

Salah only or over the Kharaj only. The word Salah, in the context of the Wilayah or the Ijarah, does not mean only leading the people in their prayer, but it means governing all their affairs except the funds. This is because the word Salah is used to mean ruling except for the levy of funds. Therefore, if the Waali had combined both the Salah and the Kharaj, his Wilayah would then be general (Wilayah 'Aammah). If his Wilayah had been restricted to the Salah or the Kharaj, his Wilayah would then be specific (Wilayah Khaassah). Either way, this would be left to the Khaleefah's own arrangements, as he reserves the right to restrict the Wilayah to the Kharaj, or to the judiciary, or he could confine the Wilayah to other than the Kharaj, the judiciary and the army. He could do what he deems best for the running of the province or the Wilayah. This is because Shar'a has not determined for the Waali certain duties, and it is not obliged that he should perform all the duties of ruling. It has, however, determined that the Waali's or the Ameer's duties be ruling and authority, and that he is the deputy of the Khaleefah, and he should be an Ameer over a specific area. All this is derived from the actions of the Messenger of Allah

(saw). However Shar'a entitles the Khaleefah to appoint a Waali as either a general Wilayah ('Aammah) or a specific one (Khaassah) according to his own discretion, and all this is reflected in the actions of the Messenger of Allah (saw).

It was mentioned in the Seerah of ibn Hisham that the Messenger of Allah (saw) appointed Farwa bin Musayk over the tribes of Murad, Zubair and Mizhaj. He sent Khalid bin Sa'eed bin Al-'Ass with him as Waali over the Sadaqah. It also mentioned that the Messenger of Allah (saw) sent Ziad bin Labeed Al-Ansari as a Waali over Hadhramawt and its Sadaqah. He also sent 'Ali bin Abi Talib to Najran to collect their Sadaqah and their jizyah. He also sent him, as a judge over Yemen, as reported by Al-Haakim. In the book of Isti'ab it is mentioned that the Messenger of Allah (saw) sent Mu'az bin Jabal to Al-Janad to teach the people about the Quran, the laws of Islam and to judge between them. He authorized him as well to collect the Sadaqah from the 'Aamileen in Yemen. The Seerah of ibn Hisham also reports that the Messenger of Allah (saw) appointed ibn Umm Maktum over the Salah in Al-Madinah when he went out for Uhud. □

[Source: The Ruling System in Islam by Hizb ut Tahrir]



# The Governors (Wulah)





## Governors (Wulah)

The Waali (governor) is the person whom the Khaleefah appoints as ruler and Ameer over a Wilayah (province) of the Khilafah State. The territories that the Islamic State rules over would be divided into provinces and each province would be known as Wilayah. The Wilayah would in turn be divided into districts and each district would be known as l'mala. The person appointed over the Wilayah would be known as the Waali, or an Ameer, and the person appointed over the l'mala would be known as the 'Amil or ruler.

The Waali is therefore a ruler, for the Wilayah means the ruling. In the dictionary A-Imuhit, it has been defined as being the Imarah (leadership) and the authority. It requires an appointment by the Khaleefah or by whoever is delegated to do so on his behalf. Therefore, the Khaleefah can only appoint the Waali. The origin of the post of Wilayah or the Imarah i.e. the Wulah or the Ameers goes back to the actions of the Messenger of Allah (saw). It has been confirmed that he (saw) appointed Wulah over the countries and that he gave them the right to rule over their provinces. He (saw) appointed Mu'az Ibnu Jabal over Al-Janad,

Zyad Ibnu Labeed over Hadhramawt and Abu Moussa Al-Ash'ari over Zabeed and Aden.

The Waali is the deputy of the Khaleefah; he performs what the Khaleefah authorises him to do on his behalf. According to Shar'a, the Wilayah has no specific limit, thus any body appointed by the Khaleefah to act on his behalf over any matter of ruling would be a Waali in that matter in accordance with the terms the Khaleefah used in his appointment. However, the Wilayah over countries is geographically specified, because the Messenger of Allah (saw) used to specify the area over which he appointed the Waali, i.e. where he invests the Ameer with the Imarah.

There are two types of Wilayah: general and specific. The general one includes all the ruling matters within the Wilayah. Appointing someone to that Wilayah would mean that the Khaleefah delegates to the Waali the Imarah of a country or a province, as a Wilayah over all its people for supervising all the normal functions. Thus he would have a general responsibility of supervision. As for the specific Imarah, this means that the Ameer would be restricted to running the armed forces, governing the citizens, protecting the territories, or defending the wom-

en and children in that country or province. He does not have a say in the judiciary or the collecting of Kharaj and Sadaqah. The Messenger of Allah (saw) appointed Wulah with general responsibilities (Wilayah 'Aammah), such as when he appointed 'Amru ibn Hazm over Yemen. He also appointed Wulah with specific functions (Wilayah Khassa), such as when he appointed Ali bin Abi Talib over the judiciary in Yemen. The Khulafaa' followed in the Messenger of Allah's (saw) footsteps. 'Umar Ibnul-Khattab appointed Mu'aiwya bin Abi Sufyan as general Waali over Ash-Sham, while Ali bin Abi Talib appointed 'Abdullah bin Abbas over Basra with restrictive powers (Wilayah Khassa) to run all the affairs except for the funds, which was assigned to Ziad.

There used to be two types of Wilayah in the early times; the Wilayah of Salah and the Wilayah of Kharaj. Therefore we find that history books use two terms in their reference to the Wilayah of Ameers: The first is the Imarah over the Salah and the other the Imarah over the Salah and the Kharaj. In other words the Ameer could either be appointed over both the Salah and the Kharaj, or over the