

Political System of Islam

Summary of Series so Far

The first four series in this program dealt mainly with the articles of faith and questions pertaining to belief. This included Monotheism, Prophethood, Muhammad in the Bible and the fourth was about Muslim Beliefs. The first four series dealt mainly with the matter of faith and the first pillar of Islam. The fifth series dealt with the basic devotional acts of worship or the remaining four pillars of Islam: prayer, fasting, charity and pilgrimage. The sixth series dealt with the moral teachings of Islam which covered a wide variety of topics all the way from the conceptual aspects, the basic questions of ethics, the lawful and unlawful in Islam pertaining to behavior of the individual and various aspects of life, all the way to the last 10 programs in the series which dealt with the basic moral virtues. However beginning in the 7th series we went beyond beliefs, acts of worship or moral teachings to examining Islam as a complete way of life. We examined the various aspects Islam uses to organize society. The seventh series dealt with the social system in Islam which dealt with the position of the woman and her role and contribution in an ideal Islamic society, engagement, marriage, marital relationships, desolation of marriage, rights of parents and relatives and so on. The eighth series dealt with the economic system of Islam dealing with questions of consumption, production, productivity, distribution, social justice and government policy. This series, ninth, is like a continuation of the examination of the basic systems in Islam dealing with the political part of it. It is just another building block that shows what Islam is really all about.

9.1 Religion and Politics

Host: Can you comment on separation of Church and State?

Jamal Badawi:

Separation between religion and state or secular and religious in the West is something that has its own historical roots. Basically it has to do with the way the church was perceived by the people and the way the relationship of the church and state was perceived. For a considerable number of time the masses used to perceive the Church as an institution which at times aligned itself with the ruling elite in a way that did not necessarily serve the interest of the ruling masses. It was perceived by some, in the 17th century onward, as an institution which had a strong desire for power struggling at all times with the ruling elite or temporal authorities. Many people seemed to put the name of the church somewhat synonymous with the inquisition courts, with the persecution of scientists and standing against free thought. This is how things were seen by the masses. When the age of the so called enlightenment came people reacted in a very strong way by going to the extreme perhaps by rejecting anything pertaining to the Church or their power. Even those who took a moderate position and were less critical of the Church thought that the best way was to separate the two functions by keeping the Church entirely for the

spiritual and moral aspects of life while leaving the temporal or secular authority in the hands of other people. The circumstances surrounding the rise of the Church and its history in the Christian world does not mean that this separation is universal or that it has to be imposed on Islam. Islam has its own system and the whole notion doesn't apply where it may have applied in the case of the West.

Host: Why doesn't this separation of religion and State apply in Islam?

Jamal Badawi:

To start with in Islam there is no Church. We are not talking about Church in terms of a building but of course in Islam there are also buildings called Mosques for prayers but I am talking about Church in the way that it is understood in the Western world as an institution which has the exclusive power or authority to interpret matters of faith. For the same reason we find that Islam does not have a system of priesthood or clergy. In Islam the notion of saying this is a man of religion or of the word does not exist. Ideally in Islam every man, woman and person is a person of religion. Every person has a responsibility to perform and it is not something that is only invested in a certain group of people who are considered to be the exclusive body to speak on matters of faith. From a historical standpoint in Islam we do not see any thing that comes close to inquisition courts and persecution of scientists (we saw in the previous series on the Economic System of Islam how scientists were persecuted elsewhere found security and encouragement in the Muslim world). If there was any persecution in Muslim history it was not by the religious scholars but it was persecution of the free thinkers among religious scholars by the ruling elite who sought to get justification and approval for their actions. So the reverse is what happened and they were not persecuting people but were the ones who were persecuted by tyrannical or unjust rulers. Furthermore conceptually speaking the notion of "religion" in Islam is quite different than it is perceived in the West or in the Christian world in general.

Host: How does the concept of religion differ in Islam than that of the common conception?

Jamal Badawi:

The common person in the Western world would describe religion as a set of beliefs or values that deal with the spiritual or moral aspects of life. In Islam the word religion means way of life. Way of life includes all aspects of life spiritual, moral, social, economic, or political which are all a part of the Muslim understanding of religion. As indicated in some previous programs especially on the moral teachings of Islam. Islam takes the human being as he or she is and doesn't just look at one aspect of our existence. It takes the human as a spiritual being and tries to satisfy those needs. It takes the human as an intellectual being and respects human intelligence and human reasoning and uses it as a tool for faith rather than being the antitheses of faith. It takes the human as a physical being and looks after his or her

needs in all respects which include economic and political aspects. There is an integration of all aspects of life in one harmonious whole.

The notion of Shirk in Islam might clarify this integration of various aspects. In Islam Shirk, associating others with the belief in God, does not limit itself to believing in more than one God or that any individuals or creatures of God share in any of the divine attributes of God. In fact this act of Shirk, which is condemned, involves recognition of any authority as the ultimate authority in place of or along side with the authority of God. The authority of God is the one that should be supreme. I believe that this has been basically been the teaching of all the Prophets in the past. This is not something that should be regarded as a total innovation of Islam. We are simply saying that people may have misinterpreted the mission of the prophets to mean that religion only has to do with the spiritual or moral part. All prophets taught this basic notion in some way or the other.

Host: How would you respond people who say that Jesus (PBUH) said “Render unto Caesar what is Caesar and render unto God that which is God?”

Jamal Badawi:

Even if we assumed that Jesus (PBUH) did actually say that, we won't get into whether he said it or not, my humble understanding as a Muslim is that he did not mean what these words are commonly interpreted to mean. If we go to this particular quotation and read the context we will notice that people came with an evil intention of trapping Prophet Jesus (PBUH). They were trying to prove to the Roman authorities that this man was defying their authority and he should be punished for it. One way of trying to reach this objective is that they came to him and wanted to extract from him a statement that could be interpreted as defiant to the Roman authorities. So they came to him and asked if they should pay the taxes to the Roman authorities, government. Prophet Jesus, in my humble understanding, was smart enough and was guided by God by inspiration to understand the evil intention behind this apparently innocent question. So he replied

“Render unto Caesar what is Caesar and render unto God that which is God.” He never meant that there are two authorities and that in this universe part of the authority is under the domain of God, limited and restricted to Church, and the other part belonging to temporal authorities. This would contradict the very basic notion of the supremacy of God. This doesn't give his enemies a chance to take from him what they really wanted. One can also refer to the fact that the nature of the mission of Prophet Jesus (PBUH) as was explained in the Quran was that he did not come with a complete law and it is quoted in the Gospel “I came not to destroy or prophets, I came to fulfill.” So his mission was not to come up with a new set of laws and regulations but rather to add some spirituality to the formalistic practice of religion that existed among the Israelites of his time. As the Quran indicates his mission was a transitory one that covered a certain period of time till the last Prophet Muhammad comes spilling out through revelation given to him the complete and more explicit way of living which includes spiritual as well as legal aspects of life. The nature and scope of his mission made it unnecessary to detail the relationship with the temporal

authority. As I said earlier the notion of separation of religious from temporal is something which is alien to the essence of all of revelation given to all Prophets because it contradicts the notion of servitude to God alone.

Host: Can you elaborate on the notion of servitude to God and how it relates to the political system in your opinion?

Jamal Badawi:

The Quran indicates that one of the biggest problems of humanity have not been whether or not to believe in God, whether or not to admit and recognize that God is the creator but rather the failure to carry this belief to its logical conclusion and to be true servants of God and to submit to the will of God. In the Quran in (23:84) it speaks about questions that disbelievers would respond to in the affirmative. When they are asked to whom the earth and what is over the earth, they will respond that it belongs to God. When they are asked to whom the heavens and what is therein belongs they say it belongs to God. When they are asked to whom is the possession over all of creation they will say it belongs to God. In a way they admit that everything belongs to God but they rebel against what the one and only creator of the universe commands them to do. In the Quran in (43:86) it says that if you ask them who created them they will reply that God created them. Again if one admits that God is their creator it follows logically that one should follow what the Creator tells you to do. In the same light in (29:61) it talks about asking these people who created the heavens and earth and they would say God; who made subservient to you the sun and the moon and they would say God; who brought down water from the sky so it would provide you with agriculture and vegetation and they will admit that it is God but again they stop at this point. What we are saying is that the problems of humanity both in the past and present is not the admission of the supremacy of God but rather human pride, vanity and the refusal to accept His guidance, command and direction.

Host: Is there evidence in the Quran that the establishment of an Islamic system of government is mandatory?

Jamal Badawi:

There are numerous evidence showing this. In the Quran in (3:154) "Indeed, this affair is wholly Allah's." In the Quran in (7:54) "Is it not His to create and to govern?" Again as we explained in the previous question some people's problem is that they stop at the creation but when it comes to God's right as a the Creator to govern and tell us what to do is separate. This beautiful and very concise verse put them both together that if one admits that God is the creator then one has to admit that He is the one who should govern. Govern here doesn't simply mean that he should govern the universe in terms of physical phenomena but also moral laws, social laws, political laws, economic laws. These are all ultimately are the authority and domain of God. In a similar way there is an interesting quotation in the Quran in (43:84) "It is He Who is Allah in heaven and Allah on earth; and He is full of Wisdom and

Knowledge.” It is not like some people think where the domain of God is only the spiritual things because God is so busy to worry about our worldly affairs. As God is Lord in Heavens and as the spiritual part of our lives should be dedicated to Him so should our earthly life. Our earthly life is not all just prayers, supplications or rights. Earthly rights include economics as much as it includes social and political. This shows us what the orientation of Islam is. There are two quotations in the Quran which have the same expressions in (6:57) and (12:40) “He is the best of judge” and “the command is for none but Allah.” These are broader citations which address the question of servitude and the acceptance of God’s directives.

In one really interesting section it described those who refuse to rule or judge in accordance with what God revealed as unbelievers, wrongdoers and rebels. In the Quran in (5:47-53) “Let the people of the Gospel judge by what Allah hath revealed therein. If any do fail to judge by (the light of) what Allah hath revealed, they are (no better than) those who rebel.” Then it goes on to describe specific things then in the end of the verse it says that whoever doesn’t judge according to what Allah has revealed are wrongdoers. Later it says they are rebels against God. If a person who is in a position of rule doesn’t comply with these rules then all three descriptions apply to him. Interestingly enough the same section directs its message to Prophet Muhammad (PBUH) telling him as in verse 52 to “Judge thou between them by what Allah hath revealed.” Even the Prophet himself was directed to implement the law of God. This section ends by asking people “Do they then seek after a judgment of (the days of) ignorance?” And then it says “But who, for a people whose faith is assured, can give better judgement than Allah.” The Quran is full of indications that are direct, indirect, explicit, implicit that show without any shred of doubt that the establishment of Islamic order or rule is mandatory that Muslims must establish.

We also find that in the Prophetic Tradition many times he speaks about having an ameer and a leader. In one case he said that if three people are traveling they should chose one of them as their head or leader. What then do we expect if there is a whole State? There is no doubt historically speaking that Prophet Muhammad (PBUH) did not only act as a prophet in the common notion but he was also a statesman, he was the head of a State, he conducted affairs of Muslims, he established the mechanism that looked after the implementation of those rules. In fact many times when we look at the Quran we notice that it addresses believers in the plural. Even in matters of prayers it addresses people in plural showing the collective orientation and how we have to act together as a community to implement the will of God. Many times the Quran speaks about certain rules or aspects of criminal law which one person can not implement so the very fact that these rules are mentioned in the Quran shows us that there must be some organized State and leadership that makes sure that rules are implemented in a faire and impartial way. The evidence is overwhelming that we can not separate religion from the State in Islam.

Summary of 9.1 "Religion and Politics"

We briefly described how this series relates to the previous series. Mostly we examined the notion of separation between Church and State. We indicated that this whole notion emerged in the West as a result of how the Church was concealed and

the struggle of power that took place in Europe. We said that in the case of Islam this was not applicable neither on the conceptual nor on the historical level. It was indicated that Islam is a more comprehensive and complete way of life and doesn't recognize duality of authority where there are some things under the control of God and some things under the control of temporal rulers. All of life should be integrated under one harmonious authority of God. We indicated that on grassroots level one has to go beyond recognition of the existence of God to the servitude of God. One needs to translate their conviction by accepting God's directives in conducting their individual, political, social and economic life. In the last part of the program we tried to give quite a few citations from the Quran which showed quite clearly that Islam makes it incumbent on the Muslim community to establish an Islamic system of Government based on divine directives. We can't simply say the spiritual part is the domain of the Quran and the rest is left to others. The Quran made it clear that those who do not rule and judge in accordance with God's revelation are unbelievers and rebels against God.

9.2 Nature of Islamic Political Systems

Host: Does this emphasis on revelation imply that the political system of Islam is mainly theocratic?

Jamal Badawi:

No, Islam's political system is not theocratic. Theocracy implies two things: one is that God alone is the sovereign or ultimate power and the second part is the assumption that there is a certain priestly class or clergy who claim to be the representatives of God on earth. The first element in the meaning of theocracy is compatible with Islam because as we indicated in the previous program the whole structure of Islam is based on the acceptance of the supremacy of God and that His laws are ultimate and that His wisdom is infinite. This is the only similarity with theocracy. The second element has nothing to do with Islam. In Islam there is no Church, Clergy or priestly class. Islam doesn't expect for people to claim to be representatives of God on earth. All human race is regarded as trustees of God on earth.

In Islam legitimacy of any power is derived from people's acceptance which is beyond following the divine teachings. In term of mechanisms one can not gain legitimacy as a ruler unless people agree to it. It should not be imposed on them. In other words one element of theocracy may be similar to Islam but the it would be incorrect to call the Islamic system a theocracy. Lots of writers use that term but it is not accurate. Based on the principle that supports people choosing their own rulers. We find that Islam does not accept other systems of government which involve dictatorships in one form or the other because free will and the choice of the people is not there. Nor does Islam expect a system of monarchy where power is inherited within the same family through children or relatives, which has no basis in Islamic political teachings. There are many countries that call themselves republics but the power only circulates within a closely nit class of elite. Whatever system it is

and whatever title it has if there is no free choice It is not based on what Islam teaches in regards to free choice.

Host: How valid are the comparisons made by writers between Islam and Theocracy?

Jamal Badawi:

We have to look at the nature of the comparison itself first. We have to remember that whenever we make any comparisons that Islam is not a man made idea and that God ordained the way of life. Islam reflects the infinite divine wisdom which is absolutely infallible. With this kind of understanding the fundamentals of Islam as reflected in the word of God or sayings of the Prophet, which he received by way of revelation, represents the ultimate truth and is not something that one can update, change or supersede in any way. If we believed in a God who is fallible then we would be in trouble. On the other hand the other systems whether democracy, socialism or others we are really talking about man made ideas or ideologies. These ideas govern the social or political life of the people.

