

Rulings of allegiance in Islam

Ismail shahzad

Assistant Professor, Department of Islamic Culture, Faculty of Sharia, Shaikh Zayed University, Afghanistan

ARTICLE DETAILS

Article History

Published Online: 15 November 2020

Keywords

Allegiance, Imam (leader), rules, pledge.

*Corresponding Author

Email: ismailshahzad1405@gmail.com

ABSTRACT

Islam is a perfect inclusive system and its implementation is good for all times and places and one of these rules is the rules of allegiance which is proven by the Book and Sunnah. Allegiance to the Imam (leader) and adherence to, is obligatory (if the conditions of allegiance are fulfilled). According to preferred opinion of scholars, taking witnesses is not obligatory for the pledge of allegiance. Because there is no clear cut reason narrated from any book. When a cause (need) of allegiance arises, there are two types of allegiance that take place with Imam (leader). Special allegiance (pledge) and general allegiance.

Absolute ruling cannot be imposed on the one who breaches the oath of allegiance. Breaking the oath of allegiance is infidelity in some cases, and sometime it become a major sin which is explained in details. Dismissal of Imam (leader) has its own reason and causes which are discussed in details in the article. Taking the pledge of allegiance by force is allowed for Imam (leader) only at the time of need to prevent bloodshed of Muslims.

1. Introduction

Praise be to Allah, Who has sent His Messenger with Guidance and the Religion of Truth, to proclaim it over all religions even though the polytheists dislike it. And prayer and peace be upon Muhammad and upon his family and companions.

Next:

Islam is a complete system. The source of the principles of this complete system is divine revelation (Quran) and prophecy (hadith). In both of these sources there are principles, rules and guidelines for every aspect of life. Since human is a social being and love to live a social life and it is their natural desire to live a life of love and affection for one another, therefore the existence of a political system become necessary for such social life. Since human beings and especially Islamic ummah need a life system for the development of civilization, therefore there is need for a system of life which should be based on justice fairness and equality. And this system needs to have a leader, a head or caliph who should be a trustworthy person for the ummah and society. He should be a distinguished person in the entire society by possessing good qualities in terms of knowledge, justice, piety, authority, leadership skills etc. Therefore the manner of submitting the affairs of Islamic state to a qualified person, is explained to us in Holy Quran and prophetic hadeeth which is called allegiance. It is an independent and free way of appointing a caliph or leader by the ummah, free from all defects and harms, and in accordance with the principles and rules of Islamic law.

2. Introduction and legitimacy of allegiance

Meaning and definition of allegiance:

The word allegiance means covenant, agreement or promise.

Allama Ibn Khaldun (may Allah have mercy on him) defined the allegiance as follows:

Allegiance is a covenant or promise to obey the rules and orders of the leader (caliph). A person who is taking the pledge of allegiance, should not disobey the leader and to pay what he is obliged to, at the time of convenience and hardship.

Evidence for proving allegiance: There are many evidences to prove allegiance from various sources. Some of them are cited below:

A: Evidence from the Holy Qur'an: Allah (SWT) says: Translation: Indeed, those who pledge allegiance to you, [O Muhammad] – they are actually pledging allegiance to Allah. The hand of Allah is over their hands. [Al-Fath: 10].

B: Evidence from the hadiths: The legitimacy of allegiance has been proven in the Sunnah of the Prophet (peace and blessings of Allah be upon him). Prophet Muhammad (peace be upon him) asked companions many times for allegiance and they pledged allegiance with him. The legitimacy of allegiance is known from the biography (sirat) of Prophet Muhammad (peace be upon him). Allegiance is proven by sayings (Sunnah Qawliyyah/Hadith) and actions (Sunnah Al Filiyya) of Prophet Mohammad.

1- It is known from the actions (sunnah filiyya) of prophet Mohammad (peace be upon him) that he (prophet Muhammad) took allegiance from the Muslims in two places before the migration, which is called the first and second allegiance of Aqabah.

Translation: It is narrated from Ibadah ibn Al-Samit (may Allah be pleased with him) he says: "we were called by Prophet Muhammad (peace and blessings of Allah be upon him) to pledge allegiance to him". He (Ibadah ibn samit) continues, "We pledge allegiance that we will listen and obey him in case of happiness, sorrow, convenience and hardship. We will not

fight our leader unless we see a clear and known infidelity or blasphemy in him".

