

‘People who appoint a women as their leader will never succeed.’

3. Mature: The Khaleefah must be mature i.e. above the age of puberty. The Rasool (saw) said: ‘**Accountability is lifted off three persons: The dormant until he awakes, the boy (adolescent) until he reaches maturity and the deranged until he regains his mind.**’ The person who is not accountable under *Shar’a* is not able to be responsible for himself, so it is unlawful for him to become Khaleefah or to hold any post of authority, since he is not responsible for his own actions let alone anyone else’s.

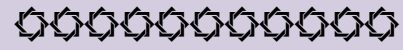
4. Sane: The Khaleefah must be sane and the evidence for this is the same as for being mature. The mind is a condition for responsibility and for the validity of actions. The Khaleefah enacts the rules and executes all the legal duties, it is therefore unlawful to have an insane Khaleefah because the insane cannot look after himself, nor is he responsible for his own actions, thus he cannot look after the affairs of the people by greater reason (*Bab Awla*).

5. Just: The Khaleefah must be just (*‘Adl*); it is not allowed for him to be a *Fasiq* (rebel). Justice is an obligatory foundation for contracting the Khilafah and for its continuity. This is because

Allah (swt) has stipulated that the witness must be just. He (swt) says: “**And seek the witness of two just men from amongst you.**” So if the witness must be just, then the Khaleefah who holds a higher post and rules over the witness himself should, by greater reason, be just. For if justice was stipulated in the witness, its presence in the Khaleefah must exist by greater reason.

6. Free: The Khaleefah must be free and not a slave, since the slave is under his master’s sovereignty, so he cannot run his own affairs, therefore he has no power to run other people’s affairs and be a ruler over them.

7. Competent: The Khaleefah must be able and skilled in carrying out the task of the Khilafah. This is an integral part of the *Bay’ah* contract. One who is unable to do so cannot perform the duty of running the people’s affairs by the Book and the Sunnah upon which he took the *Bay’ah*. The Court of Unjust Acts has the mandatory powers to determine the types of inability which the Khaleefah must not suffer of so as to be considered of those capable to carry out the tasks of the Khilafah.



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The Khaleefah

Bay’ah

Contractual

Conditions for the Khaleefah



Bay'ah (Pledge of Allegiance)

The *Bay'ah* is an obligation upon all Muslims and it's also the right of every mature Muslim, male and female. The evidences concerning the *Bay'ah* being an obligation are numerous. The Prophet (saw) said: **'Whoever dies while having no Bay'ah on his neck he dies the death of the days of ignorance (Jahiliyyah).'** This hadith came with a decisive connotation (*Qareenah*) i.e. linking to dying a death of *jahiliyyah*. It is the right of all Muslims to participate in contracting the Khaleefah. Once the *Bay'ah* is contracted to the Khaleefah then the Muslims must fulfil their side of the contract which is obedience to the Khaleefah. The *Bay'ah* then becomes a *Bay'ah* of obedience for the rest of the Muslims.

The Muslims must agree to obey the Khaleefah in ease and hardship as long as he implements Islam and doesn't order a sin. 'Ubadah Ibn us-Samit said: 'We gave Bay'ah to the Messenger of Allah (saw) to hear and to obey in ease and hardship.' From Junadah bin Abu Umayyah who said: 'We entered upon Ubadah bin As-Samit when he was ill and said: May Allah improve you. Relate to us a hadith for which Allah will benefit you

from what you heard from the Prophet (saw). He said: The Prophet (saw) invited us and we gave him a pledge (bay'ah). He said: **Among what he took as conditions upon us is that we pledged to hear and obey in what we find pleasing and what we dislike, in our ease and hardship, even if others are preferred over us and that we do not dispute the authority of those who possess it—he said—except if you see open disbelief upon which you have clear proof from Allah.'**

The *Bay'ah* can be given by a handshake or it can be given in writing. The *Bay'ah* can also be given by any other means to pledge their allegiance to the new Khaleefah. As for the wording of the *Bay'ah*, this may vary and is not restricted to any specific wording. It should, however include the commitment that the Khaleefah acts according to the Book of Allah and the Sunnah of His Messenger (saw), and that the person who gives the *Bay'ah* should pledge to obey in ease and hardship. It is not allowed to withdraw the *Bay'ah* of obedience to the Khaleefah. Once the *Bay'ah* is contracted to the Khaleefah then the Muslims must fulfil their side of the contract which is obedience to the Khaleefah. The *Bay'ah* then becomes a *Bay'ah* of obedience

for the rest of the Muslims. This is *Fard Al-'Ayn* (individual obligation). The evidence that the appointment of the Khaleefah is the right of the Ummah and that the Khaleefah can only take up his post and exercise his authority by taking a *Bay'ah* is taken from the sunnah of the Messenger of Allah (saw). Nafi' said 'Abdullah Ibn 'Umar told me: I heard the Messenger of Allah (saw) say: **'Whoever takes off his hand from an obedience, he will meet Allah on the Resurrection Day without having any proof to show for himself;'** (narrated by Muslim)

Contractual Conditions for the Khaleefah

1. Muslim: The Khaleefah must be Muslim. Allah (swt) says: **"And Allah will never (lan) give the unbelievers any way (of authority) against the believers."**

2. Male: The Khaleefah must be male. Abi Bakr (ra) said: Allah has given me the privilege of a word which I heard from the Messenger of Allah during the days of Al-Jamal (the camel), when I was about to join the people of Al-Jamal and fight with them: When the Messenger of Allah heard that the people of Persia had appointed the daughter of Chosroes (Kisra), he said: