

There Is No Sharīʿah Without a Khilāfah

Talha Ibn Yusuf Al Hanafi
19/06/2026

Introduction

A claim circulates across Muslim political discourse, sometimes stated openly and sometimes only implied: that nation states can rule by the Sharī'ah if they simply choose to do so. That if a Muslim-majority country elects the right leadership, implements the right laws, and appoints sincere judges, the obligation of ruling by what Allah revealed will have been fulfilled. This claim is wrong, and structurally wrong at that. The impossibility of ruling by the Sharī'ah within the nation state framework is not a question of political will, leadership quality, or sincerity of rulers. The nation state system is architecturally incompatible with Islamic governance as understood by the classical scholars. The Sharī'ah, as a total system, requires the Khilāfah as its institutional home. Without that home, the Sharī'ah becomes fragmented, selective, externally constrained, and ultimately hollow.

Introduction....1
Terms and Definitions....2
Ruling by the Sharī'ah Is a Command....2
Why the Nation State Cannot Rule by the Sharī'ah....3
1. The Nation State Has a Different Source of Legal Authority....3
2. The Nation State Is Chained to International Law....4
3. The Sharī'ah Is a Complete and Interconnected System....4
4. The Nation State Competes with Islam at the Level of Identity....5
5. The Sharī'ah Has Collective Obligations That Require a Collective Authority....6
6. The Nation State Was Built to Prevent the Khilāfah....7
Addressing the Objection: "Saudi Arabia and Iran Rule by Sharī'ah"....8
Unity Is Fard....8
What Must Be Done....10
Sayf Al-Furqan Publications....12

Terms and Definitions

Al-Ḥukm bi-mā Anzala Allāh (الحكم بما أنزل الله): Ruling by what Allah has revealed. This is the command of Allah in Sūrat al-Māʾida, repeated across three consecutive verses. The command form is clear.

Al-Sharī'ah (الشريعة): The complete revealed system of Allah, covering ʿaqīda, ʿibādāt, muʿāmalāt, social life, criminal law, military law, foreign policy, and governance. The Sharī'ah is a total order for human life, individual and collective. It cannot be reduced to a set of personal piety practices that can be extracted from their context and inserted into a secular state.

Al-Khilāfah (الخلافة): The universal leadership of the Muslims, charged with executing the Sharī'ah in its totality, defending the Ummah, managing the collective affairs of the dīn, and fulfilling the obligations that no individual Muslim can fulfill alone. Al-Māwardī defined it in al-Aḥkām al-Sulṭāniyya:

> *"Imāmah is prescribed to succeed Prophethood as a means of protecting the deen and of managing the affairs of this world. There is a consensus of opinion amongst the scholars that the person who discharges the responsibilities of this position must take on the contract of Imāmah of the Ummah."*[1]

The Nation State: A political entity defined by fixed territorial borders, citizenship tied to nationality, membership in the international state system, and legal obligations to international law, treaties, and supranational institutions. The nation state draws its legal legitimacy from popular sovereignty or constitutional authority, not from divine revelation.

Ruling by the Sharī'ah Is a Command

Allah says in Sūrat al-Māʾida:

وَأَنِ احْكُم بَيْنَهُم بِمَآ أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ

"And judge between them by what Allah has revealed, and do not follow their desires."[2]

The same command appears in 5:44, 5:45, and 5:47, where departing from the judgment of what Allah revealed is described as kufr, ẓulm, and fisq respectively. The command is repeated three times in five consecutive verses. Ibn Kathīr, commenting on these verses, transmits from Ibn ʿAbbās (ra) that the Prophet ﷺ was instructed that all

[1] Al-Māwardī, al-Aḥkām al-Sulṭāniyya, p. 56.
https://www.islamiqate.com/4483/what-is-the-greatest-obligation-in-islam
[2] Al-Māʾida, 5:49

judgments between people must follow what Allah revealed, leaving no space to rule by anything else.[3]

The command is clear. Ruling by the Sharī'ah is obligatory. The question this article addresses is whether a nation state has the structural capacity to fulfill this obligation, and the answer the evidence produces is that it does not.

Why the Nation State Cannot Rule by the Sharī'ah

1. The Nation State Has a Different Source of Legal Authority

The foundational issue is this: **the nation state, by definition, does not draw its legislative authority from Allah.** It draws it from the people, from constitutions, from parliamentary majorities, or from dynasties that present themselves as national institutions. In every case, the source of law is something other than divine revelation.