- 2- **Sayings (Qawliyyah Sunnah):** It is narrated from Abu Saïed al-khudri (may Allah be please with him) The Prophet (peace and blessings of Allah be upon him) said: When oath of allegiance has been taken for two caliphs, kill the one for whom the oath was taken later.
- 3- **Evidence from the consensus of the Ummah:** Allegiance is proven by the consensus of Ummah. Muslims have agreed on the legitimacy of allegiance. From the time of the Companions to our time, there is a consensus among the scholars and all of them are agreed upon allegiance.

3. Ruling of allegiance

Allegiance with Imam (leader) and staying loyal to it is obligatory for muslims. Almighty Allah has revealed many verses in the Holy Qur'an in this regard and has commanded the fulfillment of promises.

1. Translation: And fulfill the covenant; for the covenant shall be questioned about. [Al-asraa: 34].
 2. Allah (SWT) says in other verse: And fulfill the covenant of Allah when you have taken it. [Al-Nahl : 91]
- The obligation of allegiance is also proved in the hadiths of the Prophet (peace and blessings of Allah be upon him). He (peace be upon him) commended the fulfillment of promises and staying loyal to them. Upcoming hadith are the evidences in this regard.

- 1- It is narrated from Abdullah ibn Omar (may Allah be pleased with them). The Prophet (peace and blessings of Allah be upon him) said: "Whoever dies without taking allegiance, has died in in ignorance.
- 2- The Prophet (peace and blessings of Allah be upon him) said: "Whoever separated from a congregation or a group by an inch, indeed he has removed the circle of Islam from his neck."

Breaking the pledge of allegiance is prohibited (haraam) and who breaches it, commit a major sin, because allegiance is obligatory. Whoever breaks the allegiance and disobey the leader, his murder is permissible and battle is obligatory with him. The battle of Abu-Bakr Seddiq (may Allah be pleased with him) with deniers of zakat was because of disobedience of Imam (leader). Because Imam was asking them to pay zakat, but they refused.

4. Terms and conditions for validity of allegiance:

Scholars have stated some conditions for allegiance. These conditions are obligatory for the validity of allegiance. A Muslim must pledge allegiance to an Imam (leader) who meets the following conditions. If any of these conditions is lacking, the pledge of allegiance becomes invalid.

1. For whom the allegiance is taken, must fulfil the conditions of Imam. If not, the allegiance is invalid.

2. The influential people and men with authority should have supervision and guardianship of the oath of allegiance. The allegiance of general public is not valid. Public can take part in general allegiance but they should be obliged and mature (adult). Immature person cannot take the pledge of allegiance.
3. The Imam will be appointed in consultation with the Muslims, because Omar Farooq (may Allah be pleased with him) said: Whoever pledge allegiance to anyone without consulting the Muslims, this allegiance is invalid.
4. Whoever is pledged allegiance to, and appointed caliph, should be willing to accept this position and responsibility. If he does not willing, no one can force him.
5. The person with whom the allegiance is made will be a single person and will not be more than one.
6. Allegiance should comply with the book of Allah (Quran) and prophetic Sunnah.
7. The giver of allegiance must be completely free in his choice, just as the Companions were completely free while taking the pledge of allegiance to the caliphs. There is no single narration which can prove the pledge of allegiance taken by force by rashidun caliphs. The companions would pledge allegiance of their own free will and abandon it with their free will.
8. **Taking witnesses for allegiance:** There are three views of the scholars regarding the witnesses for allegiance:
 - i. Taking witnesses is not necessary for pledging allegiance.
 - ii. It is obligatory to take witnesses.
 - iii. If pledgers of allegiance are more, then taking witnesses is not necessary, if pledger is one, then witness is a condition for allegiance.

Proffered view: According to popular scholars, it is not obligatory to take witnesses, because there is no narration or evidence regarding the obligation of witnesses for allegiance. Pledgers of allegiance should be influential people in the society and men with authority and they should be a congregation and congregation does not need any witness. So it can be concluded that witnesses is not the condition for allegiance.

5. Types of allegiance

1- **Special Allegiance:** This is the allegiance that the Council of influential people and men with authority makes it with the Imam, and based on this allegiance, a person becomes the Imam, Caliph, or king. Such person (Imam) have the right of obedience, contribution and safety on the people of society. It means the people of the society should help the imam, obey his commands and keep his security.

This type of allegiance is explained in the biography of the Rashidun Caliphs. The council of influential people and men with authority are consulting for the appointment of Imam (leader). When they select the Imam (leader), then they take the pledge of allegiance with the Imam, as companions of

prophet did at the time of appointing Abu-Bakr Seddiq (may Allah be pleased with him) in Saqifa bani Saaeda.

When Abu-Bakr (may Allah be pleased with him) was appointing as caliph, Muhajireen and ansaar came together in Saqifa bani Saaeda and discussed about the appointment of caliph. But people preferred Abu-Bakr (may Allah be pleased with him) based on the suggestion of Omar (may Allah be pleased with him) and took the oath of allegiance through him (Omar). It was a special allegiance that took place by some people and the general allegiance took place on the next day.

2- General Allegiance: This allegiance take place after the special allegiance by general public. This allegiance has been practiced since the time of Rashidun caliphs when people of influence and men with authority have done a special allegiance with Abu Bakr Siddiq (may Allah be pleased with him) and on the second day, Abu-Bakr came to the stage in nabawi mosque, followed by omar (may Allah be pleased with them). Omar (may Allah be pleased with him) has informed the people about their allegiance with Abu-Bakr and asked them to take the pledge of allegiance with Abu-Bakr (may Allah be pleased with him).

6. Causes of allegiance:

1. **Death of the Caliph:** When the current caliph died and no one was promised for caliphate during his lifetime to be the caliph. Such as Abu Bakr Seddiq (may Allah be pleased with him) was appointed as caliph of muslims after the death of prophet Muhammad (peace be upon him).
2. **After the dismissal of the current caliph:** when the elected caliph is removed, the ummah must take the oath of allegiance with another caliph and appoint him as imam to take over the affairs of caliphate and prevent problems from arising.
3. **When the current caliph has the fear of disobeying by public:** It is the case when some people start disobeying the current caliph. At this time he (current caliph) should give the task to someone to get the allegiance from the people and bring them under his command and obedience.
4. Taking allegiance for a person who has been promised to be the caliph after the death of the current caliph.
5. Taking allegiance by the current caliph for the crown prince and is going to be the caliph of muslims after the death of the current caliph.

Types of allegiance with the Prophet (peace and blessings of Allah be upon him)

A: Allegiance to Islam: This is one of the most important obligatory matters. Breaking this allegiance is infidelity. Apart from this, breaking other types of allegiances is a major sin.

B: Allegiance for defense and contribution with Prophet Muhammad (peace be upon him): This allegiance is well illustrated when Prophet Muhammad took the allegiance from a group of Ansaar which is called the second allegiance of Aqabah. There were 73 men and 2 women at the time of that allegiance.

C: Allegiance for holy war (Jihad): This allegiance is mentioned in many places in the Holy Qur'an and hadith of the

Prophet (peace be upon him), and this allegiance is on everyone, and it continues because Jihad continues until the Day of Judgment. This type of allegiance was taken from companions by prophet at the time of the peace of Hudaibiyyah.

D: Allegiance for emigration: The ruling on this allegiance was individual obligation (fard al-ain) at the beginning of Islam. This ruling was abolished after the conquest of Mecca. Here migration refers to the migration from Mecca to Madinah. Whatever is the migration from the place of infidelity to the place of Islam, its ruling will continue till the Day of Judgment in the same manner.

E. Allegiance for listening and obedience: When absolute allegiance is mentioned, it means the same allegiance. This allegiance is given to the Imams (leaders) for the appointment of the Caliph of the Muslims.

7. Forms of allegiance

Allegiance took place with different shapes and forms at life time of Prophet Muhammad (peace be upon him) and even thereafter. Various shapes and forms of allegiance are as follows:

A: Allegiance by shaking hands and words of mouth: This oath of allegiance was taken by the Prophet (peace and blessings of Allah be upon him) in pledge of the tree (baiat al-ridhwan).

B: Taking the oath of allegiance only by word of mouth: It was the habit of the Prophet (peace and blessings of Allah be upon him) to take the oath of allegiance from women and ill people by words of mouth. Because it is not permissible for a Muslim man to shake hand with a strange woman.

C: Pledge of allegiance by writing: The explanation of this pledge is well known from the allegiance of Najashi to the Prophet (peace be upon him) when Najashi sent a letter of allegiance to the Prophet (peace be upon him).

