Journ.Soc.Sci.&Humn. 1996/2000
pp.51-58

THE CONCEPT OF ISLAMIC STATE: THEORY AND PRACTICE

Dr M.Ahmed Qadri
Dr M.Abdullah Qadri

Islam is a complete code of life. Before the advent of Islam the entire Arabian Peninsula was in a state of cultural vacuum and tribunal anarchy. For this reason, the historians have described the pre-Islamic Arabia as the age of ignorance (1). The tribes were at war with each other. There were no moral values. If the situation prevailing pre-Islamic Arabia is interpreted in the light of contemporary political science this period could be described in terms of the social contract theory of Hobbies, as a state of nature in which man's life was "short, brutish and nasty" (2). The guiding force was the motto-enunciated by Thracymachs - "might is right" in Plato's republic.

It was in this background that Allah chose Mohammad (peace be upon him) as a prophet, and revealed to him the universal message of Islam as the perfect religion for the entire mankind. The Holy prophet, (P.B.U.H) was invested with the divine mission to salvage the Arab tribes from the scrounge of perpetual war as the Quranic verse clearly states,

> "And (How) ye were upon the brink of an abyss of fire, and he did save you from it."(3)

The Quran further elaborates the prophetic mission.

> "Allah verity had shown grace to the believers by sending unto them a messenger of their own who reciteth unto them his revelations, and causeth them to grow and teacheth them the scripture and wisdom although before (he came to them) they were in flagrant error". 4

The Quranic term "Ummah" is unique. It is different from the modern concept of state as has developed in Western civilisation. Any effort to discover the concept of state as understood according to modern political science is surely destined to prove futile in the context of Quranic terminology. In the vocabulary of modern Arabic, the term "Dawlah" is used for state, for example, "Al-Dawal Al-Arabiyah" (5) Arab State. Perhaps it was in this figurative sense that the term came to be used for Political Authority, which does not remain in one hand (6). But the concept of state according to political science, refers to an abstract Juridical personality, comprising the totality of elements such as people living within a definite territory, a legally constituted government free form foreign control (7). Consequently, we do not find any such corresponding theory of state in Islam, (8) although Quranic term, Ummah, is comprehensive enough to include

the creation of a political organisation. Therefore, it is preferable to use the term, Islamic Political System, rather than Islamic State.

From Plato to H. G. Wells we traverse through a series of ideal plans, which aim at securing the maximum amount of leisure and opportunities for an all round, cultural development. The most classical of these attempts is the perfect Greek City State planned with thoroughness by Socrates and Plato. They themselves doubted whether it was practicable, as Socrates confessed in the end that its pattern was laid in the heavens and like all ideas and ideals, actual reality could copy it only imperfectly, although Plato also talked of it as a possibility, and not as a mere dream. He says in The Republic, "We do not speak of things that are impossible though we admit that they are difficult to be realised. It is no mere dream; if kings were philosophers or philosophers king, it might be realised". But the idea of its practicability varies with the changing moods of Plato because elsewhere he says, "Our city is founded on words; for it exists nowhere, I think, on the earth". "it is no matter "he says again, "whether it exists or ever will exist". (9)

Contrary to the Platonic ideal state, the Islamic Ummah is a tangible concept in the light of Quranic text, and was actually realised in practice when the Holy Prophet, (P.B.U.H.) laid its foundation in Median. This embryonic community in a short span of time, was transformed into a universal brotherhood of mankind the commonwealth of Islam. It evolved into a Muslim commonwealth, administered by the Supreme Executive Authority of the Khalifah chosen by the Ummah. In the institution of the Khilafat-the ideal Islamic Political system, temporal and spiritual functions are vested in the supreme executive. In Islam, universal sovereignty primarily belongs to Allah, and next to Allah, the Dafacto Political sovereignty resides in the people. This Ummah did not aim at restoring the theocracy of Moses.

Betwee n Plato's Ideal State and the Prophet's Ideal State there is a different. The Prophet was not merely a dreamer, but pragmatic as he was, he was successful in realising the ideals, in space - time context. According to the Quranic Verse,

> "God imposes no duties on men which are beyond their capacities" (10). The second great difference between him and Plato was that the Prophet visualised the whole of humanity as one organism with a single soul"

As the Quran Says:

> "O mankind! Lo! We gave created you form male and female" (11) While Plato's Ideal State was confined to the Greek City State, and limited exclusively to the free man; slaves and foreigners had no place in his scheme of thoughts (12).

