

Islamic State and Darul Islam – Difference and Jurisdiction

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Abstract

Now-a-days a number of issues and questions are raised about certain concepts of Islam. Among such issues are the misuse of some peculiar terminologies used in Islamic Law and jurisprudence. This paper is an attempt to remove certain misunderstandings about the use /the misuse of such concepts related to Islam with a focus on: Islamic State, 'Darul Islam' (Islamic State), and 'Darul Kufr'(the land of the disbelievers). The paper clearly distinguishes between the prevalent terminologies of Islamic state, 'Darul Islam', and 'Darul Kufr'. During the process of investigation, relevant scholarly writings were consulted. The methodology was purely analytical cum critical. Primary sources together with secondary sources were utilized. Based on the rigorous criteria of reasoning and valid argumentation a conclusion was reached where the legal aspects of these terminologies was clarified.

Keywords: *Islamic law, Islamic Jurisprudence, Islamic State, Darul Islam, Darul Kufr.*

Introduction

Among all the Abrahamic religions Islam is considered as the most comprehensive religion with reference to dealing with various aspects of social life. Islam is strictly against dogmas and presents a reason-based and practicable guidelines in all walks of life such as state, rule of law, and governance. In this connection some terminologies like: Islamic State, 'Darul Islam' (Islamic State), and 'Darul Kufr'(the land of the disbelievers) are often misused and confused by many people. The same terminologies are exclusively explained and the related misconceptions are eradicated in the lines to follow.

Statement of the Problem:

Islam is not the name of a few dogmas and rituals; it is a complete way of life regulating the economic, social, moral and political aspects of life. Regarding political aspect which relates to government, the concept of state is a much-debated topic ever since the advent of Islam and a lot of work has been done in this regard. But with the advent of modern age the nature of

politics has changed and has become very complex. Notwithstanding these changes, Muslim scholars are still using old terms and concepts. This is also much evident in the writings of Muslim scholars. Some of such misunderstandings are in the terms of 'Islamic state' and 'Darul Islam' and Islamic Government. The misunderstanding has created much confusion. It has never been tried that laws made and interpreted by *Ullmas* (religious scholars) are applicable to *Darul Islam* or Islamic state. Secondly, Islamic state and 'Darul Islam' are one and the same thing. Thirdly, it is not clear that whether Islamic laws are applicable to the modern state or otherwise. Fourthly, when and where a state and government would be declared as 'Darul Islam' or 'Darul Kufar'? There are a lot of similar questions which often crept up but so far no satisfactory answer has been given. Therefore, in this research paper, an attempt has been made to explain the terminologies of Islamic state and *Darul Islam* in the light of Quran, and *Sunnah*, as interpreted by Islamic scholars.

Significance of the study:

This study gives a comprehensive picture of the nature and structure of Islamic state together with clarifying the related terms peculiar to Islamic political thought. Similarly these terms were also discussed keeping in view the contemporary literature. An effort has been made to determine the legal and Islamic status of the mentioned terminologies. It would not only help to guide the people, but also would pave way for further research in the field.

The objectives and scope of study:

1. To determine the true status of Islamic state and 'Darul Islam'
2. The legal and Islamic status of Islamic state and 'Darul Islam' and 'Darul Kufar'
3. To determine the conditions/ pre-requisites for 'Darul Islam'
4. To determine the difference between 'Darul Islam' and 'Darul Kufar'

'Darul Islam' and Islamic State:

Most of the Muslim scholars have considered 'Darul Islam' and Islamic state as similar. While defining, some have over-emphasized one aspect while neglecting the other and vice versa. For example some have emphasized practical enforcement of Islamic Laws, while some have concentrated on independence, authority and sovereignty. *Daira Muraful Islam* defines 'Darul Islam' as, "Its meaning is House of Islam and its territory and it means such a disciplined and well organized state of Muslims headed by a Muslim where the whole Islamic law and *sharia* is well established and practiced".¹ In this definition 'Darul Islam' is in fact a welfare state. Prof: Faridul Haq, defines 'Darul Islam' as a group of people living in a definite territory who are organized under sovereign Government.²

