relationship with foreign states.

Discussion:

Q. What is meant with relationship here?

A. It is any original relationship with foreign states.

Q. Is commercial correspondence a forbidden act with all foreign states?

A. No, since there are some agreements in this field with some foreign states.

Q. And the correspondence for scientific purposes with foreign centres: are they forbidden also?

A. Yes, but they are admitted after holding scientific agreements.

Q. Isn't it a sort of so-called iron wall with foreign countries?

A. No need to be called so, since it is regulating the relationship with any other State so that when an agreement is held with any state dealings would be run freely according to Islam rules in peace and war with that state.

Q. Aren't you afraid to go away of Islam throughout such an extremity?

A. No, since Ummah, all-in-all, as individuals, groups and parties, has the full right to question and reconsider all effected actions of the foreign policy.

Article 172

No end justifies its means, since every thought and its method are of the same nature, and it is impossible to perform any obligation or permissible act throughout any forbidden act. Hence, political means have not to contradict political methods.

Explanation:

Islam has limited doctrines from which all sub-thoughts come. Islam, also, has limited the method through which all these thoughts are transmitted from the theoretical aspect into the practical one.

Therefore, it is unadmitted to achieve any obligatory action throughout forbidden method, because the same as Islam has commanded humanity to believe in God, in His Apostle and in His Book it has commanded all individuals to adhere to the practical rules and laws for each domain of life.

When it orders us to believe, for example, that wealths are God's, and that we are merely heirs, it orders us to adhere to the legal limited ways of possessing and spending wealths.

It is the same as in regard of the means by which the political method is fulfilled in internal and external affairs. Islam does not admit the method but to be from the same nature of

thought, and the means have to be from the same nature of the method. No contradiction may run between the means and the method.

Women are forbidden to invest their femininity, for example, as a means to achieve certain purposes in domains of policy or military or economic or scientific, such as to know the secrets of certain industries or inventions.

Discussion:

Q. What is meant here with the end and the means?

A. The end is the aim of action, but the means is the instrument or way by or in which to fulfill the end.

Q. What is meant here with the thought and the method?

A. The thought is the main idea about the whole existence and the sub-ideas about things in this existence, but the method is the only way of fulfilling those thoughts in life.

Q. Will you remind us with the thought and method of Islam?

A. The thought includes doctrine and regulations from which and upon which they are emanated and built, but the method is the only way how those thoughts are applied in life by The State, and the way how those thoughts are delivered to other peoples and

nations, and how they protected.

- Q. May you mention some examples showing the connection of thoughts with method?
- A. The thought of belief in God: its method is the adherence to its legislation in life and reconsidering this process.

The thought of prayer as an obligation: its method is to command people to adhere to performance and to question and punish those who do not perform.

The thought of forbidding drinking wine: its method is to order people not to drink and to question and punish those who drink.

The thought of the Islamic call as an obligation: its method is to command to deliver this call to other peoples and nations, and to perform that delivery in practical ways.

- Q. May you mention some examples explaining that the end does not justify the means in intellectual and political domains?
- A. In the former: the end of prayer is to fulfill the spiritual value and to satisfy God. This end should be realized by the means God has limited and not any means.

In the latter: the end of holding a cultural agreement with any foreign state is to deliver Islam, and this end does not justify to break the stipulations of the agreement which we

have legally to keep with.

Article 173

Political Maneuvers are necessary for foreign policy, but their strength comes out from open actions and secret objects.

Explanation:

Since foreign policy aims originally to deliver Islamic Call to other peoples and nations, it cares for open actions, which are performed when establishing relations with other States, and for keeping the objects of the actions secret.

When the State holds an economic agreement, for example, with another state, this action may be circulated by the information media but the objects of the agreement have to be kept secret. This process of opposites is essential for diplomatic maneuvers in foreign affairs.

Discussion:

- Q. What is meant with maneuver?
- A. It is acting many actions to fulfill a certain target in any field of life.
- Q. What is meant with the strength of a maneuver?

A. It is its influence on the antagonists when fulfilling its objects completely.

Q. Will you mention an example?

A. When the State holds an economic agreement with another state in which many facilities are given but with keeping secret the objects of delivering the Islamic Call to the people of that state.

Q. Is there any difference between political and diplomatic maneuvers?

A. No, though the term diplomacy refers to relationship with others in particular.

Article 174

Discovering offensive plans of foreign states courageously, and manifesting the danger of false policies strongly, and disclosing evil conspiracies effectively, and destroying misleading characters unhesitatingly, are of the most important political ways.

Explanation:

Both in inside and outside affairs there are sabotage actors or agents ready to act in favour of antagonists. These acts of sabotage have to be faced strongly and effectively.

Foreign state, which stand behind them, so as to commit certain crimes, have to be

discovered bravely. Foreign states, which draw false political plans, when alleged acting well and hiding evil aims, have to be manifested strongly.

Foreign states, which conspire throughout their spies or agents to domineer one's power over others' countries or policies, have to be disclosed effectively.

Personalities, whether inside or outside, who are cunningly misleading Ummah and acting against Islam, have to be destroyed each by the suitable means.

These actions, effected adequately complete, are, undoubtedly, some of the best political ways to which the State and Ummah should be adhered.

Discussion:

Q. What is meant with discovering offenses of the enemy States?

A. It is uncovering their criminal acts by effective means or ways.

Q. What is meant with false policies?

A. They are the hypocrite showing or doing well, such as granting or lending loans, whereas they endeavour to achieve domination and imperialistic ends.

Q. What is meant with disclosing evil

conspiracies?

A. It is uncovering excitingly the evil cunning acts.

Q. What is meant with destruction of misleading characters or figures?

A. It is attacking them fiercely to be backed by nobody.

Q. Who acts all these great actions?

A. It is the Islamic State and the political parties with all their available and accessible information media and political or diplomatic movements and maneuvers.

Q. But don't such actions incite antagonism or hostility of others?

A. Never mind what the effect is, but true words and actions will disarm enemies from their lies and depreciate their enmity, esp. after or with being ready to respond similarly.

Article 175

Showing greatness of Islamic thoughts in managing or conducting affairs of nation and state is one of the greatest political methods.

Explanation:

Since the origin of internal and external policies is applying Islam internally, and

delivering its Call externally, it is necessary to manifest the greatness of Islamic thoughts prominently in regard of both doctrine and legislation, and in regard of regulating human three relations: with his God, with himself and with others.

