



The Islamic State, Explicit Kufr and Dar ul Kufr

The concept of ruling is not a modern construct. It is something that is as old as the concept of a society. Societies have always needed to be taken care of, which is only possible through an authority or a rule of law. Such an authority has always existed throughout history, either in the form of tribal chiefs, as in the past, or as the authority of a nation-state in modern times. People naturally desire for a leader whom they can obey. In fact, obedience is one of the most important characteristics in human beings. Obedience manifests itself from childhood in the form of obedience to parents whom children consider as their well-wishers. Historical incidents narrated in the Noble Quran, which is the most authentic source on history being divinely revealed, clearly indicate the presence of rulers in those times. So how is it possible that Islam, being the most comprehensive way of life, has not provided guidelines and rulings on one of the most important realities of people in their collective lives, a rule which is applicable for all times to come? In fact, in reality, numerous Quranic verses and Ahadith exclusively deal with the issue of authority and ruling. The divine texts frequently make use of terms like *sultan*, *hukm* and *mulk* to refer to authority and ruling. All of these words are synonymous, and refer to the ability or authority to enforce legislation. The word *hukm* means a decision or judgment and a *hakim* is a ruler who enforces the *hukm*. Similarly, we also find other words such as *amir*, *amarah*, *imam* and *khaleefah* in the texts.

The term *الدولة الإسلامية* is translated as the Islamic state. The word *riyasat* (state) in Urdu is also derived from the Arabic words *ras* and *rais*. The word *rais* means a leader or a chief. For example, Abdullah bin Abi Salul is known as *rais ul Munafiqeen* (i.e., the chief or leader of the *Munafiqeen*). Although the term Islamic state is used interchangeably with the word Khilafah, Islamic sources and books on *fiqh* do not substitute the term Islamic state for the Khilafah. Instead, jurists used the terms *dar ul Islam* to refer to an Islamic authority and its relations with other states of *dar ul Harb*. The reason is that these terms are very broad and meaningful in terms of their implications or consequences. These terms describe a specific reality found in Shariah; that is, they point to a reality that is already present in Shariah and not something that has been invented by the jurists themselves. So *dar ul Islam* exactly refers to the Khilafah, except when any of its provinces are in rebellion. However, the ruling on these rebellious provinces is that they need to be made a part of the Khilafah again sooner or later. This verse from Allah (swt) also confirms the Shari' reality of *dar ul Islam*: ﴿وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَى لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ خَوْفِهِمْ أَمْنًا يَعْبُدُونَنِي لَا يُشْرِكُونَ بِي شَيْئًا وَمَنْ كَفَرَ بَعْدَ ذَلِكَ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ **Allah has promised those of you who believe and do good that He will certainly make them successors in the land, as He did with those before them; and will surely establish for them their faith which He has chosen for them; and will indeed change their fear into security—provided that they worship Me, associating nothing with Me. But whoever disbelieves after this 'promise', it is they who will be the rebellious.** [TMQ Surah An-Noor 24:55]. This verse mentions two things: (1) the establishment of Deen and (2) the substitution of fear with peace. And these are actually the two conditions of *dar ul Islam*, i.e., the implementation of Islam and sovereignty with the Muslims. The term *dar ul Islam* was common during the period of the Companions.

Imam Abu Yusuf in his book *Kitab ul Kharaj* reproduces the written contract that Khalid bin Waleed (ra) made with the people of Hira, أو كان غنياً فافتقر، أو أصابته آفة من الآفات، أو عيّل من بيت مال المسلمين، و عياله، ما أقام بدار الهجرة و دارالاسلام، فان وصار أهل دينه يتصدقون عليه طرحت عنه جزيته، و عيّل من بيت مال المسلمين، و عياله، ما أقام بدار الهجرة و دارالاسلام، فان خرجوا الى غير دارالهجرة و دارالاسلام فليس على المسلمين النفقة على عيالههم **“So an old person who is unable to work, or is afflicted by some disease, or who was rich but then became poor, so that the people of his religion began giving charity and alms to him, will not be required to pay *jizya*. As long as he lives within *dar ul Hijrah* and *dar ul Islam* his family and his needs will be fulfilled from the Bait ul Maal of Muslims. However, if such a person leaves *dar ul Hijrah* and *dar ul Islam*, then the responsibility of fulfilling the needs of his family and children will not be upon the Muslims.”**

Regardless of the terminology, the reality of any state is usually that it is **انها كيان تنفيذي لمجموعة** **“It is an entity that implements a set of concepts,**

criteria and convictions that have been adopted by a group of people.” In other words, when a group of people living in a certain region embrace a set of concepts, criteria and convictions, and establish an authority to take care of the needs of the people in accordance with these concepts, criteria and convictions, then a state is born. This could then be a small state like Madinah or multi-continental like Soviet Union, an imperial state, a democratic republic, an Islamic State or some other state based on *kufi*.

