

**The Draft Constitution (of the Islamic State)
or the Necessary Evidences for it**

Article 2

***Dar Al-Islam* (Islamic Abode) is the territory where the rules of Islam are implemented and its security is upheld by Islam. *Dar Al-Kufr* (abode of disbelief) is the territory where the rules of Kufr are implemented or its security is upheld by other than the security of Islam.**

Dar has several meanings:

Linguistically: “abode”, such as His (swt) words: ***“So We caused the earth to swallow him and his abode place”*** (TMQ 28:81) and “way-station”, and every place that a people settle is their *Dar*. Such as His words: ***“So the earthquake seized them and they lay (dead), prostrate in their homes”*** (TMQ 7:91), and it means: “city”. Sibawayh stated: “This *Dar* is a beautiful city and “abode and place” such as His words: ***“And excellent indeed will be the abode (i.e. Paradise) of the Muttaqun”*** (TMQ 16:30)”. In the same manner, it metaphorically means “tribe”, such as the narration of Abu Hamid Al-Sa’adi in Bukhari from the Messenger ﷺ who said: ***“Truly the best tribe (Dar) of the Ansar is the tribe of Bani Najjar...”***

And *Dar* can be adjoined to the names of things such as His (swt) words ***“I shall show you the home (Dar) of Al-Fasiqun”*** (TMQ 7:145), ***“And excellent indeed will be the abode (i.e. Paradise) of the Muttaqun”*** (TMQ 16:30), ***“But they killed her. So he said: “Enjoy yourselves in your homes for three days. This is a promise (i.e. a threat) that will not be belied.”*** (TMQ 11:65), and His (swt) words: ***“And He caused you to inherit their lands, and their houses, and their riches”***. (TMQ 33:27). And similarly in the narration of Buraydah in Muslim where the Messenger of Allah ﷺ said, ***“...Then invite them to move from their household to that of the Muhajirin (emigrants)”*** and the narration of Salima Bin Nufail from Ahmad that he ﷺ said: ***“the centre of the believers’ abode is as-Sham”***

And it could be adjoined to meanings such as His (swt) words: ***“and caused their people to dwell in the house of destruction?”*** (TMQ 14:28). And His words: ***“Who, out of His Grace, has lodged us in a home that will last forever”*** (TMQ 35:35). And in the narration of Ali (ra) from Ibn Asakir with a *Hasan Sahih* chain, and in Tirmidhi: The Messenger of Allah ﷺ said to me: ***“May Allah have mercy upon Abu Bakr, he married his daughter to me and carried me to the abode of migration (Dar-Al-Hijrah)”***. And the narration of Ibn Abbas in Daraqutni saying: The Messenger of Allah ﷺ said: ***“If the slave leaves the abode of Shirk (Dar-Al-Shirk) before his master, then he is free, and if he leaves after him, then he is returned to him, and if a woman leaves the abode of Shirk before her husband, she can marry whom she pleases, and if she leaves after him, then she is returned to him”***

And the *Shari’ah* adjoined the term *Dar* to two words from meanings – being: Islam and *Shirk*. Tabarani has a version of the previously mentioned narration of Salima Bin Nufail in the Musnad al-Shamiyin with the words ***“the centre of the abode of Islam (Dar Al-Islam) is ash-Sham”***. So, the word *Dar* here is added to Islam. And likewise, Al-Mawardi narrated in al-Ahkam al-Sultaniyya and in al-Hawi al-Kabir that the Messenger of Allah ﷺ said ***“Whatever is in the abode of Islam is prohibited, and whatever is in the abode of Shirk is permitted”*** in respect to the sanctity of blood and wealth in the abode of Islam...except by its right in agreement with the rules of the *Shari’ah*, and with respect to the absence of sanctity of the abode of *Shirk* (the abode of war “*Dar Al-Harb*”) in the situation of actual war, as in the rules regarding fighting and booty...in agreement with the rules of the *Shari’ah*. This division encompasses the whole world, so there is not a part from it which falls outside of either the abode of Islam (*Dar Al-Islam*) or the abode of *Shirk*, or in other words the abode of Kufr or abode of war (*Dar Al-Shirk*, *Dar Al-Kufr*, *Dar Al-Harb*).