We all realize that man is fallible. I don't think that any man has yet made the claim that any human is infallible. A human being is fallible with all his wisdom and knowledge being imperfect. Some of these man made ideas may be positive, we are not saying that all of it is bad. On the other hand since it is not complete and imperfect it is reverse logic to compare Islam with those systems. It makes a big difference when we compare certain ones with which system. Some people and writers say that Islam is similar to democracy because it seems to carry a subtle implication that democracy is the way and the ideal and we go back to Islam to find out whether it meets those standards or not. That is almost like taking God's ordained way of life and judge it in accordance with humans criterion. The first point is that whenever we make any comparisons whether it relates to the political system economic, social or otherwise I prefer to say that we compare democracy with Islam. We look at which areas or principles of democracy are similar to Islam in which case we put the divine rules as the standard against which other things can be measured. One can say that while democracy and the political system in Islam may have some similarities are not really synonymous.

Host: Why is Islam and Democracy not synonymous?

Jamal Badawi:

Some of the fundamental principles in democracy are similar to Islam. The freedom for the people to chose the ruler they want or trust most, the idea of participation in the decision making process in some form or another (it is now called parliament or house of commerce). The notion of removal of governments which fail to meet the expectations of the people are similar. Indeed these issues will be discussed later when we get into the political process of the ideal Islamic system. We find that these

principles are compatible with and similar to the Islamic system. However as I indicated earlier this doesn't mean they are both synonymous. First of all, in a democracy the ultimate authority is for the people. Like they say it is a government by the people for the people. The ultimate authority lies with the people themselves. In Islam however, the ultimate authority does not belong to people but to God and to God alone. This is one basic difference. This means that both rulers and the people are both subject to a higher criterion for their decision making which is divine guidance. One could ask who would determine what the divine guidance entails? Of course in this case one can answer that the people have the final say. But if they are truly believers their final say is from the interpretation of the divine will or laws from within Islam. In other words if they are really believers they would still defer to God and the divine guidance that God has given. Suppose the majority of people refuse to accept divine guidance, can they have supremacy? In this case we would not be able to call the system Islamic. To be Islamic presumes that people believe in Islam and accept willingly and convincingly God as the ultimate judge.

Some may think that this distinction is a theoretical distinction but it is not. It actually has serious distinctions. What happened in Western Democracy if the majority of people decide that the drinking age should be lowered to 14. If the majority so decides no matter how detrimental or harmful this may be it just becomes law because the majority of people want it. Under Islamic Law the word of God prohibits drinking and in a truly Islamic State there would be no intoxicants around. In that sense even if the majority of people want that they will feel that there are still restrictions that prevent them from doing so. Under the Islamic system one can not legalize marijuana, opium etc. because it is something that is forbidden. Of course we compare this with the prohibition laws in the United States and when the majority of people said no more it was done away with. This is not so under the Islamic system. A second implication is that if in a given country adultery or prostitution are legalized (some European countries legalize prostitution) because of democracy it can be but under the Islamic system if the word of God prohibited adultery and prostitution then the ultimate word here is the word of God, not the will of the majority unless they reject faith and do whatever they want.

Another example that could be very interesting which shows how Islam is ahead of democracy. Take the rights of minorities where the majority of people who belong to a particular race, class or group decided to deprive minorities from their rights. If a decision is taken to oppress minorities this could be done under a democracy. Under an Islamic system this can not happen because the rights of minorities under an ideal Islamic State are rights which are inscribed in the Quran, inscribed in the Prophetic Tradition and as such no human being can supersede them. Even if the majority wanted to deprive the minority they can not because there is that automatic restriction on their action. The Quran and Prophetic Tradition is the ultimate constitution that can not be changed. In the secular constitution it can be changed because we are human and we may have better wisdom than those who put the constitution together first. But we can not say that we know more than God when it comes to divine constitution.

In addition, to supreme authority we notice that democracy seems to go with systems which are secular. In other words they assume that religion, morals are the jurisdiction of churches or temples but has nothing to do with the actual political

system. Again this could be one difference between Islam and democracy; that the system of government in Islam doesn't make a distinction between the moral and temporal. The whole notion of secularism is alien to Muslim thinking.

Host: If it is not a monarchy, not a dictatorship, not a theocracy, and not a democracy then what is it?

Jamal Badawi:

It is Islam. Some attempt to give it a title of Theo-Democracy which reflects one aspect of theocracy and the supremacy of God's laws and elements of democracy such as not having exclusive class, people participating in the interpretation of that. I am not too enthusiastic about this title because the notion of theocracy is tied in people's minds, not only with the supremacy of God, with the abuse of the interpretation of the will of God by a certain group of people. Again democracy, reflects on weakness which makes it look acceptable in the minds of people. A better term was suggested by Molana Moududi who called it a Popular Vicegerency or Popular Trusteeship and that the entire human race is appointed to be the vicegerent of God on earth but it is not for one individual to claim it or group, but it is a joint or collective responsibility to fulfill this duty which applies to rulers and ruled alike.

Host: Do we have in existence any system or nation which exemplifies the Islamic political system (1983)?

Jamal Badawi:

To the best of my humble knowledge and understanding I do not know of a single example where there is a complete and perfect model of an Islamic system at the present time. This does not mean that this system is utopian and only exists in theory. It existed in complete and perfect form during the lifetime of Prophet Muhammad and during the time of the first four rightly guided Califs. It existed throughout history where the models were either perfect or as close to perfection as could be expected. In later centuries there have been lots of ups and downs and lots of decay. As indicated in 1983 it is very difficult to point at any single model and say that this represents the true picture of an Islamic political system. Indeed there are many systems that are far off of what Islam teaches and violates some of the really basic principles and precepts upon which a truly Islamic system can be based. I think we have to be honest when facing these issues and not to apologies for imperfections. Imperfections are human but they are not ideal. I hope and pray that in the coming decades we are able to see better models of the Islamic political system. We have to make a clear distinction between Islam as a teaching, as ideals as it is inshrined in the Quran and the Prophetic sayings and between the degree of which Muslims themselves fail or succeed to measure up to those standards.

Host: Why is it that what happens in Muslim countries does not represent Islam?

Jamal Badawi:

In order to answer this we have to refer to a criteria which will help judge the behavior of any government. There are so many countries that have claims and there are many things that need their actions to be verified. It is just like when a teacher puts a criteria for grading the students and then on that bases gives out report cards. In order to have a real Islamic Political System it is not enough to simply implement some aspects of Islam such as criminal law while neglecting fundamental issues such as the freedom of people to choose between possible candidates to be rulers. For example the hereditary system would definitely contradict the teachings of Islam if the people's choice is not there. It is like applying one aspect while leaving out something that is fundamental. It is not enough to have an Islamic System to apply criminal law on a common man who commits theft but let highly placed people get away with millions in bribes. If we want to apply the penalties they have to be applied impartially.

It is not enough in an Islamic System to apply the penalty of adultery when it is proven to the common man while those in power commit the same thing at a much larger scale and they get away with it, which is not what Islam teaches and what the Prophet (PBUH) indicated in terms of the impartiality of the application of the law. It would not be representative of true Islam to start immediately implementing aspects of criminal law in a brutal way without allowing transitory time to change a decaying society and move it towards the ideals of Islam. The philosophy of criminal law in Islam is not just punishment, chopping hands or heads but is the idea of reforming society and preventing the cause of crime before a punishment can be applied. Again it is not a system which brutally does things without looking into the wisdom of legislation and why the penalties were there and what the prerequisites were to implement them.

Perhaps we can discuss this later on in a series on criminal law. These mistaken notions are not what really represent Islam. It is not enough for a government to call itself Islamic unless the constitution gives equal credit and status to all schools of jurisprudence so that a government which might be perceived as a sectarian government. These are a few examples of what can be regarded as Islamic criteria to judge the degree of Islamicity of any system. One doesn't wish to be over critical of one or the other but this should provide a truthful and forward criteria or approach before one can judge. Given this criteria there is a lot to be desired and I hope that reformation will take place.

Summary of 9.2 "Nature of Islamic Political Systems"

In the second program we focused on the nature of the political system in Islam. We indicated that it is not a theocracy because there is an absence of church, clergy and that the ruler derives legitimacy only by the consent of the people. Second, we indicated that many of the principles of democracy, especially the right to select and remove rulers and the participation in decision making are similar to Islam. But the Islamic system is a little different from democracy in the sense that the ultimate

authority and sovereignty belongs to God. Also the Islamic system is not secular like democracy. We indicated that the Islamic system is unique and dissimilar to any other system in existence. It has some elements of participation and has a foundation built on divine revelation and divine guidance. This system is not a utopian or unrealistic one that only exists in books. The Islamic system was implemented in the time of the Prophet and in the time of the 4 rightly guided Caliphs. Even then with deviations and imperfections with the application of the system throughout the centuries it is a system that survived nearly 13 centuries. As far as the present situation in the Muslim world, it would be erroneous to take any existing system in any Muslim country as the model of what Islam teaches by way of governing. In many cases it is quite different from what Islam teaches and requires. We are hoping and praying that this situation would be reformed and corrected in due time.

9.3 Political Process-Choice of Rulers

Host: Could you explain the ultimate objective of establishing an Islamic government?

Jamal Badawi:

The purpose of establishing an Islamic political system is to achieve the ultimate wisdom behind the creation of human kind on earth by acting as the trustees of God. In pursuing this objective humans have to be guided by divine guidance in accordance to the message conveyed by the Prophets and Messengers that God sent throughout history. When we look into the Quran we find that the essence of the mission of the Prophets is indicated in more than one citation. In (4:64) “We sent not an apostle, but to be obeyed, in accordance with the will of Allah.” In describing (6:89) of the Quran says “These were the men to whom We gave the Book, and authority, and prophethood: if these (their descendants) reject them, Behold! We shall entrust their charge to a new people who reject them not.” This authority is not just in the religious sense but involves every aspect of human life. Another verse in the Quran looks at it from another angle but from within the same context and it is that the objective behind the Islamic political system is to establish justice on earth, balance and to reconcile the interest of different groups from different directions. For example in (57:25) it says “We sent aforetime our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice.” In (22:41) it describes the true believer as those “(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs.” In other words, political power is not viewed in the Quran as something egotistic, not as something the person benefits from materially or otherwise but as something that fulfills the will of God and sacrifices and to establish goodness and justice.

Host: How do Muslim Jurists define these objectives in concrete form?

Jamal Badawi:

Ibn Taymiyyah put it as Iqamat Aladl or establishment of balance and justice. Everything can fall under this basic concrete statement. Before Ibn Taymiyyah, Alkawirdi defined the objective of a truly Islamic government to succeed the Prophet Muhammad (PBUH) in safeguarding faith and managing worldly affairs. This is a beautiful integration of both rigorous temporal aspects and shows how Islam doesn't make that separation. Generally Muslim jurists agree that the objectives of a Muslim government if you want to explicitly describe it is to take the definition suggested by Imam Alshatibi. He was a great jurist who said after taking a penetrating look into the nature of Islamic teachings and that they can be summarized as serving five basic objectives. They safeguard faith, life, mind, honor and property. Anything can fall under these areas. Some jurists go into greater detail but if we look at it these definitions really initial the foundation upon which the various functions of a truly Islamic government can be spelled out. It is imperative for Muslims to establish a system of government based on the teaching of Islam. There is no separation of religion and state. It is nearly the unanimous position of Muslim jurists.

Host: Are there some exceptions because you say near unanimous?

Jamal Badawi:

Yes, I try to be as accurate as I can. There have been some insignificant views that have existed in the past and recently. In the seventh century of the Christian era and first of Muslim era a splinter group of another group which was in itself insignificant known as Alkhawarij with the sub group of Alnajidat held the view that if people can establish justice and deal with each other without a government it is not necessary to have a government. They say that in the absence of this possibility then a government must be established. In a way it is a luke warm agreement but does not put it as decisively as other jurists-that there must be a system of government if one wants to establish proper order. In 1925 there was a person who was quite controversial, he was a graduate of Al Azhar in Egypt, served as a justice in the Sharia Court in Egypt and published a book which was not well founded but raised alot of controversy. The book was called Islam and Government in which he deviated from the near unanimous view of Muslims throughout history that religion and state are not to be separated. He said that the Prophetic mission and the establishment of political order are different. He claimed that an Islamic State could be anything so long as Islam is practiced from a religious aspect.

As long as people practiced their religious duty he said that the system of government could be anything; monarchy, dictatorship, republic, socialism, fascist etc. He said that this was irrelevant and independent of religiosity. The timing of this book is quite reveling however. Above all it was published in 1925 almost one year after the abolition of the Caliphate in Turkey, the revolution of Kemal Ataturk. This was a very bad aspect in Muslim history because an Islamic order, even with its imperfections, continued consistently from the day of the Prophet till 1924. It was perhaps the oldest continuous order in the world. At this time Muslims lost confidence

in themselves as they were getting to be weaker and weaker and European countries and the West were becoming stronger and stronger. Many Muslims fell into the vise of blindly imitating their occupiers and colonizers and this seemed to have reflected the spirit of the time. In any case there have been so many good rebuttals of that book and some pointed out that he contradicted himself in the book. While he says religion is to be separate from government he acknowledges in pages 138-144 that the leadership of prophet Muhammad (PBUH) was not just religious leadership but included everything in the life of the people whether economic, political or social. With the exception of these rare and insignificant cases the near unanimity of the Muslims throughout history based on the clear text of the Quran and Prophetic tradition and practices is that it is imperative to establish a system of government on the basis of the teachings of Islam and to choose a Caliph or leader for that state.

Host: What is the title used for the head of government in the Islamic System?

Jamal Badawi:

There is no requirement in the Quran or Prophetic saying that says that the head has a mandatory title. A common title within Islamic tradition has been Calipha which means successors. This is the term used in the Quran when it talks about the human beings being the Calipha of God as the trustees of God on earth. It has a different meaning here in the political sense. Calipha means successor of the Prophet (after his death) in running the affairs of the believers which includes both the religious and temporal aspects. Notice here that when we say succession to the Prophet it doesn't mean succession in the Prophetic office because Prophet Muhammad was the last Prophet. Another term that the Muslims used to use is Amir al-Mu'mineen, Commander of Believers, or Imam. Imam means a leader which can be used for a leader in prayer or a leader of State. It seems that the more common term is Caliph or Calipha and the system is Cilapha or Caliphate.

Host: Are there any qualifications that are expected from a Muslim leader?