Both Muslim and non-Muslim citizens are included in 'Darul Islam'. Allama Ibne Qaim says, 'Darul Islam' is a place where Muslims are living and where Islamic Laws are functioning and working". If Islamic Laws are not

implemented practically, then that place would not be called '*Darul Islam*'.³

Similarly Syed Maudodi wrote, "It is that place where government belongs to Muslims and Islamic Laws are functional or the rulers have the capacity to implement these Laws.⁴ Ashraf Ali Thanvi writes with reference to Fathwa Qazi Khan and Alamgiri, "A place where Muslims are living, are independent and any part of Islamic Laws are implemented then it would be called '*Dar-ul-Muslimin*' (the land of the Muslims) rather than '*Darul Kufr*'.⁵ Many scholars have put forward same kind of definitions but so far they have considered both terms as synonymous or have concentrated on the Laws.

Difference between '*Darul Islam*' and Islamic state:

In simple words, '*Darul Islam*' means that place which is under the control of Muslims and the writings and sayings of Islamic scholars indicate that Muslims are femoral in that place while '*Kafirs*' (the disbelievers) are femoral in '*Darul Kufr*' .

Imam Sarkhasi defines '*Darul Islam*' as a territory where Muslims have dominancy".⁶ Sovereignty and dominancy are more stressed in this definition. The definition given in Sharhul Azhar also indicates force and govt. "*Darul Islam* is that place where symbols of Islam are clear and evident by force and there exists a govt. of the Muslims".⁷ This is the reason that writer of '*Fathul Bari*' Imam Arfae'e does not consider the majority of Muslims as essential and only rely on the rule and power of Muslims. He writes, " The presence of Muslims is not essential for '*Darul Islam*' but it is sufficient that the power and rule should be in the hands of Islam and Imam.⁸ Scholars have interpreted the terms '*Jihad*' and co-related terms like booty ownership, prisoners, murderers marriage and similar other issues.⁹

But, there are still many questions regarding '*Darul Islam*' and Islamic state that need to be answered. Similarly, Prof. Mushtaq have raised some important questions regarding '*Darul Islam*' and Islamic state. Its summary may be given which would help in the solution of problem in this regard.

Firstly, according to the current international Law state is considered a person while Islamic scholars have not accorded same status to '*Darul Islam*' because the concept of factitious person was not in vogue at that time and circumstances. There are some corollaries of legal personality of the state and the important one is that it is mundane or religious duties and rights, hence a state cannot be either Islamic or un-Islamic. Secondly, according to the present system and theories of Political Science, Sovereignty belongs to state while, according to Islamic Jurisdiction, all the attributes assigned to it basically belong to Allah. Thirdly, if the principle of sovereignty of state is recognized then it would be treated that state has absolute power of legislation within the territory which according to Islamic scholars, is '*Shirk*' (Polytheism). Fourthly, there are 57 Muslim states but nowhere Islamic laws are practiced. So it would be considered that no '*Darul Islam*' is there in the world. Fifthly, whether the 57 states would be considered as separate '*Darul Islam*' or parts of one '*Darul Islam*'?¹⁰

State as a person:

According to international law there are four elements of a state: (i) definite territory (ii) permanent population (iii) Government (iv) and ability and capacity to establish relation with other states.¹¹ The fourth one is often referred to as sovereignty. State is the combination of these four elements and is thought of as person according to international Law. Before proceeding further, it would be pertinent to highlight the concept of 'state as a person'.

When an entity is declared as person by Law then the same law also defines some right and duties for the same person. Therefore, a person is that entity which possesses rights and duties as per law.¹² According to some definitions the personality becomes '*Zimma*, (a non-Muslim citizen in an Islamic state) in Jurisprudence and person as '*Mukallif*' (accountable).

As law is related to person, so person is also called as subject of law. Persons are of two types.

