

Capability (الاستطاعة al-istita'ah) and Its Impact on the Shariah Obligation to Declare the Islamic State and Establish the Shariah: From Preventive Inability to Making Excuses for the Neglected Ability (Part 2)

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Architecture of Immunity: From the Aqeedah (doctrine) to the state:

There is a practical narrative for the integration of the pillars of the Islamic state in establishing its foundations and repelling the plots of enemies. The pillars of the state's strength are between the Islamic perspective and theories of strategic political thought:

Major theorists in strategic political thought in international relations, such as Hans Morgenthau, Kenneth Waltz, Raymond Aron, and Joseph Nye, present seven material institutional pillars on which the strength of the state depends, which are:

- (1) The geographical pillar - location and vital space
- (2) The demographic pillar - human power
- (3) The economic pillar - productive capacity and resources
- (4) The military pillar - hard power
- (5) The political pillar - legitimacy and the ability to make decisions
- (6) The cultural and intellectual pillar - soft power
- (7) The diplomatic pillar and alliances - the network of foreign relations.

These are with emphasis that the comprehensive strength of the state is not measured by the army or economy alone, but by the totality of these pillars and the extent of their integration.

As for the Islamic perspective, the state is built on foundational, overarching principles that give rise to both Shariah obligation and the direction, which are a condition of existence and establishment for Islamic governance, and are not circumstantial tools or administrative options. Islamic governance cannot be conceived without them. There are then operational pillars that embody those principles in the systems of governance, the state, and policies. Thus, the Islamic state becomes a system of both Shariah obligation and material strength together. Shariah determines the direction and boundaries, and the pillars provide the tools for achievement and empowerment. Consequently, fortifying the Islamic state with these principles and pillars gives it immense strength and structural immunity, making it resistant to disintegration, closing avenues of penetration, and ensuring stability and continuity.

First: The foundational, overarching principles which are conditions of existence and Shariah legitimacy

The primary overarching foundational principle is that "Sovereignty (السيادة) belongs to Shariah, whilst authority (السلطان) belongs to the Ummah." Sovereignty, which is the source of Shariah obligation and setting the criterion, belongs to divine Revelation, while authority in execution and implementation belongs to the Ummah. The Ummah delegates authority to a Khaleefah (caliph) who exercises its authority through the contract of Bay'ah pledge of allegiance. This overarching regulatory principle governs all pillars, determines their

direction, controls their orbit, and prevents human whims from prevailing over divine revelation. It determines the source of Shariah obligation and the possessor of will. Shariah overrides wills and choices, and adherence to Shariah is obligatory for both the ruler and the ruled, while executive authority belongs to the Ummah, through a Khaleefah it establishes with a valid contract. It is among the principles of governance in Islam without which governance does not exist. Based on this, the ruler's departure from the condition of authorization to implement the Shariah makes him lose his Shariah legitimacy. So if he attempts to introduce flagrant systems of disbelief, the sword is unsheathed against him in order to preserve the exclusive authority of Islamic Shariah legislation in the state.

Second: The unity of the Ummah and the Khilafah Rashidah.

The unity of leadership is a definitive principle, and obedience is conditional on Shariah, so there is no obedience in wrongdoing. If flagrant kufr appears, Shariah legitimacy is lost. The Shariah obligation is to appoint a single Khaleefah (caliph), with his right to adopt rulings. Shariah prohibits multiple Khaleefah's in the Abode of Islam. The Prophet (saw) said, «إِذَا بُويعَ لِخَلِيفَتَيْنِ فَاقْتُلُوا الْآخَرَ مِنْهُمَا» **“If bay’ah (pledge of allegiance) is given to two Khalifahs (caliphs), kill the latter of them,”** is a definitive text prohibiting their multiplicity. Sovereign unity resolves disputes and prevents fragmentation as long as governance is by Shariah, and it establishes the center of decision-making. The right to adopt rulings means selecting one of the valid ijtiḥad-based opinions, supported by evidence from the Quran, Sunnah, and the principles of derivation they guide to. The Khalifah is bound in adoption by Shariah rulings and the methodological approach of fiqh he has committed to in derivation, so that courts judge by the adopted opinion, ensuring that opinions do not vary with the multiplicity of courts, guaranteeing the unity of authority and legislation. The Unanimous Consensus (ijmaa’a) has been established on the Shariah obligation of the Khilafah Rashidah, the prohibition of the land being devoid of it, and the Shariah obligation of the Ummah's unity.

