

The Contours of an Islamic State

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Abstract

In the modern world where states as entities have their individual and collective existence and promote their views in diverse socio-political systems an Islamic state appears to be quite different as well as unique presently when issues are understood or misunderstood in the context of Islam and the west, religion and politics, clash of civilizations. It is indeed important to understand Islam both as a faith and the polity resulting thereafter which is to profess and protect the believers as well as non believers. The basic fundamentals of Islamic Political System are linked to the Faith. Hence, an Islamic state depicts not only a polity but a socio-politico-religious system encompassing the objectives of the state, citizens within the state and a law applicable on both. Since the essential pre requisites of an Islamic state are also different to those of a like modern entity, outlining the same is the purpose of the paper.

The first implication of a Muslim is to know the message of the Holy Quran. The requirement of consequential study of the holy book is not merely reading the, text its translation or its commentary but to grasp its system of guidance for the harmonious and vigorous development of the individual and the society. Generally, the accepted view of religion confines its function to salvation in the next world but humanity has become progressively interested in achieving salvation in the present world. Here Islam has a unique role to play being vehemently committed to salvation in both the worlds. This is revealed in the Quran as:

“And we have revealed unto thee (O Mohammad) the Book as an exposition of all things, and as a guide, a mercy and glad tidings to the Muslims (XVI 89),”

Muslim societies in all of their social, cultural and structural variety are ‘organic’ societies characterized by organic religious systems and religion tends to permeate all other institutions. The dynamics of the relations between Islam and politics is an issue to be understood so that the concept of political system in Islam becomes clear. The pejorative image of politics resulting from western conceptualization has no relevance to politics as conceptualized in Islam. But if the essence of politics is the striving for ‘good life’, a life lived in worship and in seeking the pleasure of the one and only Allah (SWT) then politics is central to Islam i.e prayer, fasting, alms giving and pilgrimage are perfectly suited to promoting esprit de corps and group solidarity among its followers.² These pillars are not meant for pure spiritual upliftment but have socio-economic and political significance as well. The prayers teach us to be punctual, stay in congregations, combine rational reflection and emotional stimulations, glorifying the lord and asking his guidance to the straight

path. Inherent therefore are the principles of good life, of social solidarity and equality, of leadership and obedience, of responsibility and of responsive and universal brotherhood. Other pillars of Islam too are in nature a course of training in societal living. The more assiduously we follow the training, the better we are to harmonize ideals and practices.³ Politics is also central to Islam when defined in the narrow sense of meaning the art of government. The Quranic exhortation of enjoining the good and forbidding the evil, upholding justice and fair play, require the inclusion of all members of the society in the affairs of the government and the Prophet (SAW) stressed the need for organization and authority in society. Umar, the second Caliph stressed that it was impossible to have an organized society without Imam and that there could be no Imam without obedience.⁴

Politics is even more central to Islam when defined in a realistic perspective as a struggle of power because Islam is actively concerned with power by which the world can be transformed to be in accord with Islamic tenets and principles to benefit humanity as a whole. Jihad fi sabil Allah is another name for the attempt to establish the divine order

Securing power for the righteous is so fundamental that Quran declares jihad to be a touchstone of belief. Power is sought in Islam not for its own sake but it puts power in an active moral framework. It is not an end but a means to serve Allah. Such a conceptualization totally transforms the nature, scope and purpose of power as conceived in western theory and practice. Fusion of religion and politics is the dictate of Islam and cannot be disregarded. In Islam ethics sets the tone of politics and the rules of political behavior are derived from the ethical norms of Islam. Political life has to be situated within the larger frame of the religious

and spiritual life. Religion and politics as such are not 'two sides of a single coin in Islam'.⁵ This requires bringing politics within the fold of Islam, such that peoples' political life is always situated within the larger frames of their religious and spiritual life. In this sense only politics can be made to promote, in the words of al Ghazali, man's welfare in this world and bliss in the next.⁶

The very term 'Islamic state is a misnomer and is better replaced by 'Islamic polity' or 'Islamic political order'. Although the terms 'state' or 'polity' do not occur in the Quran, the essential elements that constitute a political order are referred in the Quran which indicate the concept. The Quran refers to a set of principles or functions that either imply the existence of a socio-political order or the use of an organized authority for their realization. They include ahd (contract), amanah (trust), ita'ah (obedience) and hukm (adjudication).⁷ The aim of this is to construct a duly balanced Muslim community distinguishable from others by virtue of possessing a special characteristic --- a self sufficient political society. The Quran provides important principles pertaining to the Islamic political order which are: (a) Tawhid meaning indivisible, inalienable divinity of Allah (SWT). The Quran says:

"The command rests with none but Allah" (6.57)

Allah's commands have been bequeathed to mankind in two forms- Quran and Sunnah. The two taken together constitutes the Shariah which is the ultimate source of authority. This means that all acts, procedures, dispositions and decisions of public authorities cannot be valid and legally binding on people unless it is in conformity with the law. By upholding the Shariah Islam affirms the necessity of government on the basis of norms and well defined guidelines rather than personal preferences. (b) Adalah meaning to establish justice for all

“Even as against yourselves or your parents or your kins, whether it be against the rich or poor (Al Quran, 4:135)”.

“The prophets come with the Book and the balance (of rights and wrong). That men may stand forth in justice” (57:25).

The Quran demands of an individual a high moral standard so that he may stand as witness even against himself. A just political order manifests itself in having upright and capable public officials managing things in just and equitable manner. Adalah postulates two fundamental principles of freedom and equality to be practiced denoting and protecting the moral convictions and intellectual choices of all, be they in faith, or conviction. This means that freedom is not restricted to the believers only but extends to minorities and non believers in the Islamic polity. Equality in Islam means equality in rights, liberties and public duties and there is no room for privilege under a system which subjects all to the identical law.

(C) Finally the Quran lays down the principle of Shura (consultation) guiding the decision-making process of the political system. The Quran directs the Prophet Mohammad (SAAS) to consult them in the conduit of affairs. (2:159) Shura means a decisive participation of the people in governing themselves. It is based on the conviction that matters of fundamental importance are left to the collective wisdom of the people provided they are guided by the shariah. Hence the essential feature of an Islamic political society is that the government governs not merely by the law but by the decisions of the governed as well.

The political system of Islam being based on the three fundamental principles of Tawhid (oneness of Allah), Risala (Prophethood) and Khilafa (Caliphate) is an indication that it is not for us to decide the aim and purpose

of our existence or to set limits of our worldly authority. The principle of Tawhid makes the concept of legal and political sovereignty of human beings. Meaningless God's will is to prevail when individual welfare is being considered. Side by side the concept of collectivism is also to be cultivated in the Muslim society which necessitates the establishment of the Islamic state. Because Islam insists on collective existence to the extent as to make it imperative for muslims even when they do not possess a state of their own. To organize themselves into a well-kint community under one leader so that they strive in every way to build up their lives individually and collectively. Hence the establishment of the Islamic state, whenever and wherever possible, forms, according to the Quran, the duty of the Millat, not only towards Islam but also towards the individual.

Purpose of the Islamic State:

The Holy Quran clearly states that the aim and purpose of the state is the establishment, maintenance and development of those virtues which the Creator wants human life to be enriched with and for the eradication of those evils which he finds abhorrent. The Islamic state is intended neither solely as an instrument of political administration nor for the fulfillment of the collective will of any particular set of people, rather Islam places a high ideal before the state for the achievement of which it must use all the means at its disposal. This ideal is the qualities of purity, beauty, goodness, virtue, success and prosperity qualities which Allah wants to flourish in the life of His people. These should be engendered and developed and all kinds of exploitation, injustice and disorder which, in the sight of Allah, are ruinous for the world and detrimental to the life of His creatures should be suppressed and prevented.⁸ Hence the objectives of the Islamic state are:-

(a) To maintain internal order and ward off external aggression. The Quran says:

“And if Allah had not repelled some men by others, the earth would have been filled with mischief. But Allah is Lord of kindness to (His) creatures” (II:251)

This verse emphasizes the importance of the state and establishes the fact that, if it weren't for the existence of organized government, human society would have been destroyed. As regards external aggression the Quran Says:

“To those against whom war is made, permission is given (to fight) because they are wronged;__ and verily, Allah is most powerful for their aid “ (XXII:39).⁹ (b) To establish absolute justice for all citizens.

The Holy Quran Says:

“Allah doth command you to render back your trusts to those to whom they are due and when ye judge between man and man (whether Muslims or non Muslims), that ye judge with justice: Lo! comely is the teaching which he giveth you! Lo ! Allah is he who hearth and seath all things” (IV:58)

(c) To do all that lies in its power to establish, right (al-maruf) and eliminate all that is wrong (al-munkar)

(d) To organize institutions for spiritual and social welfare.

(e) To actively endeavor for making Islam the supreme ideological force on the world front.