1. Natural person i.e. Man
2. Fictitious person i.e. company or state.

Law can declare anything as person and can accord it personage with rights and duties. State is one such example which has been declared such by international law. It means that it is the prerogative of Man-made law to declare anything as person and withdraw the same status. Hence according to Man-made law *Mushrikat* has no personality while the company and organizations are declared as persons.¹³ On the contrary, in Islamic Law "*Zimma*" means pledge, which is between God and Man.¹⁴ According to same pledge man has rights and duties. It means two things.

1. "Which gives rights to people?"
2. "Which defines duties for people".

It is also clear that this status is given to because of its being human and cannot be accorded to a non human being.¹⁵ It is sometimes complete and sometimes incomplete. Embryo has incomplete status because it has rights but no duties can be expected from the same. Similarly children and lunatics are also treated in the same manner. Reason is considered the outward indication for maturity hence the status of a mature and well being person is complete and can become incomplete in later life.¹⁶

Hence, "Reasons" are necessary for having rights and duties. Similarly, a child or mad person has rights but they can donate act on the same as when a child interest a property. He/she can become the owner and sharer has recognized the same but he/she does not have authority over the property etc. or unless and until he/she is fully mature.¹⁷

Osoleen has explained that non human being cannot be declared as '*Zimma*' and has gone to the extent that even if an animal attain some reasons as human, still it would not be declared as human being.¹⁸ It has simple reason and he has explained that only being man is essential. Therefore, if some thing is not declared as main similar rights and duties cannot be accorded to the

same. Therefore there is no place in Islamic law and jurisprudence for this.

Consequences:

If similar status is accorded to state in Islamic law and jurisprudence then certain consequences would have to be admitted as well. For examples Islamic scholars have finalized that a person who stealth from '*Bait-ul-mal*' (public treasury), would not be punished because *Bait-ul-mal* is the common property of all Muslims. According to Islamic Laws and jurisprudence if two or more persons are included then all have equal shares.¹⁹

Now if state is considered as person and national exchequer is considered the property of that person then the concept of co-ownership has no existence. If a person steels from the state then he would be liable to face the punishment of '*Hadd*' (punishment) which is not permissible in Islamic Law. In this case, the condition would be finished because it was based on presumption that any thing which is not the property of any person, any person by using it can become its owner.²⁰ Now rivers, oceans, forests and mines etc. would also be considered the property of state, therefore, no place would be left for individuals. Therefore, it is not a matter of recognizing the person status or not, but real problem surpassed after the same. Some people do not consider it a big change. It is not only limited but certain consequences would also have to be admitted, the most important of them is that religious responsibilities can be imposed on person because it is name worships which cannot be expected from the same.²¹ It can be explained as worships cannot be directed to person for example of a corporation when it is considered a person. Similarly if a state is considered a person, then it would have to be considered that worship would not be expected from the same, then *Jihad* would not be the responsibility of state but of Imam.²² In nutshell it can be concluded that legally the meaning of state has no significance as state is not a natural person but a fictitious person. If a state is not Islamic, it cannot be termed as un-Islamic.²³

Contemporary Islamic State:

Now-a-days Islamic state is used in two meanings but it has nothing to do with fictitious personality in any way. One of such concept is made possible due to the efforts of Syed Maudoodi and other scholars according to which it is that state where Islamic laws are supreme.²⁴ The second concept is that which has been adopted by international organizations and media and those states which have Muslim majority population. In other words all Muslim majority states are members of O.I.C.²⁵

Two conditions are mentioned for the membership of OIC, first of all founding states are eligible; secondly, for new members, according to manifesto article no.8, it is necessary that all Muslim states are eligible but there is no clear definition of Islamic state which often creates confusion. For example 99% of Turkey's population is Muslim but according to the country's constitution it remained a secular state. On the other hand Lebanon has 57% Muslims its Prime Minister is Muslim while its president is Christian. It

produced great problem when, its president was not allowed to enter '*Haram*' (the sacred area around Ka'aba, the house of Allah) along with other leaders. According to different estimates, the population of Muslims in Uganda is from 20% to 50% but as its president general Abdul Amin embraced Islam, and therefore, the said state was given membership. The president of Gabon, Robert Bango, when embraced Islam, his state was granted membership of OIC, despite having almost 10% Muslim population.²⁶