Jamal Badawi:

First of all, a leader or head of an Islamic State must be a Muslim. Some may wonder if this is different from democracy. Yes it is different because an Islamic State, as we indicated before, is not a secular state looking after the material needs of people but it is an ideological State and is based on the application of Islamic Law as was revealed by God. It is totally illogical to expect someone who doesn't believe in Islamic Law or in God to implement His laws. There is no need for apology here as it is so obvious and clear. Indeed one would not elect someone to be the president of the United States if he openly declares that he doesn't believe in the constitution of the Untied States. The Quran is regarded to be the constitution of an Islamic State-and Muslims. Believing in the Quran as the word of God is a necessary step in order to implement it. If someone doesn't believe in God or Prophethood of the last Prophet Muhammad (PBUH). If someone doesn't believe in the Prophethood of Prophet

Muhammad (PBUH) it would be totally illogical for the person to be entrusted with implementing something he doesn't believe in. To say that the ruler of an Islamic State must be a Muslim doesn't imply by any way that it is an exclusivist state, in a sense of eliminating or not allowing others. On the Contrary we find that Islam not only welcomes but allows non-Muslims who are not fighting Muslims or doing harm to them to live under their protection. They also have rights and obligations comparable to those of Muslims, so there is a sort of protection and safe guarding of their rights in regards to freedom of worship. This doesn't exclude non-Muslim but simply says that those ruling need to be Muslim.

A second basic condition is what some jurists call Adalah. Adalah could implies to basic things. One is that the person doesn't have any doubt in the matter of faith. Second, that one should not have behavioral problems in terms of moral behavior and lack of innovation in certain parts of faith. Third is the abilities needed for the head of a state. Physical ability, mental ability, courage and ability to protect the community of believers. There are two other conditions that have some kind of argument or dispute. One says that a person should not seek to be president or ruler. The foundation of this is that the Prophet (PBUH) says that we are not going to appoint someone who seeks the position. They refer to one instance when a companion of the Prophet, who was a very pious person, by the name of Abu Thar Al Ghafari came to the Prophet and asked him to appoint him to be in charge of a local place. And the Prophet did not appoint him. They conclude that if a person asks and the Prophet refuses that it must carry some indication. The opinion that I feel is more justifiable is that it is possible to seek the position if the intention of the individual is clear and that what the Prophet speaks of are the people who seek a position of power and authority to serve their own purpose be it material or ego. If the need arises and a person offers himself for service it is actually a sacrifice rather than a benefit. This is not a picnic as it is a very difficult job with a large amount of responsibility. Secondly, with this companion Abu Thar, the Prophet explained to him that he was weak. He knew that he was pious but he said you are weak Abu Thar and this is a big responsibility and on the Day of Judgement you would be responsible for it. Jurists also conclude that a person can offer himself. In the Quran in the chapter about Joseph when he was in the house of the Pharaoh he offered himself (12:55) "Set me over the store-houses of the land: I will indeed guard them, as one that knows (their importance)."

Another disputed is that the ruler should be a Kureishite, a descendant of the family of Prophet Muhammad (PBUH). There is a saying of the Prophet in which he says that the Imams should be from Kureish but people forget to quote the remaining part of this saying. It says so long as they rule with justice, so long as they fulfill their promises and so long as they are compassionate when they are beseeched for compassion and mercy. However many jurists say that this Hadith does not mean that all successors to the Prophet or those that would be heads of an Islamic State must be from the Kureishites. Because if it was so it would contradict the freedom of choice for choosing rulers which we see is clearly indicated in the Quran, Prophetic Tradition as well as the behavior of the closest companions of the Prophet. The proper meaning is that perhaps in the early days of Islam in a society that was trying to overcome its tribal orientation if a ruler was chosen from any other tribe other than the very powerful and respected tribe of Kureish the other rebellious Arabs would not have listened to them. They still had tribalism in their blood-so it was for the interest of

public order, unity of Muslims to make sure that the head of the State came from this well known and respected tribe of Quresh.

As Ibn Khaldun explained what would the purpose of insisting that all successors and rulers should come from the family of the Prophet. If it is just blessings it is not a legitimate objective in Islamic teachings with respect to the system of government. This is not in itself a good cause. The opinion that I humbly accept is that this was not intended to be permanent but worked for its time.

Host: Can a woman become the head of State in Islam?

Jamal Badawi:

First of all, in the Quran there is no specific text one way or the other. However there are texts which indirectly discourage that. People quote a verse in the Quran that men are maintainers of women. That verse was revealed in the context of family life. We explained in the series on Social System in Islam that it doesn't mean to be bossy or a dictator but simply to have the responsibility to maintain the family and to look after of the needs of his wife and children. The analogy here is not clear and is indirect in order to be conclusive evidence. It was reported in Prophetic sayings that when Prophet Muhammad (PBUH) learned that the Persians appointed a woman to be their leader he said "A people will not prosper if they have as their head a woman." In interpreting this saying there have been both extremes of what I consider to be a more moderate interpretation. There are those who went to one extreme of saying that this Hadith means that a woman should not only be head of State but should not be in any position of leadership.

Others say maybe he meant only the Persians because at that time they had an egressive attitude towards Muslims so maybe it was a prophecy that they would not succeed and they were conquered at a later time. I feel that this is carrying it too far and is a little too apologetic about it. I think the moderate explanation is that the leadership in an Islamic State is not a figure head, it has certain requirements that may not be suitable for a woman even if she may have the qualifications to be in the top position of leadership. The head of State in Islam is one who leads public prayer. Prayers in Islam require bowing in public and it is not appropriate for a woman to be bowing and leading prayers. She can lead it for other women but not with men which would expose her body. Second, the position of the headship of state requires a great deal of mixing and traveling alone which may not be within the rules of modesty within the appropriate position for a Muslim woman. As indicated earlier a figure head is a great responsibility and the ideal in Islam is that a woman should develop her best as a wife and as a mother which may not be consistent with the top leadership position. This doesn't mean that she has no right to participate in the other affairs of the Muslim community which we can perhaps explore later in the concept of Bia'a.

Summary of 9.3 "Political Process-Choice of Rulers"

In the first part of the third program we discussed the basic purpose behind the establishment of an Islamic State and we said that it is basically to establish justice and we indicated again the variety of opinions given by the jurists on the basis of Quranic provisions in terms of what needs to be achieved. We said that this is a near unanimous position that has been taken by Muslim jurists. We also discussed the very minor opinions of some scholars that emerged at one time or another but we said that the consensus is that it is imperative to have an Islamic system. Then we moved on to the ruler itself even though they do not have a particular title. The title Caliph or Calipha or successor to the Prophet in conducting the affairs of the believers is a common term. After this we discussed the main qualifications required of an Islamic ruler in an ideal Islamic State.

9.4 Early Application I

Host: What are the method of selecting a ruler under the Islamic System?

Jamal Badawi:

The basic rule is that a ruler can not be imposed on the people, but he must be consented to or chosen by the people. When the Quran mentions obedience it says obey God, His Messenger and those in authority from among you. This means the one chosen from among you. As far as the decision for how this takes place, there is a great deal of flexibility. In this case the basic principle of free choice of the people is respected. Perhaps it may be useful to indicate between Sharia and Fiqh. Sharia is the difference between the basic divine law which appears in the Quran based on text or spirit of the revelation. Fiqh is jurisprudence and the way a particular jurists tries to interpret specific rules and how they can be applied in a certain place, circumstances or in a given time. When you talk about the ideal mechanism it is very difficult to talk about one mechanism of selection of rulers in a purely Islamic State because it varies from time to time and place to place but the principle is always there even though the mechanism could be rather flexible.

Host: What was the method of selection used in the period of the Prophetic era and the 4 rightly guided Caliphs?

Jamal Badawi:

Prophet (PBUH) was in a unique position which combined two offices. He was the Messenger sent to humanity and being the head of the Muslim community especially when they migrated, after 13 years of torture and persecution, from Mecca to Medina where the geneses of an Islamic State was established. He was in the office of head of that State. In any case we find that this was all with the acceptance of the people. Even then we find that the Prophet accepted Bia'a which is a pledge of loyalty or acceptance of his leadership in both respects. In fact he began to exercise this political authority as soon as he went to Medina with the consent of the inhabitation. In fact we find that the oldest written constitution proposed by Prophet

Muhammad when he went to Medina which was composed by 47 articles. This could be a subject by itself which was far ahead of its time. It annunciated basic principles and in a way as some scientists put it, established the fullest and truest meaning of what a state really means. Some of the basic principles were that tribal relationships were replaced with ties of faith, it determined the first head of State, the Prophet Muhammad (PBUH), it reiterated the principles of equality which are inshrined in the Quran and Sunnah including the protection of non-Muslims living under the protection of the Islamic State. This could be a subject in itself especially when we touch on the life of the Prophet and his Serah or history. The main point in any case is that in the present context, when we deal with the political system, Prophet Muhammad (PBUH) was able to exercise political authority only with the consent and overwhelming acceptance of the people.

Host: It is sometimes claimed that the first Caliph after the Prophet was chosen by very few people? Is this true?

Jamal Badawi:

No it is not true at all and in fact it reflects confusion between nomination and actual selection. While the nomination of Abu Bakr to be was initiated by Omar, one of the prominent companions, which did not give Abu Bakr legitimacy to his leadership until the leaders of tribes also pledged loyalty, and not until the following day when he went to the Mosque openly and the Muslim masses came and expressed their approval through what is called Bia'a (pledge) was he then officially installed as the Caliph, successor after Prophet Muhammad (PBUH). It was approved by the masses even though he was nominated by a few.

Host: Did Prophet Muhammad (PBUH) give any instruction as to who should succeed him as the leader of the Muslims?

Jamal Badawi:

No, not really. Before the death of the Prophet there is no conclusive evidence that he specifically specified that a specific person should be the successor. If this was the case it would have violated the basic principle that we spoke of which are based on the Quran and His teachings. I believe that it is better that the Prophet took this approach. If he suggested a particular person or method in succession it would have been regarded as binding on all Muslims and it would have become extremely inflexible for times to come. Indeed he left the Muslim Ummah to settle this and to apply reasoning. Islam combined between permanent divine revelations and the use of the human mind and reason to adapt or apply these rules to the circumstances of time and place. There is a reference to the Prophet saying that "Ali would be a ruler after me." This did not say that Ali would be the first Caliph after him. Ali was the fourth after the Prophet. Indeed there are references with respect to other companions but no one used it as conclusive evidence that they should have been the first successors of the Prophet. An example is that at the time the Prophet was ill he asked

Abu Bakr to lead the prayer. And Abu Bakr was elected as the first Caliph, but nobody uses that as the major argument for that. This may have given hints but no one can say that it is conclusive, clear evidence that he specified one person over another. This was appropriate because it left it to the freedom of the people to choose their rulers. After all there is no one who is infallible after the Prophet at all, only Prophets are infallible because they are guided by revelation and are directed by God. Other human beings are left to the people to judge who is the most qualified to start as the first, second, third or fourth successor.

Host: How was the first Caliph chosen?

Jamal Badawi:

When the word got around that Prophet (PBUH) died a meeting was held in a place called Sakifat Bani Saida which was a sort of meeting hall which was initiated by the Ansar. The people who migrated with Muhammad (PBUH) from Mecca to Medina because of persecution were called the Muhajirene or migrants. The original residents of Medina who received them, supported them and gave refuge to them were called Ansar which means supporters. So the Ansar initiated the meeting. One of their prominent leaders by the name of Sa'd Ib Ubadah said "Now that the Prophet died his successor should be one of you, Ansar, because after all you gave refuge to Muslims when they were persecuted and migrated to our city, you participated in protecting Muslims and the Prophet against the campaigns conducted by the pagans and you made Jihad for the sake of Islam." When news of this meeting got out and reached Omar, a prominent companion of the Prophet, he rushed to the house of the Prophet where his body was being prepared for burial and he sent to Abu Bakr a prominent companion and told him that something important happened that you must be present. Abu Bakr rushed with Omar and on the way they met a third Muhajir, Abu Ubaidah and they joined the meeting. This was the initial forum where the initial succession was discussed.

Host: Some people may wonder whether or not it was appropriate for Abu Bakr and Omar to go to this meeting before the Prophet was even buried?

Jamal Badawi:

Islam is based on principles and not individuals. With all respect and adoration of Prophet Muhammad (PBUH) as the model of Islamic teachings and the model of the personality that God shows to show us the way through. Islam is not based on the worship of individuals. The end of the life of an individual neither means the end of Islam itself nor of the political system and order of the Muslim community. One of the principles, which is universally accepted, is that no State, nation or group of people should remain without leadership for any period of time. A few examples which might be familiar to many of the views include when President Kennedy was assassinated no one urged people to wait till his burial and long before burial his Vice-President Lyndon Johnson was sworn in immediately in order to make sure there was

continuity of leadership. More recently when an attempt on the life of President Reagan was made and he was in the hospital we find that someone took charge. We are not arguing who should have been in charge but again nobody disagreed that somebody should be in charge aside from burial. This matter was even more important and urgent in the case of early Muslims because in the case of the United States the process of succession had already been spelled out but in the case of Muslims they did not have all these details so someone had to move so that problems would not arise and a vacuum would not emerge.

The fact that the meeting was held and initiated only by one segment of Muslims the Ansar, it was a serious matter, because a leader who should be accepted by all should not be left in the hands of a few people. This would prevent disorder or dissension. Given the circumstances and the seriousness of the matter I think it was very appropriate on the part of Abu Bakr and Omar not to let the problem go and to try to participate and see how a better procedure for the choice of successor of the Prophet can be initiated. It was a matter of public interest and order.

Host: What happened once they went there?

Jamal Badawi:

When they joined the meeting that the residence of Medina started the discussion seemed to center around three basic proposals. The initial proposal was the one we sited earlier by Sa'd Ib Ubadah that the leader should be one from the residence of Medina and he gave his reasons. The second suggestion was that the successor of the Prophet should specifically be from one segment of the family of the Prophet, Bani Hashim and the name of Ali his cousin was given. A third proposal was that there was no need to specify one segment of the family of the Prophet but since Kureish is the more prominent tribe which was likely to be obeyed and accepted by other tribes would have the least rebellion and that it would be appropriate for the successor to be from among the migrants. Others said that while the Ansar were very kind and instrumental in helping the migrants, the migrants were also the first to accept the mission of the Prophet, had a rough time through torture and sacrifice for the sake of Islam. For all of these reasons that particular opinion seemed to have prevailed.

Host: How was the decision resolved?

Jamal Badawi:

We find some Orientalists who lack insight into Islam who try to analyze everything in terms of politics in the same way we see it today. McDonald once put it that the above mentioned was just like party representatives meeting. This is not necessarily true because there were no parties. Of course the Ansar could constitute a group but not really a party and when Omar, Abu Bakr and Abu Ubadah joined them they did not attend in the capacity of Muhajirene or they would have been overwhelmed in numbers. Was it like parties trying to settle their affairs? Again we find that it did

not follow what we know today as party politics in a partisan way. In fact when the discussion went on, which was a free discussion, we find that even a resident of Ansar told his people and reminded them that “after all if we give refuge to Muslims, supported the cause of Islam we have done that only for the pleasure of God and in obedience to his Prophet not for the pursuit of any benefit or possession.” When the final discussion took place, as to who should succeed the Prophet, we find that those who were present even those who were residents of Medina agreed to a migrant, Abu Bakr. The mechanism is what we may call pre-discussion. I am not trying to imply that the discussions were very courteous and easy going, there were emotional outbursts, there were strong statements made here and there but this is natural. People express their opinions and even today in Parliaments people use very strong terms. There were arguments and heated discussions at times but people were convinced of the validity of the argument that Abu Bakr should be nominated.

