

the evidences for the bayah as the prescribed method of electing a Khaleefah in Islam. Regarding its practical implementation, it is through shaking the hand as well as by writing. It has been narrated by Abdullah ibn Dinar that: "I witnessed Ibn 'Umar when people agreed on Abdul Malik ibn Marwan saying: "I write herewith that I agree to hear and obey Abdullah Abdul Malik, the Amir of the believers, according to the Book of Allah and the Sunnah of His Messenger, and to the best of my ability." The bayah can also be given by any other means. The bayah should only be given by an adult as the bayah of the minor is not valid. Abu Aqil Zahrah Ibn Ma'bad reported on the authority of his grandfather Abdullah Ibn Hisham who lived during the time of the Messenger of Allah (saw) said: **هو صغير. فمسح رأسه ودعا له: "He is young."** He (saw) wiped over his head and prayed for him, as narrated by al-Bukhari.

As for the wording of the Bayah, it is not restricted to any specific wording, but it should include the commitment that the Khalifah acts according to the Book of Allah and the Sunnah of His Messenger; and that the person who gives the Bayah should pledge to obey in good and bad and in ease and hardship. A law will be published that will determine this wording in accordance with the previous points.

Once the Bayah is given to the Khalifah, then the Bayah becomes a trust on the neck of the one who gave the Bayah, where he is not allowed to withdraw it. For it is his right (of the Muslim) in terms of appointing the Khalifah till he gives it. But once he gave it, he is not allowed to withdraw it. Even if he wanted to do so, he is

not permitted to withdraw his bayah. Al Bukhari narrated from Jabir ibn Abdullah (ra) that a Bedouin gave the bayah to the Messenger of Allah on Islam, but he became unwell, so he said: "Relieve of my bayah, the Messenger of Allah (saw) refused. Then he came and said the same but the Messenger of Allah (saw) refused. So he left the town. The Messenger of Allah (saw) said, **«المدينة كالكير تنفي خبثها، ويتصع طبيها»**. **"The town is like the mason's furnace, it gets rid of its impurity and its goodness manifests [shines].** [Bukhari]