The Sharī'ah operates on a completely different understanding of sovereignty. We say: sovereignty belongs to Allah alone. The Khalīfa holds no personal sovereignty in the Western sense. She is a trustee, bound by the Sharī'ah, accountable to it, and removable if She departs from it. The classical scholars are unanimous that the Khalīfa has no authority to originate law. She administers and executes what Allah has already revealed.

When a nation state parliament votes to incorporate Sharī'ah provisions into its legal code, it does so through its own constitutional authority. The content may be Islamic, but the source of authority remains parliamentary. This means the same parliament can vote to reverse those provisions in the next session. When a law can be made and unmade by popular vote, it rests on the will of men, and resting on the will of men is precisely what the Sharī'ah prohibits from governance.

Imām al-Ghazālī addressed this directly in al-Iqtiṣād fīl-Iʿtiqād, refuting those who claimed that moral and social order could be achieved without a ruler applying Islam. He wrote:

> *"The dīn is the foundation and the Sultan is its guardian. That which has no foundation is doomed, and that which has no guardian will perish."*[4]

---

[3] Ibn Kathīr, Tafsīr al-Qurʾān al-ʿAẓīm, on Sūrat al-Māʾida 5:49. https://surahquran.com/tafsir-english-aya-49-sora-5.html

[4] Al-Ghazālī, al-Iqtiṣād fīl-Iʿtiqād. http://www.hizb.org.uk/islamic-culture/the-deen-and-the-sultan-are-twins-explanation-from-imam-ghazali/

The guardian he describes is a ruler whose foundational legitimacy comes from the dīn itself. A ruler whose legitimacy comes from a constitution, a royal family, or a parliamentary majority is guarding something other than the dīn, even when he uses Islamic vocabulary to describe what he does.

2. The Nation State Is Chained to International Law

A nation state does not exist in isolation. It exists inside a system, and membership in that system carries legal obligations that override domestic legislation in many areas. Every Muslim-majority country today has signed the United Nations Charter, international human rights treaties, bilateral defense agreements, and financial frameworks through institutions like the IMF and the World Bank. These instruments are not suggestions. They carry legal force, and they directly affect the areas of law where the Sharī'ah diverges most clearly from the secular liberal standard: family law, criminal law, financial systems, and foreign policy toward enemies of the Ummah.

A nation state attempting to govern by the Sharī'ah is therefore always doing so inside a cage of external commitments it accepted when it joined the international order. The provisions it implements are Islamic in name but conditional in practice, because any that clash with treaty obligations face immediate legal and political pressure from the international system. Many typical features of the modern nation state, including a legislature and judiciary combined with a monarchy or democracy, are maintained within the self-declared Islamic polity, though these institutions have little basis in classical Islamic legal scholarship. The nation state structure was not designed as a neutral vessel that can carry Islamic content. It carries its own assumptions about law, authority, and governance, and those assumptions are in direct tension with the Sharī'ah.

3. The Sharī'ah Is a Complete and Interconnected System

The Sharī'ah cannot be implemented in pieces while the rest is set aside. It is a comprehensive and interconnected legal system whose parts depend on each other to function correctly.

Consider the ḥudūd. These are part of the Sharī'ah, but they presuppose a judicial system where evidence standards, witness requirements, the qualifications of qāḍīs, and procedures for confession are all governed by fiqh. When those procedural elements are replaced by a civil-law criminal procedure designed for a secular state, the ḥudūd no longer function as the Sharī'ah intends. They become a severity imported into an incompatible structure, which produces injustice rather than the divine justice the Sharī'ah was designed to deliver.

The same principle applies to zakāt, which as a state institution requires a functioning bayt al-māl operating under fiqh, not a taxation department reporting to a ministry of finance. And it applies to jihād, which requires a Khalīfa to declare it, a bay'a to make it legitimate, and an Ummah-wide mobilization that no single nation state has the authority to organize, because no nation state speaks for the Ummah.

Imām Ibn Taymiyya stated this with clarity:

> *"To administer the affairs of society is one of the greatest duties of the dīn; without performing that duty we cannot secure the good of this life or the good of the next."*[5]

He grounds this in the hadīth of Abū Dāwūd where the Prophet ﷺ commanded that even three people traveling must appoint a leader, reasoning that if a leader is required for three, then far more so for entire communities. The key point in Ibn Taymiyya's framework is that the purpose of political authority is to subject human life entirely to Allah and to make His word supreme. A political authority whose legitimacy comes from something other than Allah's word cannot serve this purpose, regardless of how many Islamic provisions it incorporates.