The concept of an Islamic state differs in many respects from the modern concept of a territorial state, which historically actually originates from the Western intellectual and political tradition, rather than from Islam. The concept of a modern territorial state is something that the West has been spreading across the world for hundreds of years. Over the past couple of decades, the United States has been trying to strengthen this concept even further through the United Nations and several other multilateral institutions. For the West, a state is essentially a piece of land on which a people and their government permanently live on. So for them states are countries or homelands that have specific boundaries, and where sovereignty belongs to the people living there. Furthermore, the government is collective, and not individualistic. Thus the country, its people and its rulers form a state. Contrary to this, in Islam states do not have any permanent borders because the message of Islam must be spread across the world, so that the authority of Islam spreads to other regions, the borders too must also expand. The word *watan* simply refers to the place where a person resides permanently, i.e., his house and neighborhood. Absolute authority belongs to Shariah and not to the people and both the rulers and the people are bound by it. Furthermore, ruling in Islam is individualistic and not collective. And so since the ruler - who is called the *khaleefah* - has all the powers related to governance, so the *khaleefah* is essentially the state.

It is because of this difference in the concept of a state, that some of the Muslims are inclined to believe that the use of the word “Islamic state” for *Dar ul Islam* or Khilafah is not correct because a state is a unit of the Western capitalist world order. This is not correct. The term ‘state’ is itself a neutral term needing qualification. It could either refer to the city state of Greece or the imperial state of Rome, or it could be a feudal or a socialist state, or an Islamic or a nation state. In fact, it is similar in this regard to word ‘law’, which is also a Western term, but can be used in the context of Islam also, since it simply refers to a rule that is enforceable by an authority, which is a concept that is found in Islam as well.

One question that does arise here is that since an Islamic state is also established on a territory and has its own inhabitants, is it then not similar to the Western modern territorial state? The answer is that it is not. The German nation state will always be tied to the German soil and people, with its capital in the German lands. However, the Islamic state is constantly expanding and is not tied to a land or race. Thus the capital of the Khilafah was found in the eras in different regions, whether Madinah, Baghdad or Istanbul.

The Pakistani liberal faction gives the impression that enlightened ideas about the state originated from the West. This is because they consider a modern state to be one which is in line with the concept of the modern Western territorial state and whose structure is based upon Western political philosophy for governance. So if a state does not have a parliament that represents the power of the people and if there is no autonomous division of the legislature, judiciary and administration, then it is as if it is a stereotypical state like the kingdoms of the past that cannot meet the requirements of today. Since their superficial knowledge of Islam leads them to think that this institutional structure is missing, they conclude that the Islamic system of governance is some primitive system that is only suitable for a tribal society but it cannot meet the requirements of the modern world.

However, the reality is that parallel autonomous institutions in the modern democratic state and the complex division of powers have actually resulted in a multitude of problems and crises. This, in turn, indicates the inability of the human intellect to produce a system that can take care of the affairs of the people. However, the arrogance of the rationalist West prevents it from acknowledging this fact. This problem is, in fact, similar to the problem of the Western economic system, which in its understanding and implementation is too complex and intermingled. However, capitalist economists are not able to see that the reason for this complexity is not

because the human mind has evolved into something intricate, but because of its inability to organize the economic affairs of the people.