Also, it is very important to show clearly how correctly and fairly are the Islamic dealings with other peoples and nations and states.

In this way, such a greatness should be attractive to everybody who has impartial or non-prejudiced eyes or mind and heart. Islamic State would show Islam, all-in-all, without asking anything from others but to uncover their eyes and minds and hearts, so as to see the reality of this Islam already so long under injustice.

In fact, this case has taken place likely the same all through historic eras, since the era of the Apostle (PBUHR) downward till the Ottoman Era, passing by the Rashideen Caliphs, Umayyads and Abbasids.

It is a very powerful evidence that such a way is in fact and reality one of the greatest methods or ways of attaining the main and original goal of foreign policy of Islamic State.

It is attracting the eyes and minds of foreign peoples and nations so as to see the greatness of Islam and to be content that it is the only ideology which can tackle soundly and

completely all human questions and problems both of an individual, and of a member of the society or community, esp. after these malicious assaults under so-called terrorism.

Discussion:

Q. What is meant with the greatness of Islamic thoughts?

A. It is its marvelous ability for tackling individual and societal questions, and assuring happiness for them always.

Q. What is meant with showing the greatness of Islamic thoughts?

A. It is calling for them throughout research and discussion, and it is advertising them throughout writing and speaking by all several information media.

Q. Is this process of showing the responsibility of individual or of State?

A. It is the responsibility of both.

Q. How does each of them perform his role in this responsibility?

A. It is performed by the individual throughout his own efforts and within the frame of one of the Islamic political parties, whereas it is performed by the State throughout Shariah applying always well.

Q. What is meant with the political ways or

methods?

- A. They are the ways of tackling questions of society and individuals.

Article 176

Political cause of Ummah is Islam in having powerful character of State, and in applying well all its rules, and in delivering persistently its call for the whole world.

Explanation:

Since Caliph is obeyed as long as he obeys God and His Apostle, and since God orders him {And judge thou between them by what God hath revealed, and follow not their vain desires..} (from verse 50 of Ma'eda-food-table-Sura), because he is the Caliph of God's Apostle in Moslems Headship, and since the Apostle limits his responsibility when saying "Caliph is responsible for all of his subjects", he, the Caliph, is responsible for applying Islam Shariah internally in an exciting way for all other peoples and nations and in an attractive way for them so as to live under its flag not only for the sake of more applying but also for good applying.

In this way, Islam Call is practically delivered to the whole world, esp. when Islamic State spares not any good relationship with other states, and when Moslems, as individuals,

societies and parties spare no good action for the Call internally and externally, and when all authorities of the State are sensitively cautious to assure all means of dignity, power and glory for the State, so as to be fearful and respectable by all other states and peoples.

Discussion:

Q. What is meant with the political cause?

A. It is the question which the State and Ummah together aim to fulfill.

Q. What is meant with the State powerful character?

A. It is its awful standing among other states.

Q. What is meant with good applying of Islam rules?

A. It is the good applying of Shariah every time, every where.

Q. What is meant with persistence in delivering Islamic Call to the world?

A. It is the process of perseverance in such delivering throughout all legal and possible relations and connections.

Q. Is dignity of State confined in its behaviour only?

A. Its behaviour and prestige are the two main factors but its societal formation has its main

role.

Article 177

Islam is the axis around which the foreign policy moves, and upon which the State foreign relationships are built.

Explanation:

Since the Apostle (PBUHR) has been sent for all peoples due to God's words: {We have not sent thee but as a universal (messenger) to men, giving them glad tidings, and warning them (against sin), but most men understand not} (verse 28 of Saba' Sura), his message should be not only for applying internally but also for delivering externally to all other peoples and nations.

Whenever they live under Islam flags and within the frame of its rules they would see how Shariah judgments are fair. Those judgments have to be the ground upon which relationships of Islamic State are built with other states, whether in the political field, much as in regard of pacts and agreements, or economic or social or educational or health fields.

It is because of Islam when looking upon by

countries of the world as war countries, which are beyond the so-called borders of Islamic State, and peace countries, which are the territories of the Islamic State. Islam, in this view, is the axis around which the foreign policy rotates, and he which all inter-relations with other States are controlled.

Discussion:

Q. What is meant with the axis of the foreign policy?

A. It is the ground upon which it is built.

Q. How is Islam the axis of the foreign policy?

A. It is when the Islamic State controls its relations by its rules.

Q. Has Islam certain rules in foreign relations?

A. Yes.

Q. What is the fundamental thought of these rules?

A. It is delivery of the Islamic Call.

Q. How can such a matter be realized?

A. It can be realized through controlling the way of dealing with foreign countries according to the way of their dealing with Islamic Call.

SYMPOSIUM NO. 19 FOREIGN POLICY - 2

Article 178

The State's relationships with other countries all over the world are built upon the following four considerations:

One: The states all over the Islamic world are considered as if they are established in one country. They are, therefore, not included within the foreign relations, and so the relations with them are not considered within the foreign policy. They have to be unified all-in-all within the one State. Their subjects are not considered foreigners, and they enjoy the same rights of the Islamic State's subjects if their country is Islam Dar (House of Islam), and they are foreigners if their country is non-Islam Dar.

Explanation:

It is because the territories of these countries were parts of the Caliphate area before becoming torn up into parts by the enemies of Islam all through many centuries. Those countries, therefore, have to be looked upon in this way, esp. the majority of inhabitants are still Moslems. The Islamic State has to deal with them according to the Islamic viewpoint, viz. as parts of the one great Islamic country, and to

establish the suitable relations with them not as outside foreign countries but as inside local ones. It has to move as fast as possible to unify them and gather them to its territories. Therefore, their subjects are looked upon the same as its citizens if they are living in Islam Dar, viz. under Islamic rules and systems. But if their country is not so they are to be looked upon as foreigners.

Discussion:

Q. What is meant with the relationship of the State with others?

A. It is the way in which the State directs and conducts its connections with others' citizens.

Q. What is meant with the four considerations?

A. They are the facts within which the states are living.

Q. What is meant with the outside foreign relationships?

A. They are the connections according which the state deals with outside countries.

Q. How are the relationships with other countries not of the outside one meanwhile they are so?

A. It is so because they were really parts of the previous Caliphate area and they have to be parts of the coming one.

Q. How will its re-unification process be run?

A. It will be run throughout the intellectual and political acts of Call Delivery, else throughout other acts.

Q. What is meant with Islam Dar and War Dar?

A. Islam Dar is where the people are living within Islam system and control, but war Dar is not.

Two: The states we have economical or commercial or good-neighbor or cultural agreements with are treated according to the stipulations of those agreements, and their subjects can come in our country by identity card, if such a condition is agreed upon as a reciprocity principle. Commercial and economic relations have to be confined in certain things of certain specifications which satisfy the necessary needs and demands without strengthening the others.