Host: Why did Abu Bakr receive the wide acceptance as the first Caliph?

Jamal Badawi:

The virtues of Abu Bakr on any other great companion of the Prophet. First of all the qualities possessed by Abu Bakr made him the clear logical choice to succeed the Prophet, at least for that particular period. Abu Bakr was the first person to follow Islam and the Prophet from among the males. The first person to embrace Islam was a woman, Khadijah the wife of the Prophet but the first from among men was Abu Bakr. Second, Abu Bakr manifested his sincerity and commitment to God by the many sacrifices he made of his own comfort, his wealth (he was wealthy), persecution and never wavered in support of Islam and the mission of Prophet Muhammad (PBUH). Third, Abu Bakr was a very close companion to Prophet Muhammad (PBUH). He was so close to him and he learned so much directly from him through words and example. Abu Bakr was the one companion chosen by Prophet Muhammad (PBUH) to accompany him on a very important and dangerous trip when the Prophet migrated from Mecca to Medina. In fact the Quran (9:40) makes reference to this and describes the Abu Bakr as the companion of the Prophet. In the Quran in (24:22) there is also another reference to Abu Bakr. As a person he had the qualities of compassion, firmness in decision making and justice which made him widely accepted by the people. The choice of Abu Bakr was not unanimous. In any place where there is truly free choice and free elections a ruler is never chosen with 100% of the votes. There are always people with different views, who may have felt that another companion was better for the position that he was. There are some who felt that Ali should have been the first Caliph. This again is the freedom that Islam allows people to express and is a matter of the joint decision and the majorities opinion as to who should prevail. In any case there was no question about the necessity of having a leader nor on the need to have participation on the part of the people in order to choose him.

Host: How was the second Caliph appointed? Some say he was appointed by the first Caliph is this true?

Jamal Badawi:

It is just as true as the previous question that Abu Bakr was chosen by a few. As we indicated he was nominated by Omar and chosen by the leaders of the people and did not become the official first Caliph until the following day when he went to the Mosque and the masses came and expressed their approval. Only then with this Bia'a, pledge of allegiance and loyalty, was he installed as a Caliph and derived his legitimate authority. When Abu Bakr was dying he gathered some prominent people and asked them to choose one person to succeed him so that they would not fall into dispute after his death. Because people trusted Abu Bakr with his integrity and piety they told him that his opinion is ours. In other words they asked him to suggest one to us, which

would only be a nomination. He asked them for time and during this time he made some consultations and collected the opinions of prominent people which lead him to suggest Omar. It is reported that when he talked to Omar about accepting, Omar said "No, it is a big responsibility and I don't want it." Abu Bakr really pressured Omar to accept the responsibility. Even though the mechanism of nomination here differed the same principles were there. Legitimacy of Omar being the second Caliph was not established till he went to the Mosque and the masses came to him and made the pledge of allegiance and then he was actually installed as Caliph. This is the process of nomination that suited that time.

Summary of 9.4 "Early Application I"

The main point that we discussed was how a ruler in Islam is chosen. We indicated that the cardinal rule in Islam is that the ruler should be chosen with the free choice of people without him being imposed on them in one way or another. In analyzing how this happens in what we regard to be the perfect model, we started looking as to how the Prophet and the first four Caliphs were accepted as leaders. In the case of the Prophet we said that his case was quite different even though the same principles still applied. He was different than the Caliphs because he was both a Prophet and head of State. In any case we have seen that the Prophet would not have been in that leadership position without the overwhelming support and acceptance of his Prophethood as well as his leadership as the head of the State. We have indicated that even in the case of the Prophet there had the process of Bia'a, pledge of oath or allegiance which the people gave.

Then we went on to analyze the choice of the first Caliph, Abu Bakr, successor as head of State. We indicated that Abu Bakr was chosen with the consensus of the people. The procedures for appointing each Caliph may have varied between the first, second, fourth or third but the consensus of the people was always there. In the case of the first Caliph we said that when the news of the death of the Prophet got around, a meeting was called by the Ansar (original residence of Medina) in which they suggested that one of them succeed the Prophet. There was some discussions, eventually some of the Muhajirene joined the discussion of alternatives and Abu Bakr was nominated. The most important thing we emphasizes in the previous program was that even though Abu Bakr was nominated by the leaders of the people it was not binding on the community and he did not gain legitimacy as a ruler until the following

day when he went to the Mosque and the masses came and pledged their loyalty and accepted him as their ruler.

In the case of the second the same principle was there even though the methodology varied with the needs of the time. We said when the first Caliph was on his death bed, people approached him and gave him authorization to suggest or nominate one person to succeed so that they can minimize the amount of dispute. After this Abu Bakr made some consultations before he nominated a very prominent companion of the Prophet, Omar, the second Caliph. Even then he was not appointed as some may interpret it, as he did not have the power to appoint Omar regardless of the people's will. It was simply a nomination based on the people's confidence in his suggestions. Even in the case of the second Caliph legitimacy was established only after he went to the Mosque, just as his predecessor did, and people came and pledged their allegiance and accepted him. The same principle was implemented in the case of the third and fourth Caliph.

9.5 Early Application II

Host: Could you explain the circumstances surrounding his selection as Caliph?

Jamal Badawi:

A similar situation as in the selection of the second Caliph occurred when Omar was dying where he gave suggestions in order to avoid too much conflict and division. He named six prominent companions of the Prophet who were from among the Known Ten. In Islamic tradition there are ten particular companions of the Prophet who received explicit glad tidings that they would go to Paradise. This means that both Allah and the Prophet were very pleased with their faith and commitment and that they would live their lives and die as true believers. These six included Ali, Othman (who was chosen as the third Caliph), Abdu Alrahman Ibn Ouf, Sa'd Ibn Muath, Al Zubair and Talha. These were the six people that Omar nominated. He was quite strict and said that all of these six should meet together and should nominate one person from among themselves to be suggested to the people and that there should be no division and nobody should deviate. Once there is agreement on this everyone should unite from among the six to support that choice. During the meeting of the six Abdu Alrahman Ib Ouf made a suggestion and asked "Who among you offers to withdraw his nomination?" There was some silence and he took the initiative and said that he withdrew his nomination, and that he did not want to be a ruler.

So they agreed that he would act as a mediator. He took an oath from them that whatever is decided that everyone would follow. He tried a number of approaches to try to find out what the consensus really was. So he approached the two more prominent members of this committee of six: Ali and Othman. He went to each of them individually in private. He went to Othman and he said "Suppose you were not the one to be chosen to be a ruler who do you think would be the most deserving and he answered Ali (the cousin of the Prophet). He went to Ali and asked him the same question and Ali said Othman. In addition to this two other prominent members Al Zubair and Sa'd also indicated their strong preference for Othman. This was one way

of getting a feeling from the committee members. In addition Abdu Alrahman Ibn Ouf spend several nights meeting, discussing and consulting with the companions of the Prophet in addition with consulting with common people. He found that both Ali and Othman seemed to be the most acceptable and strongest candidates with a slight edge for Othman. At that particular point the need seemed to be pointing towards Othman. In addition to this he held a general meeting after the Dawn prayer which is performed 75 minutes before sunrise. In the Dawn prayer there were so many people in the Mosque who included people who migrated from Mecca to Medina and some of the original residents of Median, Alansar, some of the leaders of armies or others on business trips where a public discussion was held. They discussed the virtues of Othman and Ali and it ended with the conclusion in the mind of Abu Alrahman Ibn Ouf that there was more of an edge for Othman. When he offered that they should pledge their allegiance to Othman the people accepted it. Again it was only when this nomination was accepted by the masses that Othman gained legitimacy as the third successor or ruler after Prophet Muhammad (PBUH).

Host: What is the background for the selection of the fourth rightly guided Caliph?

Jamal Badawi:

There were some commotions and difficulties during the reign of Othman but many historians agree that the most important reason was that Islam spread so fast and a large number of people followed Islam in so many diverse areas and they did not all have the chance to grow into Islam under the supervision of the Prophet so there were some things that carried over from their past. The commotions ended up with the assassination of the third Caliph, Othman who was very pious. Following the assassination of Othman the situation was quite confused and depressing. At this point Ali was very depressed and unhappy about what happened to Othman. He isolated himself and went away in seclusion. Some of the prominent companions of the Prophet went to him and begged him and said that in this time and in this situation that they could not think of someone who was more qualified and competent to be the fourth Caliph. Some historians say that he was reluctant and preferred to be an advisor rather than to be the ruler. This was the character of all of the Caliphs. They were all humble and did not run for power because the office required a great deal of sacrifice unlike today where rulers have all kinds of benefits. He said that he could not accept this unless it happened in the Mosque, the common place for any Muslim to express his or her view, and with the acceptance and consent of other Muslims. This again shows the same basic principles which were adhered to with all four Caliphs. This shows that regardless of the specific method or mechanism by which each of these four rightly guided Caliphs was chosen each of these was chosen followed by *Bia'a*.

Host: Can you elaborate on the concept of *Bia'a*?

Jamal Badawi:

The term Bia'a comes from making a deal which includes commitment on both parties. This term appears in the Quran in at least 3 verses in two Surhas: Al Mumtahana and Al Fath. There were three incidents where we find reference from the Prophetic life about Bia'a. One was the Bia'a of Women and the Quran directed the Prophet, if they come and gave their allegiance that they would follow the path of truth, to accept their oath. There is a cross reference to this in the series about the Social System in Islam when we talked about the political "rights" of women. We indicated that this concept of Bia'a is an early reference to the right of election or the right of women to choose and give allegiance to their leader. This, today, is equivalent to participation in elections. There was also another Bia'a which took place in Al Aqaba which included a few persons from Ansar during the time of pilgrimage. There was a second Aqaba oath which was in preparation for the migration of the Prophet from Mecca to Medina.

In all of these pledges the most common aspect was that it was an allegiance to accept the leadership of Prophet Muhammad (PBUH) as a Prophet and head of State. As a Prophet the allegiance accepts whatever he communicates by way of revelation from God and secondly to accept him as the head of the Muslim community. In a way the concept of Bia'a is more or less like the concept of election but is more broad. In an election one expects a certain person to be the ruler but in the case of Bia'a the pledge is more than that as it is a pledge on the part of the person to obey the leader so long as he is not doing something against the Quran or the Prophetic Tradition. It also includes a pledge to advise and correct the ruler if he makes a mistake. Any Muslim has the right to participate in Bia'a. In the early days of Islam it was not too practical when Islam spread so fast and means of communication and transportation were not available to have everybody from all Muslim countries to gather in one place and give this Bia'a. In the early days it was mostly the people in Medina, which included the early Muslims. This was justified because they included the conscious of Muslims and they were the ones who received the directives of the Prophet, they lived with him and absorbed Islam with him and they sacrificed a great deal. So they were the people who most understood Islam and its spirit. Again they were practically the ones in the center of the Government of the time. However we find that even in the case of the first four Caliphs there were participants by deputation or by people who came from other places. When we talked about the choice of Othman we said that among the people who participated in the discussion in the Mosque were representatives from other places. The principle is there but the mechanism could vary depending on the time.

Host: How can the basic principle be applicable in this day and age?

Jamal Badawi:

So long as the principle is adhered to any mechanism or method that does not deviate from the basic rules of Shari'a or Divine Law would be acceptable. It is beautiful how Islamic teachings respond to the needs of place and time. There are certain principles that create boundaries, to prevent chaos, but details and methods of implementation are left to the place and time. The methods I will address are some of the possible ways of implementing that principle in today's situation. One possibility

that would not contradict Islamic Law is to have a nomination of the leader by a trusted person from the community like when Abu Bakr nominated Omar. It could be a nomination made by a trusted group of people who represent the people's views. It could also be a nomination after consultation. This nomination would be made after mutual consultation between people who are respected in the community as representatives of the people's views and understanding. There isn't anything that prohibits the mechanism where an elected council chooses one person from among themselves to be head of state or someone from outside of that council. This is just like parliament or a representative assembly. It could also be a public referendum where one person has one vote. There is nothing in Islam Law, that I know of, that says one can't follow that. If the people are reasonably educated, know what they are deciding on with sufficient circulation of information allowing people to make intelligent choices this could perhaps be a desirable method to follow. As indicated earlier these are only examples of possible mechanisms which would not contradict the spirit or letter of Islamic Law. This is what is accepted and understood by the overwhelming majority of Muslims.

Host: You used the term “overwhelming” not “unanimous” which suggests that there could be other views for how this can take place; what are these views?

Jamal Badawi:

There are few things in this world which are unanimous but the main reason I used overwhelming majority is to try to be as honest as possible by not ignoring some opinions that might not necessarily represent the majority but rather a small minority. There is a minority opinion which differs with the basic principle. This is the concept of Imamite which is followed by a group of Muslims called Shia or Shi'ite Muslims. The Shia represent approximately 10% of the world Muslim population. Their basic position is that the question of headship of the State or community of believers is fundamental of faith. They don't regard it as the choice of the people or Ijtihad, where people can reason and choose what they feel is best for their situation. They believe it is a matter of faith.

Basically they say that the Prophet Muhammad (PBUH) specified that the one who should succeed him should be his cousin Ali (may Allah be pleased with him). This is the same Ali who was chosen by the public to be the fourth Caliph. They say that he should have been the first and that he was specified as an appointed person. They say that people should not choose the ruler but every ruler chooses or appoints his successor. They say the Prophet appointed Ali, to be his successor and so Ali appoints his successor and that successor appoints his successor and it goes on like a sort of hereditary succession within one segment of the household of Prophet Muhammad (PBUH). They believe that the Imams are infallible, unlike any other human being. They believe that the 12th Imam in this succession went into a cave more than a 1000 years ago and that he is going to come back before the day of judgement to fill the world with justice after it has been filled with injustice. This is similar to the concept of Messiah coming at the end of time. The implication of this minority view is that a ruler is not to be chosen freely by the people but it is a matter

of succession or appointment. This view is not accepted by the mainstream of Islam which is more than 90%.

Summary of 9.5 "Early Application II"

We reviewed the various methods used to select the rulers after Prophet Muhammad (PBUH). In the last program we dealt specifically with the choice of the third and fourth Caliphs, Othman and Ali. We indicated that in all cases the principle of free choice is there even though the specific mechanism may vary depending on the needs of the specific time. In each case there was Bia'a which is the oath of allegiance and loyalty which is more than a referendum. There is also commitment to obey the leader and to advise him to follow the path of Islamic Law. We ended this section by discussing how this concept can be applied in modern terms. We said that there all kinds of possibilities which may include nomination, consultation with nomination, public election (one person one vote), or people elect an assembly who then chooses one person to be the ruler. Which ever case works so long as the free choice of the people is ascertained. We indicated that the methods discussed are based on the views held by the overwhelming majority of Muslims (90%). There are also a minority of Muslims known as the Shia who have a different view from that of the majority of Muslims. They believe that the Prophet did appoint his cousin Ali to succeed him and Ali was supposed to appoint his successor and so on; thus every person appoints their successor rather than letting it be a matter of free choice.