From an academic perspective as well, sharia as legislation is a novelty dating from the late nineteenth century, when domains of Islamic legal scholarship were codified into national codes. Because of the breadth of Islamic scholarship, legislators had to make choices, and the family laws of Iran, Pakistan, Morocco, and Tunisia differ from each other significantly despite all claiming an Islamic basis. This fragmentation is not a coincidence. When a unified divine system is forced through the mold of individual nation states, each interpreting and selecting according to its own national context, the Sharī'ah becomes fifty different national versions, each partially Islamic and incompatible with the others. The unity of the dīn is destroyed the moment it is nationalized.

4. The Nation State Competes with Islam at the Level of Identity

A nation state is not ideologically neutral. It carries a foundational claim: **that the primary loyalty of its citizens belongs to the nation, defined by ethnicity, language, territory, or shared history.** This claim directly contradicts the foundational claim of Islam, which holds that the primary loyalty of a Muslim belongs to the Ummah, defined by the bond of **Lā ilāha illa Allāh.**

---

[5] Ibn Taymiyya, Fatāwā 28:61-5. Translated in *Ibn Taymiyyah Expounds on Islam*, compiled by Muhammad ʿAbdul-Haqq Ansārī. https://caliphate1.com/2022/11/05/imam-ibn-taymiyyah-on-islamic-political-authority/

These two loyalties cannot exist side by side without one overriding the other. The nation state structure always privileges national loyalty, because that is what the state's survival depends on. This is why every Muslim-majority nation state, when pressed, chooses national interest over the interests of the Ummah. Saudi Arabia chooses its relationship with Washington over its obligation to Palestine. Turkey chooses its NATO membership over its obligation to defend Muslim lands. Egypt chooses its Camp David commitments over its obligation to Gaza. These are not merely personal failures of individual leaders, though they are also that. They are structural outcomes of a system built on national loyalty as its organizing principle.

As noted in a prior Sayf al-Furqan article, a Muslim ruler who frames his obligations through the borders drawn by Sykes and Picot has already accepted that colonial lines carry more weight than Lā ilāha illa Allāh.[6] The Khalīfa, by contrast, is not the leader of a nation. He is the leader of the Ummah, bound by bay'a to all Muslims, accountable to the Sharī'ah in all decisions, and constitutionally incapable of treating Palestinian blood or Kashmiri blood or Uyghur blood as someone else's problem.

5. The Sharī'ah Has Collective Obligations That Require a Collective Authority

There is a category of obligations in the Sharī'ah described as fard kifāya, obligations that rest on the Ummah as a whole and which are only discharged when sufficient members of the Ummah perform them. These include the collective defense of Muslim lands, the establishment of the Khilāfah itself, carrying the da'wa to the world, freeing Muslim prisoners, and managing common Islamic resources such as land, water, and energy. No nation state can fulfill these obligations, because no nation state represents the Ummah. A nation state represents its citizens only.

When Turkey sends aid to Syria, that is Turkish foreign policy. When Pakistan raises an army, that is Pakistani national defense. Neither action constitutes the Ummah discharging its collective religious obligation. The gap between what the Sharī'ah demands at the collective level and what any individual nation state can deliver is permanent and cannot be closed by political will or good intentions.

The classical scholars described the Khilāfah in terms that make this unmistakably clear. Imām al-Māwardī called it "*the protection of the deen*"; Imām Ibn Taymiyyah called it "*from the greatest of obligations*"; Imām al-Qurṭubī called it "*a pillar from the pillars of the*

[6] Prior Sayf al-Furqan article, *How Saudi Arabia Sold Palestine to the Zionist Entity*, https://hayatimanvecihad8.wordpress.com/2026/01/31/the-great-betrayal-how-saudi-arabia-sold-palestine-to-the-zionist-entity/

deen"; and Imām Ibn Khaldūn affirmed that "*the best kind of state is the Khilāfah.*"[7] None of these scholars were describing a regional government for a particular ethnic group. They were describing an institution that serves the entire Ummah and cannot be reduced to any national fragment of it.

Ibn Taymiyya further wrote:

> "*Allah has commanded us to enjoin the good and forbid the evil, and this duty cannot be rendered without power and authority. Likewise, all other social duties such as jihād, maintaining peace and order, justice, organizing ḥajj and ʿīd, and so on, cannot be carried out without the authority of the ruler.*"[8]

Every one of these duties, in their full scope, exceeds the authority any nation state has been given.