The abode is considered an abode of Islam if it fulfils two conditions:

Firstly: that the security is upheld by the Muslims, according to the evidence that he ﷺ said to his companions in Makkah ***“Truly, Allah made brothers for you and an abode for you to be safe in”***. This abode is the *Dar al-hijrah* mentioned in the narration of ‘Ali already mentioned from Ibn ‘Asakir, and in the narration of Aaisha (ra) in al-Bukhari in which the Messenger of Allah ﷺ said: ***“I have been shown the abode of your emigration”***. And the evidence that he ﷺ and his companions did not emigrate to Madinah until he ﷺ was sure about the presence of protection and security; Al-Hafiz said in *Al-Fath*, Bayhaqi narrated through a strong chain from Al-Sha’bi and Al-Tabarani connected it from the narration of Abu Musa Al-Ansari who said: ***“The Messenger of Allah ﷺ set off with his uncle al-‘Abbas to meet 70 of the Ansar at al-‘Aqabah, and Abu Umama said to him – Asad Bin Zurara – O Muhammad ask for your Lord and yourself whatever you want, then he informed us of what reward we will have. He said: I ask you for my Lord, to worship Him and do not associate anything else with Him, and I ask you for myself and my companinos to accommodate use, and support us,***

and protect us from what you protect yourselves. They said: What is for us? He ﷺ said: Paradise. They said: What you asked for is yours”.

And the evidence related by Ahmad from Ka’ab Bin M’alik through a *Sahih* chain, that the Messenger of Allah ﷺ said: ***“I pledge to you that you protect me from that which you protect your women and children from. So al-Baraa Bin Ma’ror took him by his hand and said Yes, by the One who sent you with the Truth, we will most certainly protect you from that which we protect our people, and so give us the pledge oh Messenger of Allah ﷺ, we are people of wars and strong disposition, and we inherit this from our forefathers”.*** And in a *Sahih* narration by Ahmad from Jaber that he ﷺ said in the pledge of ‘Aqabah ***“...and to give support to me and protect me from whatever you protect yourselves, your wives and your children from when I come to you, and you will have Paradise”.*** And in the *Dala’il Al-Nabuwa* by Al-Bayhaqi, with a strong, good chain from ‘Ubadah Bin Samit who said ***“And to give support to the Messenger of Allah ﷺ from that which we protect ourselves, our wives and our children when he arrives to us at Yathrib, and we would have Paradise”.***

The Prophet ﷺ refused to emigrate to any place which did not have security, power and protection. Al-Bayhaqi narrated through a *Hasan* chain from ‘Ali that the Messenger of Allah ﷺ said to the Shayban b. Tha’labah tribe: ***“You have not replied badly since you expressed the truth, and the Deen of Allah is not given support except by those who can protect it from all sides”.*** This was after they had offered to support him with respect to the Arabs while excluding the Persians.

Secondly: That the rules of Islam are implemented therein. This is from the evidence of al-Bukhari from Ubada Bin Samit who said: ***“The Messenger of Allah ﷺ called us and we took the oath of allegiance to him. Among the injunctions he made binding upon us was: Listening and obedience (to the Amir) in our pleasure and displeasure, in our adversity and prosperity, even when somebody is given preference over us, and without disputing the delegation of powers to a man duly invested with them except when you see clear Kufr (disbelief) which you have proof from Allah”.*** And listening to and obeying the Messenger of Allah ﷺ is with regards to his orders and prohibitions, in other words in respect to the implementation of laws. Another evidence is what Ahmad narrated, Ibn Hibban in his *Sahih* collection and Abu ‘Ubayd in *al-Amwal* by ‘Abd Allah b. ‘Amru from the Prophet ﷺ who said: ***“The emigration is two – emigration of the one who is settled and the nomad, as for the nomad he obeys if ordered and responds if called, as for the one who is settled they have the greater test and reward”.*** The angle of inference is clear from his words ﷺ ***“he obeys if ordered and responds if called”***, since the desert was part of the abode of Islam (*Dar Al-Islam*) even if it was not the abode of emigration (*Dar al-hijrah*). And accordingly with the evidence of the narration of Wathilah b. al-Asqa’ in al-Tabarani, al-Haythami said through a chain whose people are all trustworthy that the Messenger of Allah ﷺ said to him ***“And the emigration of the nomad is to return to your nomadity, and to listen and obey in your displeasure and pleasure, and your adversity and prosperity, even if someone is given preference over you...”*** and the evidence that Ahmad narrated with a *Sahih* chain from Anas: ***“I followed some youths saying that Muhammad has come, so I followed and did not see anything. Then they say – Muhammad has come, so I followed and did not see anything. He said: Until Muhammad ﷺ and his companion Abu Bakr came, and we were part of the fervency of Madinah. Then they sent a man from the people of Madinah to make the Ansar aware of them, and so they were met by about five hundred from the Ansar reaching them. The Ansar said: Proceed in safety and with authority. And so the Messenger of Allah ﷺ and his companion came from between them. And so the people of Madinah came out, including the women overlooking from their households saying which of them is he, which of them is he?”.*** This narration has the evidence for both of the two conditions of security and the implementation of the laws. With respect to the security – this is proven from the presence of five hundred from the Ansar saying proceed in safety and the Messenger ﷺ confirmed their words. In the same manner he confirmed their words that the two of them would be obeyed. Accordingly the security and obedience were fulfilled in the abode of emigration (*Dar al-Hijrah*) and if they had not been fulfilled the Prophet ﷺ would not have emigrated.