The moment when the Holy Prophet Mohammad (P.B.U.H) felt secure in his homeland, he issued invitations to the rulers of the surrounding kingdoms, not to

submit to him, or concept Arab domination but to submit to the Ideal which could unite diverse races and creeds. The Ideal was the Unity of all Reality called God, who embodied the best ideals of common humanity and justice; the call was to worship the one ideal for all, and to practice social justice, disregarding the differences of creeds and races. It was similar to the invitation issued to the Jews and Christians to come together on that which should be a common basis between them, which was nothing more that the worship of one Ideal which had to be actualised, and from which all social justice followed as a corollary. Islam visualises virtue as the common heritage of all, civilised humanity, and the Quran uses the word 'Maruf' for Virtue, which means 'the qualities well known'. It teaches that all humanity craves for the Good, but has vague and sometimes distorted ideas about it. From very beginning of the state, upto the conception of the modern state one phenomenon has carried till the present time, i.e. the sovereignty of the state. The State needs a supreme power in the territory for the maintenance of law and order. For this, the Islamic states introduced the system of sovereignty with some unique characteristics. In modern Arabic terminology, the term 'al-siyadah derived from sayyid' (chief), is used for sovereignty (13). In the text of the Quran, there are references to the term sayyid in the sense of matter but we do not find any reference to 'siyadah'. We may conclude then, that the term 'siyadah', is not used in the Quranic context at all, and as such has no relevance to Islamic political theory.

However, the term 'al-mulk', occurs frequently in the Quran. Literally, it means; it means; kingship, sovereignty, and ownership of lordship. A French orientalist, investigating the gating the origin and development of the concept of 'al-mulk' in the Quran, observes that the word was perhaps of foreign origin and was introduced by the tribes migrating from southern Arabia, into the Arabic vocabulary of central Arabia. The institution of kingship was well established in the settled agricultural communities of southern Arabia. The southern Arabian kingdoms of the pre-Islamic era were established under the direct influence of the Sassanid and Abyssinian empires. The institution of kingship as practised in Persia, was king-exercised. The king was absolute, indivisible, and had inalienable powers. He was not accountable to anyone, nor was he subject to any other power. This is the reason, the Persian term for kingship is more specific. 'Padishah' and 'Shahinishah' in the Persian language mean 'King' and "King of Kings" respectively. Similarly, in ancient India, 'Maharaj' and 'Samirat' were used in the same sense. These expressions imply the idea of a supreme political power which is vested in someone, and which continues in the same dynasty through hereditary succession (14).

The idea of hereditary kingship or of divine consecration was unknown to the first followers of Islam. Among the ancient Arabs, the chief of the tribe owed his authority to general election and he could also be deposed by the will of the people. On the death of the Prophet in A.D. 632, Abu Bakr was elected the first Khalifa by a general election, thereby establishing the old Arab principle of free election. On the next day the people swore allegiance to the first Khalifa of Islam. On his death in A. D 634 confirmation caused no excitement as he was nominated by Abu Baker as his successor. This incident server as a precedent that a Khalifa

was deemed to possess the right to nominate, provided his nominee was confirmed in his position by the people. 'Umar while on his death bed (A. D. 644), appointed a (council of Regency including his son, 'Abdullah bin Umar to set himself up as a candidate for the Khalifa. This repudiated the doctrine of hereditary succession. Usman was elected as the third Khalifa and on his death (A. D. 655),Ali was elected as the Fourth Khalifa. (15)

The administrative structure during the Khilafat was composed of the following departments:

i) The Bait-ul-Mal (The Treasury)
ii) The Mahasil, (The Board of Taxes).
iii) The Jund, (The Military Department)
iv) The educational and religious instruction Department.
v) The Darul Kuza and Ifta, (the Judicial Department).
vi) The Ahdas (the Police Department) (16)

No doubt the Holy Prophet, (P.B.U.H) and his vice-regents were committed to bring about a social, economic and politically glorious revolution around the world because he was not sent for Arabia alone. The Quran States:

"We sent the not save as a mercy for the peoples". (17)

Due to the unique practices of the Islamic Political system, we can describe the following important conceived points through the administrative system of an Islamic state.