6. The Nation State Was Built to Prevent the Khilāfah

This point is historical and must be stated directly. The nation state system was not imposed on the Muslim world by accident. The Sykes-Picot Agreement of 1916, the Treaty of Lausanne of 1923, and the abolition of the Khilāfah in 1924 were a coordinated colonial project, documented in the archives of the British and French foreign ministries, designed to permanently prevent a unified Muslim political authority from re-emerging.

British diplomatic correspondence was explicit that a unified Muslim world under a Khalīfa would be incompatible with British imperial interests across India, Egypt, and the Middle East. The solution was to fragment the Ottoman Khilafah lands into competing nation states, each with its own army, its own borders, and its own dependence on European powers. The architects of this system knew precisely what they were doing. The nation state is not a neutral political form that Muslims happened to adopt. It is the structure that was specifically built to replace the Khilāfah and ensure it could never return.

A system designed to prevent the Sharī'ah from being fully implemented cannot later become the vehicle through which it is fully implemented.

---

[7] Classical scholars' positions on the Khilāfah.
https://www.islamiqate.com/4384/is-khilafah-caliphate-important-in-islam
[8] Ibn Taymiyya, on Islamic political authority.
https://caliphate1.com/2022/11/05/imam-ibn-taymiyyah-on-islamic-political-authority/

Addressing the Objection: "*Saudi Arabia and Iran Rule by Sharī'ah*"

This objection appears regularly and requires a direct response.

Saudi Arabia claims to govern by the Sharī'ah, but its Basic Law of Governance, issued by royal decree in 1992, places the administration of that governance entirely in the hands of the Al Saud dynasty, unelected, unaccountable to the Ummah, and militarily dependent on the United States. The Saudi system does not fulfill the conditions of the Imāmate as defined by the classical scholars. There is no bay'a in the classical sense. There is no shūrā with the Ummah. There is no mechanism by which the people can hold the ruler accountable. The most consequential decisions Saudi Arabia makes, from military basing agreements to diplomatic normalization with the occupiers of Muslim lands, are driven by the calculation of a dynasty protecting its power, not by the Sharī'ah guiding a Khalīfa.

Iran presents itself as the Islamic Republic, but its governance is premised on the Shīʿī doctrine of wilāyat al-faqīh, a position rejected by the scholars of Ahl al-Sunna. Engaging with that doctrine in full is a separate discussion, but the point stands: a state built on a doctrinal position that the mainstream Islamic scholarly tradition does not accept cannot serve as evidence that the Sharī'ah can be implemented within a nation state framework.

Both examples demonstrate not that nation states can rule by the Sharī'ah, but that nation states use the language of the Sharī'ah to legitimize structures the Sharī'ah's own scholars would not recognize.

Unity Is Fard

The argument made in this article points toward one conclusion: the only governance structure capable of housing the Sharī'ah fully is the Khilāfah. And the obligation to establish the Khilāfah rests on the Qurʾān, the Sunnah, and the consensus of the classical scholars.

Allah says:

وَأَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ

"Obey Allah and obey the Messenger and those in authority among you."[9]

[9] Al-Nisāʾ, 4:59

This verse commands obedience to ūlī al-amr, which presupposes that ūlī al-amr exists. The obligation to obey them cannot be fulfilled without their existence, and their existence requires the Khilāfah. Ibn Taymiyya built his entire treatise of governance, al-Siyāsa al-Sharʿiyya, on this verse, understanding it as the Qurʾānic foundation for Islamic political authority over the affairs of society.[10]

The Prophet ﷺ said:

مَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ مَاتَ مِيتَةً جَاهِلِيَّةً

"Whoever dies without a bay'a on his neck dies the death of jāhiliyya."[11]

There is no bay'a to give in a world without a Khalīfa. Every Muslim alive today dies without this bay'a, not because of personal failure, but because a full century has passed since 1924 without the Ummah rebuilding what was destroyed. The Ṣaḥāba (ra) understood the gravity of this so deeply that, as Imām al-Suyūṭī recorded, they gave bay'a to Abū Bakr (ra) before burying the Prophet ﷺ, because they recognized that establishing a legitimate Islamic leadership was the **most urgent obligation at that moment.**[12]

Allah commanded the Ummah to unity:

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

"And hold firmly to the rope of Allah, all together, and do not be divided."[13]

This command is not fulfilled by fifty nation states each claiming to be Muslim while competing against one another, signing separate treaties with foreign powers, and treating the interests of their national populations as separate from the interests of the Ummah. The "rope of Allah" is one rope. Division into competing nationalisms is the taffaruq that this verse forbids.

