

## Appointment Of Non-Muslim Ruler In Muslim Country

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### Abstract

The modern world has turned multicultural and the socio-political changes have created a new code of conduct at the global level. Multi religion societies are getting developed. Now the nature of modern politics creates new questions. It has been said that Muslim countries have also to choose a new democratic system of politics in which it is not inevitable now to appoint only Muslim rulers in Muslim states. Traditional and liberal narratives have got into the clash in Muslim countries in this regard. This study deals with the logic of both above-said categories of thinkers. The shreds of evidence from the Quran and Hadith, which prohibit the appointment of non-Muslim in Muslim

countries, are presented first along with the logics of Muslim scholars who take them into consideration. The later liberal narrative has been explained followed by ending remarks through conclusion.

**Keywords:** Islam, Politics, Ruler, Khalifa, President

### **Introduction**

At the time of the formation of Pakistan, the question before the Muslims was what would be the status of non-Muslims in the formation of the governmental structure of an independent and sovereign state. In view of its importance, the leading scholars of the subcontinent had replied that the Islamic state would be an ideological state in its own way. Therefore, the running of its government could be entrusted to those who would believe in the Islamic way of life. Those who adopt a non-Islamic way of life instead of believing in the Islamic way of life are in charge of the Islamic state government. In this regard, the inhabitants of the Islamic state will be divided on the basis of Muslims and non-Muslims, and distinctions will be made between the two in specific matters. Thus, politically, Muslims and non-Muslims will have equal status. <sup>(1)</sup> The main reason for this distinction is that non-Muslims living in an Islamic state may be equal to or even superior to Muslims in terms of intelligence and qualifications, but based on religious psychology, there is always the fear that they [non-Muslims] will not be able to demonstrate sincerity and determination to improve the intellectual discipline of Islam on the face of the earth. They cannot play an active role in promotion and development. No person can be entrusted with the emirate or leadership of an organization, movement, institution or state that is in conflict with its beliefs and ideology. Thus, Muslim scholars have made it clear that a number of conditions must be met for the appointment of a ruler of the Islamic state. In this regard, Mawardi has emphasized that the ruler should not only be a Muslim, but also that he should have expertise in Shariah and religious sciences and should have the ability of 'Ijtihad'. <sup>(2)</sup> However, they did not consider it necessary to have ijtihad ability in the ruler like Al-Mawardi, but rather made his acquaintance with the Shariah sciences quite credible. <sup>(3)</sup> Ibn Khaldun also discusses the conditions of the ruler of the Islamic state, and he does not mention the assignment of this position to a non-Muslim, which shows that according to him, the ruler of the Islamic state must also be a Muslim. There are no two opinions in this regard. Imam Ibn Taymiyyah, in addition to being a Muslim in the ruling party, has relaxed the conditions set by the predecessors. His position is that future rulers do not meet the standard set by the attributes of the rightly guided caliphs,

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### **References**<sup>1</sup>

Muhammas Asad, Principles of State and government in Islam, University of California Press, Berkeley, (1980), P. 40

Al Mawardi, Ali bin Muhammad bin Habib, Ahkam ul Sultania, Matba Mustafa al babi al halbi, Cario, <sup>2</sup> 1393H, P.6

Rashid Ahmed, Muslimanoon kay siyasi afkar, Idara saqafat islamia Lahore, 1999, P.130<sup>3</sup>

so even if a weak ruler is available to meet this standard <sup>(4)</sup>, there is nothing wrong with swearing allegiance. However, Imam Ibn Taymiyyah has not indicated any possibility of non-Muslim rule. <sup>(5)</sup> Apart from them, the scholars who have declared being a Muslim as the first condition for the ruler of the Islamic state including Imam Tabari, Imam Jasas, Allama Alusi, Imam Ibn Kathir, Al-Mawardi, Al-Qaya Al-Harithi, Al-Jawini, Ibn Arabi, Imam Qurtubi, Imam Zamahshari, Qazi Beizawi, Tabatabai, Imam Shokani, Hassan Al-Banna, Syed Qutb, Hassan Ismail Al-Hudaibi, Syed Maududi, Abdul Wahab Al-Khalaf, Wahba Zakheli and Taqi-ud-Din Nabhani. <sup>(6)</sup> Not appointing non-Muslims as rulers of Muslims is also considered logical in the sense that non-Muslims are considered enemies of Muslims. Therefore, according to Zamahshari (1953), no one can make his enemy his ruler. <sup>(7)</sup> The perpetrator of this act has in fact admitted that non-Muslims are absolutely right in their religion. A person who does not consider a disbeliever [kaafir] but agrees with his beliefs also becomes a kaafir. <sup>(8)</sup>

### Arguments:

The position of these scholars is based on the following Qur'anic verses:

لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ <sup>(9)</sup>

Do not befriend the disbelievers except the believers, and whoever does that is not from Allah in anything.

In addition, the following eleven Qur'anic verses reject the appointment of a non-Muslim ruler in a Muslim state:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ <sup>(10)</sup>

O ye who believe! Do not befriend the Jews and the Christians. Some of them are friends of others, and whoever of you befriends them, then surely he is one of them. Surely Allah does not guide the unjust people.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُؤًا وَلَعِبًا مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَالْكَافِرَ أَوْلِيَاءَ وَاتَّقُوا اللَّهَ إِنَّ كُفْرَكُمْ مِنْكُمْ إِنَّ اللَّهَ عَلِيمٌ <sup>(11)</sup>

O ye who believe! Those who make a mockery of your religion, and those who were given the book before you, do not befriend the disbelievers, and fear Allah, if you are believers.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ تُلْفُونَ إِلَيْهِمْ بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ <sup>(12)</sup>

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Ibn e Khaldun, Abdul Rehman bin Muhammad, Al Muqadima, Dar al Jeel, Beirut, P.215-217 <sup>4</sup>

Ibn e Taimiyyah, Taqi al Deen Ahmed, Al Siyassia Al Shariah, Mutba al Salfiyah, Cario, 1399h, P.8-9<sup>5</sup>

Muhammad Noor Hakim, Al Sahwat ul Islamiyya, Royat ul Naqdiyya min al Dakhil, Gema Insani <sup>6</sup> press, Jakarta, P.193

Al Zamakhshary, Al Kashaf, Matba Mustafa al babi al halbi, Cario, Vol. 2, P.422<sup>7</sup>

Muhammad Ali Sisi, Tafseer Ayyat tul Ahkam, Matba Muhammad Ali Sabeeh w aaladu, Cario, Vol. <sup>8</sup> 3, P.5-8

Al Quran Surah 3, Ayat 28<sup>9</sup>

Al Quran Surah 5, Ayat 51<sup>10</sup>

Al Quran Surah 5, Ayat 57<sup>11</sup>

Al Quran Surah 60, Ayat 1<sup>12</sup>

O ye who believe! Do not befriend my enemies and your enemies. You send them a message of friendship, while they deny the truth that has come to you.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنِ اطَّيَعُوا قَرِيبًا مِنَ الَّذِينَ أَوْثُوا الْكِتَابَ يَرُدُّوكُمْ بَعْدَ إِيمَانِكُمْ كَافِرِينَ (13)

O ye who believe! If you obey some of them who have been given the book, they will make you disbelievers after your believing.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا بَطَانَةً مِنْ دُونِكُمْ لَا يَأْلُونَكُمْ خَبَالًا وَدُّوا مَا عَنِتُّمْ قَدْ بَدَتِ الْبَغْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي صُدُورُهُمْ أَكْبَرُ قَدْ بَيَّنَّا لَكُمْ الْآيَاتِ إِنْ كُنْتُمْ تَعْقِلُونَ (14)

O ye who believe! Don't make anyone your best friend; they don't hurt you in any way, they like everything that gets you in trouble. Their enmity is evident from their mouths, and what they are hiding is greater. Surely, we have made the communications clear for you, if you understand.

لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءَهُمْ أَوْ أَبْنَاءَهُمْ أَوْ إِخْوَانَهُمْ أَوْ عَشِيرَتَهُمْ (15)

And those who believe in Allah and the last day will not find that they befriend those who oppose Allah and His Apostle, whether they are their fathers or their sons, or their brothers, or his family.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أُرِيدُونَ أَنْ تَجْعَلُوا لِلَّهِ عَلَيْكُمْ سُلْطَانًا مُبِينًا (16)

O ye who believe! Do not take disbelievers for friends instead of believers. Do you want to make a clear argument against Allah?

وَالَّذِينَ كَفَرُوا بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ (17)

And those who disbelieve, some of them are friends of others.

كَيْفَ وَإِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَلَا ذِمَّةً يُرْضُونَكُمْ بِأَفْوَاهِهِمْ وَتَأْبَى قُلُوبُهُمْ وَأَكْثَرُهُمْ فَاسِقُونَ (18)

How is it possible that if they overpower you, they will not care about any kinship or any covenant about you, they make you happy with their mouths and their hearts do not believe and most of them are disobedient?

Referring to the above verses, Imam Jasas writes:

" وفي هذه الآية ونظائرها دلالة على ان لا ولاية للكافر على المسلم في شئى ". (19)

This verse (Al-Imran: 28) and other similar verses indicate that the disbelievers cannot be superior to the Muslim in anything.

### Appointment of Non-Muslims to sub-posts:

Allama Mohammad Asad has found a way to take advantage of the capabilities of non-Muslims in the Islamic state politically and administratively that they can be assigned specific ministries because the minister is a trustee to the ruler and a secretary. In that case, it would not be able to legislate or make policy, nor would it be recognized as a priority. One of the benefits would be that the "discriminatory attitude" of Muslims

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Al Quran Surah 3, Ayat 100<sup>13</sup>

Al Quran Surah 3, Ayat 118<sup>14</sup>

Al Quran Surah 58, Ayat 22<sup>15</sup>

Al Quran Surah 4, Ayat 144<sup>16</sup>

Al Quran Surah 8, Ayat 73<sup>17</sup>

Al Quran Surah 9, Ayat 8<sup>18</sup>

Al Jassas, Abu bakr Ahmed bin Ali Razi, Ahkam ul Quran, Shika Maktaba w Matba, Cario, Vol. 2, <sup>19</sup>  
P.290

towards non-Muslims would be remedied. <sup>(20)</sup> Imam Jassas not only misunderstands the choice of non-Muslims as rulers, but also says that it is not permissible for Muslims to allow a non-Muslim to interfere in the affairs of Muslims, even if he is a member of a non-Muslim family. No Muslim can include a non-Muslim in the marriage of his children because of differences of religion. In this regard, Ibn Arabi has also imposed a ban that non-Muslims cannot be given the leadership of the Muslim army. In this regard, they should be considered unreliable. <sup>(21)</sup>

Ibn Katheer writes that choosing a non-Muslim ruler means that Muslims are ignored or left behind as inferior. Anyone who goes so far as to fall in love with a non-Muslim will have to suffer the consequences of this act. <sup>(22)</sup> No one is superior to other but they are influential in Shariah teachings. <sup>(23)</sup> Maulana Ishaq Sandelvi and Maulana Idrees Kandhalvi have also laid down the condition that the workers of the Majlis-e-Shura should not only have intellectual and intellectual advancement but also their practical role should be spotless and free from corruption. <sup>(24)</sup>

### **Justifiable thinkers:**

Any system is formed in a specific cultural and social context. Democracy is prevalent in most of the countries of the world in the present age. Democratic political systems are based on philanthropy, so religion is given secondary status in modern political systems. It has been established that the condition of being a Muslim should be abolished in the appointment of a ruler in a Muslim state as in other states.

If non-Muslims are allowed to rule in Muslim states, it will increase the chances of Muslims living in non-Muslim countries pursuing political interests as well. Therefore, Muslims should consider appointing a ruler. I revise the traditional terms.

Imam Ibn al-Qayyim says that if the divine teachings are interpreted in such a way that a particular group is discriminated against because of them, then no such law can be called Islamic. <sup>(25)</sup>

Sudan's leading political and religious leader, Mahmoud Muhammad Taha, founded a political party in Sudan in 1945 called the "Republican Brotherhood". Mahmoud Muhammad Taha was one of the highest level secularists of his time. He was executed by former Sudanese President Gafar Nemri on the grounds that he was an apostate for his views.