Western-influenced modernists in Pakistan believe that Islam does not provide a permanent concept of ruling and governance, nor is it its purpose to do so. They believe that it was simply a coincidence by which the Prophet (saw) came to be the ruler of Madinah, since many of the Prophets (as) before did not establish a state. They also assert that not establishing the state did not prevent Prophets from effectively conveying what was revealed to them by Allah (swt) to the people. They claim that the duty of the Prophets (as) is thus to simply deliver the revelation and not to rule. Furthermore, they assert that political Islam is actually an invention of contemporary Islamic thinkers when some Muslims stood up against the oppression and aggression of the non-Muslims and began linking the solution to the problems that Muslims face globally with the lack of the implementation of Islam as the rule of law. These ideas then propagated rapidly within Muslim societies to the point that it became common for Muslims to think that the establishment of the Islamic state is one of the precepts of religion.

The first major attempt at rejecting the idea that Islam provides a concept of a state was made by Ali Abdul Razzaq, a scholar at Al-Azhar University, one year after the British-influenced collapse of the Khilafah, when he wrote a book in 1925 entitled *al-Islam wa 'usul al-hukm* (Islam and the Principles of Ruling). In this book he advocated for the opinion that Islam does not give any specific system of ruling. It is not surprising that this student of Muhammad Abdu later became the rector of the Al-Azhar University in Egypt!

Modernist thinkers also rejected the terms *dar ul Islam* and *dar ul harb*, claiming that these terms were coined by some jurists to describe the conditions at their time. However, this statement ignores the simple fact that jurists formulate a term to express a particular idea. The idea does not come into existence because of the terms. Instead, the concept is already present within the Islamic sources. An example of this are the terms of *sahih* and *da'eef hadith*. The concept of authority in Islam, and the various rulings related to it, such as the rulings concerning the relationship of this authority with non-Muslims, are already present in the Shari'ah texts and are not the result of the coining of terms such as *dar ul Islam* and *dar ul Harb*. Moreover, the words *dar ul Islam*, *dar ul Shirk*, *dar ul Muhajireen* are already present in numerous hadiths and were also frequently used at the time of the Companions, although the jurists did in later periods discuss this at greater length and provided more detailed rulings regarding them. The reason why modernist thinkers feel the need to reject these terms is because they want to reject the fact that Islam is a complete way of life. For them, a state based on the beliefs of Muslims only, with no interference from non-Muslims, is something that is simply wrong. Another reason for discarding these terms is that they want to deny the concept of perpetual, expansive *jihad*. This is because dividing the world into *dar ul Islam* and *dar ul Harb* opens the discussion of an Islamic state to wage *jihad* to convert *dar ul Harb* into *dar ul Islam*. According to the modernists, since non-Muslim states surrounding the Muslim state at that time were generally at war with the Muslims, the jurists declared all these areas as *dar ul Harb*. So, they argue, it does not mean that there is a permanent and perpetual war between Muslims and non-Muslims that should continue until the whole world is converted to *dar ul Islam*.

However, the Ummah, be it Arab or non-Arab, has escalated its struggle to establish a rule purely on the basis of Islam, discarding the Western-influenced modernist thinking that is completely alien to Islam. The debate between the Ummah and its 'Ulema today is not on whether Islam provides a concept of ruling and authority or not, but instead on how to decide if a particular state has transitioned from being Islamic to being non-Islamic, and what methods should be employed to convert it back to an Islamic one. So, for example, Syed Abul-Ala Maududi made this discussion of the transitioning of an Islamic state to a non-Islamic one in his book *Khilafat o Malookiat*, and concluded that the state under the Umayyads was not a valid Khilafah. The first and second terms of the Taliban in Afghanistan also sparked a debate in Pakistan on when a non-Islamic state is transformed into an Islamic one. While this debate indicates that the establishment of an Islamic state or Khilafah is now the collective goal of Muslims, it also highlights a lack of clarity in Muslim scholarly circles on this subject.

Let us discuss this point further because the answer to the question of whether the Khilafahs of the past were valid Khilafahs or not is dependent on the answer to the question regarding the

circumstances under which *dar ul Islam* is abolished. Furthermore, deciding whether an authority established today and calls itself Islamic is really Islamic also depends on the conditions necessary for *dar ul Harb* to convert to *dar ul Islam*.

As far as the abolition of *dar ul Islam* is concerned, it is the result of the violation of at least one or both of the two conditions required for *dar ul Islam*. The first condition is that the sovereignty of the land must remain with the Muslims and not the non-Muslims. The second condition is that the affairs of the people must be managed in accordance with Islam and not *kufr*. Here sovereignty means that both the internal and external affairs of the state are completely in the hands of the Muslims. And *kufr* here refers to *kufr* that is definite and evident in its *kufr*, i.e. there is not even a shred of doubt in it, and not just a jurisprudential view point.