9.6 Imamite Concept I

Host: What is the logic behind the rationale of those who suggest that the successor should be appointed as opposed to the majority who believe that the leader should be chosen?

Jamal Badawi:

I will make reference to Tabataba'i a well known Shia writer. There are a number of points that he raises. First of all, he says that in order to have leadership of the Muslim community it should combine first the ability to rule (administrative skills), knowledge of Islam and Islamic jurisprudence and involves spiritual leadership. He said that a leader must combine all of these qualities in order to be effective and as such he should be someone who is very special and who is specifically chosen by God and the Messenger of God, Prophet Muhammad (PBUH). The second argument is that any leader should worry about the destiny of his people, especially after his death and as such it is only logical that he should appoint a successor to himself. It is normal that when a person is traveling, needs help somewhere else usually appoints someone to run the affairs and keep things intact and in an orderly fashion. They said that the Prophet did that when Islam expanded and other places came under the rule of Islam he appointed people to supervise the establishment of justice and running of people's affairs. They say that if this is what the Prophet did during his lifetime then it is only logical that he would appoint someone at the time of his death. Third, they say that Prophetic Tradition covers so many details in various aspects of worship and

if there are so many details about these small issues, how could it be that the Prophet would not say something about the succession which is even more important.

Host: What is your response to this argumentation?

Jamal Badawi:

First of all, the Sunni view (majority of Muslim's view) is that a leader should combine all of the qualities we listed above. This however different from saying that one particular person should be perfect in all of them because human beings are human beings. So people should try to chose the person who can best provide good overall leadership in all of these. Leadership doesn't mean that everything is one person's hands because there is always the danger that this may become dictatorial. Leadership means that there is a person who is capable of providing the overall leadership but this doesn't preclude assistance and help of people who have better qualities in areas that are better than the leader. This person could be appointed to look after certain things. People with highly specialized knowledge of Islamic Jurisprudence can also be appointed or consulted in certain issues pertaining to that. I am not saying that a leader should be from the worst but rather from the best but again assistance form others is needed. It is almost like collective leadership if we take leadership from a broader sense.

Prophet Muhammad (PBUH) indicated that each person is in a sense a leader and has his contribution to make to the overall Muslim community. As far as the argument that Prophet Muhammad appointed deputies during his lifetime this is only logical because no one person can do all the work. This doesn't mean that by extension of the same logic he should succeed someone to exceed him after his death. It is different when one appoints people in their lifetime and under their supervision it is different than appointing a ruler after one's death. The question of mentioning certain details in Prophetic Tradition and leaving out who should rule the people are not analogous. In the Prophetic Tradition we find details pertaining to the issue of worship but the this matter is an issue which Umur Towqeefia which are done exactly as God and His messenger explained to us. The pure acts of devotional worship are matters which are done out of a person's conviction in obedience to God which is an expression of the manifestation of the love of God and following the way God has determined. The question of choosing a ruler is a judgmental matter, which is important but doesn't require a text indicating the details of who should be the rulers. There are guidelines and a basic criteria as to who should be chosen and who the people should chose in order to have a good system of government. Afterall this is a matter of judgement that need not be specified because it varies from time to time, place to place and from person to person so long as the guidelines are adhered to.

Host: Is it true that if a ruler appoints the next ruler this means that the people may not make the right decision?

Jamal Badawi:

For a leader to be appointed, which is not desirable, if looked at from the logical standpoint does not solve the problem because people are either committed to Islam or not. If the people were committed to Islam and tried to follow the true path then they will try their best that the person they choose is one of the best. If people are not committed to Islam and do not follow it's rules it would not solve their problem to say that X must be their ruler. In the end to have order and cohesion a ruler must be elected. Still it comes down to the people's decision to accept a particular ruler to run their affairs. So from a practical standpoint it doesn't help much for the ruler to be specified.

Host: Is there any support in the Quran for the succession of Ali?

Jamal Badawi:

In the Shia view yes but not in the Sunni view. According to the great overwhelming majority of Muslims there is absolutely no evidence whatsoever in the Quran which says that Ali is supposed to be the ruler after the Prophet. In fact, there is evidence to the contrary which we touched on before and some we can discuss when we deal with the concept of Shura, mutual consultation as provided for in the Quran.

Again to present the other side of the argument from the minorities opinion we find some of the Shia writers, like Tabataba'i, refer to an Aya in the Quran which doesn't say it but is interpreted to mean that Ali should be the successor. This verse appear in (5:55) "Your (real) friends are (no less than) Allah, His Messenger, and the (fellowship of) believers,- those who establish regular prayers and regular charity, and they bow down humbly (in worship)." Some Shia writers present the argument that this verse was revealed in reference to Ali. They say that one time a poor person entered into the Mosque of the Prophet and Ali was praying and no body was able to help the poor person and during his prayer Ali who was bowing in roko' extended his hand to the poor person so that the poor person could take his ring as charity. They say that the term wali used in the verse which they interpret to mean guardian or successor to the Prophet. In a way they say it refers to Ali being the successor to the Prophet. But this stretches the verse a little too far in terms of interpretation.

Host: Can you explain this a little more?

Jamal Badawi:

There are aspects of that interpretation which are questionable from the linguistic standpoint from the historical standpoint and from the context of the verse in general. First of all, linguistically the term wali or awlia appear in the Quran in different places to mean friend, helper and supporter. This doesn't necessarily mean the successor to the Prophet (PBUH). It has various shades of meaning which carry all of these meanings together. Many times the Quran uses the term wali in the plural which is awlia. The historical aspect of it is quite questionable. For example, one of

the great Muslim writers, Ibn Kathir, in his commentary on the Quran said that when the authenticity of that particular story was examined it was found to have many weaknesses. Some of the narrators who said that they heard the story from a specific person who was proven to have never actually seen this take place. Not to go into too much discussion of this but there is a good discussion of this in volume two of Ibn Kathir on page 71 where there is indication that the authenticity of that particular story is quite questionable. In fact he says that some historians say that this verse was revealed with respect to another companion of the Prophet, Obada Ibn Samid who decided to break his allegiance with others and take the allegiance and support of the Muslims.

As I mentioned earlier there are logical questions about that particular interpretation. It has been the custom of devoted Muslims like Ali that when they stand in prayer they are in so much concentration and devotion to God, one is not supposed to move and is supposed to focus their entire attention to what they are reciting, which is even much more so in the cases of highly devoted people like Ali. It is narrated that some people had operations (surgery) while praying and did not feel anything because of their full devotion to God. To say that Ali was listening and moved in his prayer and pointed at the poor man in order for him to take his ring seems unlikely and not the usual mannerisms of prayer that a Muslim follows. More importantly is the context of this verse. One can not take a verse in isolation and try to build a theory on it. The verses immediately before and after it shows that the whole context of the verse is to advise Muslims not to seek alliance and support of those who do not believe in God or those who rejected the message of Prophet Muhammad (PBUH). With this overall context of having friendship and support from among the believers there is no room to say that this verse in the middle of all the other verses specifically speaks of one person to be the successor of the Prophet (PBUH).

Host: Is there any evidence in the Sunna for naming of Ali?

Jamal Badawi:

Again from the Sunni standpoint there is no inclusive evidence in the Prophetic sayings that say that Ali should be the first Caliph after him and that he was appointed and not to be chosen. There are important things that must be looked at when we deal with Sunna. With the Quran where one is Sunni or Shia they admit that this verse is in the Quran it may be just a matter of understanding the meaning and its context. In the case of Prophetic Tradition there are four points that one has to keep in mind. First, there are certain traditions attributed to Prophet Muhammad (PBUH) by Shia writers which from the Sunni standpoints are not accepted and question its authenticity. Some Muslim writers even wonder whether it was attributed to the Prophet in support of a specific political or ideological view. I am sure there are equivalent feelings on the part of the Shia where they do not accept all Prophetic Traditions which Sunni Muslims believe to be authentic. This is a matter that goes back to the sciences of Hadith and how Prophetic Traditions were narrated and preserved. There have been tremendous efforts on the part of the main stream, Sunni, of Islam to verify the sayings of the Prophet.

Second, even when the sayings of the Prophet have been accepted in both Sunni and Shia references we find that the wording might not be exactly the same and the differences are not minor but in some cases there are major differences in the Shia sources which gives the saying an entirely different meaning from that which the majority of Muslims accept. Third, is that even we assume that the same saying is accepted by all Muslims we find that the interpretation and the meaning attached to the sayings are not always the same. Finally, to understand those sayings one has to put it in the proper context and the context of other sayings of the Prophet and the overall teaching of the Quran and Sunna while keeping in mind the psychology of the Prophet and his companions. These are all relevant aspects that must be considered before one interprets the meaning of a specific saying.

Host: Can you elaborate on this?

Jamal Badawi:

For example of the Prophet telling Ali, his cousin, “Don’t expect to be to me what Aron was to Moses” and we know that Aron was the contemporary of Moses. There is a reference where the Prophet makes a prayer “Oh Allah support those who support Ali and be the enemy of those who are enemies of Ali. If we go back to the text of these sayings in authentic sources of Hadith we find for example that in one occasion Prophet Muhammad (PBUH) was preparing for a battle in Tabouk and before he left he left Ali in charge of the people in Medina. Ali was a little disappointed because he wanted to join other companions of the Prophet in the battlefield so he asked the Prophet “Are you leaving me behind just to look after the women and children?” He felt this was not so good, so the Prophet said “Wouldn’t you like to be to me like Aron was to Moses?” This is an interesting remark because Moses appointed Aron to be in charge of the Israelites when he went to Mount Sinai as a temporary caretaker till he came back. It is obvious that we can not stretch this Prophetic saying to mean that as I appointed you during my temporary absence in Tabouk that you must be appointed as the ruler after my death. It is just a duty and responsibility that someone had to carry and Ali was the right person to carry that responsibility, and it could have been other persons as well. Some Shia writers make the analogy that Moses and Aron means the succession. It is useful to point out that it is believed that Aron died during the life of Moses. This has nothing to do with the analogy of succession at all. As far as the Prophet’s prayer for God to support those who support Ali, Sunni Muslims would say Amen to this. Among the Sunni traditions everybody loves and respects Ali. Even in the early days when people had a difference of opinion with Ali they still loved him and respected him as one of the great companions of the Prophet. These are elements which show that if there had been praise for Ali that there was also praise for other companions of the Prophet as well. The context in which this was mentioned doesn’t mean that it is a specific requirement for Ali to be chosen as the ruler. The Prophet has been quoted to recommend that people be kind and considerate to his household which includes his wives, Ali and his descendants. Ali

was his cousin who was married to his daughter Fatimah. Again it is quite natural and doesn't mean that one must have all their rulers for all time to come from this particular lineage.

Summary of 9.6 "Imamite Concept I"

We touched on the minority, Shiite, view which represents roughly 10% of Muslims that Ali the cousin and son in law of the Prophet was the only legitimate heir of the Prophet and that the Prophet actually appointed him as the ruler after him and that all descendants should be restricted to the descendants or progeny of Ali. We discussed briefly why the other 90% of Muslims do not share this view with their Shiite brothers. We gave reasons for why the rest of the Muslims believe that a ruler should be chosen freely by the people. It should be added here that the assumption that the Prophet (PBUH) before his death explicitly appointed Ali to be his sole legitimate heir and successor reflects negatively on the closest companion of the Prophet and on the Prophet himself.

9.7 Imamite Concept II

Host: Why does this assumption reflect negatively on the other companions of the Prophet?

Jamal Badawi:

After the death of Prophet Muhammad (PBUH) there was virtual unanimity among the Muslims to choose the closest of his companions, Abu Bakr to succeed him both as a ruler and religious leader because Islam doesn't make a distinction between these two functions. If it were true that the Prophet publicly appointed Ali to be his first successor then the implication is obvious here that the greatest of all the companions of the Prophet which include the first three Caliphs who succeeded the Prophet before Ali became the Caliph deliberately disobeyed the Prophet and disregarded his instruction because they chose Ali as the fourth instead of the first and they chose people who do not belong to the immediate household of the Prophet. This assumption is totally untenable of Muslims.

Host: Could it be assumed that it was oversight or forgetfulness on the part of the companions of the Prophet by choosing Abu Bakr?

Jamal Badawi:

This is an impossible assumption because on the day when Prophet Muhammad (PBUH) died there were sufficient discussions that went on in which several suggestions were made as to who should succeed the Prophet. These discussions ended by nominating Abu Bakr to be his successor. Even though the nomination of

Abu Bakr did not take long to arrive at because of his status and everyone's respect of him the actual oath of Bia'a did not take place till the second day in the Mosque, in the presence of other Muslims which is where Abu Bakr was officially installed as the successor to the Prophet. This provided ample time for the companions to remember the instructions of the Prophet and if it were true that the Prophet appointed Ali somebody would have remembered that or reminded the others especially since it is said by the Shia brothers that the Prophet made this appointment shortly before his death which would have been too fresh to be forgotten.

Host: Could it have been human error with good intention?

Jamal Badawi:

This is an assumption that doesn't fully explain what actually happened. The most important evidence or indicator of good intention is if one makes a mistake or an innocent error I would have to correct it as soon as the truth is revealed to me. We know that historically speaking the companions of the Prophet including such important figures as the first three Caliphs who preceded Ali for almost a quarter of a century were all chosen while Ali was still there. For a span of 25 years to pass before Ali was chosen shows that if it were true that the Prophet gave such instruction there is persistence in not implementing those instructions. If this were true this would not be a small error but a major sin.

Host: Why would it be considered to be a major sin?

Jamal Badawi:

In numerous verses in the Quran it warrens against disobedience to Prophet Muhammad (PBUH). What he utter, ordained or forbids is the will of God. The Quran makes it clear that obedience to the Prophet is like obedience to God, disobedience to the Prophet is like disobedience to God. In verse (4:13) indicates that whoever disobeys Allah and His messenger, Prophet Muhammad (PBUH), will be sent to Hell Fire. This is not a small error to commit. There is also another particularly important point is that according to the Shiite interpretation "allmama min usul al deen" which means successions by appointment after the Prophet is a matter which is of the fundamentals of the faith not as Sunni muslims view it to be a matter of discretionary decision by the people. In this case the failure to accept that particular method of succession means that the person is rejecting one of the fundamentals of the faith. If one rejects one of the fundamentals of faith it is quite a serious matter, not just a small error. The assumption of the appoint Ali seems to imply that the most pious of the companions of the Prophet including such towering figures as Abu Bakr, Omar and Othman were in fact committing this major sin and were intentionally disobeying the Prophet. This is a matter that not only reflects negatively on these great and pious figures but would even reflect negatively on the Prophet himself.

Host: How could this reflect negatively on the Prophet?