Allah warned further:

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا مِن بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ

"Do not be like those who became divided and disputed after clear proofs came to them."[14]

---

[10] Al-Siyāsa al-Sharʿiyya fī Iṣlāh al-Rāʿī wa al-Raʿiyya. https://en.wikipedia.org/wiki/Al-Siyasa_al-Shar%27iyya_fi_Islah_al-Ra%27i_wa_al-Ra%27iyya

[11] Muslim, 1851

[12] Al-Suyūṭī, Sharḥ al-Maḥallī ʿalā Jamʿ al-Jawāmiʿ, 2:487. https://www.islamiqate.com/4483/what-is-the-greatest-obligation-in-islam

[13] Āl ʿImrān, 3:103

[14] Āl ʿImrān, 3:105

The clear proofs have arrived. The scholars are unanimous. The Qurʾān is direct. The Sunnah establishes it as a condition of dying upon Islam. The division of the Ummah into nation states is the taffaruq of this verse, carried out in the presence of 1400 years of Islamic political thought that leaves no doubt about the obligation.

Ibn Taymiyya stated in his Siyāsah Sharʿiyya:

> *"It is imperative to know that the office in charge of governing the people is one of the greatest obligations of the deen."*[15]

The establishment of the Khilāfah is therefore a collective obligation on the entire Ummah. Every Muslim who understands this and is able to work toward it carries a share of that obligation. Every Muslim who accepts the nation state system as the permanent and valid arrangement for governing the Ummah has accepted a colonial settlement in the place of the Sharī'ah.

What Must Be Done

This argument is not abstract. It leads to real consequences.

The first is that Muslims must stop treating the "Islamization" of nation states as a viable goal. Inserting Islamic provisions into nation state constitutions produces Islamic content inside a non-Islamic structure, where that content is always provisional, always reversible, and always subject to external constraints. That is not governing by the Sharī'ah.

The second is that the work toward the Khilāfah must begin. The Companions did not wait for favorable circumstances before giving bay'a to Abū Bakr. They understood that establishing legitimate Islamic governance is itself the condition that makes everything else possible. Dawah must be directed toward this understanding. The Ummah must be brought to recognize that the absence of the Khilāfah is a religious deficiency, one the Sharī'ah commands them to address.

The third is that the nation state rulers of the Muslim world cannot be treated as legitimate representatives of Islamic governance. They are caretakers of a colonial arrangement, serving national interests and foreign powers. Exposing the structural incapacity of that arrangement is not rebellion. The Prophet ﷺ said: "The best jihād is a word of truth before a tyrannical ruler."[16]

---

[15] Ibn Taymiyya, al-Siyāsah al-Sharʿiyya.
https://ummulfaraidh.wordpress.com/khilafah/the-khilafah-obligation/
[16] Abū Dāwūd, 4344

The Ummah will not live under the full governance of the Sharī'ah until the Khilāfah is restored. Every day under the nation state system is a day in which the command of Allah in Sūrat al-Māʾida remains unfulfilled at the level the Sharī'ah requires. The scholars recognized the obligation. The Qurʾān commanded it. The Sunnah tied it to dying upon Islam. What remains is for the Ummah to act on what it already knows.

Imam Al Ghazali Said:

> *The dīn is the foundation and the Sultan is its guardian. What has no foundation is doomed. What has no guardian is lost.*[17]

W'Allahu Alam (Allah Knows Best)

[17] Al-Ghazālī, al-Iqtiṣād fīl-Iʿtiqād. https://caliphate1.com/2021/04/02/imam-ghazalis-views-on-the-importance-of-the-caliphate-imamate/

Sayf Al-Furqan Publications

About Us	*Sayf Al-Furqan Publications*
Author	*Caliphate Defence Force*
Tiktok;	Caliphate Defence Force
Instagram;	Caliphate Defence Force
Youtube;	*Iftira Tarih Utansin*

Twitter;	Talha Ibn Yusuf
Upscrolled;	Caliphate Defence Force
Scribd;	*Caliphate Defence Force*
Website;	*Hayatimanvecihad8* *Cdfnews7*