Explanation:

Treaties which were held on the times of the Apostle (PBUHR) and his Rashideen Caliphs may be applied in the outside policy. It would easify access to the subjects of other states, so as to fulfill delivery of the Islamic Call, and to obtain the certain needed things necessary for living or for strengthening the State but not to result in strengthening the others. Subjects of other states are, therefore, admitted to come in Islamic

territories by the identity card, due to the treaty words and regarding reciprocity principle. On this way, the Call Delivery is facilitated throughout practical co-living together. But since such commercial treaties may strengthen the other states we have to limit the items of goods in special specifications necessary for Ummah and State and not strengthening the others.

Discussion:

Q. What is meant with treaty?

A. It is the agreement the stipulations of which ought to be committed to.

Q. What is meant with good-neighbor treaty?

A. It is the agreement of good comprehensive dealing between two states each of them has to protect the other when preventing any aggressive acts.

Q. Does Islamic State hold cultural treaties with others?

A. Yes, but due to the legal conditions.

Q. What is meant with the reciprocity principle?

A. It is to deal with others the same as they deal with you.

Q. How are the commercial and economic treaties limited in certain items?

A. It is acted when the State regards the items aimed to obtain from others.

Q. Are all treaties open or for limited period?

A. They are all for limited period due to satisfying the necessary need and without strengthening others.

Q. How are such treaties controlled by aiming to deliver Islamic Call to the others?

A. It is through stipulations according which information transmission and Islamic characters and figures are moving freely.

Three: The states we have no treaties with, and the actual imperialistic states, such as England, U.S.A., France, Russia and the like, are looked upon as war states virtually. All cautious actions should be undertaken with them, and no diplomatic ties are permissible with them, but their citizens are admitted to come in our countries by passports and a special visa for everyone and every travel.

Explanation:

Since War Dar is divided into fighting virtually and fighting actually, the imperial states, which have practiced exploiting domination over any part of the Islamic countries and are still practicing, are looked upon as fighting virtually as long as they do not fight against us actually, although they are always ready to wage such a

war when chances are in hand. These states are the same as other states of non-treaties: treaties have not to be concluded with them, and they are considered within the States of War Dar. The Islamic State has not to establish any diplomatic tie with any of these states neither by embassies nor consulates. But as for their subjects, they are admitted into our countries by their passports and a special visa for every admission.

Discussion:

Q. What is meant with the state of non-treaties?

A. It is the state of the non-Islamic country which we do not exchange any relations with.

Q. What is meant with actual imperial states?

A. They are the states which still practice imperial acts as a main part of each ideology.

Q. What is meant with virtual fighting states?

A. They are the antagonist countries but of non-actual fighting against us.

Q. What is the situation of the Soviet Union States after being torn into independent states?

A. Russia State becomes one of the imperial states both in ideology and in fact, as a substitution for the Soviet Union in the world political spheres. But the other fourteen states are different in power, a matter which makes the powerful imperial one the same as other

imperial states, when adopting imperialism or capitalism, but others are of the capitalistic world.

Q. What is meant with the diplomatic ties?

A. They are the ties of consulates or embassies or both between states.

Four: The states actually fighting against us, such as the so-called (Israel), have to be dealt with according to War case, disregarding all treaties of armistice or the like with each of them. All subjects of them are unadmitted into our countries, and all wealths and bloods of their non-Moslem subjects are under permissible acts.

Explanation:

The second part of the War Dar states is those states actually fighting against us, such as only (Israel) before the second Gulf War, and all those Western heads of that War, such as U.S.A., U.K., France, Germany, Russia and the like after that dirty war, disregarding all those attempts of peace acted by the U.S.A. between (Israel) and the Arab States, and disregarding all misleading hypocritical peaceful actions of U.S.A. with the Arab States. These states and the like have to be treated according to the War Case in all conducts, disregarding all agreements held with

them under the influence of the imperialist domineering whether called treaties of armistice or peace or any other nomination. By the way, this War Case with such states should be reconsidered by the Caliph at any time. As for their subjects, they are, therefore, unadmitted to come into our countries whatever the case is, though it is due to that reconsideration. This attitude of war with them forces us to deal with their wealths and bloods freely but within the permissible actions if they are non-Moslems. But since USA leads all the Western States in particular, and all the World States in general, in this war against so-called terrorism (Islam) they all become in Actual War case more than Virtual one, though it is due to Caliphs vies.

Discussion:

- Q. What is meant with the States actually fighting us?
- A. They are the antagonist ones which fight us really although fighting is not necessarily run at the time being under the name of until-Islam.
- Q. Are all those states participated in that second Gulf War considered in real fighting against us?
- A. Of course not, but only the Western one which led that War and forced the other states to fight with them under their imperial

influence, though the case is all-in-all due to the Caliph reconsideration and estimation.

Q. But such a reconsideration may result in fighting against all the world after becoming led by those states?

A. Yes, it is right if we pay no attention to the interests of each state of those states with the Islamic World, and also if we pay no attention to the coming reality about the future of our Islamic World when becoming as a whole one state, the State of Caliphate. Therefore, the final decision should come later by only the Caliph.

Q. What is meant with considering all wealths and bloods of the non-Moslem subjects of those states free for permissible actions?

A. It is merely a legal license by which the wealths and bloods of Moslems all over the world are considered by those states free for their permissible actions. It is merely applying the reciprocity principle with others.

Article 179

Military treaties and the like pacts, such as the political ones, and agreements of renting bases and airports, are all absolutely forbidden with foreign states, but it is admitted to hold an agreement of good neighborhood, and a treaty

of economy, of trade, of finance, of culture and of armistice.

Explanation:

Since foreign policy involves relationship with both kinds of states in War Dar, viz. the virtual and actual fighting ones, and it is built basically upon the policy of delivering Islamic Call to the peoples of those states, the relationship with any state of them is controlled by this basis. Shariah unadmits establishing any relationship which may obstacle or weaken this act of delivery. Military pact, for example, enforces military co-operation or avoiding any military act. This situation is impermissible for the Islamic State whose first and last task is Islam applying internally and delivering its Call externally.