(1) The Islamic State shall follow a prescribed code of life. It is a system, but it is an open and not a closed system. Muslims are free to legislate as the circumstance demand; but no legislation shall violate the basic constitution. Only those people should be chosen to frame laws and regulations who have fully grasped the spirit of Ilsam and the fundamentals of social justice. The learned men in the State should continue to reinterpret and to revise the laws; they shall not be changed merely by the vote of the ignorant masses creating brute majorities.

(2) According to Islam, sovereignty does not belong to any monarch or a class, nor does it rest with the people in general. Sovereignty belongs to God. It is vested in the Ummah as a collective body, but the Ummah exercises through 'Ahl Hal Wal Aqd' who enjoy the confidence of the Ummah. Principles, of legislation are also sanctioned by 'Ahl Hal Wal Aqd'. With the alteration of circumstances, new legislative adoptions are allowed with the consensus of the learned.

(3) The Muslim jurist-consults have not described any definite mode of election of the head of the state, as was done during the golden age of the Caliphs. In the case of each Caliph a different mode was adopted therefore,

it may be inferred that the question of the mode of the election of head of the state has been left to the Shurah, the consultative body, to decide according to the exigencies of the time.

(4) There shall be a circulation of economic goods in society. Keeping property undivided in a joint family system shall be unlawful. At the death of a property holder, his near relatives shall inherit according to an equitable system so that capital may be dispersed in society, in order to make its benefits widespread.

(5) No citizen, Muslim or non-Muslim, shall be taxed beyond his capacity; those who are incapable of earning shall pay no taxes; on the other hand, they shall be helped by the State exchequer from the Baitulmal i.e. through Zakat collections.

(6) The well being of all citizens is the chief purpose of the State; it shall not be merely a police state whose functions are limited to the securing of law and order. An Islamic state is a welfare state, whilst the modern concept of a totalitarian state is the very negation of all the ideals and values of Islam.

(7) It shall be compulsory to levy a tax on capital so that it may not cease to circulate, or may not go on accumulating. The main purpose of this tax shall be the relief of suffering and gradual economic levelling of rampant social inequities. It shall be taken from those who have, and shall be spent on those who have not.

(8) The law of primogeniture, according to which only the eldest son inherits the entire, shall be abolished.

(9) The economics of society shall be so regulated that capitalism and living on unearned income is discouraged.

(10) Under the law, men and women shall enjoy the same fundamental rights. Women will be allowed to hold property in their own names. Marriage will be a contract in which any conditions could be inserted provided they are not immoral or illegal.

(11) The fundamentals of the constitution shall guarantee equal civil liberties to all subjects. All non-Muslim religious communities shall have the right to get their cases decided according to their own personal laws, if they do not violate elementary human rights.

(12) The Muslim State shall be a neutral state, which means no interference in other state matters. In respect of foreign policy, a Muslim State is committed by Divine Law to pursue peaceful relations with other non-Muslim states. Islam does not advocate wars of aggression, but it prescribes was in self-defence or Jehad against genocide and violation of human rights.

(13) Non-Muslims, if they become peaceful and loyal subjects of the State, are to be granted complete liberty of religious belief. In lieu of a small and reasonable tax for protection, which they shall pay to the state, their equality before the law is to be guaranteed. A non-Muslim can sue even the President of the Republic in the court, as it actually happened during the reign of the early Khalifas. The life, honour and property of non-Muslim subjects of an Islamic State shall receive full protection, and no Muslim shall be allowed to plead a privilege against him. Non-Muslim citizens are exempted from Military service. (18)

(14) When they have gained enough power to protect themselves by force, they are allowed to use force against the aggressors without transgressing proper limits. They are allowed to fight only till essential liberties are allowed to fight only till essential liberties are secured, or their opponents are completely subdued.

(15) They should abide by those treaties even if they are not satisfactory to them on all counts. One - sided violation of a treaty is sinful. If they are convinced of perfidy on the part of the other contracting party, they should give a notice and fix a term for the termination of the treaty.

(16) they should try to enter into treaties with non-Muslims for creating conditions of peace for themselves and for others.

