

among this group?” Their answer was confined to two: Ali and ‘Uthman. Then Abdul-Rahman sought the opinion of the Muslims regarding the two people and which they would elect as Khalifah. He asked the men and women when investigating the opinion of the people. He (ra) worked day and night during the period of electing the Khalifah. Al-Bukhari reported from Al-Miswar ibn Makhrumah that he said: “Abdul Rahman knocked at my door after a part of the night passed till I woke up. He said, ‘I see you have been sleeping. By Allah, I did not enjoy much sleep in these three’”, meaning the three nights. After the people had prayed the dawn prayer (fajr), the Bayah was concluded to ‘Uthman and he became Khalifah by the bayah of the Muslims, and not due to the nomination of the six people by ‘Umar.


At the time of ‘Uthman’s (ra) murder the Muslim masses of al-Madinah and al- Kufah gave the bayah to Ali ibn Abi Talib, so he became a Khalifah by the bayah of the Muslims.

Upon close examination regarding the method of their (ra) Bayah it is clear that the nominees to the Khilafah were announced to the people and each one


of them fulfilled the contractual conditions. Then the opinion of the influential people among the Muslims, who represent the Ummah, was sought. The representatives of the Ummah were known at the time of the Khulafaa’ Rashidun, for they were the Sahabah (ra), or the people of al-Madinah. Whoever was accepted by the Sahabah or their majority was given the contracting bayah, and he became a Khalifah, and obedience to him became incumbent upon the Muslims. Muslims would then give him the Bayah of obedience, and the Khalifah would become the representative of the Ummah in ruling and authority.

This is understood from the Ba’yah given to the Khulafa’ al-Rashidun (ra). There are two issues that are understood from ‘Umar’s nomination of six people and from the measures followed in the Bayah of ‘Uthman (ra). These two issues are the presence of a provisional amir that takes care of the period during which the new Khalifah is appointed and limiting the number of nominees to six people.

[Source: The Institutions of State by Hizb ut Tahrir p. 29-31]



The practical measures used to appoint and take bayah to the Khalifah



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The practical measures taken to appoint the Khalifah, before the bayah is given to him, can take different forms, which happened with the rightly guided Khulafaa' who came immediately after the death of the Messenger (saw) namely: Abu Bakr, 'Umar, 'Uthman, and 'Ali (May Allah be pleased with them). All of the Sahabah remained silent about this and vouched for it, otherwise, they would not have accepted it if it was against the Shara. This is because it is related to a vital matter upon which rely the stature of the Muslims and the preservation of the rule of Islam. If we follow the development of the appointment of those Khulafaa, we find that some Muslims had discussions in the hall (Saqifa) of Banu Sa'idah. Sa'd, Abu Ubaydah, 'Umar and Abu Bakr were nominated and no-one else. However, 'Umar and Abu Ubaidah refused to challenge Abu Bakr. This meant the issue was confined to Abu Bakr and Sa'd. As a result of the debate, the Bayah was taken for Abu Bakr. The next day the Muslims were called to the Masjid and in turn they pledged their Bayah. So the Bayah in the Saqifa was a Bayah of appointment, by which he became Khalifah for the Muslims. However, the second Bayah in the Masjid, the next day was a Bayah of obedience.

When Abu Bakr felt that his illness carried with it death, and the Muslim armies were fighting the Persian and Roman superpowers of that time, he felt it necessary to invite the Muslims and consult them with regards to who could be a Khalifah for the Muslims after him. He continued to make these consultations for three months. When they were complete and he knew the opinion of the majority of the Muslims, he announced to them, i.e. nominated, 'Umar to be the Khalifah to succeed him. This delegation or nomination was not considered a contract of Khilafah to 'Umar after him. This is because it was only after the death of Abu Bakr that Muslims came to the Masjid and pledged their allegiance to 'Umar for Khilafah. It was through this Bayah that 'Umar became the Khalifah for the Muslims, and not as a consequence of the consultations or the nomination of Abu Bakr. Had the nomination of 'Umar by Abu Bakr been a contract of Khilafah to him, then he would not have needed the bayah of Muslims. Besides, the cited texts indicate explicitly that no one can become a Khalifah except with the Bayah from Muslims.

At the time when 'Umar was Khalifah and he was injured, the Muslims asked him to nominate a

Khalifah, but he refused. They continued to insist and so he confined it to six people, i.e. he nominated six people. Then he appointed Suhaib to lead the prayer and to watch over those nominated by him so as to select the Khalifah from amongst them within the three days assigned to them. 'Umar said to Suhaib: "...If five (of the six) agreed and accepted one man, while one (of the six) man rejected him, then strike his head with the sword..." This is also reported by At-Tabari in his Ta'rikh; by Ibn Qutaybah the author of the book al-Imamah and Siyasa known as "The history of the Khulafa'" and Ibn Sa'd in his book al-Tabaqaat al-Kubra. 'Umar then appointed Abu Talha Al-Ansari to protect the gathering with fifty men and he charged Al-Miqdad ibn al-Aswad with the duty of choosing the meeting place for the six candidates. After his death (ra) the nominees settled into their meeting. Abdul Rahman ibn Awf then asked the six "Who would take himself out of it (the Khilafah) and give it to the best among you?" No one answered him, so he went on saying, "I myself renounce my right to the Khilafah." Then he started to consult them one by one. He would ask them, "Apart from yourself, who do you think is worthy of this authority from