Also, political treaties, which hinder the free movements of the Islamic State, in this way or that, while delivering Islamic Call, are impermissible. As for the pacts of renting bases and airports to any of those states, they are also forbidden, because they expose the security and safety of the State to danger, and they handicap its will and reduce its sovereignty or Sultanship over its territories and citizens as a whole.

But as for those agreements which have nothing to do with all those fatal wrongs, and on the opposite, they facilitate paving the way for

access to the peoples of those states which are virtually fighting against the Islamic State: those agreements are admitted freely. Shariah evidence for this case is well clear from those good-neighborhood agreements the Apostle (PBUHR) held with the Jews near Madeena, the Capital of the State, at that time, and with Mecca-Quraysh in Hudaybeya treaty. It is well-known, historically, how those treaties easify the process of delivering the Islamic Call to the others, whether in regard of settling the relationship with the Jews or the Hudaybeya which settled decisively the relationship with the polytheist Mecca.

Discussion:

Q. What is meant with the military treaty?

A. It is the treaty which stops either purchasing weapons and how to deal with them, or also involves exchanging military missions of training, or also establishing and renting bases and airports, besides participating in protecting the common security of the country.

Q. What is meant with the treaties of the same kind of military ones?

A. They are connected with military acts such as military airports establishments.

Q. How are the political treaties attached to the

military ones?

A. It is when the common security of the country, for example, is connected with the outside military protection.

Q. What is meant with the military bases?

A. They are the military strategic positions or sites where armies are centered or sited.

Q. What is meant with renting those military bases?

A. It is admitting a foreign army to use some certain strategic positions for annual payment.

Q. What is meant with renting airports?

A. It is admitting foreign air forces to use a certain strategic positions as airports for annual payments.

Q. What is the difference between economic treaties and trade or financial ones?

A. The trade or commercial agreements stop by exchanging certain goods, but the economic one involves the necessary studies or researches about the local economy, so as to decide its urgent or not needs and helps, but the financial one stops by movements and investments of currencies.

Q. How do military treaties affect the policy of the Islamic State?

- A. It is throughout many ways interfering or directing as one of them. Military aspect becomes captivated by policy after being the result of it.
- Q. If Islamic Call is the axis around which foreign policy revolves: how is it not affected by all treaties and agreements whether military or non-military?
- A. It is well-known that restricting armies movements and directing their armament, training and mobilizing are two important factors which affect Islamic Call movements. But this Call is not restricted to the military actions and what is attached with them only, because all other spheres, such as economic, commercial, cultural and financial, pave the way for the Call without direct military intervention.

Article 180

The States not actually fighting against us, and the states not practicing imperial actions, are admitted to open embassies in our countries, on condition without any cultural and political activities, and with limited authorities and movements.

Explanation:

As for the non-actual fighting countries and

the non-actual imperial ones, they are admitted to establish certain relationships with our State as a part of foreign policy. The Islamic State allows them to open embassies, so as to arrange the co-relationships within the frame of the Islamic Call Delivery missions. In regard of the habitual activities of the foreign embassies, such as the political and cultural ones, they are absolutely forbidden, since they contradict Islam both in applying and in its single sovereignty of thoughts in the Islamic State.

But why are such measures undertaken only with the non-actual fighting countries? It is because they are as a part of War Dar avoid to fight against the Islamic State and even they request its satisfaction. Islamic Ummah, by turn, is serious to have contact with those peoples directly by establishing diplomatic ties with them.

But in regard of the non-actual imperial countries, they have not practiced any direct evil exploitation against Islamic countries, and they are not greedily looking forward for that purpose, but for establishing good or fair ties with them. Such states may also establish diplomatic ties with them since they will facilitate the delivery acts of the Islamic Call to their peoples.

Discussion:

- Q. What is meant with the non-actual fighting states?
- A. They are originally antagonists but do not exercise war against us.
- Q. What is meant with the non-actual imperial states?
- A. They are originally imperial but do not exercise any imperial acts against others.
- Q. What is meant with the cultural activity?
- A. It is the call and propaganda for one's ideological thought and culture.
- Q. What is meant with the political activity?
- A. It is the propagation for one's policy intellectually by seminars or lectures, and practically by direct contacts.
- Q. How are the embassies authorities restricted?
- A. They are restricted to certain legal aspects.
- Q. How are the embassies' movements restricted?
- A. They are restricted to certain legal ones and places.
- Q. Don't such prevention and restriction result in the same against our embassies?
- A. Yes, of course, but the effects of such sameness are very much less than not prevention and restriction.

- Q. Is there, then, any legal exit for access to their peoples for Islamic Call?
- A. Yes, it is throughout exchanging visits, besides all means of the several communication and information media.

Article 181

The Islamic State opens embassies in the non-actual fighting states, according to the necessity of the Islamic Call benefit. They have to deliver and propagate Islam.

Explanation:

Out of care to reach other peoples and nations, esp. those non-actual fighting, though a part of War Dar, we open embassies in their countries, the same as we admit them to open embassies in ours. Our embassies should be an essential aspect of the task of delivering the Islamic Call outside. This case means that our embassies are strongly connected with the benefit of the Islamic Call delivery in any other country. Whenever any country allows our embassy to deliver the Call easily we open this embassy at once, esp. if such opening is connected with permitting lectures or seminars or any other cultural activity. This is in regard of the

Call Delivery, but in respect of propagating Islam thoughts, it is of a wider scope than that of delivery. It is connected with many procedures to show Islam well before the eyes and ears of the others, so as to be easily accepted by their souls and minds.

It is O.K. that the nowadays audio-visual means of communication and media can easily transmit all these Islamic thoughts attractively and without any embassy or consulate, but co-living with others and in lively contacts with peoples in persons, whether individually or collectively in lectures and seminars, realizes practical examples to be copied by others more easily after influencing and convincing their souls and minds in stronger way than only the other theoretical means. It is well clear in these Honourable Words of Quran: {Ye have indeed in the Apostle of God a beautiful pattern (of conduct) which order human beings to follow and adhere to his Sunnah} (from verse 21 of Ahzab-parties-Sura).