Third: Aqeedah Legitimacy and the Method of Assuming Governance (Rule) – the Pledge of Allegiance (Bay’ah):

The Bay’ah is the Shariah legitimate method for appointing the Khalifah. A bay’ah of establishment (contract) appoints the Khalifah, followed by a bay’ah of obedience that obliges him to rule by all that Allah (swt) has revealed. Thus, the Ummah grants its authority to one who commits to ruling by Shariah, and the bay’ah is a contract through which the Ummah grants the Khalifah the responsibility of applying Shariah rulings upon it, and he accepts this with consent and choice from both parties. The binding definition of the Islamic state's nature: it is an executive entity that implements Shariah rulings, and does not produce legislation, and it derives its Shariah legitimacy from the intellectual system, not vice versa.

Fourth: The principle of the independence of divine revelation in legislation, and the rejection of dependency, because sovereignty belongs to Shariah.

The state's legislative and judicial authority is based on revelation, and it is not derived from other systems. This meaning establishes structural independence that reflects on foreign policy, prevents dependency, and preserves the unity of authority and legislation. Its foundation is purely doctrinal: Islam confines servitude to Allah Almighty and assigns sovereignty to Him (swt), and considers human legislation for humans as taking them as lords besides Allah. The believer who dedicates worship to his Lord does not accept dependency on anything other than the truth (Haq). Since the state is an executive entity for the Ummah's convictions, the Islamic state categorically rejects dependency: neither politically, intellectually, nor legislatively. Instead, the Islamic state undertakes, according to the principle of witnessing over nations, the function of guidance and carrying the message, not receiving values and systems from others.

Fifth: Carrying the Dawah (call): The goal of foreign policy and the function of the state:

The Islamic state is a “bearer of the Risaalah message (of Islam)” to the world, Jihad and foreign policy are linked to this function: constant preparation, a state of continuous Jihad in

the strategic sense, its tools and domains, and carrying the Dawah (call) globally. The division of the world, into Dar al-Islam (abode/sphere of Islam) and Dar al-Kufr (abode/sphere of disbelief), forms a geopolitical framework that determines the rulings for domestic and foreign affairs and regulates dealings with the region and borders, and its basis rests on the manifestation of rulings in society and their establishment as norms, and on the basis of security; is it through the inherent strength of Muslims?

With these principles, the “legitimacy of the methodology” and the “legitimacy of authority” are established: Shariah is a binding sovereignty, the Ummah is the holder of authority, the bay’ah is the method to assuming power, unity is a constant that prevents fragmentation, and the state is the carrier of the Dawah (call).

As for the seven pillars of the strength of the Islamic state, they are the axes of construction and empowerment (tamkeen). The pillars are operational axes of strength that embody the principles in institutions and policies, overseen by consultation (shura) and accountability, the most important of which are:

First: The intellectual foundation, aqeedah and sovereignty for Shariah, authority for the Ummah, which is the ruling pillar. It means that the fundamental thoughts, systems, laws, principles, and intellectual vision of life on which the society and state are based are clear, evident, and defined. Its function is granting a “binding direction” to the state and a Shariah standard for policies. Its impact on immunity from error is that it frames decisions within Shariah, prevents deviation, and clarifies people’s satisfaction and acceptance of ruling based on Iman and submission. The state is established to empower the Deen and elevate its Shariah rulings. Sovereignty belongs to Shariah, not to human will, while authority belongs to the Ummah, which exercises it through the bay’ah. The state is an executive entity for the system of concepts, standards, and convictions accepted by the Ummah. Thus, the aqeedah-intellectual foundation is the criterion for establishment and the basis of Shariah legitimacy. This foundation makes politics “a guardianship of affairs according to Shariah rulings, accepted by the Ummah with submission and satisfaction.”