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Principles of State, P.62-63<sup>20</sup>

Ibn ul Arabi, Ahkam ul Quran, Dar ul Kutub al Elmiyyah, Beirut, Vol. 2, P.138<sup>21</sup>

Ibn e Kaseer, Abu Al Fida Emad ud deen, Tafseer ul Quran al Azeem, Dar ul Fikr, Beirut, 1992, Vol. 22  
1, P.439

Ahkam ul Sultania, P.7<sup>23</sup>

Muhammad Ishaq Sadelvi, Islam ka Siyasi Nizam, National Book Foundation, Islamabad, 1989, P.198<sup>24</sup>

Al Juazi, Ibn ul Qayim, Aelam ul Muqeen an rab el Aalameen, Matboot al Islam, Cario, 1989, Vol.3, <sup>25</sup>  
P.3

Mahmoud Muhammad Taha is of the view that the verses of the Holy Quran should be used as a beacon for Muslims to formulate their own political, social, religious and family plan of life.

This is because in the verses revealed in Makkah, the distinction of color, race, sex and religion has been put aside and human equality has been taught.

Both the leading and the last of the Muslims, the scholars, ignoring this important aspect, in order to strengthen their dominance over the non-Muslims, ignored the Meccan part of the Qur'an and argued and testified from the verses revealed in the Madani era. <sup>(26)</sup> This political approach is extremely detrimental to modern Muslims. At present, this approach fails to meet the demands of democratic politics, so it is necessary to change this style and mood. <sup>(27)</sup> Taha was arrested by the Sudanese government in 1967 and charged with apostasy for propagating the tribe's ideas. The court declared his ideas ineffective and released him. <sup>(28)</sup>

In 1985, Taha launched a campaign against the implementation of Sharia law in Sudan, which led to his arrest and trial. He rejected the doctrine of the legal supremacy of Sharia and refused to repent for propagating this doctrine. <sup>(29)</sup> In a four-hour court hearing, Taha stood his ground, after which he was sentenced to death the next day along with four of his followers. The charges against him included opposition to the implementation of Islamic law, disruption of public security, revolt against the government and revival of the banned political movement. <sup>(30)</sup> Abdullah Ahmed Naeem, a Sudanese-American thinker, supports the same position. His position or stand is that Muslims should form all their systems in the light of the following verse:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ  
خَبِيرٌ <sup>(31)</sup>

O people! Surely, We have created you from a male and a female, and made you into nations and tribes that you may know one another. Surely the most honorable of you in the sight of Allah is the most pious of you. Verily, Allah is All-Knowing, All-Aware.

This verse transcends the boundaries of color, race, language and religion and paves the way for praise and support for every human being. This verse creates an environment for Muslims in which they can treat the followers of other religions in the same way as they treat their fellow believers. Therefore, if a non-Muslim wants to be the ruler of a Muslim country or a Muslim wants to be the ruler of a non-Muslim state, both of them will have this right. <sup>(32)</sup> Abdullah Ahmad Naeem writes that at a time when Muslim

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Al Juazi, Ibn ul Qayim, Aelam ul Muqeen an rab el Aalameen, Matboat al Islam, Cario, 1989, Vol.3, <sup>26</sup>  
P.3

Muhammad Mahmood Taha, The Second Message of Islam, Syracuse Press, Sudan, (1987), P. 10-15<sup>27</sup>  
Gabriel Warburg, Islam, Sectarianism, and Politics in Sudan Since the Mahdiyya. University of <sup>28</sup>

Wisconsin Press, , (2003), p. 162

Ibid, P. 162<sup>29</sup>

Wright, Robin. Sacred Rage: The Wrath of Militant Islam. p. 203.<sup>30</sup>

Al Quran Surah 49, Ayat 13<sup>31</sup>

Ibid, P. 268<sup>32</sup>

jurists were laying down the principles of Islamic law, no human rights movement was active in the world, but human rights movements began centuries later. The conditions, events and requirements of that era were different while today's conditions are before us with new requirements. <sup>(33)</sup> Human attitudes can no longer be shaped on the basis of religion because basic human rights have been established internationally. If political interaction based on religion is built in a state, it would be tantamount to violating human rights. Muslims should reconsider their stance in this regard and if they do not do so, not only will this stigma tarnish the image of Muslims and Islam, but it could lead to many deadly wars in the modern world. <sup>(34)</sup>