Discussion:

Q. What is meant with embassy?

A. It is the body which represents the State in all affairs, esp. the diplomatic ones.

Q. What is meant with what the Call Delivery determines?

- A. They are the necessary acts for facilitating the Call Delivery to their countries.
- Q. What is the difference between embassy and consulate?
- A. Embassy represents the general affairs, whereas consulate cares only for the subjects' affairs in that state.
- Q. What is meant with delivering the Call by the embassy?
- A. It is performing the delivery of Islamic Call by certain acts.
- Q. What is meant with propagating Islam by the embassy?
- A. It is performing showing Islam to other peoples in an influential attractive way.
- Q. What are the means by which the embassy may deliver the Islamic Call?
- A. They are holding seminars, lectures directly and Via the several information media.
- Q. Is propagating Islam different from delivering it?
- A. Yes, because delivery has the intellectual form by lectures, discussions and the like, whereas propagation has the psychological-intellectual form so together that the element of exciting and attraction through the several information media and communication

means is prevailing and impressive.

Article 182

The Islamic State must not participate in membership of all assemblies not built upon Islam or applying non-Islam rules, such as these international ones; The General Assembly of U.N., International justice court, International Fund, International Bank and UNESCO; nor these regional assemblies: The League of Arab States, the Foundation of the Arab Development, ALECSO & ISESCO.

Explanation:

Since Islam thoughts are the axis of delivering and propagating the Islamic Call, and since they are the background of the foreign policy of the State, it is impossible to participate in any assembly or organization not adhering to Islam both in its acts and ground. All international assemblies and regional ones are the same, since each of them is built upon non-Islamic viewpoint and it runs its acts according to the so-called united nations legislation and legacy, which are in fact those of the democratic capitalistic ideology. They endeavour to enforce their single interest by having this ideology as the master of the whole world. We see daily, day and night, their tangible acts, interpreting this purpose very clearly. It is well lucid and open to

see what has happened in the previous Soviet Union and Eastern Europe States, and how they were going back to be independent democratic capitalistic states. Also, we see clearly what is running in the so-called Third World, and how the states of the capitalistic ideology are forcing all its countries to adhere to democracy and leave away all their ideologies.

As for the regional organizations, such as the league of the Arab States and others, they are built upon a contradictory viewpoint about unity, they allege to endeavour for unifying the Arab countries in one State, and, at the same time, they defend disunity among these countries, and defend applying non-Islamic systems in life. All these acts of them are not secret but completely seen by everybody who has merely naked eyes to see that and to see to what extent they are chasing Islam Calls and their members under the so-called war against Extremism and Terrorism.

Discussion:

Q. What is meant here with assemblies?

A. They are the bodies formed to perform general tasks whether international or regional ones.

Q. What is meant with building the assemblies upon non-Islamic basis?

A. It is when they regard not the Islamic Shariah in both of their doctrine and legislation.

Q. What is meant with assemblies not applying the Islamic rules?

A. It is when they regard not Islam rules in both of their private and public actions.

Q. What is meant with participating in these assemblies?

A. It is subscribing in its membership, and adhering to its systems, and endeavoring to fulfill their objects.

Q. What is meant with the General Assembly of the U.N.?

A. It is the body formed from delegates of several states all over the world, disregarding their ideologies, though they become really confined to the democratic capitalistic ideology after vanishing of the socialistic world and changing it into independent state adopting the democratic capitalistic ideology.

Q. What is meant with the regional assembly?

A. It is the body which is consisted from the States in a certain region of the world, which is divided by the imperialist states into Near East, Middle East, Far East, Africa, Latin or South America and so on.

Q. The League of the Arab States and Islam

Conference Assembly: how wouldn't the Islamic State participate in it?

A. As for LAS, it is because of being built upon the democratic capitalistic viewpoint in life, and on the idea of independence for each state. And because of all these anti-Islamic States this assembly was originally established to be the substitute of the past Caliphate State, and to hinder its coming back. It was built upon the Caliphate remains after being annihilated out from existence. This current and future case forces this question: Hence how participation in its membership or acts might be?!

As for ICA, the member-States should be satisfied to be so-called Islamic as members of the Islamic World, esp. the inhabitants of each are almost Moslems. It is much enough for all since members are controlled by non-Islam legislation and are under the influence of the non-Islam oppressive States of the West.

SYMPOSIUM NO. 20 COMMENTARY AND SUMMARY

Undoubtedly, the construction of a constitution for any country or state is a decisive cause for a decisive cause. But how such a thing may be? Here is the answer:

The former decisive cause is the real cause, but the latter one is the effect of the cause. But how?

The decisive cause is to have a certain country or state in existence after being not, and in a certain formation and position, whereas the decisive effect is to give this new country or state the new formation and position after being not in existence but they are hoped and wanted to be.

But what does this matter mean in regard of the viewpoint about life and the whole existence? And in regard of our subject which we are now commenting about and summarizing, and which includes these nineteen symposiums talking about (The Draft Application) prepared to be, after revision and discussion in view of the new enlightening information, thoughts and facts, the Application which will be applied by the hopeful Islamic State, the Caliphate State, with God's help and victory...What does it mean in view of all these matters?

It is certainly when God fulfills victory in one country or more of the Islamic world, and the Caliphate State is re-established, the existence of the new country or the new Islamic Dar is realized, and the new Islamic formation together with the new international position have to be in existence after being not.

When establishing the Caliphate State in one or more countries, this new country in a new formation and position comes to be in existence, and when applying the Islamic Shariah in this State, the new formation and position come to be in existence too.

Merely, when God's victory is actual in life, Ummah gets rid of the puppet rulers, though gradually, all over the Islamic World, by tearing out their stubborn connection with the foreign enemy states, who are used to fabricate such rulers and protect them, as if they are the everlasting destiny of peoples!

Merely, when Ummah gets rid of them and grasps ruling reins by its firm and honest hands, hands of the new Islamic statesmen, the new country with the new formation, is in existence, and also the new position in a new internal and external questions and problems is in existence. This is the decisive cause, but where is its decisive effect?

It is what the new formation and position enforce on the country. The new rulers have to

manage its protection, firmness and safety against all inside and outside conspiracies, and to give it the new position in establishing the new Islamic State over its territories applying Islam legislation inside, and preparing itself to action for delivering its Message outside. Merely, by realizing these two new formation and position the new effect of that new cause is in existence.