Second: The Shariah legal, judicial and guardianship pillar, which is a system of ruling and judiciary. It is a solid foundation and its main pillars are:

A) The responsibility of managing affairs.

B) A judiciary with binding authority that rules with justice, upholds rights, removes oppression, and enforces its rulings.

C) A Court of Injustices (Mahkamat al-Mathalim) that holds rulers accountable, and has the authority to remove them upon loss of the conditions of establishment of the bay’ah.

D) Separation of the executive entity from the societal entity. The Ummah, with its ulema and parties, monitors and holds rulers accountable, while the authority executes and looks after the affairs.

The impact of this pillar: preventing tyranny, domination, and corruption, and supporting Shariah legitimacy with effective enforcement tools, strengthening public trust, protecting the bonds of Islamic society, ensuring the prevalence of Islamic understanding, and denouncing its violations, which forms a permanent guarantee for correcting the course.

Third: The Economic Pillar

Features: The economy follows the intellectual foundation, not precedes it. The treasury, properties, whether public, state or private, their revenues, and expenditures are tools of guardianship, not of market dominance. Ensuring basic needs, to the greatest extent possible, is the state’s function.

The impact: just distribution of material strength within society, generating sustainable guardianship and loyalty, and reducing vulnerability to economic penetration or dependency. Wealth, resources, and labor are harnessed for a unified project governed by Shariah standards. Demographic abundance, when properly educated and trained, becomes a lever

for rapid economic growth, and natural resources are utilized through the state to meet the needs of the subjects and establish their revival.

Fourth: The military and security pillar. “The guarding force for establishing domestic security” and spreading Islam. **Features:** An army whose aqeedah is Jihad and the protection of the Dawah and the state, internal security to guard the system, a supporting military industry, and a unified central command, the Ameer-ur-Jihad, with Shariah as its reference.

The impact: deterrence and decisiveness together, and reducing the cost of domestic security, as legitimacy counters rebellion with social discipline, not with a costly coercive grip. The Prophet ﷺ would accompany Abu Bakr (ra) in his delegations to the tribes seeking their military support (nussrah), asking about the strength in those tribes, or they were asked about it, as in the response of Mafrooq ibn Amr, «إنا لأشدُّ ما نكونُ غضبًا حين نلقى يعني في الحرب وأشدُّ ما نكونُ لقاءً حين نغضب، وإنا لنؤثر الجياد على الأولاد، والسلاح على اللقاح، والنصر من عند الله، يدلُّنا مرةً ويدلُّ علينا أخرى» “We are at our fiercest, and most intense, in anger when we meet the enemy, and we are at our fiercest in meeting when we become angry, and we prefer the steeds of war over children, and the weapons over the flanks, and victory is from Allah, who bestows it upon us one time after another.”

Fifth: The cultural and intellectual pillar, of soft power, which is carrying the Dawah

Features: Education that produces the “Islamic personality,” media that shapes general awareness based on the comprehensive Islamic message, and a Dawah policy that showcases the Islamic way of life.

The impact: Building a “collective capability” that mobilizes the latent energy for change and revival, carrying society toward revival and cohesion, and expanding spheres of influence externally with a convincing civilizational value.

Sixth: The demographic and societal pillar, which is the Ummah and the bay’ah:

Features: Authority belongs to the Ummah, the bay’ah is a contract of consent, and the young men and women (shebaab) are a human resource capable of rapid education and training.

The impact: transforming the human mass into an aware, legitimate support for the state. When the bond between the leader and the people is strong, the need for “bare force” diminishes, and the immunity against infiltration becomes stronger. The Ummah’s attachment to the state and its readiness to defend it, with weapons available to individuals, means that the Ummah’s will is added to the army’s strength in the enemy’s calculations.

Seventh: The geographical pillar, of location and strategic depth

Features: Geography is a vessel for implementation and expansion, and the objective is international, with investment in strategic depth, corridors, and straits to reduce vulnerability to strangulation and blockade.