All this are mere speculations and has no legal status. It is like naming a partnership firm as "Forum" for the sake of convenience, although, firm is not a fictitious person and partner is real person. Similarly whatever may be the name of an Islamic state in common parlance, legally it would be called as Islamic state. Any how, as explained, it does not mean that states are un-Islamic. As a state cannot be Muslim similarly, it cannot be non Muslim in legal sense.²⁷

'Darul Islam' and Islamic injunctions:

According to Islamic law, '*Darul Islam*' is that territory which is under the control of Muslims and conversely that territory which is under the control of non-Muslims is '*Darul Kufr*'. If Muslims have a contract with them, it would be called as '*Darul Mawdia*' (the place of friendship) and if there is a state of war it would be a '*Darul-Harb*' (place of war). Still if there is no state of war, nor any contract, it would be called as '*Darul Adva*' (land of the enemy).²⁸ It means that it is binding upon all Muslims to convey the universal message of Islam. Because according to Quran it is the best '*Umma*' and the spread of religion is its prime obligation but the same should be on the basis of peace, logic, and diplomacy and not of sheer force end as a result all the consequences be faced with forbearance. All interpretations regarding '*Darul Islam*' are on the basis of the above discussion. But some jurists think that in case in a territory all Islamic laws are not practiced then it will not be declared as '*Darul Islam*'. No doubt, the implementation of Islamic Law and jurisdiction is within the responsibility of all Muslims but as an individual is not practicing certain injunctions of Islam, he or she cannot be placed outside the pole of Islam. Similarly in spite of non implementation of Islam, even then such a territory can be called as '*Darul Islam*'. While interpreting '*Darul Islam*', Syed Maudoodi wrote in his book '*Soud*' that, in fact '*Darul Islam*' is that territory where Islam is practiced as a system of life and where Islamic Law is enforced as State Law. If there is such a situation where sovereignty belongs to the Muslims but they establish any other system of life and implement another law then that place according to '*Ulama*' will be considered as '*Darul Islam*' unless Muslims cut off the very nominal relation with Islam. This cautious approach is due to two reasons, first, the population is the follower of Islam and wants to lead life according to Islam but usually a group is in control of the state. Second, the ignorance is wide spread among populace and due to their support, the ruling elite is running the state on un-Islamic way. In the first case it is just possible that awareness about Islam may occur and the

ruling elite may be overthrown therefore, there is no reason to call it '*Darul Kufr*' in haste. In the second place, there is great despondency, but if Muslims have not cut off their relation with Islam in spite of ignorance and in spite of all this, still declare their religion as Islam. Even then there is the possibility and hope about their return to true Islam. Hence, such state should not be called as '*Darul Kufr*' rather, it is to termed as '*Darul Islam*'.²⁹

Islamic Laws and '*Darul Islam*':

From the above discussion it is evident that the condition of Islamic Law and its practical implementation is the prime responsibility of all Muslims which they should strive for in this regard. But due to non implementation of Islamic laws, same cannot be placed outside '*Darul Islam*' but remain as '*Darul Islam*'. In this regard, Iman Sarakhsi and Prof. Mushtaq have written whatever is worth mentioning. Imam Surkhai, while discussing the ownership and legal status of War booty, writes that the ownership is not clear until and unless it is secure in '*Darul Islam*'. Here the cause of ownership is control, and before (*Ihtiraz*) although it is in control of *Mujahiddin*, but due to non-possession in '*Darul Islam*' its case is weak. Hence, the entity regarding which there is sufficient proof of possession from one aspect and totally unsatisfactory credentials from another perspective the case of its ownership is weak. It is because of the reason that when a territory belongs to non-Muslims, it means that they have control over it. Therefore, it is necessary for Imam to leave this region and go back to '*Darul Islam*'. It is justified on the ground that he was unable to stay there.³⁰