But applying Islam as a decisive effect is not realized but with three matters:

1. Having an Islamic Draft Constitution ready for being discussed and implemented directly after establishing the Caliphate State, even it is in one country of the Islamic World. No delay would occur, else the new begotten State should be exposed to two fatal dangers:

one: implementing non-Islam, even for one day, exposes the State to be non-Caliphate one.

two: becoming much busy is searching for a constitution, the statesmen neglect drawing plans necessary for determining and protecting the new state against inside riots and outside intrigues, a case which exposes it to quick collapse.

2. Having new statesmen of super awareness about the new facts, and about the riots and conspiracies against, and about the Islamic

legislation wanted to be applied directly through transmission of the Draft Constitution to Final Constitution suitable for the practical life at once.

3. Having enough material capacity and actual powerful ability in hands of the new rulers, so as to fulfill complete implementation of Islam together with determination and protection. As for the capacity, it comes out from having enough number of statesmen, assistants and supporters, all of high quality. But as for the ability, it comes out from both preparation of Ummah and army to defend the new formation and position, and to afford all needed sacrifice under the leadership of the new Statesmen who aim to accomplish applying, determining and protecting both of the new formation and position.

The most decisive matter of these three is the first one, regardless all legal ways and means used in carrying out this Draft Constitution as the Final Constitution of the State, which is ready to be defended by at least the majority of the subjects. Any flaw in this Draft would expose it to one or both of those afore-mentioned fatal dangers. This situation assures that the Draft must be comprehensive and subtle at the same time. As for comprehensiveness, the Draft has to involve all aspects of life, not in reformulating the past life in the new resumed Islamic life only

but also without defects in any aspect of life. It has to involve all aspects of life in so much enough headlines that all necessary constitutional articles are included.

But as for subtlety, the articles of this Draft have not dealt ordinarily with any aspect of life. They do not adopt something from this scholar of jurisprudence (fiqh) and another something from another one, and so on, but they set down all the running cases wanted to be lived in the Islamic life and in the Islamic society. They study them deeply to summarize each aspect's headlines in certain generalities, such as the economic one, for example, and then they go back to Islamic legislation or fiqh, and its main two sources: The Book and Sunnah, and its four detailed considerable evidences which are Sahabah Unanimity, legal Analogy, besides the Book and Sunnah.

The Draft, in this way, becomes keenly aware of the realities and what is suitable from Shariah generalities for tackling them well. It is guided in this process by Usul Fiqh Rules, which direct the treatments to be in forms of constitutional articles, and in a certain shape of a certain colour. It is the distinguished Islamic colour which does not flatter any ideology of the world, because of being enough powerful by itself and not by reconciliation with others, the matter which happened with the previous socialistic

world, and it is happening, with the present capitalistic one.

It does not flatter social ideology, which was prior to live on in the world of fighting objective ideologies if its believers had developed it and protected it against capitalism or imperialism in stead of selling it cheaply for the American wheat and Dutch butter.

It does not flatter, also, capitalism, neither for its open markets or free trade, which is ready to swallow the weak, to defend the wealthy monopoly and the greedy powerful people, nor for its democracy, which alleges regarding peoples and nations, who live on it, when it affords them parliamentary elections, which are not considered in their best cases more than a play of the powerful and wealthy persons with their nations and states, till the capitalist Cartels and Trusts have become the fabricator of their presidents or kings, and ready to replace them with others whenever they want. In a word, Usul Fiqh Rules give the articles of the Draft the distinctive Islamic colour.

Also, those Usul Rules give the articles another colour of different quality. It is the colour controlled by certain measures. It is ruled by the evidences strongly conducted by their Usul and by the subtlety of applying in life. In this way, the articles are far from playful fancy when running after the so-called easier judgment, even when

adopted from any Mazhab, and taking no care for their Usul.

By such a subtlety and comprehensiveness the Draft should be able to satisfy arranging all demands of all different aspects of life. The way of treating every demand is deep and proper when looking into each one of them. In this way, the Draft is safe from being exposed to any of the two fatal dangers. Its comprehensiveness can afford treatments for every sphere of life. The new rulers have no need to think, if there is such an assumption, in systems or legislation other than Islam. Its subtlety admits not the ruler to be busy away from the dangerous cases which the State is exposed to, but, vice versa, it would make rulers and subjects together feel safe. It would enable the rulers to invent plans and ways to determine the State and system, and to protect them, by God's help, against any apostate or hypocrite or malicious or intriguer. It would enable the subjects also, through piety and aiming God's satisfaction, to live on these constitutional articles and to be ready for sacrificing all expensive and precious things for the sake of protecting this Constitution and its Men against all inside discords or riots and outside intrigues or conspiracies.

A quick glance into this Draft will show that it is in fact involving the two necessary elements: comprehensiveness and subtlety. It starts with

introduction covering general rules in fourteen articles and two complete symposiums. It remarkably shows the general Islamic viewpoint which controls all the articles of the Draft. It talks about the Islamic Belief as the basis of the State and its systems, about the adoption of decrees by the Caliph, so as to be the Constitution and the laws, about the individuals of subjects enjoying the legal rights and duties without any differentiation between them before governing and judging.

These are the contents of the first symposium, but the second one talks about the Arab Language as the single language of Islam, about Ijtihad as an individual obligation, about the responsibility of all Moslems, for Islam without having religion-men distinguished from others, about the original task of the State which is the Islamic Call Delivery to the other peoples and nations, about the considerable Shariah Detailed Evidences upon which all the articles of this Draft are built, about Shariah View in regard of Man and being originally Innocent, hence no punishment but after a court sentence, about defining the legal view for actions and things in original, about the time when the means for doing Haram is forbidden. By this item or article the second symposium comes to an end, and all the generalities come to an end too.

We see that the first symposium has discussed

the limitations of the State's legislation and of the subjects duties and rights, whereas the second symposium has limited the Shariah decrees in respect of deducing them out from sources and their view to man and his deeds. They are really manifesting in best way the general rules about all life spheres. They pave the way well to move on to the next specialized symposiums in proper and subtle way.

The 3rd. Symp. talks about the most important and serious aspect of life, viz. the ruling system by which life is controlled and according which it lives. But can one symposium cover this subject? Of course, no. We see that the following nine symposiums undertake this task well. The 3rd. Symp., after referring to the general foundation, shows that Governing System is centralized in ruling and decentralized in administration, and those performing any act of ruling should be distinctively qualified from others, and the rulers' acts should be always reconsidered seriously by Ummah's individuals and parties. The last two articles of the symposium talk about the most important part of the system, viz. the bases upon which the system is built and the corners from which the system is formed. Then the rest eight symposiums move on with these eight corners one after the other, showing all general rules related with them in a special article for each.

