

ISLAMIC THEORY OF STATEHOOD

By

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Dr. Dwight Baker is Assistant Professor at the United Theological College in Bangalore. He has lived in the middle east for a number of years and has studied Islamics. He was invited to deliver a talk on the much publicised and commented subject of Islamic Theory of Statehood. This paper is based on his talk which was presided over by our good friend, Shri Haneef Jawaaid, who has provided a brief introduction.

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INTRODUCTION

Islam and Islamic States are very much in the news to-day. There are several reasons for this. Firstly, the Muslim World occupies a strategically important place in the geo-physical and geo-political map of the world..It is situated at the intercession of the three continents of Europe, Africa and Asia. Secondly there has been a political awakening among the peoples there. After the World War I and specially after the World War II one country after another asserted itself and shook off the Western domination. So much so that there are about 35 to 40 independent Muslim countries in the world to-day. Thirdly, as if this was not enough, another significant element was added to the already volatile situation and that was Oil. As we know it is a vital source of energy in the modern civilization particularly for the industrially advanced countries of the world. Oil has thus made the situation more volatile. Fourthly, to top it all, the two Super-Powers or rather the two and a half Super-Powers are trying to fish in the troubled waters under the guise of their so called global interests. This has made the situation really explosive. As a result of this we are witnessing to-day the phenomenon of Cold War If (through the erosion of detente) which is becoming hotter and hotter day by day specially after the quantum jump in the Soviet foreign policy in the form of its intervention in Afghanistan. We seem to be drifting inexorably, as if in the Greek tragedy, towards a great disaster.. .Only a match is required to engulf the whole world into a global conflagration. This is the general scenario that is prevailing in the international political horizon.

What is of particular interest to us to day is the element of general unrest or stirring among the Muslims world over. As you know Prophet Mohammed united, in a short period of eleven years, the utterly disunited and backward Bedouines and raised them from the depths of degradation to the heights of civilization. Within a hundred years of his death Islam spread like wild fire from Spain in the West to China in the East. To-day we see again signs of resurgence. Call it Revivalism, Renaissance or Florescence; there are sure signs of an attempt at re-establishing their identity, a search for the roots and recapturing their glorious heritage. As a result of this some countries are deliberately claiming to found their states on Islamic principles. Apart from Saudi Arabia, Col. Gaddafi in Libya, Khomeini in Iran, General Zia in Pakistan claim to have set up Islamic States. It has become a force to reckon with and it is necessary for us to understand clearly what it is and what it is not. We are very fortunate in having an eminent professor like Dr. Dwight Baker to explain to us this complicated subject.

HANEEF JAWAID

Islamic Theory of Statehood

In recent times a number of conservative Muslim states have announced that they intend to establish Islamic Republics in their respective countries. They generally agree that the primary meaning of an Islamic state is “an acknowledgment that sovereignty over the entire universe belongs to God alone and that His *shari’ah* is the supreme Law.”

But it is another matter when it comes to working out in concrete form, how this is to be expressed constitutionally and politically. Here, there are differences of opinion. Along with the conservative view there is a liberal position and neither can point to any prototype in modern times which might be used as a working model. No such problems exist when looking for examples of a democratic system or a secularist, non-religious or a socialist system, for many such models abound today. Largely to outsiders, but also to conservative Muslim leaders, for example in Pakistan, Iran, Libya and to an extent in Syria, there is some confusion as to what an Islamic Republic means in actual practice. To date the liberals have said little for fear of creating a controversy, thus leaving the field clear for the traditionalist and conservative, who speak with confidence about the specific implications of an Islamic state.

Yet, the chief problem remains that there is no actual prototype in modern times by which Muslim leaders can follow as a model in establishing an Islamic Republic, suited to conditions of today and workable under modern circumstances. This is true despite the fact that during the period of the orthodox caliphate (*khulafa' rashidun*), certain lasting principles of Islamic statehood were established.

At this point it will be useful to examine the foundations of the Islamic state to better understand the concepts upon which the conservative Muslim is basing his system.

It is well known that pre-Islamic Arabian society was grounded in a tribal-kinship relationship. Each tribe had a common ancestor and formed federations with other tribes or clans for mutual security. The individual tribes shared common religious habits and customs, but above all, they were blood kin.

Early Islam preserved this organism in most of its essential features with the exception of one major element. For the blood tie, as the political and social foundation, the Prophet substituted a community of faith. This feature characterized the new social order of Islam. Men now could claim more individuality and in turn, derived what claims and duties they may have had, not from a connection with the tribal community, but from their community of faith. It was the body of these believers which from that time forward, made up the Islamic community. Thus, the “people” or “community”, the *ummah* of the Prophet, based upon a message and a messenger, superceded the ancient *ummah* or tribe founded upon kinship.

To continue our examination of the foundations of the Islamic community we shall consider first, the holy Law, next, the rule of the Messenger of God, and finally, the leader of the community or the caliph.

In observing the holy Law (*shari’ah*) we immediately encounter a model quite different from western or other common patterns. In many countries, both east and west, the law

is the legal norm, approved by the people directly or through the organizations that represent them, and derives its authority from the reason and will of man and his moral nature.

The Muslim concept is different. If the Sovereign of the universe is God, the Law is no

more than the will of God. Thus, one who violates the Law not only infringes the Law, but sins as well. It follows then that judicial order and religious Law and morals are two sides of the same coin.

Every legal question is in itself a case of conscience, and jurisprudence points to theology as its ultimate base.

It is impossible to examine all points covered by the *shari'ah*, nor is it necessary in this study. It is sufficient to point out that the *shari'ah* covers every part of Muslim life from the smallest detail to the highest principle of moral and social existence.