(17) If they reach the limit of patience and endurance, and are still unable to defend themselves, they should migrate from the abode of tyranny. God's earth is wide enough to offer them shelter elsewhere. According to this injunction, the early Muslims were asked to migrate to Abyssinia, and later on to Medina and other places.

(18) Muslims have the right to enjoy religious freedom. If they are persecuted and have not strength enough to defend their life and honour, they should stick to their faith and suffer patiently.

(19) The right of armed revolt by a group of citizens against even a tyrannical government is not conceded by Islam. This principle may give an unpleasant shock to revolutionary parties in all countries. But Islam being a practical religion, which value peace above everything else, prohibits futile violence. An aggrieved party if persecuted, should use all possible means to get its wrong righted, short of violence and armed revolt. All peaceful and constitutional methods should be tried in the first instance, and if the party fails to secure elementary human rights for itself, it should leave the domain of tyranny and seek shelter elsewhere. Revolt against an established government will lead to internecine warfare and the attempted remedy might prove worse than the disease. After moving outside the domain of a tyrannical State, they should try to organise and strengthen themselves and seek the help of other justice loving States to bring the

tyrants to their senses. Whilst living within a State as its subjects, Islam allows only constitutional methods to be adopted.

These were the golden principles which were laid down for an Islamic Political System. The question arises here as to how to restore the past status and glory of Muslims around the world. Islam has given us different approaches for adoption in our socio-political system. By enforcing these principles, we can achieve more than our expectations.

The Islamic ideology in the abstract will not be achieved unless its constituent concepts are transformed into concrete symbols and institutions (19). The adoption of a common flag and a common anthem will bring about a high degree of emotional integration of the Ummah. Similarly, with the development of inter-governmental and private agencies for the purpose of promoting intellectual co-operation amongst the Muslim states, a greater harmony within the Ummah will emerge (20). In the concrete sense, it means that the national associations of lawyers, journalists, labourers, employers, engineers, scholars, universities, sports etc. may gradually be developed into Islamic World Associations. This pre-supposes a high frequency of communication through different media, and a large-scale exchange of students, university teachers, leaders, technocrats and experts from different fields.

END NOTES

1. Garner, J.W. *Political Science and Government*, The World Press Ltd. Calcutta , pp. 223, 1952.
2. Al-Quran Surah-III 103 Translated by Marmaduke Picthall.
3. Al-Quran Surah-III 164, Translated by Marmaduke Picthall.
4. Ragib, I. *Isphani-Al-Mufradatul-Quran*. Daral Nashrat Lubnan., p.92, 1952
5. Ibid. p. 195.
6. Anderson, R. & Green,C *Introduction to Political Science*, 4th Edition, McGraw-Hill International Book Company, N. Y. p. 29, 1983.
7. Ahmad, M. *Islamic Political System in the Modern Age, Theory and Practice*, Saad Publications Karachi, 1983, p. 62.
8. Carnford,F.M. Translation of *Republic*, Oxford University Press, N.Y. & London, 1962, p. 115.
9. Al-Quran Surah XLIX-13, Translated by Marmaduke Picthall.

10. Hakim, K.A. *Islamic Ideology,* Institute of Islamic Culture, Lahore, Pakistan,p. 193,1988

11. Isphani, I.R *Al-Mufradat-ul-Quran*, Darul Nashrat Labnan, p. 330, 1952.

12. Ahmad, M. *Islamic Political System in Modern Age, Theory and Practice,* Saad Publications Karachi, p. 45, 1983.

13. Mahmoedullah. *The Administration of Justice in Islam*. Law Publishing House Bombay India, p. 10, 1962.

14. Jalaluddin S. Tarikh-al-Khulafah, Idara Moarif Bairut, 1961, p. 92.

15. Al-Quran III-164, Translated by Marmaduke Picthall.

16. Hamidullah, M. *Muslim Conduct of State*, Sh. Mohammad Ashraf, Lahore, p. 202, 1987.

17. Smith, D.E. *Religion and Political Modernisation*, New Haven and London, Yale University Press, p. 179, 1974.

18. Ahmad, M. *Islamic Political System in the Modern Age : Theory and Practice*, Saad Publications Karachi, p. 245, 1983.