The Headship of the State covers the next two

symposiums Nos. 4 & 5. No. 4 includes eleven articles, talking about the task of the Caliph and the fact that the Caliphate is a contract of co-satisfaction and election and not of heritage or compulsion, and about the qualifications of those who elect and pledge the Caliph allegiance to be Caliph, and about the two sorts of Bay'a, about the sense of the auto-sultan of any country pledging the Caliph allegiance, about the conditions of contracting and those of priority for the Caliph, about the obligation of erecting a new Caliph if the position is empty within the next three days, about the way of erecting the Caliph, and, at last, about the authoritative power of erecting the Caliph which is Ummah as a whole.

As for Symp. No. 5, it goes on discussing other aspects of the ruling System. It refers to the authorities of the Caliph, and how he is restricted to the considerable legal detailed evidences in deducting decrees and in regarding the affairs throughout the Shariah rules and not the benefit or interest. Then it refers to the period of Headship and that it is not limited in number of years but in performing well all obligations. Then it ends with talking about the circumstances in which the conditions of the Caliph are changed to dismiss him out of Headship, and that the court of Injustice Acts only has the authority to decide that case.

As for Symp. No. 6, it talks about the next two corners of the Ruling System, about the Caliph's Assistants of Delegation, who partake him in undertaking the ruling responsibility, and his Assistant of execution, who have no connection with ruling as ruling but as executing or carrying out the rules, i.e. the administrative aspect, although they are considered some of the Caliph intimacy.

The 7th. Symp. discusses the fourth corner, the Valis, and how the State territories are divided into Vilayets, each one of them is headed by a Vali, appointed by the Caliph so as to rule as his deputy and to supervise the executive measures backed by the Vilayet's elected Council, on condition not prolonging the period of Vilayet, so as to avoid concentration and separation, and on condition of hard supervising of the Vali's performances by the Caliph, so as to assure justice and security together with safety as a result.

The 8th. Symp. stands by the fifth corner, the judges, in respect of definition of their work, their appointing, their sorts and the condition ought to be available in each sort, then it refers to the formation of courts and settlement of problems, and it ends with referring to the courts degrees and numeration in regard of problems' kinds and not of reviewing the one problem.

The 9th. Symp. talks about the judge of

Hesbah (Muhtasib) and his authorities, and about the judge of Injustice Acts and his seriousness, since the Court of Injustice Acts alone has the right of discharging any ruler or employee of the State and the Caliph himself, and about the other authorities of the Court of Injustice Acts, and at last it talks about the subject of agency in private and public acts.

The 10th. Symp. talks about the Amir of Jihad, i. e. The Army Prince, and the army of the State: its mission, and its two parts: the permanent and the reserves. Then the policemen and their task. Then it refers to the flags and banners of the army, and that the Caliph is the leader of the army in fact and not in nomination such as nowadays states. Then about distributing the army in camps, about securing high military education side by side with Islamic culturing so as to perform its missions well, and about securing the necessary weapons and equipment together with the high competent officers.

Then it discusses the seventh corner of the ruling ones, i.e. the managers or directors of the State's departments and administrations. It refers to their responsibilities and their general boss, the Assistant of Execution, who appoints them for the different ones, which should be restricted to a certain policy in performing their duties, i.e. the simplicity of order, quickness of

accomplishing and adequacy of men. At last it talks about the qualities of each manager and director.

As for Symp. No. 11, it is the last one which talks about the Ruling System. It refers to Ummah's Council in its formation out from Ummah's representatives, and throughout direct election, performed by the whole subjects. Then it discusses a sensitive subject the talk about is confused by so many Moslem writers, viz. the matter of Consultation, and distinguishing it from Counsel: the right of whom is it? And the role of non-Moslems in it. At last it stops by the four authorities of Ummah's Council.

Now all the nine symposiums, talking about the Ruling system are over after discussing all its aspects subtly and completely, and till it appears in such a distinctive completion and complete distinction.

Then Symposiums move on to another aspect of life, it is the social system, the system confined to the relationship between man and woman as two coordinating members in family and society. This Symp. No. 12 talks about this subject in eleven articles. They refer to the original case of woman as a mother and house woman. Then to what Shariah admits and unadmits in meeting of men and women. Then they talk about the rights and duties of woman, which are equal to those private and public acts of man, except in

some of them, such as to be a judge of injustice acts and a ruler.

Then they stand deeply by a serious point so long confused, i.e. it is the conception of the private and public life of woman, and their limits, and what is permitted and impermitted in both of them. After the reference to forbidding privacy of man and woman, i.e. which is meeting together alone, and utilizing womanliness and man attractive handsome case, the Symp. moves on to talk about the conception of marriage life and the meaning of its responsibility, and of co-operation between the couple. Then it ends with talking about sponsorship for the young children all through this life.

The Draft then moves on to another aspect of life, giving it more concentration and more details, due to its breadth and numerous branches. It is the aspect of economy. The following four symposiums discuss all spheres of it comprehensively and deeply.

The first one, which is No. 13 of the Draft, covers nine articles talking about these matters successively: the policy of economy; the economic problem and that it is distributing wealths and benefits and not developing them as the economists are used to say; the obligation of satisfying the basic needs of subjects completely and the luxury ones as much as

probable; the requisite of the conception about wealth that it is God's and people are only heirs; the three sorts of property: individual, common and State's ones; the conception of the individual property, then of the common one, then of the State one; and at last the five legal causes of ownership.

As for Symp. No. 14, and the second one about the economic sphere of life, it covers fourteen articles talking about dealing with property, the conception of the Decimal Land and Uncultivated one, about forbidding renting land for farming and regaining it from the man who neglects it for three successive years, and about defining the cases when common property is available in things; about the factory and where it stands among properties; about the individual property and forbidding changing it into collective or common one; about Ummah's partaking in utilizing the collective property, and about what is admitted to be protected of lands by the State, and about forbidding the burial of wealths though their Zakat is paid; about the wealths of Zakat and of Jezya and, at last, of Kharaj and the Kharaj land.