Jamal Badawi:

If these are his closest companions and the most loved by him then certainly this implies that (God forbid) the Prophet was poor in his judgement of people and who to choose as his closest associate and companion which we know is not true. Second, it implies (God forbid) that the mission of the Prophet was a failure because after 23 years of recruitment, selection, training, educating, inculcating Islamic values in his closest companions would lead to their deliberately disobey him minutes after his death. This of course is an untenable assumption because after all these companions were known to sacrifice their lives to protect the Prophet and to guard the faith. Many people would say if these are the kinds of close companions he had what kind of man was he? It is obvious for anyone who is familiar with Islamic history, with the personality of the Prophet and the great companions that this assumption is simply an impossible one and contrary to lots of evidence.

Host: If it was not forgetfulness, error or deliberate disobedience what then is the explanation of the Sunni and Shia in the succession of rulers?

Jamal Badawi:

In my humble understanding one of the major differences between the majority and minority on this issue of succession to the Prophet comes from the understanding of some of the sayings of Prophet Muhammad (PBUH) in praise of Ali and his household and commending people to be respectful of them and follow their guidance. As we mentioned in the previous program not only are there sayings that are attributed to the Prophet in Shiite which do not have parallels in Sunni references but what is even more important are that even the sayings that are in both Sunni and Shia references the wording is sometimes not the same. In the Shiite versions there are additions which signify different concepts that are all together different from the usual flow of the sayings of the Prophet. The most important reason is the way that the sayings of the Prophet are interpreted because there are so many of them that appear with virtually the same wording in both Shiite and Sunni references of Prophetic sayings. The way they are interpreted is usually different. In the Shiite understanding some of those sayings praising Ali were taken and a whole theory of Prophetic succession and exclusive hereditary succession is based on the concept of Wilia or general guardianship.

Host: Are the praises that Prophet Muhammad gives Ali rejected by Sunni Muslims?

Jamal Badawi:

Not at all. In the Sunni references there are plenty of these sayings but they have to be taken in context because there are numerous similar or even higher praises that the Prophet made towards other companions including the first three successors to the Prophet. There is no question about the praises of Ali, he was there and he was one of the best and closest companions of the Prophet. Like I said before it is a question of interpreting those sayings within the context of praises of other companions, in the context of the text of the Quran, in the context of other sayings relating to the topic and within the overall spirit and teaching of Islam. This is why the majority of Muslims, Sunni, believe that Shura or mutual consultation and freedom of choice of their ruler is clearly inscribed in the Quran and Prophetic tradition. It is a principle which is very essential in the life of Muslims in general and more particularly in political succession. In fact there is evidence that even Ali himself and his descendants believed in the same principles that the majority of Sunnis accept.

Host: Can you elaborate on the fact that Ali believed this also?

Jamal Badawi:

It is a historical fact that Ali, may Allah be pleased with him, accepted the leadership of the first three Caliphs. He did not say that he was appointed. He made Bia'a to these three Caliphs. Bia'a or oath of fealty is not only to accept them as rulers but not an Imam or leader in religious matters because Islam doesn't make a separation. Abu Bakr lead the prayer during the sickness of the Prophet. Leadership is more inclusive in Islamic understanding. Ali also served under the first Caliphs and was quite helpful to them, they praised him as he was very cooperative with them. This is a clear admission on his part as to the correctness of the way they were chosen by Shura and the freedom of choice of the people.

A second indicator is that one of the children of Ali known as Muhammad Ibn Alhanafia reported, as narrated in Bukhari the most important authority on Prophetic Tradition, "I asked my father, Ali, who among all the people is the best after the Messenger of God and Ali replied "Abu Bakr." I asked him who is next and he said "Omar." So Ali himself admitted that Abu Bakr and Omar were ahead of him in terms of closeness to the Prophet and in terms of the eligibility for succeeding the Prophet. One of the grandchildren of Ali, who was Hassan the son of Ali Hassan son of Ali once was approached by some people who believed that Ali was the exclusive heir of the Prophet and only his descendants should rule and asked "Didn't the Prophet of God say: Whomever I am the patron of, Ali is also his patron." Hassan replied "Yes he said that, but by the name of God, the Messenger of God did not mean by that authority and government. If he meant that he would have said "Oh people this is your guardian and the ruler chosen to rule after I die so listen to him and obey." He continued "In the name of God if God and his Messenger chose Ali and appointed him to be the successor of the Prophet, and Ali did not make it happen, then Ali would have been the first one to disobey God and his Messenger." This shows that even Ali and his successors did not believe in the concept of Imamites which has been attributed to them.

The most important difficulty that we find with the theory of the hereditary succession of the Prophet through one segment of his family is something which is inconsistent with the status of the companions of the Prophet, in general, and the great deal of praise that mentioned about the in the Quran and Prophetic Tradition.

Host: What are some examples of praise given to other companions of Prophet Muhammad (PBUH)?

Jamal Badawi:

The Quran which is accepted as the scripture and book of God by both the majority and the minority of Muslims who are both Sunni or Shia. We find that there is conclusive and clear evidence of the high status of the companions. First of all, in (48:29) “Muhammad is the apostle of Allah. and those who are with him are strong against Unbelievers, (but) compassionate amongst each other. Thou wilt see them bow and prostrate themselves (in prayer), seeking Grace from Allah and (His) Good Pleasure. On their faces are their marks, (being) the traces of their prostration. This is their similitude in the Taurat; and their similitude in the Gospel is: like a seed which sends forth its blade, then makes it strong; it then becomes thick, and it stands on its own stem, (filling) the sowers with wonder and delight. As a result, it fills the Unbelievers with rage at them. Allah has promised those among them who believe and do righteous deeds forgiveness, and a great Reward.”

In the Quran in (9:100) it speaks of the Migrants, who went from Mecca to Medina and the Ansar, the supporters who received them in Medina and it says “The vanguard (of Islam)- the first of those who forsook (their homes) and of those who gave them aid, and (also) those who follow them in (all) good deeds,- well- pleased is Allah with them, as are they with Him: for them hath He prepared gardens under which rivers flow, to dwell therein for ever: that is the supreme felicity.” If Allah is pleased with these people and then we say that there are people who deliberately disobeyed the Prophet and did not appoint the person that he appointed to be his successor, is not consistent with the text of the Quran.

In (59:8-9) it describes the eligibility for help of those who were poor from among the Migrants and it praises the supporters from Medina who provided help for them and it ends by saying that they are indeed the successful. This is God’s judgement not that of any human being. In these two verses there is mention of the Migrants and Supporters which are the Muhajirene and Ansar who came to a virtually unanimous position that Abu Bakr was the eligable person to succeed the Prophet Muhammad (PBUH). In the Quran in (48:18) it says that God is pleased and accepted the oath of allegiance to the Prophet known as the Oath Under the Tree. Again the Prophet confirms this praise as he was quoted in Muslim “No one who made this oath of allegiance to the Prophet Under the Tree, which occurred under very testing circumstances, will ever enter into Hell Fire.

In another saying of the Prophet narrated in Bukhari in which he says The strongest century of believers is from my century, then those who follow and then those who follow. In various sayings the Prophet praised various segments of the Muslim

community like the Ansar for example and he said that loving them is like loving God (because of their high quality and piety). Any indication that these companions were struggling for power and authority and that they were trying to push Ali aside would be rather unfair. In fact the Prophet made several warnings before his death not to abuse these great companions. Maybe that was a prophesied that some people at later time would attribute something of which they are totally innocent.

Host: Could you explain what the Prophet said about that?

Jamal Badawi:

In a saying of the Prophet which is narrated in Bukhari, Muslim and Ahmad which said “Don’t abuse my companions because, by the name of He in Whose Hand is my life, if one of you spends the equivalent of Mount Uhud in gold it would not reach a fraction of the status of those great companions. In another saying it was narrated that the Prophet said “I asked my Lord about the differences that will take place between my companions?” There is no question about the fact that there have been differences of opinion but with love and respect between the parties. He said “I ask God in whatever my companions may differ therein after me and God revealed to me “Oh Muhammad your companions to Me are like stars in the Heavens, some of those stars are brighter than others and whoever follows the guidance of whichever of those stars is regarded by Me as guided.”

In Altabarani the Prophet says “Don’t abuse my companions because the curse of God will be on those who abuse my companions.” In Altirmithi the Prophet says “Fear God, fear God in respect to my companions. Don’t take them after me as an object (of attack) because whoever loves them loves them because of his love of me and whoever hates them hates them because of his hate of me. Whoever hurt them hurts me and whoever hurts me is displeasing God, and whoever displeases God-God is about to give him severe punishment. In a Hadith narrated by Anass Ibn Malik in Alshafi the Prophet said “In the latter days there will come some people who will belittle the companions, don’t marry from them, don’t give your daughters in marriage to them, don’t pray on them when they die the curse of Allah will be on them!”

These are very strong sayings of the Prophet, not only indicating what is going to happen on the part of some people who are misled with intense emotional feelings but not really any rational or reasonable consideration of the entirety of the teachings of Islam. The conclusion is that to belittle the companions of the Prophet or to accuse them of pushing Ali aside and trying to reach for power while others sat there without objecting to that is something with no logical evidence in view of the praise given in the Quran and in the Prophetic Tradition. People of this quality are not the type who would deliberately and knowingly disobey God and His messenger. It was mentioned before that being a ruler in those early days was not easy but was rather sacrificial and all of them accepted rather reluctantly. Ali was also reluctant. Abu Bakr was pushed into it as people almost appealed to him to carry the responsibility. This type of role includes much more sacrifice than privilege.

Summary of 9.7 "Imamite Concept II"

In the seventh program we continued the discussion of the notion held by Shiite Muslims of the Imamite concept. This basically centers around the succession of the Prophet in terms of rulership within a part of his family: the descendants of Ali. We covered why the majority of Muslims (over 90%) don't share in this view. More heavily we covered why it is an untenable assumption to assume that the companions of the Prophet who were the most pious and self sacrificing of people to have collectively disobeyed the Prophet (PBUH) if it were true that he appointed Ali. If he really did appoint Ali they would have immediately followed his instructions. We elaborated on why this could not have been the case.

9.8 "Virtues of Abu-Bakr, Omar & Othman

Host: Could we examine what the Prophet (PBUH) said about Abu Bakr?

Jamal Badawi:

There is reference to Abu Bakr in the Quran when it speaks about the 2 who were in the cave during the migration from Mecca to Medina. The first person was Prophet Muhammad and the second was Abu Bakr who was called Rafiq Al Ghar which means the companion of the Prophet. The Prophetic sayings about Abu Bakr are really amazing. In one saying he said that "Among all the people that I am indebted too, in terms of doing favors to me, both in his in his property and company is Abu Bakr. If I were to take khalil, one who is a dearest love, other than my Lord I would have taken Abu Bakr but he is my brother and my companion for God has taken me as His dearest and closest Love." In other words he is saying that had God not been his closest love he would have chosen Abu Bakr. There are other versions of this saying which are narrated in both Bukhari and Muslim.

In another saying narrated in Bukhari and Muslim the Prophet was asked "Who among all people is most beloved to you? He replied Aisha, his wife. Then the person who is next of men? He said her father." Abu Bakr was Aisha's father. So not only was he the close companion of the Prophet but he also gave his daughter to the Prophet in marriage. "Then he asked who is next and the Prophet said Omar." This is quite revealing because the Prophet put Aisha as number one in closeness to him then Abu Bakr from men and then Omar who were also the first and second Caliphs. In AlTirmithi the Prophet said that "None of the people have any favor on us, that we have not already compensated, except for Abu Bakr. We owe Abu Bakr favors that only Allah will reward him for on the day of judgement." In AlTirmithi there are two other citations which are quite interesting: in one the Prophet addressed Abu Bakr and said "You are saved by Allah from the Hell Fire."

In the other saying the Prophet said "You are my companion in the cave and you are also my companion at the fountain (in reference to the fountain in the hereafter). In Abu Dawood the Prophet says "Oh Abu Bakr you are the first one of my followers to

enter into Paradise.” This again is an expression of his status. In Ibn Maja and Tirmithi it was narrated that the Prophet said that Abu Bakr and Omar are the masters of the elderly people in Paradise from beginning of the world till the end except for the Prophets and Messengers.” So he put them in the status immediately following Prophets and messengers who are definitely have a higher status than any companion. In Al Tirmithi the Prophet said that every Prophet had two “deputies” in Heaven and two “deputies” on earth. As for me I have two deputies in heaven whom are Gabriel and Michael and my deputies on earth are Abu Bakr and Omar (in that order).” These sayings are sufficient to show the great status of Abu Bakr and that he was second to none to Prophet Muhammad (PBUH). There are other sayings of the Prophet which prophesy that Abu Bakr will be the first to rule the Muslim community after his death.

Host: Can you shed some light on these sayings in their proper context? Explain whether they are consistent with the freedom of choice of rulers?

Jamal Badawi:

There is no inconsistency between the prophecy and freedom of choice. The context of these sayings are not of imposition. It is not like the Prophet instructing the people that they must take Abu Bakr. These sayings have an element of prophecy but never a sense of imposition on the people. No Sunni scholar takes this as “the” evidence that Abu Bakr was the eligible person to be chosen after the Prophet.

When the Prophet was sick, shortly before his death, he asked Abu Bakr to lead the prayers. Usually in Islamic Law, if the ruler is present, he is the one who should lead public prayers. Prophet Muhammad did not only lead the community of Muslims but also lead the prayers. Both functions were one and the same really. By him asking Abu Bakr during his sickness and choosing him in particular above all other companions to lead the prayers carries very significant implications. In another important saying which was narrated both in Bukhari and Muslim it says that a woman came to ask something of the Prophet and he said to her come back some other time and she asked what she should do if she could not find him he replied that she should find Abu Bakr. In Al Tirmithi the Prophet said more clearly “Follow the steps of those who will come after me: Abu Bakr and Omar.” He was giving an indication that they were rightly guided and that their leadership was not something that should be rejected but again without imposition. On his deathbed it was narrated in Muslim that the Prophet told Aisha, his wife, call your father and brother I would like to give a write recommendation (as to whom may be best to succeed him) because I am afraid that some aspirant might say me but God and the believers wont except anyone but Abu Bakr. It was very revealing because after the Prophet’s death there was one person, Sa’ad Ibn Ubada, who was about to be nominated to be the successor of the Prophet. He was a little uncomfortable that Abu Bakr was chosen by everybody else. This is a clear indication by way of hinting and prophecy what would happen after the death of the Prophet.

Host: Was the recommendation ever written down?