The impact: an expansive entity is difficult to target with a swift war. The adversary calculates the cost of confrontation based on the reaction of a vast Ummah whose popular outreach is abundant. Unlike the modern state, which considers nationalistic borders a fundamental pillar, In Islam, geography is considered a vessel for implementation and expansion, not a foundational pillar of the state. Nevertheless, the emerging Islamic state benefits from the depth and the civilizational unity of Muslims abroad to strengthen its position, and to participate in thwarting attempts to obstruct its emergence. Then, the strategic geography of an Islamic State emerging from Egypt, ash-Sham, Iraq, Pakistan, or Turkey lies on a network of straits and commercial passages, forming a continental extension from Indonesia to Morocco. This vast expanse makes direct invasion difficult, forcing international powers to consider negotiation rather than confrontation, when the region unites politically or moves toward unity. This is especially when we recall that the entire Islamic world yearns to see Shariah rule, and that the small nationalistic entities within it are fragile

entities easily toppled. Thus, expanding the geographical base of the nascent state is a vital, swift option to reduce vulnerability to choking and siege, so as to deter the cost of any attempt to mount a rapid strike against it. If this is coupled with a surrounding of crumbling states, and ardent lively peoples, the option of rapid expansion becomes feasible. Then the West will realize that the cost of confronting a state supported by its people is high. Its expansion may become easier if the Muslim people outside of it become certain that the West's war against it is a war on Islam, and liberation from its dependency, and a war that seeks to establish a corrupt reality and tyrannical, weak regimes. Thus seeing in the nascent state a hope and refuge they will not abandon it. If the nascent state becomes widely extended, the calculations of those attempting to topple it become complicated. All this is under Allah's Sunnah of granting victory (nashr) to those who support Him, coupled with the society's ability to thwart attempts to impose agents by force. Any attempt to invade or strike the emerging Islamic state will be followed by waves of anger extending from one end of the Muslim World to the other, threatening the interests of the invading states, an equation that must not be overlooked.

With this hierarchical arrangement, the intellectual foundation remains the basis of legitimacy and the standard for politics, and the other pillars support each other, producing the ability to achieve, maintain, and influence the international order, and creates for the state an equation of stability, based on the integration of strength, not on a single part to the exclusion of others.

The Correct Political Relationship and the Support of the State:

The state is two intertwined entities: A societal entity that carries thought and is led by ulema and political parties, which in turn produce thought and create committed public opinion, and an executive entity that implements Shariah rulings and manages authorities. The executive entity does not endure without support. It either has the support and protection of the people, thus it endures and strengthens, or it has foreign support it relies upon, thus losing its credibility and collapsing, or turning the rule into a coercive dictatorship that soon collapses, even if after a while, or it collapses due to lack of natural popular local support. Hence, the correct relationship between the ruler and the subjects is that they see him as their representative, authorized by the bay'ah to implement the concepts, standards, and convictions they believe in. The strength of this relationship strengthens the state's structure and makes its collapse difficult. However, if confidence in the ruler's ability to rule shakes, or injustice and poor performance appear, or it is perceived that authority is imposed and does not stem from the Ummah, the bond of obedience has been broken, the legitimacy of submission has crumbled, and the rupture of the bond between society and authority draws near. At that point, the failed leadership has no choice but to fortify itself with foreign colonialists, oppress the people with the army, or fall.

It is important that the establishment of this relationship begins in the pre-state phase, as the methodology of empowerment (tamkeen) and acquiring authority, including interacting with the Ummah as a driving force for change and seeking military support (nussrah), is a Shariah legitimate mechanism for naturally assuming power through the people of military strength, protection and power, before employing military force after the state's establishment, it entrenches societal extension and makes its relationship with the state resistant to dissolution.

The Method of Establishment and Change that Creates Popular Support:

Organized party work is based on mobilizing the Ummah, or the society, or its strongest faction, that is, the group that is the source of authority, and the fountain of societal strength capable of tipping the scales of opinion, and imposing itself upon others, or convincing all segments of society with to side with it, to adopt the system of foundational concepts, standards, and convictions. There is then harnessing of the Ummah's sources of strength to create a directed impact in society, that leads to establishing authority based on that system. With the establishment of authority on this basis, the state undertakes the protection of the system, guarding the application of Shariah rulings, and safeguarding the rights of the

subjects, thereby establishing a firm, inherent security for the entity of the state. After securing this safety, the state employs the army to ward off foreign threats and carry its ideology in a Dawah, and the police to guard the system and enforce its Shariah rulings.