Indian Muslim engineer Asghar Ali, who is known for his liberal and secular temperament and has won many government awards, also supports this position and logic. His stand is that all government positions, including the presidency, should not be given on the basis of color, race or religion, but on the basis of merit alone. Asghar Ali writes that the job of the state is to establish law and order, so if this ability is found in a non-Muslim more than in a Muslim, then this position should be given to him. He spoke up for justice. That is why the Prophet (peace be upon him) used to consider it a matter of pride to be born in his time. <sup>(35)</sup> Asghar Ali later narrated this incident with reference to Muhammad ibn Ali ibn Tabataba ibn Taqtaqi's book "Al-Fakhri fi Adab al-Sultaniyya wa al-Dawl al-Islamiyyah" that when Halagu Khan captured Baghdad in 656 AH (1258 AH), he asked the scholars there, "Who is better, a just non-Muslim ruler or a tyrant Muslim ruler? None of them could give a satisfactory answer." When it was the turn of Razi-ud-Din Ali ibn Taus to answer, he waved a piece of paper in the air on which the answer was written, "A just non-Muslim ruler is more preferable than an oppressive Muslim ruler." He signed the reply and declared Razi-ud-Din's reply as authentic. <sup>(36)</sup>

Egypt's leading liberal jurist and Supreme Court Judge Mohamed Saeed al-Shamawi has also strongly supported the appointment of a non-Muslim ruler in a Muslim country. Temporary rulings become ineffective with the passage of time. These rulings were limited to the time of the Holy Prophet and the state he established in Madinah. The Almighty had given important teachings to the Muslims on internal and external affairs.

So now the rules have changed. One of these changes is the appointment of a non-Muslim ruler in a Muslim state. <sup>(37)</sup> Al-Ashmawi clarifies that the verses of the Qur'an which deal with the prohibition of this work were only for the past and they were related to certain events. Now that those events have become part of the past consequently, we should extract good things from them. The significance and usefulness of the coherent verses have also been lost. At this time, it is imperative for Muslims to abide by the

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Ibid, P. 268<sup>33</sup>

Ibid, P. 220<sup>34</sup>

Ibid, P. 162<sup>35</sup>

Muhammad bin Ali bin Tabataba, Al Fakhri Fi Aadab al Sultaniya w Dawal al Islamia, Vol. 1, P.1<sup>36</sup>

Muhammad Saeed Asmawi, Against Islamic Extremism, Desantra Press, Depok, P. 181<sup>37</sup>

requirements of this covenant and to abide by the established principles and rules of modern covenant democracy. <sup>(38)</sup>

### **Comparison the positions of the two classes:**

The debate over the appointment of a ruler in any Muslim-majority state also raises the question of whether the teachings of the Qur'an are eternal or whether some of them are of a temporary and transient nature. The system of life provided is of a permanent nature and its teachings cannot be completely deviated from till the Day of Judgment. It seeks its total implementation without any distinction of time and place. Or even if they agree on different positions and ideologies, Muslims still have a duty to follow Islamic principles and law and reject non-Islamic views. On the basis of this principle, a statement has been made by this class that since the Qur'an and the Sunnah of the Prophet (peace and blessings of Allaah be upon him) show that the rule of the Muslim state can be given only to Muslims, non-Muslims It is not permissible to hand over power to an Islamic country. According to the second category, some of the commandments of the Qur'an are of a permanent nature, while many of them were temporary and belonged only to the Prophetic period and the region of Arabia. These include the appointment of a ruler. Therefore, the verses of the Qur'an and the parables of the Sunnah of the prophet (PBUH) which forbid the rule of a non-Muslim in a Muslim state are not applicable in the present age. There is need to follow the established political system in this contemporary era. This system is democratic in nature and in democracy every special and ordinary person is given the opportunity to showcase their talents without any discrimination. Therefore, both Muslims and non-Muslims can be appointed to administrative positions in every state of the world. There should be no problem. Khalid Abu al-Fadl writes that insisting on a Muslim ruler alone is a sign of arbitrariness and no rational justification can be given for it. <sup>(39)</sup> Here the question arises as to whether there is any practical example behind this debate on the scientific and intellectual front. In this regard, Banu Abbas mentions Isa bin Nasturus bin Sooris who served as a minister in the pig of the Fatimid ruler Azizullah. <sup>(40)</sup> Apart from this, there is mention of appointment of non-Muslims to government posts but there is no mention of ministry or emirate. In the present age, many Muslim states have been ruled by non-Muslims and still exist.