Jamal Badawi:

There is no evidence that this document was ever written or that he even uttered what he thought of saying. This raises the question as to why this document was not written? In my understanding there could be two viable explanations: One, there had been a pattern in the life of the Prophet that if he doesn't receive revelation in a particular aspect he applies his judgement, if his judgement differs from God's judgement the Quran comes and corrects it. Even though he did things with good intentions the revelation would come and have it done a different way. It is quite possible that after the Prophet thought of that, he received a revelation that it is better not to do so possibly to maintain the principle freedom of choice. A second viable explanation is the possibility that the Prophet himself had a second thought and maybe what he intended was to recommend or nominate Abu Bakr to be his successor. He might have feared that this would have been taken as an obligation and precedent and would establish a principle that is contrary to the the Quran and his own teachings. In any case, with or without that document, the virtually unanimous position of all Muslims from Medina or the Migrants from Mecca all agreed that the most qualified person was Abu Bakr. The judgement here was quite consistent with the desire of the Prophet even though he did not impose it.

Host: What are some Prophetic sayings about Omar

Jamal Badawi:

Like Abu Bakr there are so many favorable sayings about Omar. Anyone who studied Islamic History knows how great he was as an administrator, states person he was really in a class all on his own. The Prophet (PBUH) said "From among the nations before you (Islam) there were individuals who were inspired and if anyone among my followers is so inspired it is Omar." In Al Tirmithi the Prophet said "If there were any Prophet after me it would have been Omar." Of course there weren't any Prophets but this was said because of Omar's insight and inspirational type of qualities. Narrated by Abu Dawood the Prophet said that "God has placed truth upon the tongue and heart of Omar." There is a saying of the Prophet which is narrated in Bukhari and Muslim which it show when some issues were subject to discussion Omar would take certain positions and gave certain opinions which happened to be identical to what came down later from God to the Prophet. This is a reflection of this insight on the part of Omar. There is a Prophetic saying found in Abu Dawood, Al Tirmithi and Ibnu Maja where he said "People in Paradise will look up to the people who occupy the highest position in Paradise like you look at the stars in the horizons, and among those people are Abu Bakr and Omar."

In Al Tirmithi the Prophet was quoted to have said to Omar "Omar if Satan is going down one particular path and you start going down that same path he will take another path. Even the devil is scared of you." If anyone studies the life of Omar they will be amazed at his steadfastness and strictness in the implementation of truth. There are two other really interesting sayings of a Prophet which were revealed to him through a

dream. One was narrated in both Bukhari and Muslim, the two primary sources of Prophetic Tradition, in which the Prophet said “While I was sleeping somebody brought me a cup of milk, I kept drinking from it till I was totally full then I gave the extra milk to Omar.” The companions asked him how he interpreted that dream and he said it meant knowledge. So he said that he had all the knowledge that he could absorb and then whatever remained was given to Omar. Like Abu Bakr the praises of the Prophet towards Omar were not only restricted to praise but were clear prophecies that he would also be the Caliph after the Abu Bak.

Before Omar accepted Islam as narrated in Ahmad and Al Tirmithi the Prophet made a prayer “Oh God strengthen Islam either by Abu Jahl or by Omar.” It ended up that Islam was strengthened greatly by Omar’s strong personality and faith. It was under the Caliphate of Omar that an estimated 36,000 townships came under the rule of Islam in such places as Persia, Syria and Egypt. This was a fulfillment of the prophecy of Prophet Muhammad (PBUH). In another saying which seems to relate to the subject of the spread of Islam under the rule of Omar which is narrated in both Bukhari and Muslim the Prophet said “While I was in my sleep I saw people being shown to me and each one had a shirt on him, some people had shirts up to their chests and some had shirts shorter than that and then Omar came and he had a shirt that was dragging behind him.” Again the companions asked how he interpreted this dream and he said religion. This meant the spread and preservation of religion. In other words Islam would be a certain amount here and there but during the reign of Omar it would spread so much which is symbolized in the long shirt which was dragging behind Omar. The greatest number of townships that came under the rule of Islam occurred during the Caliphate of Omar.

Another revealing prophecy narrated in Bukhari and Muslim in which the Prophet said “While I was sleeping I saw myself on a well with a pulley and bucket, I drew as much water as God willed and then Abu Bakr came and he drew a few buckets full; after this the buckets grew and then Omar came. I had never seen anyone as strong as Omar in drawing plenty of water from that well, to the point that people settled in this area and made it a resting place for camels.” We notice that if this water was in reference to the rule and spread of Islam that Abu Bakr ruled for a few years. Omar’s reign continued for a little over ten years during which Islam spread greatly. This again was a clear prophecy about the contribution of Omar to the strengthening of the faith. It should be observed that the positions here of Abu Bakr and Omar as the deputies of the Prophet during his lifetime which is a matter that was recognized in his lifetime even by his enemies. In the battle of Uhud when the Pagans thought that they had defeated the Muslims and some of them thought that they had killed the Prophet; Abu Sufyan (not Muslim at the time) started to shout at the Muslim camps asking if Muhammad was among them and no one replied so he started to think that he was killed. Then he asked if Abu Bakr was among them and no one replied. His third question was if Omar was among them. In other words he was very concerned with making sure the biggest heads were killed: the Prophet and his two deputies, Abu Bakr and Omar.

Host: What are some Prophetic sayings about Othman and then Ali? Was there mention of the third Caliph Othman in Prophetic Tradition?

Jamal Badawi:

In Al Tirmithi and Ibn Maja the Prophet said “Every Prophet has a companion in Paradise and my companion in Paradise is Othman.” In preparation for one of the battles known as Jaish Al Usra during a very difficult and tough time the Prophet appealed to people to donate to help equip the army. Othman came forward and donated 100 camels complete with saddles and packsaddles. That was not enough so the Prophet kept urging people to donate more. Othman increased it to 200 camels. Upon further urging he increased it to 300 camels full with saddles and pack saddles. At this moment said that there would be nothing to be held against Othman after this. In other words even if he makes mistakes here and there God will forgive him because of this great act of devotion on his part. Like Abu Bakr and Omar there seemed to be some indication that Othman would be among the first four Caliphs and that he would die as a martyr.

In a saying narrated in Bukhari it says that Abu Musa Al Ashaari, a companion of the Prophet, acted as a gate keeper of the Prophet. Abu Bakr came to seek audience with the Prophet and when he talked to the Prophet that someone is waiting to see him the Prophet said let him in and give him the glad tiding that he will go to Paradise. Then Omar came and the Prophet said let him in and give him the glad tiding that he will go to Paradise. The third person to seek audience with the Prophet was Othman and when the Prophet was told he said let him in and give him the glad tidings that he will go to Paradise but that a calamity will befall him. This again was a prophecy that he would be killed by rebels.

One time the Prophet along with Abu Bakr, Omar and Othman stood on the mount of Uhud. There was some kind of trembling and the Prophet told the mountain to “Calm down because on top of you is a Prophet, Al Sidique (the truthful) and two martyrs.” The Prophet was Prophet Muhammad the Sidique is Abu Bakr and the two Martyrs were Omar and Othman who were Martyred. In another saying of the Prophet narrated in Al Tirmithi, Al Nasai and Al Dar Qutni the Prophet was even more specific and said “Othman maybe God will dress you a shirt.” He meant by a shirt the responsibility of leading the Muslim community. Then he continued “And if they wish you to take it off don’t take it off for them.” That is exactly what happened because the rebels came to force Othman to resign and he did not resign as a matter of principle because there was no justification to give in to the commands of these unreasonable rebels. It is quite obvious from these sayings that the prophecy of the Prophet about Abu Bakr, Omar and Othman were clearly stated by the Prophet were clearly stated in that particular order. If his teachings and instructions was that only Ali was the legitimate heir he would have said something different and much more explicate.

Summary of 9.8 "Al-Shura and Decision Making Process"

We mentioned that mutual consultation or Shura is a very important principle in Islamic government and the necessity of Shura is amply proven in the Quran and Prophetic sayings and behavior as well as the actions of the rightly guided Caliphs. We also indicated that the

scope of Shura should include all issues of public interest but not necessarily every minor administrative decision. However we said that if the administrative decision is of importance and magnitude that it requires Shura or consultation. We also indicated that the results of Shura becomes binding on the ruler or else it would become a mockery on the ruler to consult and not to take the opinion especially regarding significant issues. The mechanisms used for the implementation of Shura could vary depending on the issue and depending on the circumstances. It could be a form of public referendum just like what used to take place in the Mosque of the Prophet during the early days of the guided Caliphs. This could also take place in a representative assembly. In some cases consultation may be held with the experts who have experience with technical matters which would still be subject to approval from the representative council.

We also discussed the cases where there are differences of opinion between the head of the State and the council and different possible ways for resolving that conflict. Finally, we discussed the possibility of removal of the head of State if people are not satisfied with his performance especially if he is committing a grave act against the Quran and Sunna.

One thing I did not mention last week is that in Islam the ruler is a little different from rulers in democracies. In democracies the ruler is essentially accountable before the representative council, in Islam he is above all held responsible before Allah in terms of his own conscious and seeking the pleasure of Allah while not disobeying Him. Second, he is responsible before a representative council who could possibly remove him from office. Third he is responsible before any members of the public in his community. They can stop him in the street as with the guided Caliphs and his responsibility and accountability is not only with administrative decisions but also his own moral behavior as an individual. There is nothing that is private because he should be a good model and example for the Muslims. In that sense it is an even wider and graver responsibility.

9.9 Guiding Principles in Government

Host: How is justice in government viewed in the political system of Islam?

Jamal Badawi:

As a principle it applies to the political system as well as other areas at an individual level. In the Quran in (57:25) which showed that the whole objective of sending Messenger or Prophets and sending

revelation with them is not just a spiritual matter but also so that people stand up for justice. The Quran emphasizes the same principle in numerous places. In (16:90) "Allah commands justice, the doing of good." In (4:58) "And when ye judge between man and man, that ye judge with justice." In (6:152) it says "Whenever ye speak, speak justly, even if a near relative is concerned." In realization that some people are bias towards people who are not totally like them the Quran warns in (5:9) "Let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah." Oppression and injustice is condemned in the Quran as much as justice is commended. In the Quran in (26:227) emphasizes that one of the reasons of the destruction of nations in the past was that they were oppressive. The Prophetic sayings follow the same line. In one famous saying of the Prophet which is narrated in Bukhari and Muslim he indicated that among the seven categories of good people who would be under the shadow of Allah's protection on a day where there is no protection but His: is a just ruler. The Prophet also warned as narrated in Muslim that oppression is like darkness. In both Bukhari and Muslim he says that God near the unjust or oppressor but when He takes him He would give him severe punishment. As a principle it is greatly emphasizes that justice in general and clearly justice in government is an important part of the implementation.

Host: Can you elaborate on the levels of implementation?

Jamal Badawi:

On the family level there is implementation of justice during an engagement, marital relationship, marital contract, rights and duties between husband and wife, the protection of duties and justice in the case of divorce or desolation of marriage, rights of children and relatives which was all covered in the social system of Islam as part of the family structure. It could be justice in individual relationships not only with family but with the people around a person and justice in neighborhoods. In the Economic System of Islam we saw how people are responsible in any particular neighborhood if one of them spends the night while hungry. At the level of the State we saw that it entails ruling with justice and fairness and to provide the basic needs of people regardless of whether they are Muslims or non Muslims. It is also justice on the world by fighting oppression and tyranny wherever they are practiced and try to liberate people (not conquest) so that they have their basic freedoms. In this particular sense there is no exception for anyone, rulers and the people ruled. In Islam the ruler doesn't have any special immunity and is subject to the same

laws as everybody else. There are no exceptions for a person just because they come from a rich or noble family. Actually one of the warnings that Prophet Muhammad made in a saying was that "One of the reasons of the decline of nations before you is that when a person who is rich and noble commits a theft and they let him go and when a poor steals they apply the penalty."

Host: Could you explain the quality of justice in a truly Islamic State?

Jamal Badawi:

In the beginning of the Social System of Islam there are more details on that. Islam emphasizes the origin of human equality. As the Quran explains in (4:49) that all human beings come from the same origin, same parents, all share the same basic human nature and all human beings are going to die, all of them are going to stand before Allah on the day of judgement to give account. In that sense the view of Islam is more universal in terms of fundamentals of human equality. In (49:13) "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other)). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)." The Prophet (PBUH) also emphasized the same meaning and he said that God has relieved you from the fanaticism of Jahilia or the days of ignorance prior to Islam and of its pride in ancestry. A person could be a pious believer or a wicked person, they are all the children of Adam and Adam was created from dust. This saying was narrated in Al Tirmithi and Abu Dawood. One can add here that with this broader expression of equality, not only are people equal because they belong to one religion or faith but it is equality which involves Muslims or non-Muslims who are under the protection of an Islamic State. It involves equality before the laws and the courts of the law.

Host: Is there freedom of religion in an Islamic State?

Jamal Badawi:

Yes it is. This is part of the amalgam of freedom that Islamic Law guarantees, which is the situation when any government truly and sincerely implements Islamic Law. I would like to put the freedom of religion in a broader category called freedom of conscience because this involves freedom of religion and freedom of expression. As far as freedom of religion this is something that the Quran confirms over and over again. In the Quran in (2:256) "Let

there be no compulsion in religion.” Islam by definition is a voluntary and conscious submission to the will of God. It is illogical to say that one has to believe. As much as freedom of religion is emphasized there is the same emphasis on the respect of religion. This is why turning away from truth and belief in the supremacy of God after the person had accepted religion, especially if it is done publicly and in a way that causes descent and as legal manipulation to take advantage of personal law, which varies between Muslims and non-Muslims, by causing commotion in a society or by disturbing public order. Within the reasonable boundaries of respect of religion freedom of religion is greatly emphasized. This doesn't only include the freedom to believe but also the freedom to practice. As the Quran puts it in (10:99) “If it had been thy Lord's will, they would all have believed,- all who are on earth! wilt thou then compel mankind, against their will, to believe!” This means that we can not force people to be believers. Another verse in the Quran says that the Prophet was only sent as a reminder and not as a guardian over them. Fundamental religious freedom is clearly inshrined in the Quran and Prophetic sayings.

Host: Can you explain freedom of expression?

Jamal Badawi:

Freedom of expression is not only regarded as a right but as a duty and obligation. In fact the Quran speaks of the collective duty of Muslims to ordain the good and forbid the evil. In the early part of the Social System of Islam under the topic of social responsibility there were much more detailed discussions of that issue. The Prophet as narrated in Muslim said that “If anyone of you sees something indecent, unjust and improper let him try to change it by hand, if he can not change it by hand he should try to change it with his tongue (can be written or spoken word) and if he is not able to change it let him at least feel bad about it and change this act in his own heart. and this is the least of faith” Details were discussed as to how exactly to do it and under what circumstances would any of these meanings be used.

More specifically the Prophet indicated that Aldeen Al Naseeha which means that true religion is sincerity and advise. When they asked him sincerity to whom he said sincerity to Allah, sincerity to the Prophet and sincerity, advise to all Muslims in public and private and people in power. This is why we find that Omar, the second Caliph after the Prophet, addressed the people and said “ If you see anything improper in me as a ruler please correct me.” A person who was listening said “Omar if we find wrong actions on your part we will correct it even with our swords.” Omar replied “There is no

good in you people unless you feel free to criticize and there is no goodness in us if we don't listen to your suggestions and criticisms." This is what true and true and committed Muslims have always practiced.