D: It is mentioned in the history books that some caliphs used to take oaths from the people at the time of taking the pledge of allegiance. There is no such principles in the Shari'ah. They did such acts to keep people stable and loyal towards allegiance and avoid the fear of breach of allegiance. This innovation (bidaah) was made by Hajaj ibn Yusuf for the first time who took oaths from the people while taking the oath of allegiance for Abdul Malik ibn Marwan.

E: At present, the form of allegiance is in the form of vote through paper or electronic platform. When a voter casts his vote for a person, it is a sign of his trust and obedience to him. When an elected person take oath, it is a covenant or pact from his side for staying committed to law and performing his duties and responsibilities. As the handshake is not the real purpose of allegiance but the real purpose is to show trust and confidence, so the ballot paper has no purpose in its place to be proven by Quran and Sunnah. Rather, it is a means of expressing trust or gaining trust. It is clear that various means can be used to achieve the goal, and it can change with changes in customs and habits of people by the time. Since voting hiddenly is the custom of present time, therefore this method should be selected for allegiance and appointing leader.

8. Ruling of breach of the pledge (allegiance)

Breach of each type of allegiance has its own ruling, and absolute rule cannot be imposed on the one who breaches the allegiance. Breaching of allegiance is infidelity in some cases and in some cases it is counted as major sin. The matter is explained below in details

A. Breaking the pledge of allegiance to Islam: Whoever breaks the pledge of allegiance to Islam, gets out of Islam and become an apostate. This allegiance was exclusive to the life time of Prophet (peace and blessings of Allah be upon him). There is no evidence which shows the practice of this allegiance at the time of companions and thereafter. After the death of Prophet Muhammad (peace be upon him, people were entering Islam without taking the allegiance.

B. Allegiance for migration: The ruling of this allegiance was abolished with the conquest of Mecca.

C: Breach of allegiance that took place for holy war (Jihad), contribution, and obedience:

Whoever breaches this kind of allegiance with Imam without any legitimate excuse and without observing any unlawful act against Islam and faith in Imam (leader), such person commits a major sin. Because it is the breach of a covenant for which Allah has stated a severe punishment. This severe punishment is for the breach of allegiance that take place with Imam (leader) for obedience and acceptance. The breach of such allegiance without legitimate excuse, is a major sin. Because it is a permanent allegiance and should remain in place until the Imam (leader) commit an act that breaches the allegiance, or Imam faces a situation that dismisses the allegiance such as death, insanity, infidelity etc.

D. Allegiance for help and contribution: The sin of breach of this pledge is less than the sin of the breach of the allegiance for obedience and acceptance. It means if someone breaches the allegiance for help and contribution, commits lesser sin than the one who breaches the allegiance for obedience and acceptance. Because there are many hadith available for the obligation of the allegiance of obedience which make the breach of this allegiance haram.

9. Reasons for dismissal of Imam:

There are some reasons for the dismissal Imam (leader). Some of them are related to the actions and deeds of the Imam (leader), and some are other causes that lead to the dismissal of the Imam (President) which will be well explained below:

Reason 1: Infidelity and apostasy of Imam: it means (denial of Islam by Imam).

2. Stopping the prayer by Imam and inviting others to stop it.

3. Disobeying the commands of Allah.

4. Debauchery, oppression, cruelty, and innovation (bidaah) of Imam.

5. When Imam has health deficiencies. Such as mental disorder, physical weakness etc.

References

[1]. The Holy Quran

[2]. Abu Dawood, Suleiman bin Al-Ash'ath. (D.L). Sunan Abi Dawood, Vol. 4, page. 241, Al-maktabah al-asriah, saida, Beirut.

10. Taking allegiance by force and dominance

Taking the oath of allegiance by force and dominance is not legal in Islam. But it is permitted to prevent unnecessary bloodshed of Muslims. This is the right way of taking allegiance by force and dominance. In today's world, it is called military revolution and is the most dominant method in modern world.

Not all Muslims agree to take the oath of allegiance by force and dominance. They are divided into two groups of opinion:

1- The first group is that of some Shawfa'is, khawarij and , and Mu'tazilah. According to them, allegiance by force and dominance is not valid with Imam and obedience of such Imam is not obligatory because such Imam does not fulfill the conditions of allegiance. Allegiance to the Imam is valid and becomes obligatory when he meet all the conditions of allegiance.