Considering the nature and basis of political system and authority in Islam the debate on the compatibility of Islamic political system and the demands of modern polities goes on. It is often said that Islam is in itself a sort of nationalism in which ‘Umma Mohammadiya’ (Islamic Community) occupies the place of a nation and hence can be considered equivalent to a nation state. The concept of Ummah in the light of the Quran, the traditions, the early historical records and the writings of Muslim jurists says

that the 'Ummah was fundamentally a religious community based on a common faith in the Oneness of God, Divine Guidance through Gods' Prophet Mohammad (SAS) and Divine Laws (Shariah). The Holy Prophet had laid the foundations of the Ummah at Medina which ultimately grew into a vast Islamic empire. However the Prophet did not aim at creating either an Islamic state or an empire since he never regarded himself as a king or ruler. His authority was accepted basically because of his prophetic role.¹⁰ The Ummah established by the Holy Prophet (SAS) was universal in its scope and purpose because Islam is addressed to all mankind. The Ummah being founded in a universal belief-system is non-territorial in so far as it is aimed at restoring the ideological unity of mankind (Ummah wahidah). Being non-territorial, the Ummah naturally cannot be equated with the territorial concepts of modern state and nationality. ¹¹ The unity of the Ummah was preserved through the institution of Khilafah which was devised by Ijma of the companions of the Prophet (SAW) after his death. The institution of Khilafah is neither based on the Quranic text nor the Prophetic traditions. The institution was sanctioned as a canonical obligation by the Muslim jurists lest the community relapsed into anarchy. But the fact remains that the Ummah was prior to the khilafah and therefore existed independent of any political unity. The Ummah exists as a reality so long as the believers are collectively resolved to preserve their ideological unity based on Tauhid (one-ness of God) and common divine law (Shari'ah). The political unity of the Ummah might be desirable but it is not the essential condition of its continued existence. The collective reason of the Ummah is free to devise new form of political unity in accordance with modern practice and they are not bound to restore the classical khilafah.¹² The Islamic political

system is a constitutional system founded on the conditions laid down by the shari'ah which is an all embracing social order.

It does not specify the structural and constitutional features of the political system but permits the Ummah to evolve any suitable method for enforcement of Islamic law provided it does not contravene shariah injunctions. There is fusion of powers using Ijtehad which is the method best suited to realize the will of Allah (SWT). This fusion requires overlapping executive, legislative and judicial branches of government which performs mostly shared functions of enacting authoritative rules, policies and settling disputes.

The Executive branch is the nucleus of authority and the active force in the government designated in the Quran and Hadith as Ulu-al-amr headed by the Amir (leader) who will be elected from among the most respectable and most pious. In addition to piety the caliph must be knowledgeable and a capable administrator. He can be sued in a court of law, bereft of any special privileged treatment and is liable to deposition for gross violation of shariah injunctions. The notion of heredity or succession has no place in Islam and the Ummah is free to determine the modes of elections as long as they are consistent with the letter and spirit of the Shariah.

The legislature manifests the concept of Shura, Ijtehad and Ijma to perform executive and deliberative functions. The basic directives functions. The basic decretive revealed in the Quran and Sunnah can neither be questioned or tampered with. Other daily concerns of existence, not covered by the Quran and Sunnah are subject to modification according to the needs and requirements of the changing circumstances, in view of freedom, justice and equality.

The judiciary called Qada is independent of the executive and is to adjudicate in strict accordance with the Shariah although its scope is so wide as to include all the organs and functionaries of government.

The Quran and Sunnah, though they do not elaborate a constitutional theory, give a clear outline of a political scheme which can be realized under all circumstances. The principles of Islamic polity sets it apart from all western political systems. Although it has become sort of fashionable to identify Islamic political system with other systems in vogue it should be known that Islamic polity is neither territory-bound nor restricted by racial or other considerations. It dismisses the notions of nationalism popular sovereignty and radical separation of powers. It advocates universalism, supremacy of Shari'ah and the fusion or limited separation of powers. Islamic polity cannot be categorized as either parliamentary or presidential democracy because Islamic way of life is irreconcilable with western democratic philosophy. Shariah is not the same as man-made law, Ijtehad does not mean complete freedom of independent action and Shura is incompatible with a liberal democratic structure of authority.¹³ The scope of an Islamic political system is very wide, catering for man's welfare in this world as an adjunct to his salvation in the Hereafter. It is under obligation in the words of the Quran to:

“Establish the system of Salah (worship and prayers) and Zakah (purification tax) enjoin right and virtue and forbid wrong and evil. With Allah rests the end (and decision of (all) affairs.” (22.41)

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