When we look at the Khilafah of the past, it is obvious that it fulfilled both of these conditions. Sovereignty was in the hands of the Muslims during those times and the affairs of the people were generally managed in accordance with Islamic injunctions, even if the evidences for some of these were particularly weak in specific periods of time. Oppression by the rulers does not mean the implementation of *kufr* by itself. If a ruler abuses his power to suppress a rebellion, or unjustly snatches someone's wealth, or derives benefits from the wealth of the Ummah for himself and his family or ordered someone to disobey Allah (swt), then he was certainly guilty of doing a *haram* action. However, this does not fall under the category of *kufr buah* (explicit *Kufr*). There is a difference between suspending a specific rule to favor one's relatives and calling Islam a medieval way of life that is not suitable for the modern world. There is also a difference between drinking alcohol and legalizing alcohol, usury and adultery and gambling. It is narrated on the authority of Hudhayfah ibn Yaman that the Messenger of Allah (saw) said, «يَكُونُ بَعْدِي أَيْمَةٌ لَا يَهْتَدُونَ بِهَدَايَ وَلَا يَسْتَنْوْنَ بِسُنَّتِي وَسَيَقُومُ فِيهِمْ رِجَالٌ قُلُوبُهُمْ قُلُوبُ الشَّيَاطِينِ فِي جُنْمَانِ إِنْسٍ قَالَ: قُلْتُ: كَيْفَ أَصْنَعُ يَا رَسُولَ اللَّهِ إِنْ أَدْرَكْتُ ذَلِكَ قَالَ: تَسْمَعُ وَتَطِيعُ لِلْأَمِيرِ وَإِنْ ضَرَبَ ظَهْرَكَ وَأَخَذَ مَالَكَ فَاسْمَعْ وَأَطِعْ» **“There will be rulers after me who will not take guidance from my guidance nor will they follow my Sunnah. There will be people among them whose hearts will be like the heart of Satan in a human body”**. He asked, **“O Messenger of Allah! If I live to see such a ruler, what should I do?”** He replied, **“Listen to him and obey him even if he flogs you on the back and devours your wealth, you should still listen and obey him.”** [Muslim] It is narrated from Abu Dharr that the Prophet (saw) said, «يَا أَبَا ذَرٍّ كَيْفَ أَنْتَ عِنْدَ وِلَاةٍ يَسْتَأْتِرُونَ عَلَيْكَ بِهَذَا الْفِيءِ قَالَ وَالَّذِي بَعَثَكَ بِالْحَقِّ أَضِغْ سِنْفِي عَلَى عَاتِقِي فَأَضْرِبْ بِهِ» **“O Abu Dharr! What will you do when there will be rulers who will keep the wealth for themselves instead of giving it to the people?”** He replied, **“I will put it on my shoulder and hit with it until I meet you.”** He said, **“Shall I not tell you something that is better than that? Be patient until you meet me.”** [Ahmed]

For a ruler to personally deviate from Islamic rulings but nevertheless implement them publicly, for a ruler to order a state official to commit an act that goes against Islam, for a ruler to manifest *kufr buah*, for a ruler to take authority for himself by a force, and for a ruler to manage affairs of his people according to non-Islamic principles are all different realities for which there are detailed rulings in Shariah. Those who try to invalidate the underpinning Islamic reality of the past Khilafah on the basis of a few cherry-picked historical events have, on the one hand, made use of erroneous principles to study history, and on the other hand, have ignored the legal aspect of Islam. Moreover, they are influenced by the West's conception of a state. Instead of relying on authentic evidence on whether the Muslim lands during those periods of time were *dar ul Islam* or not, these people have actually just used authentic and non-authentic sources to compile a list of the different oppressive and corrupt actions taken by some of the *Khulafa'a* during that period of time in order to influence readers to adopt their own positions regarding this matter.