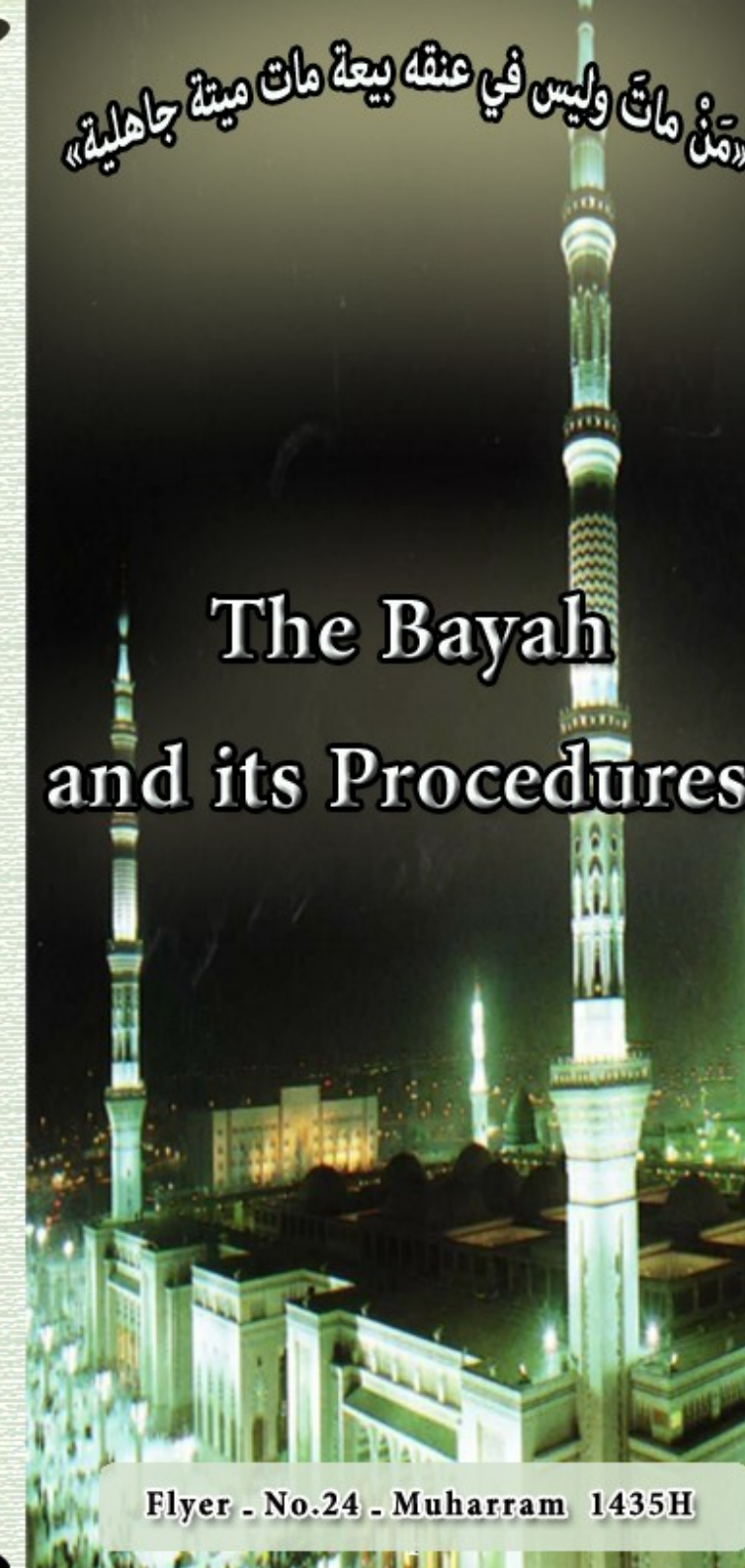
Nafi' on the authority of Abdullah ibn 'Umar that he heard the Messenger of Allah (saw) **«من خلع يداً من طاعة لقي الله يوم القيامة لا حجة له»** "Whoever withdraws a hand from obedience, he would meet Allah on the day of judgement without having proof for himself" [Muslim] Breaking the bayah to the Khalifah is a withdrawal of the hand from the obedience to Allah. However, this is the case if his bayah to the Khalifah was a bayah of contract, or a bayah of obedience to a Khalifah was accepted and pledged by the Muslims. But if he pledged himself to a Khalifah initially, and the bayah was not completed to him (by the Muslim), then he has the right to relieve himself from that bayah, in view of the fact that the contracting bayah has not been concluded to him from the Muslims. So the prohibition in the hadith is focused on withdrawing a bayah to a Khalifah, not to a man for whom the Khilafah contract was not completed. □

[Source: **The Institutions of State in the Khilafah** p. 36-8 by Hizb ut Tahrir]

www.hizb-ut-tahrir.info

«مَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةُ مَاتَ مِيتَةً جَاهِلِيَّةً»

The Bayah and its Procedures



The Bayah

When Shara made it incumbent upon the Ummah to appoint a Khalifah, it determined for her the method by which the Khalifah is appointed. This method is proven in the Book and the Sunnah. The Muslims who must give the bayah are those that are citizens of the Khilafah at that time. In the case where there is no Khilafah the Muslims responsible for giving the bayah are those living in the region where the Khilafah should be implemented. The method of electing the Khalifah through a bayah is proved from the example of the Bayah given by the Muslims to the Prophet (saw), and from the order of the Messenger (saw) to us, to pledge Bay'ah to the Imam. The Bayah of the Muslims to the Messenger (saw) was not a Bayah on Prophethood, but a Bayah over ruling, for it was regarding action not belief. Therefore, Rasool Allah (saw) was pledged allegiance to as a ruler, and not as a Prophet or a Messenger. This is because acknowledging the Prophethood and Messengership is linked to belief (Iman), and not a Bayah. Hence the Bayah to him (saw) was only in his capacity as the head of the state.

