

The next two *ayat* give a basic introduction to the main institutions of a modern Islamic state: Legislature, Executive and Judiciary, which constitute the structure of the System of *Caliphate*. In the Islamic political system, the concept of *Caliphate* is based on the negation of human sovereignty and the principles of modern democracy that "*sovereignty belongs to the people*", which is totally incompatible and unacceptable within an Islamic state. And this is so because the absolute sovereignty only belongs to Allah (SWT). Since human beings cannot claim to be sovereign, all they are left with, therefore, is vicegerency i.e. man is not sovereign in his own right, rather he is the Khalifa of Allah (SWT) - the vicegerent of God, whose duty is to implement the instructions and commandments of Allah (SWT). However, in matters concerning where there is no express order from the sovereign, a Caliph is free to evaluate the situation himself and with mutual consultation take a decision, according to the commandments and fundamental teachings of the *Qur'an* and *Sunnah*. This is precisely the relationship between Divine Sovereignty and human vicegerency. Before the institution of Prophethood was concluded, the prophets of Allah (SWT) were His vicegerents in their individual capacities. In other words, by virtue of the fact that they used to receive direct revelation from Almighty Allah (SWT), all prophets were His representatives on earth; they were responsible for implementing His Orders and executing His Will. This implies that *Caliphate*, before the conclusion of Prophethood, was strictly individual and personal, as it used to be the prerogative of a single person, i.e., the prophet, to implement and execute the orders of the Real Sovereign. Thus, Almighty Allah (SWT) has addressed Prophet David (AS) in these words: "*O David (AS)! Verily, We have made you a vicegerent in the earth...*"<sup>1</sup>. With the advent of Prophet Muhammad (SAW), the institution of Prophethood along with the institution of the *Caliphate* as a personal and individual representation came to an end, as no one can claim now that he is receiving direct revelation from Allah (SWT), as was with the Prophets. Thus, after the demise of the Holy Prophet (SAW), the institution of *Caliphate* must become the *collective affair* of the entire Muslim community rather than the *individual affair* of a ruler. Therefore, we should take the principles and ideals from the model of the

Prophet Muhammad (SAW) and the Rightly Guided Caliphs (RAA), and then incorporate these principles and ideals in the political institutions that have been developed in the contemporary civilized world as a result of the process of social evolution. It is important to emphasize here the point that there is no definite form or structure of government in Islam. All we have been provided with are certain basic principles and ideals that we must uphold and implement, although the exact manner of their implementation may vary according to the changing social and political conditions. In this context, we believe that there are three basic principles that, if incorporated in any constitution and form of government, will lead to the establishment of the System of Caliphate (*Khilafah*). These three principles are as follows:

- (1) Sovereignty belongs to Almighty Allah (SWT) alone.
- (2) No legislation can be done at any level that is totally or partially repugnant to *Qur'an* and *Sunnah*. and
- (3) Full citizenship of the state is for Muslims only, while non-Muslims are a protected minority.

If these three principles are incorporated in their true spirit in the constitution of a state, it will become an Islamic state or embodiment of the system of *Khilafah*, irrespective of the specific details of governance.<sup>2</sup>

(58) *“Verily! Allah (SWT) commands that you should render back the trusts to those, to whom they are due”* This command refers to all types of trust, whether it is the collection of *Zakah*, penalties for sins, vows or even when electing a Caliph of an Islamic state. The Muslims are enjoined to entrust the positions of responsibility to qualified and competent people of moral character, instead of dishonest, narrow-minded and unjust people. *“And that when you judge between men, you judge with justice.”* One of the most important institutions of an Islamic state is Judiciary. Allah (SWT) warns the Muslims not be dishonest and unjust and commands them to always enjoin what is just and judge between the people with justice, whether they be Muslims or non-Muslims. *“Verily, how excellent is the teaching which He gives you!”* i.e. the commandments and His teachings that He has revealed to His Prophet (SAW). And *“Truly, Allah (SWT) is Ever All-Hearer, All-Seer.”* i.e. He knows those who fulfill their trust and enjoin justice and those who are dishonest and unjust.

(59) *“O you who believe! Obey Allah (SWT) and obey the Messenger (SAW) and those of you who are in authority.”* As mentioned earlier an Islamic state is based on some fundamental principles that have been laid down in this *ayah*. The first and the foremost is the obedience to Allah (SWT). The Muslims should only worship and obey Allah (SWT) and give their allegiance to Him. The allegiance and obedience to any other than Allah (SWT) is only possible if it does not oppose His obedience e.g. allegiance to His Prophets and Caliphs, because there is no obedience to anyone if it involves disobedience of Allah (SWT). After the obedience of Allah (SWT) the next allegiance and obedience is to the Holy Prophet (SAW). The duty of the Messenger of Allah (SAW) is only to convey the message and propagate it, and we have to obey him because there is no other way that we could receive the instructions and commandments of Allah (SWT). Hence the only way to obey Allah (SWT) is to obey His Prophet (SAW) and if we disobey him then in fact we disobey Allah (SWT). After Allah (SWT) and His Prophet (SAW), comes the obedience to those who are entrusted with authority. It is the responsibility of the Muslims to select those on the positions of responsibility and authority who are worthy of it and not those who are incompetent and unjust. Once selected then they should be obeyed, provided that the following two conditions are met. Firstly, they should be from among the Muslims as a non-Muslim cannot be in authority over the Muslims, whether it is the legislature, executive or the Judiciary and how can he be trusted with authority when he does not believe in the main sources of legislation in an Islamic state i.e. the *Qur’an* and the *Sunnah*. Secondly, the Muslims who are entrusted with authority, should be obedient to Allah (SWT) and His Messenger (SAW). These are the two conditions for following those entrusted with authority among the Muslims as recorded in a hadith, narrated by Abdullah ibn Umar (RA) that the Messenger of Allah (SAW) said: *“The Muslims is required to obey in that which he likes and dislikes, unless he was commanded to sin. When he is commanded with sin, then there is no hearing or obeying.”*<sup>2</sup> Further Allah (SWT) says: *“(And) if you differ in anything amongst yourselves, refer it to Allah (SWT) and His Messenger (SAW), if you believe in Allah (SWT) and in the Last Day.”* This is another fundamental principle in Islam that the final authority only rests with Allah (SWT) and His Messenger (SAW). If a dispute arises between the Muslims and those in authority i.e. the rulers, then they