It is also important to understand here that a state is not invalidated as a Khilafah the moment the *Khaleefah* practices *kufr buah*. To understand the difference between *kufr buah* manifesting itself in an Islamic state and *dar ul Islam* being abolished, it is necessary to first understand what *kufr buah* really means. When we look at the *hadith* regarding a ruler practicing *kufr buah* we find that they just do not mention *kufr buah*, but also mention requirement of a definite evidence establishing that *kufr buah* has occurred. So the Messenger of Allah (saw) did not just suffice on saying, «إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا» **“Except that you see explicit *kufr*”** but also added «عِنْدَكُمْ مِنَ اللَّهِ تَعَالَى فِيهِ بُرْهَانٌ» **“for which you have *burhaan* [proof] from Allah.”** [Bukhari]. The word *burhaan* is only applicable for definite evidence. So if there is a doubt that something is *kufr* or not, then the term *kufr buah* against which the Prophet (saw) has ordered Muslims to raise

their swords does not apply. Secondly, the term *kufr buah* appears as a descriptive noun (نكرة موصوفة), and so is applicable on anything that could be *kufr buah*, rather than specific things. The word *buah* is from the words *bah* and *bawah* which literally mean ‘to appear’. So *kufr buah* is *kufr* that is “apparent and evident.” There are three ways in which it can occur:

1. The ruler rejects the Islamic *aqeedah* and becomes a non-Muslim and openly shows his disbelief.

2. Some Muslims living in *dar ul Islam* become apostates but the ruler continues to accept them as Muslims. This is because the *hadith* mentions *kufr buah* simply as a descriptive noun (نكرة موصوفة), so it is not necessary that only the ruler expresses disbelief. Instead if anyone does it, it will be considered as *kufr buah*. The only conditions are that the *kufr* is manifested within the state and there are no efforts to stop it. However, non-Muslims and *Mustamanin* living within *dar ul Islam* in their state of non-belief and with their places of worship are exempted from this, because of the rulings about *Jizya* and their security.

3. The ruler rejects the definite injunctions of Islam, such as declaring that alcohol is permissible, because Allah has not forbidden it, whilst trying to enforce this publicly. This falls under the category of *kufr buah*, because here the ruler openly denies the definitiveness of the Quran, which is *kufr*, as Shaykh Taqi al-Din states in the first chapter of his book *Nizam-ul-Islam*, “Therefore, it is **Kufr to deny the Ahkam Shari’ah as a whole, or any definite (qat’i) detailed hukm of them. This is the case whether these ahkam (rules) are connected with worships (ibadaat), transactions (mu’amalaat), punishments (uqoobaat), food, etc. So the rejection of the verse ﴿وَأَقِيمُوا الصَّلَاةَ﴾ "So establish regular prayer."** [TMQ Surah Al-Baraqaah 2: 43] is the same as rejecting the verse ﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾ “But Allah has permitted trade and forbidden usury.” [TMQ Surah Al-Baraqaah: 275] and is the same as rejecting the following verses, ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾ “As to the thief, male or female, cut off his or her hands.” [TMQ Surah Al-Ma’idah 5:38] [and] ﴿حُرِّمَتْ عَلَيْكُمْ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخَنزِيرِ وَمَا هَلَكَ لغيرِ اللَّهِ بِهِ﴾ “Forbidden to you (for food) are dead meat, blood, the flesh of swine, and that on which has been invoked the name of any other than Allah.” [TMQ Surah Al-Ma’idah 5: 3].” Similarly, if a ruler suspends a definite rule in Islam on the grounds that it is not applicable in modern times, or if the ruler adopts a law that he thinks is better than the Islamic law, then this is also a manifestation of *kufr buah*, and the following verse applies to him, ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ “And those who do not rule by what Allah sent down are indeed disbelievers.” [TMQ Surah Al-Maidah 5:44].

The difference between the manifestation of *kufr buah* in *dar ul Islam* and the abolition of *dar ul Islam* is the period in which attempts are made to enforce *kufr buah* publicly, so as to abolish *dar ul Islam*. Once these attempts are successful and the affairs of the people start getting managed in accordance with these new laws which begin dominating the society to the extent that opposing them becomes a crime, then *dar ul Islam* has transitioned into *dar ul Kufr*. Today we see the same situation in Muslim regions, where the state is based on *kufr* concepts such as the right to legislate, liberal freedoms, equality between men and women and basic human rights. Dictators or parliaments make laws that are based on these concepts and these laws are then implemented by force by the state, and the courts make decisions based on them. Hence, the affairs of the people now are being managed in accordance with these *kufr* concepts.