2- The second group is that of Ahl-Sunnah wa'l-Jama'ah. According to them, taking allegiance by force and dominance is valid for a leader who has prevailed over the people with his power.

Imam Ahmad (may Allah have mercy on him) says: whoever has prevailed over the people with the power of sword, until he become the caliph and called the leader of muslims. The disobedience of such leader is not allowed for those who have faith in Allah and day of judgement. It means muslims should obey such leader. The government of predominant and usurper can be accepted as a compulsion according to the law of sharia and based on need.

11. Conclusion

By the grace of the Forgiving and Merciful Allah, I have come to the following conclusions after completing the article:

1. There are sufficient evidence from the Holy Qur'an and the hadiths of the Prophet (peace and blessings of Allah be upon him) about the allegiance. And whosoever denies it, is a disbeliever.
2. The evidence for the obligation of allegiance are mentioned in the Qur'an and Sunnah (hadiths), and the rules and types of allegiance are also mentioned.
3. The ruling of allegiance is obligatory. Every Muslim must have allegiance to an Imam or leader, because the Prophet (peace and blessings of Allah be upon him) said: whoever dies and does not have allegiance to an Imam (leader), has died in ignorance.
4. Staying loyal to allegiance is obligatory and breach of it is exiting from Islam. Whosoever breaches the allegiance and get out of the group, becomes apostasy from Islam.

- [3]. Abu Faris, Dr. Muhammad Abdul Qadir Abu Faris, The political system in Islam, page. 3.3, the Islamic University Library for Science and Technology.
- [4]. Ahmed Mukhtar, Dr. Ahmed Mukhtar Abdel Hamid Omar. (2008 AD), Dictionary of Contemporary Arabic Language vol. 1, page. 237, Aalamul-kutub.
- [5]. Al-Bukhari, Muhammad bin Ismail Abu Abdullah al-Bukhari al-Jaafi. (D.L.). Sahih Al-Bukhari. Vol. 6, page. 2588, Dar tawqat al-nijaat.
- [6]. Al-Damajji, Abdullah bin Omar bin Sulaiman Al-Damajji. (1407 AH). Al-Imamat al-azami enda ahl sunnah wal-jama'ah, vol. 1, page. 2.7, 198, 197, 206, 196, the Islamic University Library for Science and Technology.
- [7]. Al-Mawardi, Abu al-Hasan Ali bin Muhammad bin Muhammad bin Habib al-Basri al-Baghdadi. Al-ahkaam al-sultaniah, page. 5, Dar Al Hadith - Cairo.
- [8]. Al-Qalqashandi, Abu Al-Abbas Ahmed bin Ali. (D.L.), Subuh Al-Ashay fii sanaat al-insha'a, vol. 1, page, 274, Al amiri press.
- [9]. Al-Qalqashandi, Ahmed bin Ali bin Ahmed Al-Fazari. (1985 AD). Maasar al-enaafah fii maalim al-khilafah. Vol. 1, page. 59, edition 2, Kuwait Government Press - Kuwait.
- [10]. Al-Tuwaijri, Muhammad bin Ibrahim bin Abdullah Al-Tuwaijri (2009 AD). Mawsoat alfiqh al-islami, vol. 5, page. 3.7, edition 1, baitul-afkaar al-dwiah.
- [11]. Gohar, Mawlana Gohar Rahman. (1360 AH). Islamic politics, page. 332-333, 352, message publication center, Jamaah al-dawah Islamiyah, Peshawar.
- [12]. Ibn Khaldun, Abd al-Rahman bin Muhammad ibn Khaldun. (1329 AH). Muqaddimah Ibn Khaldun. Page. 229, Nafaqah mustafa fahmi al-katbi matbaaht al-taqadum, Cairo.
- [13]. Ibn Qudamah, Abu Muhammad Muwaffaq al-Din Abdullah bin Ahmed bin Muhammad bin Qudamah al-Hanbali. (1405 AH). Al-Mughni, vol. 11, page. 327, edition 1, Dar Al-Fikr Beirut.
- [14]. Muslim, Abu Al Hussein Muslim bin Al-Hajjaj Al-Qushayri Al-Nisapuri (1334 AH) Sahih Muslim. Vol. 3, page. 148, 1478, Dar Al-Jail - Beirut.