It is clear that control is the basic condition for declaring a region as '*Darul Islam*' or '*Darul Kufr*'. If it is dominated by Muslims, it would be '*Darul Islam*' and if dominated by Non-Muslims then it would be '*Darul Kufr*'. This is the reason that, for legal status of war booty, not only control but the presence of '*Darul Islam*' is necessary. Therefore, Hanafi school of thought is of the opinion that division of war booty is only possible in '*Darul Islam*'.³¹

Iman Sarakhsi writes that as the existence of '*Darul Islam*' is necessary for the movable booty which is obtained through possession, similarly it is necessary for the possession of landed property. The Muslims cannot claim ownership until and unless it is a declared '*Darul Islam*'. This is also a condition for movable property and this cannot be accepted that its mere possession is sufficient for ownership but rather the central thing is that control which is for the cause of Islam that ensures full ownership. In this way the condition for war booty completes and the fifth share may be spent in way of God. This type of control cannot be achieved by mere occupation but only when people of '*Darul Harb*' have not surrendered completely. It is only when *Ihtiraz* is done, because in this way almost all people of '*Darul Islam*' are opposed to nearly all people of '*Darul Harb*'. But before *Ihtiraz* only Muslim army can be against '*Darul Harb*' who have occupied booty and they cannot face all people of '*Darul Harb*'. According to this principle, the booty of those who have attacked '*Darul Islam*', then in case of Muslims' victory over the

opponent the division of booty is permissible. Similarly if Muslims occupy a region and declares it '*Darul Islam*' then according to Islamic injunctions division of war booty is permissible.³²

The Occupied Territories:

The question that when Muslim state or '*Darul Islam*' or Muslims occupy another territory then that territory becomes '*Darul Islam*' or not? From the explanation of Muslim jurists it is clear that when Muslims occupy, control, and dominate any territory, then that territory becomes '*Darul Islam*'. Now the question is what are the indications in this regard? One such is annexation from Muslim ruler.³³ On the occupation of Khyber, Hazrath Jaffar Tiyyar reached there, but the Holy Prophet (P.B.U.H) did not gave him any share from War booty because that place was declared as '*Darul Islam*' before his arrival, and the booty was taken into control.³⁴

Another indication of declaration of '*Darul Islam*' is that its legal system came into and regulated by the Muslims. Imam Sarakhsi says that mere victory without implementation of Islamic Laws cannot render it the status of '*Darul Islam*'.³⁵

This is the concept of '*Darul Islam*' but it does not mean that when there is no complete implementation of Islamic laws then it would not be '*Darul Islam*'. It is true that it is obligatory on Muslims and their Imam that they should implement Islamic Laws, but for non-implementation of certain laws, he would be sinful and his deposition would become necessity. With no implementation of certain laws and implementation of certain un-Islamic ones, his deposition may become a necessity but that region cannot be termed as '*Darul Kufar*'.³⁶

When a territory to become '*Darul Kufar*'?

It is a pertinent question that when '*Darul Islam*' would become '*Darul Kufar*', whether control of non-Muslims is necessary. It is clear from the views of Muslim jurists that for conversion '*Darul Kufar*' is not essential. According to Malaki and Shafi schools of thoughts together with Imam Abu Yousaf and Imam Muhammad from Hanfi school of thought, that after subjugation by non-Muslims, termination of Islamic laws are necessary for calling it '*Darul Kufar*'. Imam Abu-Hanifa adds two other conditions in this regard. First is the termination of peace for Muslims; secondly, it must be surrounded by '*Darul Kufar*' from four sides.³⁷ The 1st condition determines that whether this change is permanent or temporary? When it becomes established that control is with non-Muslims and they are dominant then that region would not be called as '*Darul Islam*'. Therefore, the basic factor is that of domination.³⁸