Some people argue that this is not a correct viewpoint since the state has already specified in the constitution that sovereignty belongs to Allah (swt) and that the ruler cannot implement anything that is contrary to Islam. So now if the ruler makes a mistake and goes against the constitution, then this is not the fault of the state, and the state thus remains Islamic. However, this is an incorrect argument, because in Islam there is no division between government and state. Allah says ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ “Those who do not rule according to what Allah has revealed are indeed disbelievers.” [TMQ Surah al-Maidah 5:49] So here the ruling is regarding the decisions of the ruler, irrespective of whether these decisions are because of the constitution or some other reason. Furthermore, Islam has clearly defined *kufr buah* as something that can have any source, whether it is manifested from the constitution, actions of a ruler, or the people living within the state. This is in addition to the fact that most of the provisions

of the Constitution are themselves derived from *kufur* concepts, such as the right of human beings to legislate, basic human rights, peaceful coexistence, equality between men and women, compliance with United Nations and international law.

There is a difference in the manifestation of *kufur buah* in *dar ul Islam* and *dar ul Kufr* being abolished, so the ruling on each of these matters in Shariah is different, since it is a well-known that the ruling changes if the reality of something changes. Let us consider this *hadith* to understand this difference: «بِأَيْعُنَا رَسُولَ اللَّهِ -ﷺ- عَلَى السَّمْعِ وَالطَّاعَةِ فِي الْعُسْرِ وَالْيُسْرِ، وَالْمُنْشَطِ وَالْمَكْرَهِ، وَعَلَى أَثَرَةٍ عَلَيْنَا، وَعَلَى أَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ إِلَّا أَنْ تَرَوْا كُفْرًا بَوَاحًا عِنْدَكُمْ مِنَ اللَّهِ تَعَالَى فِيهِ بُرْهَانٌ، وَعَلَى أَنْ نَقُولَ بِالْحَقِّ أَيُّمًا كُنَّا، لَا نَخَافُ فِي اللَّهِ لَوْمَةَ لَائِمٍ» (Ubada Ibn Samit narrates that) **we pledged allegiance to the Messenger of Allah (saw), that we would listen and obey him in times of difficulty and ease, in happy and sad moments, and even when others were preferred instead of us, and that we will not interfere in the affairs of those who govern the state. (The Prophet (saw) said) except that you see them committing *kufur buah* for which you have clear evidence (*burhan*).**” This *hadith* describes two cases: the first case is where it is not permissible to raise the sword against the ruler, but to obey him in happiness and sorrow and hardship and ease, as long as he does not commit *kufur buah*, whilst the second case is where it becomes permissible to rebel against the ruler because he openly practices *kufur buah*. That is to say, that this *hadith* describes the scenario where initially there is a *dar ul Islam* and the ruler rules according to what is revealed by Allah (swt), despite the fact that some people dislike what he does, but then later on starts committing *kufur buah* and so the people raise their swords against him. This is why Hizb ut-Tahrir does not take up arms against the current rulers as a principle, because the reality of Muslim areas today is not that they originally were ruling as per Islam and then transcended into *kufur*, but the reality is that all of them are in *dar ul kufr*. They are thus similar to Makkah at the time of the Prophet (saw), where *kufur* was dominant and people managed their affairs in accordance with it. The Prophet (saw) did not raise his sword against them but rather carried out an intellectual and political struggle against them. An example of *kufur buah* appearing in *dar ul Islam* is that of Mustafa Kemal who replaced the Khilafah with a secular democratic state and began ruling according to *kufur* concepts. This would have been the time when if someone stood up against him and killed him, he would have fulfilled the Prophet’s (saw) order and would have prevented Turkey from converting to *dar ul Kufr*.

In addition to this, the words, «أَنْ لَا نُنَازِعَ الْأَمْرَ أَهْلَهُ» **“not interfere in the affairs of those who are eligible to govern the state”** are used which indicate that this *hadith* is about people whom Islam recognizes as legitimate rulers, i.e., people are who are eligible to rule because the Muslims have pledged allegiance to them so that they implement Islam. And this *hadith* is then guiding the Muslims on what to do if these rulers start practicing *kufur buah*. Whereas, on the other hand, the current rulers in Muslims lands are not legitimate rulers in the first place, according to Islam, and so this *hadith* does not apply to them.