Political struggle is to expose poor guardianship of the Ummah, dispel authoritarian propaganda, expose dependence on foreign powers, and exploiting the Ummah's resources for the benefit of others. The intellectual struggle is to strike at the corrupt foundations upon which the system of government is based, and to attack its falsehood with the truth that destroys it. Once intellectual standards shift, ideological public opinion aligns, and the collective social force turns into an informed and Shariah legitimate pillar of support. Seeking military support (nussrah) from the people of military strength, power and protection, to neutralize the power of the existing state from resisting in the confrontation against the people, and relying on the strongest faction in society, those capable of imposing or tipping the scales of opinion, to be a support for change. With the establishment of authority on this support, "inherent security" is achieved within the state. Thus, it relies on the army to repel foreign threats and carry the message, and on the police to guard the application of the system.

Why is Authority Not Taken by Bare, Brute Force?

Rationally, this is because that violates the laws of society. Whoever brings a force stronger materially and intellectually than the people's power, such as the influence of major powers, may prevail momentarily. However, this method establishes a state like embers under ashes that soon ignite a fire. Thus, there is no rational evidence for making bare, brute force the basis for taking authority. The principle is to study the reality of society to adopt thoughts and methods capable of reaching the people, and to challenge the obstacles and foreign influences controlling the direction of society and the state, which is sufficient to eliminate the need for bare, brute force, which is the use of violence and material coercion to impose will in the absence of legitimacy and general consent. Similarly, the principle is to make the Ummah's viewpoint on life the pivot for driving it to establish authority based on its standards, and to mobilize its inherent material and intellectual strength for revival and preservation. If this is achieved, the Ummah transforms into a continuous natural popular support that stabilizes the state's foundations, making it resistant to disintegration and manipulation.

Concise Conclusion:

Thus, the establishment of the demographic and societal pillar as a decisive component in stability and deterrence depends on regulating the relationship between the ruler and the subjects. This regulation is based on the principle of "sovereignty for Sharia, and authority for the Ummah," and popular support is achieved through political struggle, intellectual struggle, and seeking military support (nussrah), so the state becomes protected by its Ummah's awareness before its resources, closing the door to reliance on foreigners, and nullifying the schemes of those who count upon on the separation of authority from the people.

A Concise Comparison with the Structural Weights in Western Theories:

Western theories focus on structural weights, and the West balances power with a composite of geography, material capacity, institutions, and morale. Carl von Clausewitz spoke of the moral dimension of using force. Alfred Thayer Mahan's theory of sea power is a justification of naval force. Mackinder's Heartland Theory advocated force to dominate, the "Heartland" he also referred to as the "pivot area" and as the core of Eurasia. As for neorealism, it was first outlined by Kenneth Waltz in his 1979 book Theory of International Politics. Neorealism or structural realism is a theory of international relations that emphasizes the role of power politics in international relations, sees competition and conflict as enduring features and sees limited potential for cooperation. Joseph Samuel Nye Jr. popularised the term soft power in his 1990 book, "Bound to Lead: The Changing Nature of American Power." Soft power is non-coercive, using culture, political values, and foreign policies to enact change.

The Islamic structure does not contradict the weight of these elements, but it adds the “referencing of Shariah obligation.” The goals and tools are constrained by the objectives and principles of divine revelation, resulting in a regulated equation of strength that balances legitimacy and effectiveness. The practical result is that this constraint is not an obstacle. Instead, it is a foundational advantage that protects decisions from deviation, fortifies legitimacy, and grants the state a permanent mobilizing depth that material deterrence tools alone cannot provide, and reduces the cost of domestic governance due to acceptance based on Aqeedah, not coercion.