In this respect the view of Mufti Muhammad Taqi Usmani is of concluding nature. He believes that since the very inception of humanity the concept of state exists. Man was sent on earth as a ruler and '*Khalifa*' in particular lands, and was subjugated to follow context-based '*shariya*' and law. In this respect neither was nor there is the need of any '*social contract*'.³⁹ Furthermore, the said scholar in the theory of the '*Divine Origin*' talks about

'*Darul Islam*' and '*Darul Kufr*' in the following manner. '*Darul Islam*', it refers to the country that is under the possession of Muslims with complete control in such a manner where the Muslims can promulgate their own laws.⁴⁰ While '*Darul Harb*' is of two types, the one with which there is no agreement of co-existence of any Islamic state nor can the Muslims follow their religious practices. In such a situation the said '*Darul Kufr*' is the actual '*Darul Harb*'.⁴¹ The second type is that where despite non-Muslim rulers the Muslims are free to practice their religion and their respective government does not prohibit the Muslims to follow their own religious commandments. Such a place is called '*Darul Amn*'.⁴²

CONCLUSION:

on the basis of the afore-mentioned exhaustive discussion, it can safely be concluded that although the term 'Islamic state' is used frequently, but it has no legal status. Legally a state can neither be Islamic nor non-Islamic. Similarly, Islamic state and '*Darul Islam*' are not synonymous. According to international law state is a people living in a definite territory organized under a Government, having sovereignty. State is a person in international law but not in Islamic law. In Islam, '*Darul-Islam*', means that place where Muslims have dominant power. In Islam there is no such personage or personification. Only '*Darul Islam*' has legal status and all laws are applicable to it.



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References

- ¹ Daira Maarif Islami Islamia, Ward, Darul Islam, Zir-e-Ihthimam Danishgah, Panjab, Lahore.V.9 p.102 Ff
- ² Fridul Haq, Professor, Nazri Siasat, Shikh Sons, Urdo Bazar, Karachi,1991, p.8
- ³ Op-Cit, p.103
- ⁴ Maodoodi, Abul' Alla, Sood, Islamic Publications, Lahore, pp. 405,406
- ⁵ Daira, Maarif Islami, Panjab, Lahore, V.9, p.103
- ⁶ Al-Sarakhsi, Abubakar Mohamad Bin Ahmad Bin Aabi Sohil, Sharah Kitabulsair, Berooth, Darulkoothabulilmia,1997,V.1, p.181
- ⁷ Sharha Alzahar,V.5, Pp.571,275, Bahawala Ism May Riasath Aur Fard Ka Maqam, Abdul Karem Zidan,(ND), p.29
- ⁸ Fath-ul-Aziz,V.6, p.15, Bahawala Ism May Riasath Awar Fard Ka Maqam, Abdul Karem Zidan,(ND),.30
- ⁹ Al-Sarakhsi, Abubakar Mohamad Bin Ahmad Bin Aabi Sohil, Sharah Kitabulsair, Berut, Darulkoothabulilmia,1997, p.39
- ¹⁰ Ahmad, M. Moshtaq, Jihad,Mazahimath Aur Baghawat, Al-Sharia Acadmi, Gojranwala, 2008, p.106 ff