Despite the fact that Pakistan is clearly not *dar ul Islam*, many ‘Ulema are still hesitant in declaring it as so. They generally provide two reasons for this. The first is that if they declare Pakistan as *dar ul Kufr* then they believe that it would become obligatory to raise the sword against the current rulers, which would then lead to *fitnah* in the society. The second is that if we accept all Muslim lands as *dar ul Kufr*, then Muslims will no longer be obligated to defend and protect these territories from the disbelievers, as they are not *dar ul Islam* anymore. The reasoning of current ‘Ulema is flawed because of their lack of correct understanding regarding the difference in rulings for *dar ul Islam* and *dar ul Kufr*, and the conditions under which one converts into the other. So, for example, both the United Kingdom and Pakistan are *dar ul Kufr*. However, the security of Pakistan is still in the hands of Muslims, whilst in the United Kingdom it is with the disbelievers. It is not permissible for Muslims to handover the security to disbelievers. The security is acquired through authority and military power in a land. Handing over security to disbelievers is giving them authority over Muslims. In Islam, it is not permissible for Muslims to allow the disbelievers to dominate themselves because Allah (swt) says in the Noble Quran, **﴿وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾** **And Allah has not given the disbelievers domination over the believers.** [TMQ Surah An-Nisa 4:141]. And Allah (swt) has also commanded Muslims that their leader must be from amongst them: **﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ﴾** **“Obey Allah and obey his Messenger and those in authority from amongst you”** [TMQ Surah An-

Nisa 4:59]. Therefore, sovereignty must be with Muslims and this is independent of the command to rule in accordance with Islam, even though both of these commands need to be fulfilled. Not ruling in accordance with Islam is a sin, but one sin is not a valid excuse for another sin, by handing over the security to disbelievers. Furthermore, the Noble Quran orders the Muslims to respond to the disbelievers appropriately if they aggress against them, ﴿فَمَنْ اَعْتَدَىٰ عَلَيَّكُمْ فَاَعْتَدُوا عَلَيْهِ ۗ﴾ **“And whoever aggresses against you, you aggress against them in the like of their aggression against you.”** [TMQ Surah Al-Baqarah 2:194]

The answer to the question of when a state becomes an Islamic state is that there are two conditions that have already been discussed above that are necessary for *dar ul Islam*. That is, the sovereignty of the state must be with the Muslims and that affairs of the people must be managed in accordance with Islam. These two conditions were well known among the jurists in the past. However, in today’s world, since Muslims have lost their understanding of what it means to be ruled in accordance with Islam, so Hizb ut Tahrir had to describe the underlying principles of the Islamic State in detail. It had to discuss whether it is possible for the state to be a nation state, and why is it necessary for its foreign policy to be based upon spreading Islam through *dawah* and *jihad*, as well as if it is allowed for Muslims to have more than one *dar ul Islam*. Similarly, Hizb ut Tahrir had to clarify the basic Islamic ideas that form the basis of ruling and governance. Just as a disbeliever does not become a believer if he only practices Islam because he thinks that Islamic ideas are beneficial and useful, a state also does not automatically become Islamic if it only purports or asserts to follow Islam, but does not in actuality, as is evident in its violation of clear Islamic rulings. This is why Hizb ut Tahrir began its draft constitution of Khilafah State by asserting that the basis of an Islamic state is the Islamic *aqeedah*, and clarified that the basis of a state are its thoughts and concepts. The constitution of any state makes the concepts on which it is based evident. Therefore, if a state today claims to be *dar ul Islam* then it is necessary that it presents its constitution to the Ummah, with divine evidences supporting each article. Hizb ut Tahrir believes that the structure of the state and the detailed rulings that it has presented in its books are the correct ones, whilst accepting that there could be differences of opinions. And just as Imam Hassan (ra) stood aside in favor of Amir Muawiyah to keep the unity of the Ummah, even though he believed that he was worthy of the post of the *khaleefah*, the Hizb too is ready to accept any other party that establishes *dar ul Islam*, on rulings that are different from those of Hizb, as long as they are derived from Islam. While Islam does allow scholarly disagreements between Muslims, the scope of these is not too large. Therefore, whoever has an alternative blueprint of an Islamic state derived from Islamic sources through *Ijtihad*, and different from that of Hizb ut Tahrir, must present it.

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