Comprehensive Conclusion:

The supreme principles are to be established, which are sovereignty belongs to the Shariah, authority belongs to the Ummah, the unity of the Khilafah Rashida, the bay’ah as the method, adoption is restricted by the Shariah, legislative independence, and the carrying of the call to Islam. It is then that the operational pillars hold firm, including ideology, rule and judiciary, economy, hard power, soft power, society, and geography. A structural immunity is formed that prevents the unraveling of the state’s bond and closes avenues of penetration, and distinguishes it from other systems with the advantage of regulated legitimacy that produces a less costly, longer-lasting, and more impactful strength, domestically and abroad.

Introduction to research: Conditions of the state that are suitable as a pivotal point for the establishment of the Islamic State:

The Muslim must know that ruling by what Allah (swt) has revealed is a Shariah obligation like the obligation of Salah, Shariah prayer, and we can see its danger at the level of the Ummah from the Al-Hakeem Almighty Legislator’s linking its establishment in the state to the soundness of Iman. Ruling by all that Allah (swt) has revealed establishes the noble Islamic Sharia in the reality of life, society, and the state. The Deen was revealed to be a system of life by which people enforce its Shariah rulings in their lives obligatorily. Allah (swt) said, ﴿كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّينَ مُبَشِّرِينَ وَمُنْذِرِينَ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُحْكُمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ﴾ **“Mankind was one Deen, then Allah sent prophets as bearers of glad tidings and warners, and sent down with them the Book with the truth to judge between people in their disputes.”** [TMQ Surah Al-Baqarah 213] and the لام التعليل (the lām of causation) in His (swt) saying, ﴿لِيُحْكُمَ بَيْنَ النَّاسِ﴾ **“to judge between people”** is the lām of purpose, so one of the most important overall objectives of sending Prophets (as) with glad tidings and warnings is that the Book rules among people to reform their lives, and make truth and justice prevail in all aspects of their affairs, and so that the word of those who disbelieve is the lowest.

Consequently, applying these rulings in the reality of life is the greatest objective of Shariah, and the objective of sending the Messenger (saw), the objective of revealing the Book, and the foundation of the well-founded Deen, and establishing it in people’s lives is among the most obligatory of Shariah duties. The state in the Islamic concept is not merely an administrative authority or a bureaucratic apparatus that organizes people’s affairs, but a Shariah legitimate political entity based on a specific aqeedah foundation, carrying a divine Risaalah message, and a firm bond connecting the detailed Shariah rulings related to applying the noble Islamic Shariah in all systems of life, and the fulfillment of those Shariah rulings’ fruits in upholding rights, establishing justice, extending security, managing affairs, bringing benefits, and establishing values in society, so that Islamic norms prevail in society, and injustice, unjust aggression, and corruption will be prevented.

All of this depends on the existence of the Islamic authority, and is completely absent with the absence of the state. It is a grave error to view the state as a secondary, subsidiary ruling in life, or to imagine that it arose historically due to transient historical circumstances that have now passed, or to aspire to its re-establishment as an option, or reaction, to address contemporary political and economic crises and improve society’s living conditions. Instead, the establishment of the state must be viewed as the Shariah obligation that preserves all obligations, and that the existence of Islam in life depends on its existence. The

Prophet (saw) said, «الإِمَامُ جُنَّةٌ يُقَاتِلُ مِنْ وَرَائِهِ وَيَنْتَقِي بِهِ» **“the Imam (Khalifah) is a shield, fought behind and protected by.”** Moreover, its establishment can only be the outcome of a comprehensive process that is Dawah-based, intellectual, political, and societal. It is governed by firmly established Shariah rulings, unchanging divine laws, and well-defined societal norms, and that it is the result of a collective belief in a specific basic idea, and an emanation from the origin of Allah (swt)’s appointment of people as vicegerents on earth. A continuation of establishing a divine principle upon which the heavens and the earth were founded, prohibiting oppression, which cannot be achieved except by applying Shariah, so that preventing oppression extends beyond individuals refraining from it, to the state preventing oppression from all its subjects, thus achieving the intended goal, and a firm bond that strengthens the remaining bonds of Islam, whose violation leads to the unraveling of Islam, link by link. All of which emphasizes the centrality of its establishment and its profound importance in the commands of the Al-Hakeem Legislator.

[To be continued]