During the time of Ali, a great Muslim, there was a group who deviated and were called Khawarij and they had a very hard assessment of Ali. Some of them considered him to not be a good believer and slandered and attacked him. Despite all of that, despite of their call for rebellion against the government and all of the verbal assault Ali never arrested them. He simply told them that he was not going to initiate any fight with them unless they start first and unless they make corruption on earth. Otherwise they were cursing him and he left them alone, until they they did something that was punishable by law. This took place during the 7th century of the Christian era not in the 20th century. Of course the question of freedom, like in any other place should not be used to slander others and accuse or attack them unfairly. Freedom of expression doesn't mean the freedom to spread corruption and it has to be within general decency while respecting the rights of others, public order and security of the state.

Host: How is personal freedom guaranteed in Islam?

Jamal Badawi:

Many people think that the best document in recent times, about personal freedoms goes back to 1919 in the Magnakarta which emphasizes the right of people to have their freedom and that they would not be arrested arbitrarily without charge or a court order. In fact this principle goes back farther than 1919, it goes to the 7th century in the Christian era. There was a case when a person was arrested or detained in the time of the Prophet (PBUH) and somebody came to complain and ask by what guilt that person was taken and the Prophet kept quite, the person asked a second time why the person was detained and again the Prophet kept quite, the third time the question was asked the Prophet kept quite for a while and then ordered his release. This means that whomever made the arrest was given three chances to come forward to come forward and give a reason for the arrest (because this played out in the Mosque). Since there was no particular charge he ordered his release. If we changed this situation to a court room it would be exactly like what happens today where someone can only be detained for so many hours and without a specific charge a person must be released. This is referred to in legal terms as hiatus corpus.

As the Quran mentions in numerous places in (17:15) "No bearer of burdens can bear the burden of another." As we know in previous points in history a person could be punished for the guilt of his father and the reverse but in Islam no one pays for the crime or mistake committed by anyone else. This freedom also involves the freedom of movement. Some jurists refer to the verse in Quran (67:15) where God speaks that he created the earth for us to walk in the expanse of the earth and seek His provision and as such nobody has the right to impose any restriction on one's freedom of movement. Except in exceptional cases of warfare when people are told not to go through the land of the enemy. Other than this people should be free to move and live where ever they want. It is unfortunate that in our age in the 20th century there are places with totalitarian regimes in the Eastern block where people may not have the freedom to move. Freedom also involves the right to privacy.

The Quran says "No bearer of burdens can bear the burden of another." (24:27) It was said that Omar once knew that some people were drinking, which was a violation, so he climbed over the fence and caught them. One of them said "Yes we are doing wrong and drinking but we did one thing wrong and you did three things wrong." He asked what he did wrong and the man answered that the man answered "that the Quran says that you should take permission and you didn't take permission, the Quran says you should come from the proper doors and you didn't and third the Quran says don't spy and you spied on us." Omar had no choice but to say alright there is no punishment for this. All of these show the nature of personal freedom.

Host: Is there anything else you want to add to the aspect of freedom?

Jamal Badawi:

Yes, in our discussion in the Economic System of Islam it was emphasized that the freedom of work in any profession so long as it is not forbidden to all because of it's immorality like pornography or prostitution, any person can choose a job or profession that he or she prefers. It was also indicated that learning is not only a right it is a responsibility and duty on people. The general liberties which relate to human dignity are all based on a verse in (17:70) where God says "We have honored the sons of Adam." When it says the children of Adam it means everybody.

Summary of 9.9 "Guiding Principles in Government"

The main focus last week was that instead of going into minor details of how an ideal Islamic State should run we talked about the guiding principles within which the implementation can be made depending on the circumstances of time and place. We discussed in some details justice as a fundamental principle and the various levels of implementation of justice: individual, family, state, universal or world justice. We discussed human equality and that it is not equality for one group but rather equality for all. We talked about its ideological foundation in the Quran and Prophetic sayings. We also discussed the concept of freedom, not just as a broad concept as we talked about the various implementations of freedom. For example we talked about freedom of religion, expression, privacy, freedom of work movement and freedom of the person like in habeas corpus (where a person should not be arrested or charged in an arbitrary manner without a specific charge). We tried to show the roots of either of these and how it would be when a committed Muslim sincerely implements those principles.

9.10 Rights of Non-Muslim Minorities

Host: What is the situation of non-Muslims in an Islamic State?

Jamal Badawi:

There seems to be undue fears that if we have a true and sincere Islamic State that there would be persecution towards non-Muslim minorities. It is true that an Islamic State is not a secular state where God is kept out of the picture. It is ideological state and one can not have an Islamic State unless the majority of people believe in that faith and are committed to teachings of their faith in their moral, individual, social, economic and political life. Being an ideological state is not the same as an exclusivist state which is designed only to serve their own citizens or community of believers at the expense of others. This doesn't mean that non-Muslim minorities are to be annihilated or gotten rid of-that is not what Islam teaches at all. In fact the Quran doesn't only address tolerating non-Muslim minorities under an ideal Islamic State but it talks about having cordial and friendly relationships with them. I recall that in the second series on the topic of Prophethood in a latter program which dealt with the relationship between Muslims and non-Muslims it was indicated clearly and documented that God doesn't want us as Muslims to have bad relationships with non Muslims who are not fighting us and who are not hurting the cause. In the Quran in (60:8) "Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your

homes, from dealing kindly and justly with them: for Allah loveth those who are just." It not only just a matter of toleration but it calls on friendly relationships. This is particularly true for the People of the book (Jews and Christians) who share many commonalities with Muslims such as the belief in God, Hereafter and moral teachings. We find that the Quran addresses them especially as the people of the book.

If I may add here since we are talking about the Political System in Islam that the very term used to refer to non-Muslim minorities living under the protection of an Islamic State Thimi is an expression of this principle of tolerance and friendship.

Host: What does the term Thimi mean?

Jamal Badawi:

Thimi comes from the Arabic term thima which means pledge or covenant. A Thimi, non-Muslim, living under an Islamic State is called this because he is a covenant. He is a person who has the pledge and covenant of Allah, His Messenger and of the believers that he would be protected and would live in freedom and dignity under an Islamic rule. This is basically an expression that guaranties their rights and freedom.

Host: Is there an analogy between Islam's position concerning minorities and Roman Law?

Jamal Badawi:

A good discussion of this was made by Dr. Sharif Al Basyouni in his article "Islam: Concept, Law and the world Habeas Corpus" published in the Rutger Camden Law Journal in the the fall of 1969. Briefly speaking there are two basic reasons why this analogy is not correct. First, unlike the Romans Muslims do not consider themselves to be the Lords of the population of the globe a predominant concept among the Romans. As indicated in the Moral Teachings of Islam a Muslim regards themselves to be the servant of God or the slave of God. Second, non-Muslims living under and Islamic State are not regarded to be an outside jurisdiction as we find in the Pax Romana on the subjugated people. Indeed it is emphasized that the Muslim and the non-Muslim under an Islamic State are equal before the law in every respect. The distinction between a Muslim and Thimi remains one of a political and legislative process and not one of human rights. In that sense minorities under Islamic rule enjoy more privileges than they do under the contemporary democratic systems.

Host: How do you justify this?

Jamal Badawi:

First of all whether a person is Muslim or non Muslim he is equal before the Law. In that sense it is similar with the democratic or secular systems of today. The mere designation of Thimi shows even more sensitivity and special care given to safe guarding the rights of those minorities. In other words instead of pretending everyone is the same it is sensitive and give covenant to them, their needs and rights. The obligation to be just and equitable with minorities is not just a legal responsibility as we find with minorities. In Islam it is both legal, moral and religious based on the commandments of God and the teachings of the Prophet which give it a much stronger motivating force. Things can always be done behind the law but since this is a moral and religious part of the orientation of the individual the rights and guaranties that are given to non-Muslims in an Islamic State come from the word of God and the sayings of the Prophet which are not changeable by humans. This makes a big difference between an Islamic State and democracies. Democracies can guaranty the rights of minorities but the same assembly have the right to take away those rights. Constitutions can be amended whereas in Islam rights are given by God and his messenger and as we indicated before in Islamic Law nobody has the right to supersede the word of God.

When a person is a Thimi it means that he has the freedom to follow the laws of his religion. If there is a religious minority under and Islamic State Islam does not say that they should get married, divorced or follow the laws of inheritance as everyone else. A Jew or Muslim living in a contemporary democracy whether it is in Canada or Britain can ask for the law of their religion to be applied for the law of inheritance because it is a secular state. In Islam it respects the religious beliefs of people and allows people to follow their own religious law regarding personal matters. This is fair documentation that this is above guaranties and freedoms given in a democratic system. The only difference remains that an Islamic State can not be ruled by a non-Muslim because it is an ideological state, there is no apology for that. It would be rather cosmetic to say that anyone could become president because no Buddhist or Muslim will ever be the president of the United States or the prime minister of Canada or the prime minister of Britain. Being an Ideological state ruled by the Quran it has to have a person rule who believes in what he is implementing. This doesn't mean that non Muslim minorities have no rights to other positions including the highest ministerial positions and this was practiced in history. If

we look at it in terms of the total rights and guaranties it is even more than democracy.

Host: What does the meaning of Thimi, covenant and protection, entail?

Jamal Badawi:

Some jurists put it in terms of two aspects of protection: external and internal. External protects the non-Muslim minorities against any danger coming from outside the State. Ibn Hazm said that if in our Islamic State we had some Thimis and an enemy came to attack them particularly, in this case even though they are not attacking us as Muslims we are required to fight them and to protect and defend the non-Muslim person with all of our might or else we will have betrayed our trust and our covenant to protect them according to the Law of Allah and His Messenger. Ibn Taymiyyah, a famous Muslim jurist, during the Tartar invasion went to their leader to spare the suffering of the people. The Tartar leader said to Ibn Taymiyyah that he could give protection for the Muslims only. Ibn Taymiyyah did not like this and said that this would not please them and that the Christians and other families are under our protection and if you want to give protection you must give it to all. So he defended everyone's rights even though other people would have been ok with having themselves defended, but he refused and insisted that he should cover all of them. As far as internal protection from any kind of tyranny within the State. This protects their lives, property, owner, dignity and personal freedom.

Host: What was the attitude of Prophet Muhammad towards non-Muslim minorities, Thimis?

Jamal Badawi:

One of his sayings as narrated in Al Tabarani "Whoever hurts a Thimi, he is hurting me and whoever is hurting me is hurting Allah. The Prophet himself puts himself in the same place as a Thimi and whoever hurts a Thimi. In another saying he said whoever hurts a covenanted non-Muslim I will be his complainant and whoever I am the complainant for I will ask for his rights on The Day of Judgement. In another saying of the Prophet he says whoever committed any act of injustice to a person who has a treaty with the Muslim, took away part of his rights, charged him with something he could not do (labor or other things) or too from him anything without his consent then I will be his complainant on The Day of Judgement. These are just an indication of the theme of the many Prophetic Sayings on this subject.

One example of the Prophet's deeds is that he provided a charter to the Christians in Najran, Yaman the Prophet provided a charter which gave them all their religious freedom and they ran their own personal affairs. In one famous document was the covenant that Prophet Muhammad (PBUH) gave to the monks and priests in Saint Cathrin's which is near Mount Sini in Egypt. Some of the items on the covenant: One was that the priests and monks were not to be unfairly taxed, second no bishop is to be driven out of his bishopric, three no Christian is to be forced to reject his religion or to become Muslim, four no monk is to be expelled from his monastery, five the pilgrims are not to be detained from their pilgrimage, six no Church can be torn down for the sake of building Muslim mosques or Muslim homes, seven Christian women married to Muslim men are to fully practice their faith without pressure or intimidation and eighth should the priests and monks need help to repair their churches it should be provided. I do not know where in the 20th century we find this kind of spirit of tolerance or respect of others.

Host: Can we discuss Jiziah? Have Muslims levied taxes on non-Muslims who did not embrace Islam as a form of punishment, is this true?

Jamal Badawi:

It has nothing to do with punishment at all. First of all, Jiziah which is a tax levied on non-Muslims living under the protection of an Islamic State. It has nothing to do with punishment, intimidation or pressure to embrace Islam, which would if it was the case would be contrary to the freedom of religion and practice of one's own faith. Some people pick one aspect of Islamic Law and leave the other. Under Islamic Law all residents are entitled of social security and are entitled to the protection of the State. Muslim citizens are required legally and religiously to pay Zakah, institutionalized charity, which is a percentage of the excess funds which they have beyond their basic needs. It is a minimum of 2.5% and could vary with different sources of income. This requirement is enforceable by law. If people refuse to pay it the Islamic State can actually force people to pay it.

A non-Muslim who gets all the benefits of being a citizen under the protection and social security of an Islamic State is not required to pay Zakah. Zakah is religiously oriented and the non-Muslim doesn't believe in Islam so out of respect to their beliefs we can not force a non-Muslim to pay what is a Muslim's religious duty but it would also be unfair for them to receive benefits without sharing the cost. So instead of forcing him to pay Zakah he has to pay Jiziah which is their equivalent. The other aspect is that under an Islamic system a non-Muslim can not be forced to have the

compulsory service in the army. Again this is being sensitive because he would be fighting under a Muslim army for a cause that he may or may not sympathize with. Out of respect for that a non-Muslim doesn't have to participate in the army but part of the taxes go to defense purposes.

This is why some jurists say that if a non-Muslim wants to serve in the army and he is accepted then he is not required to pay Jiziah. Some jurists even say that if a non-Muslim offers a good service to the Muslim community then the Jiziah could be waved. Jiziah was a very small amount and varied with the financial status of the individual. The law of Jiziah, discussed in a book known as Alkharaj which discusses the revenues of the State, which is not supposed to be imposed on women, children, elderly or anyone who can not earn because of temporary or permanent disability. Some jurists say that if the State feels that there is no need to collect Jiziah from non-Muslims because they are resourceful enough that it is not mandatory. It is obvious then that Jiziah is neither a punishment nor an endorsement to become a Muslim. If a non-Muslim becomes a Muslim he will have even more financial obligations because they would pay more as a Muslim than they would be paying Jiziah as a non-Muslim. Of course this presumes that those who implement the law are sincere and are doing it in justice and fairness to all do not abuse it. If there is an unjust ruler it would apply to both Muslims and non-Muslims.

Host: Are there any final comments with respect to Muslim tolerance of non-Muslims.

Jamal Badawi:

In a document from the 12th century, Aximili in which one of the head of the Church said clearly that Muslims do not hate or oppose us and they allow us to practice our faith freely and they respect us in our honor and dignity. He admitted that they also gave them help and financial support for their churches. In fact the document is found in more than one museum in Britain in Arabic and the translation is amazing in terms of the kind of guaranties and tolerance that was accorded to non-Muslims. This was unparalleled in history past or present.