Of the contemporary Muslim states, Nigeria has 76 percent Muslims, with Olusegun Obasanjo, a Christian, as its president. Despite being a Christian, he has been elected President of Nigeria three times (1976 to 1979, 1999 to 2004, 2004 to 2007). Like Nigeria, Senegal has a Muslim population of 91%. Leopold Sedar Senghor, a Catholic, held the presidency from 1980 to 1988. The strangest situation is in Lebanon, where Muslims make up 75 percent of the population and has been ruled by Christian

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Ibid, P. 13<sup>38</sup>

Muhammad Abu alFazal Khalid, Speaking in God's Name, One World Publications, UK, (2003), P. <sup>39</sup> 140-146

Al-Imad, Leila S, The Fatimid Vizierate (979-1172), Klaus Schwarz Verlag, Berlin, (1990), P. 164, 173-<sup>40</sup> 174



presidents since 1947. The reason is that Lebanon signed the "Pact of the Nation." The clause also stipulates that the Lebanese president must be a Maronite Christian, the prime minister a Sunni, the speaker of parliament a Shiite, the defense minister a Druze or ruler (a sect of Syrian-born Ismaili Shiites) and the foreign minister a Greek Orthodox. <sup>(41)</sup> This treaty is still in force in Lebanon.

Tunisian law makes it clear that "the president is the head of state. His religion is Islam." <sup>(42)</sup>

According to Algerian law, "a candidate must be a Muslim to be eligible to become president of the country." <sup>(43)</sup>

Syrian law stipulates that "the law of the country's president must be Islam." <sup>(44)</sup>

Jordanian law also states that "no one shall ascend the throne unless he is a Muslim." <sup>(45)</sup>

The law of the beloved homeland of Pakistan also stipulates the same condition that "no person shall be eligible for presidential election unless he is a Muslim". <sup>(46)</sup>

Muslim countries that oppose the election of a non-Muslim president follow the teachings of Sunni classical literature that relate to the Khilafah system. In the Khilafah, the head of state not only carries out worldly affairs. He is also the head of religious affairs. In Islamic political terminology, he is called the guardian of religion and the politics of the world. Therefore, the power he possesses is related to religious and worldly affairs. The head of state protects the Islamic region from enemy attacks. <sup>(47)</sup> Religiously, he is the imam of prayers, the leader of Hajj (Amir al-Hajj), preaches Friday and Eid sermons in mosques. The people of the state trust the caliph not only in worldly affairs but also in religious matters. The current socio-political situation is very different from the socio-political situation of the classical era of Islam. Therefore, it is necessary to consider the possible consequences of a non-Muslim ruler ruling a Muslim state without the consent of the Muslims.

## Conclusion

There is no doubt that Islamic teachings are definite and cannot be changed in any way. It is also certain that Allah Almighty has given eternal form to Shariah and any form of deviation from it is incapable of obtaining any justification. Therefore, the position of the first class is absolutely correct that it is unfair (haraam) to make any change in Islam. But at the same time, it is clear that this class has not been able to cope with the political demands of the modern age. The flexibility of 'ijtihad' in the Islamic mood has been somewhat overlooked in this regard. As a result, a practical work has turned into a mere intellectual deliberation and demonstrative front. If the law of the Muslim state is

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Binder Leonard, Politics in Lebanon, John Wiley and Sons Incorporation, New York, (1996), P. 276<sup>41</sup>

Article no. 38<sup>42</sup>

Article no. 73<sup>43</sup>

Article no. 4<sup>44</sup>

Article no. 28<sup>45</sup>

Article no. 41<sup>46</sup>

Muhammad Yousuf Moosa, Nizam ul Hukum fil Islam, Dar ul Kitab, Cario, 1963, p.169<sup>47</sup>

enacted and all its aspects are determined in the light of the Qur'an and Sunnah, then the ruler is bound to enforce these laws. If a non-Muslim is appointed on the basis of merit in which he does not have the power to change the law and the constitution, then there is no problem in it. Believing in the appointment, the background of his formal religious education and training has not come to light and he does not go beyond the principles and details of Islamic law, but his inclination is towards Western ideas. Their opinion cannot be correct.