The Bayah is also mentioned in the Qur'an and Hadith. Allah (swt) says:

﴿ يَا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يَبَايِعُكَ عَلَىٰ أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَعْتَصِمْنَ فِي مَعْرُوفٍ قَبَايِعُهُنَّ وَاسْتَعْفَرْنَ لهنَّ اللَّهُ - إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴾

"O Prophet! If the believers come to you to take the oath (Bay'ah) that they will not associate [in

worship] anything with Allah, that they will not steal, that they will not commit adultery, that they will not kill their children, that they will not utter slander, intentionally forging falsehood, and they will not disobey you in any just matter (Ma'roof), then receive their oath (Bayah)." [TMQ: 60:12]

In another verse Allah (swt) says:

﴿ إِنَّ الَّذِينَ يَبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ يَدُ اللَّهِ فَوْقَ أَيْدِيهِمْ ﴾

"Verily those who pledge their allegiance to you do no less than pledge their allegiance to Allah: The Hand of Allah is over their hands." [TMQ: 48:10]. Al-Bukhari narrated on the authority of Isma'il, who reported on the authority of Malik, who reported on the authority of Yahya bin Sa'id who said: "Ubadah bin Al-walid told me, that my father told me that Ubadah bin al-Samit said:

«كانت بنو إسرائيل تسوسهم الأنبياء، كلما هلك نبي خلفه نبي، وإنه لا نبي بعدي، وستكون خلفاء فتكثر، قالوا فما تأمرنا؟ قال: فوا ببيعة الأول فالأول، وأعطوهم حقهم، فإن الله سائلهم عما استرعاهم.»

"We have pledged allegiance to the Messenger of Allah to listen and obey in ease and in hardship and that we do not dispute the matter (authority) with its people and that we stand for and speak the truth wherever we are and that in the service of Allah we would fear the blame of no one." [Bukhari]

Muslim has reported that Abdullah ibn Amru ibn al-As narrated that the Messenger of Allah (saw) said:

«ومن بايع إماماً فأعطاه صفقة يده، وثمره قلبه، فليطعه إن استطاع، فإن جاء آخر ينازعه فاضربوا عنقه الآخر...».

"Whosoever pledges allegiance to an Imam by giving him the clasp of his hand, let him obey him if he is able to do so, but if another comes along to dispute with him, then kill the latter." [Ahmad]

Also in Muslim it is narrated that Abu Saeed Al-Khudri reported that the Messenger of Allah (saw) said: «إذا بويع لخليفتين فاقتلوا الآخر منهما»

"If two Khulafaa' were pledged allegiance, then kill the latter of them." [Muslim, Sahih] Muslim narrated on the authority of Abi Hazim who said: "I accompanied Abu Huraira for five years and I heard him talk of the Prophet's (saw) saying:

«كانت بنو إسرائيل تسوسهم الأنبياء، كلما هلك نبي خلفه نبي، وإنه لا نبي بعدي، وستكون خلفاء فتكثر، قالوا فما تأمرنا؟ قال: فوا ببيعة الأول فالأول، وأعطوهم حقهم، فإن الله سائلهم عما استرعاهم.»

"Banu Israel used to be governed by Prophet, every time a Prophet died, another came after him, and there is not Prophet after me. There will be Khulafa' and they will number many". They said: "What would you order us to do?" He (saw) said: "Fulfil the Bayah to them one after the other, and give them their due right, surely Allah will account them for that which He entrusted them with". [Bukhari, Sahih] These texts from the Book and the Sunnah explicitly state that the method of appointing a Khalifah is by the Bayah. This was understood and practiced by all of the Sahabah. The bayah given to the rightly guided Khulafaa' was clear in this regard.

The Method of the Bayah

In the aforementioned we have explained