As for Symp. No. 15, and the 3rd. one of the economic sphere, it covers twelve articles talking about the tax collected only from Moslems, about the budget of the State and its parts and chapters, then about the five

permanent resources of the House of Finance, and collecting taxes from Moslems if those resources are not enough, then about customs and other considerable resources of the House of Finance, and about the way of dividing these resources among six ones.

Then it moves on to talk about the State and its duty of assuring works for all subjects, then about the employees of the public and private sects. Then about the basis upon which the wages are built, then about the State and its duty of enduring the expenses of the poor, then about the State duty in circulating wealths among the citizens and enabling everybody to satisfy his luxurious needs and effecting equilibrium in society. Then symposium is over after discussing this wide scope of economic questions and problems.

Now the last symposium which discusses this sphere of life, is No. 16 of this Draft. It ends this discussion in eleven articles. They talk about the State supervision about the agricultural, industrial and commercial affairs, esp. those of the foreign trade. Then they move on to establishing laboratories by the subjects and State. They talk then about the State sponsorship for the free health services. Then they refer to a very sensitive subject in the field of economy. It is the matter of the foreign loans and investments. They decide that they are

absolutely forbidden.

At last, this Symp. talks about the subject of currency, and that it is gold and silver and what they fully cover, together with issuing special full-covered currency, and forbidding the opening of other banks more than the State one, in which exchanging money between the State's one and foreign ones is run.

Herewith the discussion of the economic sphere is over. Then the Draft moves on to another field of life not of less seriousness and importance than other spheres, if not more than them all. It is the sphere of education and culture. The Draft mentions this matter under the title of the Education Policy. It discusses them in twelve articles in which it talks about the foundation of education curriculum, about the reality of educational policy, about the purpose of education, about the necessity of distinguishing between experimental sciences and cultural knowledge, about determination of teaching the Islamic Culture all through the educational stages, and about how arts and industries are attached sometimes with sciences and other times with culture.

Then it talks about the unity of the State's educational program, and about the assurance of having the free necessary education all along the basic stage, and about giving full chance for the free high education also, and about the

necessity of having libraries and laboratories and the like outside schools and universities, and about preventing utilizing authorship of books in education, and about giving permission to issue any paper or magazine or book which does not offend the basis upon which the State is built, and, at last, it ends with the reference to struggle to eradicate illiteracy, both alphabetic and cultural all over the State's territories.

Herewith the discussion of this sphere of the Draft is over, and there is nothing more to discuss of life aspects but one, which is the foreign policy. The last two symposiums of this series will discuss this aspect. They are the 18th. and 19th. ones.

As for the 18th. Symp., it covers eight articles talking about the sense of policy and prevention of holding relationships between the subjects and the foreign states, about controlling policy in a certain way which is not contradicted with its means and ways since object does not justify the means, about necessity of using political maneuvers as an essential part of the foreign policy, about the most important political ways in foreign policy, and the great political methods, and the political cause of Ummah, and the axis around which the foreign policy revolves. This Symp. comes to an end.

As for Symp. No. 19, the last one in the discussion of this Draft, it covers five articles only.

the first article talks about the four considerable matters upon which the relationships are built between the Islamic State and other states:

The first matter is whether they are in the Islamic World, or those we have treaties with them, or those virtually fighting against us, or those actually fighting against us.

The second one talks about prevention of holding military and political treaties with the foreign states.

The third one talks about admission for opening embassies by the states non-actual fighting and imperializing and opening embassies for certain missions in their capitals.

The fourth one talks about admission of opening embassies in the non-actual fighting states.

The fifth article talks about prevention of the State partaking in the assemblies built upon non-Islam or applying non-Islam.

Herein the discussion of this aspect is over and of all aspects of life is over too. The Draft, as we see, is complete and integral and no aspect of life is missed or weakly discussed. Such a Draft is really in need of study and discussion, not out of scientific view only, so as to get acquainted with, or of educational view only and for merely studying and knowing, but out of implementing view, so as to shift it from ink-and-paper attitude to actual and executive one. Any discussion moves in this way

would be really serious, because if it does not find what it looks for out of it, i.e. the proper constitution for real applying in life, it would undoubtedly find in it the Draft Constitution which deserves to go back to whenever applying of any other constitution is taking place in the life of the Islamic Ummah.

So if such a Draft is impossible to be the output of an individual effort, it is well-known that any intellectual act, whatever in need of a collective discussions, its source and origin should remain the output of an individual mental effort. And if there is any other more word to add after all this show of the Draft Articles and their explanations and discussions, it is to call all Ummah as individuals and groups, as competents and adequate abilities, to wake up and conceive that there is no way but to go back to the Islamic legislation, not merely for understanding and earning and teaching, but to aware it, to comprehend it, generally and in details, and to look forward seriously to live upon it and according to its decrees in life.

Such an applicable awareness should find out in this Draft an important support, if, let us daresay, not the single support, to move on from seeing a mere awareness for application to application itself.

God, The Almighty, The All-Praised, I ask heartedly to fulfill this purpose, today and not tomorrow, and to make out of this effort an

advantageous one in this life and a highly rewarded one in the Next One.

He is the All-Nearer, the All-Hearer, the All-Cherisher, the All-Accomplisher!!!

*Our Master Mohammad, P.B.U.H. & R. Be
Praised together with his Friends
and all who follow well up till Dooms Day,
and Al-Hamdu Lellahi Rabbil-Aalameen*

Accessory Information

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The Author

The author was born in Rabi Thani 1350 H (1931 G) in the family of the Hawarey of Prophet Mohammad SAW Al-Zubayr bin Al-Awwam RA, the son of Saffiyah the aunt of Rasulullah SAW, thus Khadeejah RA is his aunt, Hamza and Abbas RA are his uncles, Ali and Jaafer RA are his cousins, and Abu baker RA is his father in law.



He holds 1 BA degree in English literature, 1 B.A. degree in Education, 1 MA and 1 PhD in Comparative Religion, and a 2nd PhD in Tafseer. He authored many books, including a Tafseer in 4 parts (2 volumes).

This book is a call to go back to the Islamic life. It is a self-debating, self-arguing dialogue. It is to satisfy the thinker, in general, and the Islamic Caller, in particular.

This book is at the end to please the All-praised, The Supreme Exalted God, Allah, for whom we say: Al-Hamdu Lellahi Rabbil-Aalaameen at the end of every speech or action.

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