should refer to Allah (SWT) and His Messenger i.e. the *Qur'an* and the *Sunnah*. Any system which does not refer its decisions to *Qur'an* and *Sunnah* as a final authority then it surely is a non-Islamic state. Because those who do not refer to the *Qur'an* and *Sunnah* for adjudication, then they do not believe in Allah (SWT) and the Last Day. *"That is better and more suitable for final determination."* i.e. following the *Qur'an* and the *Sunnah* is the only way to success in this world and in the Hereafter. This will in the end be better and more just.

As we mentioned in *Al-Baqarah*, the message of Islam, after the *Hijrah* reached the hearts of the people of *Madinah*, by Allah's (SWT) grace and they started to enter Islam in large numbers. Many of the tribes of *Madinah* who saw the emergence of an Islamic state, accepted Islam whether willingly or unwillingly. However, most of them only pretended to be Muslims and followed Islam, but in reality they were liars who had hatred for Islam and Prophet Muhammad (SAW). In the next few *ayat* Allah (SWT) describes the characteristics and the nature of these hypocrites. He has unveiled their beliefs, their qualities, and made their goals clear to the Muslims so that they can be aware of them.

(60) *"Have you seen those who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the Taghut (false Judges etc.) while they have been ordered to reject them."* This, as mentioned above refers to the hypocrites of *Madinah*, who took their disputes to other than the Prophet (SAW) for judgment. They would only bring those cases to the Prophet (SAW), which they knew would be decided in their favor. They would not bring such cases to him which they thought would be decided against them and would take them to the *Taghut*, despite the fact that they were commanded by Allah (SWT) to reject them. Here *Taghut* refers to the judges who exceed all bounds in causing mischief and the system that does not judge according to the commandments laid down in the Book of Allah (SWT) and His Prophet's (SAW) *Sunnah*, as did the *Jews* of *Madinah*, or as is the Judiciary in most of the secular states today. *"But Satan wishes to lead them far astray."* This is because those who prefer other laws and customs to settle their disputes

instead of referring to the *Qur'an* and *Sunnah*, are the companions of the Satan who leads them to stray far away from the right path.

(61) *"And when it is said to them: "Come to what Allah (SWT) has sent down and to the Messenger (SAW)," you see the hypocrites turn away from you with aversion." The hypocrites of Madinah had so much hatred for the Prophet (SAW) in their hearts that, whenever they were called upon to settle their disputes according to the Book of Allah (SWT) and His Messenger (SAW), they would hesitate and turn away from him in disgust.*

(62) *"How then, when a catastrophe befalls them because of what their hands have sent forth, they come to you swearing by Allah (SWT), "We meant no more than goodwill and conciliation!"*" In fear of their actions being exposed, the hypocrites would swear by Allah (SWT) and took oaths to assure the Prophet (SAW) and the believers of their innocence, that they sought only good and to bring about reconciliation when they referred to other than the Prophet (SAW) for settling their disputes.

(63) *"They are those of whom Allah (SWT) knows what is in their hearts; so turn aside from them, and admonish them, and speak to them an effective word to penetrate their hearts."* i.e. Allah (SWT) knows the hypocrites and what they conceal in their hearts against Islam. And He commands His Prophet (SAW) not to punish them because of what is in their hearts, as it would destroy any hope of reforming them, but advise them in a manner that would benefit them and speak to them such words that would reach their hearts, thus to win them back to Islam.

(64) *"We sent no Messenger, but to be obeyed by Allah's (SWT) Leave. If they had come to you, when they had been unjust to themselves and begged for Allah's (SWT) Forgiveness, and the Messenger (SAW) had begged forgiveness for them, they would have found Allah (SWT) All-Forgiving, Most Merciful."* Allah (SWT) sent His Messengers to different nations with His final Messenger (SAW) to all Mankind, and commanded the believers that they should obey them. A Messenger is not sent by Allah (SWT) only to be acknowledged by the people, but also that they follow him in every walk of life and consider him, along with what is revealed to him, as the final authority for all judgments. Further Allah (SWT) says that it would have been better for the

hypocrites if they would have repented from their errors and mistakes and prayed to Allah (SWT) for His forgiveness in Prophet Muhammad's (SAW) presence, so that he also would have supplicated to Allah (SWT) for their forgiveness. If they had done this, Allah (SWT) would surely had forgiven them as He is the Acceptor of repentance. They would have found Him Forgiving and Merciful.

#### Foot Notes

[1] Surah Sad (38) : 26.

[2] Cf. Constitutional and Legislative Framework of *Khilafah* by Dr Israr Ahmed, translated by *Dr. Ahmed Afzaal*.

[3] Bukhari : 7144.

F:\Dorah TarjumahQuran-English-50Sessions Final\Done\Zaid Mustafa\4-An-Nisa (58 to 64).doc  
All remaining amendments also done by Nadeem