These two conditions, the fulfillment of security and obedience in the implementation of the laws, were pledged upon by the Ansar in al-’Aqabah. Al-Bayhaqi narrated with a strong chain from ‘Ubadah b. Samit who said ***“...We pledged allegiance to the Messenger of Allah ﷺ to listen and obey when we were busy and inactive, and to spend in times of difficulty and ease, and upon enjoining the good and forbidding the evil, and upon saying the truth regarding Allah and not fearing the blame of the blamers, and upon us supporting the Messenger of Allah ﷺ whenever he came to Yathrib against whatever we protected ourselves, our wives and our sons from, and we would have Paradise. This was the pledge that we gave to the Messenger of Allah ﷺ”.*** And the security is that of the Muslims, as made clear by his words ***“and upon us supporting the Messenger of Allah ﷺ whenever he came to Yathrib against whatever we protected ourselves, our wives and our sons from, and we would have Paradise.”***

This meaning was clear from the letter which he wrote between the Emigrants and the *Ansar*, and made peace with the Jews therein and made a covenant with them. This occurred in the first year of the emigration. This is from the account of Ibn Ishaq and it has been called the *sahifa*. It says: ***“In the name of Allah the Compassionate, the Merciful.***

This is a document from Muhammad the Prophet ﷺ between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and struggled alongside them that they are one community (Ummah) to the exclusion of all men...Believers are protectors one to the other to the exclusion of outsiders...The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document...If any dispute or controversy likely to cause trouble should arise it must be referred to Allah and to Muhammad the Messenger of Allah ﷺ”.

Based upon this, the abode cannot be an abode of Islam unless it fulfilled the conditions that the security was in the hands of the Muslims and that the laws of Islam were implemented, and if one of these two conditions ceased, or was not fulfilled, such as the security falling into the hands of the disbelievers or that the rule of *Al-Taghut* was implemented amongst the people, the abode would become an abode of polytheism (*Dar Al-Shirk*) or disbelief (*Dar Al-Kufr*). It is not a condition that both of these conditions are absent for the abode to transform to an abode of polytheism, rather it is sufficient that one of them is absent for that to occur. The abode being one of disbelief does not mean that all of its inhabitants are disbelievers and if the abode was one of Islam it does not follow that all of its inhabitants are Muslims. Rather the meaning of the term abode (*Dar*) here is the *Shari'ah* terminology (*Shar'i* real meaning) in other words that the *Shari'ah* is what gives it this meaning, like the terms prayer (*Salah*) and fasting (*Sawm*) and similar from the *Shar'i* realities .

Based upon this, the term could be applied upon a land where most of the inhabitants are Christians for example, but if it was part of the Islamic State it would be referred to as an abode of Islam (*Dar Al-Islam*). This is because the rules applied therein are the Islamic laws and the security of the land would be by the security of Islam as long as it remained part of the Islamic State.

And in the same manner, any land where the majority of its inhabitants are Muslims but it was part of a State which did not rule by Islam, nor was it secured by a Muslim army but rather by that of the disbelievers, then the term abode of disbelief (*Dar Al-Kufr*) would be applied to it despite most of its inhabitants being Muslims.

So, the meaning of abode (*Dar*) here is the *Shar'i* reality (legislative meaning) without regard to where the Muslims were a majority or minority where the term is applied; rather, it is with regard to the implemented laws and the established security for its inhabitants. In other words, the meaning of abode is taken from the legislative (*Shar'i*) texts which explained this meaning, in the same way that the meaning of the word *Salah* is taken from the legislative texts which explained its meaning. And in the same manner all the *Shar'i* real meanings have their meaning derived from the legislative texts and not from the linguistic meaning of the words.