- ¹¹ Monatevideo Convention On the Rights and Duties of States,1933, See.1
- ¹² P.J. Fitzgerald, Salmond on JURISPRUDENCE, Islamabad: Natinal Book Founation, (ND),12Th Edition, pp.298-330
- ¹³ Imran Ahsan Khan Niazi, Islamic Law of Business Organization.Corporation, Islamabad, Islamic Research Institute, 1998.
- ¹⁴ Al-Sarakhsi, Abubakar Mohamad Bin Ahmad Bin Abi Sohil, Sharah Kitabulsair, Maktabe Madani, Lahore 1981, V-2 p. 232
- ¹⁵ Ibid p.235.
- ¹⁶ Imran Ahsan Khan Niazi, Islamic Law of Business Organization. Corporation, Islamabad, Islamic Research Institute, 2000,pp. 112-23
- ¹⁷ Ibid .
- ¹⁸ Al-Thaftazani Massud Bin Ommar Bin Abdullah, *AL-Thalveeh fi Kashaf Haqaiq Al-Thaqeh Sharha Al-Thawzeh*, Al-Qahira, Maktabe Muhammad Ali, 1997, V-2 p.197.
- ¹⁹ Ahmad, M. Mushtaq, *Jihad, Mazahimath aur Baghawat*, Al-Sharia Acadmi,Gojranwala,2008, p.1106 ff
- ²⁰ Al-Kasani, Allaudin Abu Bakar Bin Massud, *Badai AL-Zaa fi Thartebi Al-Sharai*, Al-Qahira, AL Matba AL-Mahumoodia, 1973, Kitabu Sharka V-5
- ²¹ Op-Cit, pp. 110, 132
- ²² Al-Muqadasi Muffaquudin Abdullah Bin Muhammad bin Qadama, *Al-Mugni Ala Mukhtasarul Karqi*, Al-Qahira, Darul Manar, 1367 H, V-8, p 352.
- ²³ Ahmad, M. Mushtaq, *Jihad,Mazahimath Aur Baghawat*, Al-Sharia Acadmi,Gojranwala, 2008, pp.111-110
- ²⁴ Maudoodi, Abul Ala, Islami Riyasat, Lahore, Islamic Publications. Amin Ahsan Islahi (2002), Islami Riyasat, Lahore, Darul Tazkeer. Al-Nabahi, Tahaquiddin,(1997) Al-Daulatul Islamia, Berut-ama.
- ²⁵ Op-Cit, p.111
- ²⁶ Saad, S. Khan, Reasserting International Islam: a focus on the organization of Islamic Conference and other Islamic institutions (New York: Oxford University Press, 2001, pp.5-54
- ²⁷ Ahmed, M. Mushtaq (2008), *Jihad, Muzahimat, aur Baghawat*, Al-Shariya Academy, Gugranwala, pp.110-111
- ²⁸ Farooq, Muhammad, (2005). *Jihad, Qital, aur Aalame-e-Islam*, Darul Tazkir, Lahore, p.9
- ²⁹ Maudoodi, Abul Ala, (1992) Soud, Islamic publications, p.406, 407
- ³⁰ Al-Sarakhsi, Abu Bakr Mohammad ibne Ahmed bin abi Suhail, (1997), Sharha Kitabul Sair, Berut, Darul Kutab-ul-Ilmiya, Chap. *Muaamila Aljish Ma'al Kufr*, p.39
- ³¹ Ahmed, M. Mushtaq (2008), *Jihad, Muzahimat, aur Baghawat*, Al-Shariya Academy, Gugranwala, p.112
- ³² Ibid.
- ³³ Akehurst, Michael (1998), Modern Introduction to Islamic Law, New York, Rutledge, pp.147-172
- ³⁴ Al-Sarakhsi, Abu Bakr Mohammad ibne Ahmed bin abi Suhail, (1997), Sharha Kitabul Sair, Berut, Darul Kutab-ul-Ilmiya, Chap. *Muaamila Aljish Ma'al Kufr*,Al-Mabsout, p.27
- ³⁵ Ibid.
- ³⁶ Ahmed, M. Mushtaq (2008), *Jihad, Muzahimat, aur Baghawat*, Al-Shariya Academy, Gugranwala, p.116

³⁷ Al-Sarakhsi, Abu Bakr Mohammad ibne Ahmed bin abi Suhail, (1997), *Sharha Kitabul Sair*, Berut, Darul Kutab-ul-Ilmiya, Chap. *Muaamila Aljish Ma'al Kufr*, p.27

³⁸ Ibid.

³⁹ Taqi Usmani, *Islam and Political Views*, Karachi, no.14, Nov. 2010. Shams printing Press, Karachi, (pp. 22,23).

⁴⁰ Ibid. (p. 624).

⁴¹ Ibid. (p. 328).

⁴² Ibid. (p. 328).