There are basically two purposes of the Law as pointed out in the Hanifite definition: first, to help man observe right conduct in the world and second, to help him prepare himself for future life.

The second foundation of the early Islamic state was the rule of the Messenger of God. Under this rule the ancient tribal pattern was followed. The traditional ruling institution was the chief of the tribe or clan, with decisions being approved by the assembly of elders. The head of the group handled relations with other tribes, gave hospitality to strangers, often led in war, cared for the poor and helped settle disputes.

The position of the Prophet as seen in the constitution of Medina (ca. 628) closely resembles this pattern, *i.e.*, that of a clan chief. The Emigrants — those who migrated from Mecca to Medina with the Prophet — were treated as one of the clans and the Prophet was their chief. Only in two points did the constitution give him a special place. One was where there were disputes, they were to be referred “to God and Muhammad.” The other was before there could be *razzias*, or raids against enemies of the community, the Prophet had to give his permission.

The third foundation of the early Islamic community was the leader or caliph. The sovereign in the Muslim community was an integral part of the Law and was as necessary as the Law itself.

However, before the death of the Prophet, no formal arrangements were made for succession. When the Prophet was too ill to go to the mosque to lead the prayers, Abu Bakr, his most trusted adviser, would lead the public worship in his place. Thus it came about that Abu Bakr was chosen by representatives of the community, in a democratic manner to succeed the Prophet and was given the title *khalifah* or caliph. The term literally means vicegerent or deputy and his function came to be that of judging justly (Suras 2 : 30 ; 38 : 27). It also suggests the meaning of “successor” or the one who comes after. The rule of Abu Bakr was much like that of the Prophet, except he was not a prophet and received no revelations. What points out that this office, though one of the distinctives of Islam has no basis in the Muslim scriptures? The word itself in the holy Qur'an does not signify an actual office. It simply deputizes man, oftentimes a prophet in the case of Adam and David, to be God's vicegerent on earth. But something had to be done to keep things going after the death of the Prophet and this term and this idea suggested itself to the men on the spot.

A further word needs to be added concerning the choice of the head of the community. The electorate of the early years was not made up of the whole body of the Muslim people, but rather only those who were culturally and morally suited to serve as judges. After agreeing upon a candidate they offered him a contract, which if accepted, became binding. According to the terms of the contract he pledged to wield power within the limits set out in divine Law. He further agreed to care for the temporal interests of Islam, including frontier security, war against unbelievers and administration of internal justice. Two simple terms,

jama'ah and *imam* congregation and leader, sum up the whole political system of Islam of those days, as well as the concept of it.

The caliphate thus outlined embodies the political programme of the orthodox school of jurists, known as the “prophetic caliphate”, the only legitimate form of sovereignty. It further coincides with the reign of the four “well directed” or “rightly guided” caliphs. After these there was progressive decline growing more rapid in proportion as Islam departed from its origins.

Hardly had the first Muslim generation died away when the practical needs of an expanding empire, plus the uneven temper of the Arabs, combined to transform the caliphate first into a personal rule under the Umayyads, then under the Abbasids, into an imperial system on the Persian model. Despite its being sufficiently orthodox, the empire, oftentimes despotic, violent and grossly mismanaged, moved steadily to its ruin.

Before pursuing the caliphate further in the direction of its downfall, it is important to note two changes which took place in the institution that substantially altered its character. The first change was in the location of the caliphate. The first to leave Medina was the fourth caliph, Ali (656-661), who, because of military operations, made his headquarters in Kufah, Iraq. After the assassination of Ali, Mu'awiya continued the caliphate in Damascus as the first Umayyad Caliphate (661-680). This made the assembly of Muslim scholars and jurists in Medina much less important. From that time onward they were nowhere near as influential in the discussions and decisions which were taking place in Damascus.

The second change was the introduction of the dynastic principle of succession to the caliphate. There was no such concept in pre-Islamic times, when any person of mature wisdom could be chosen. Usually, however, the chiefs were selected from a single family. So it was in the case of the first four caliphs, if we regard the Emigrants (*muhajjarin*) as a single family or clan. Under the Umayyads the caliphate remained in the hands of the descendants of Marwan until its downfall in 750. The dynastic principle was followed by the Abbasids as well. There was not much else to be done.

The most significant change which grew out of the two preceding innovations was that whereby under the old Arab system, the chiefs in Medina made or ratified all decisions, under the Damascus caliphate, the ruler was very busy, with little time for assemblies and often just gave orders without first clearing them with his counselors or even justifying them. As a result, a “pious opposition” arose and accused the Umayyads of something close to tyranny or *mulk*, as they called it.

In the end, under the Abbasids the caliphate was reduced to a purely decorative function and as the empire shrunk, the military chieftans, who rose on the ruins of the domain and imposed their rule on conquered territories, were automatically recognized by the Baghdad caliphate in a show of legitimacy.

In 656 A.H. (A.D. 1258) the Mongols captured and sacked Baghdad, killed the caliph and his family and brought an end to the caliphate. After that only sultans are mentioned, except in Egypt where an Abbasid ruled as caliph, but only as a puppet kept for the convenience of the Mamluk rulers. When the Turks captured Cairo in 1517, they found the last of the caliphs and proceeded to effect a formal transfer of power. Even if it actually took place, it would have been null and void, for the caliphate was not the property of any people or groups of people to shift around at will, but “a trusteeship held on behalf of the Muslim community.” The caliphate therefore has been extinct since 1543, when transferred to Turkey, if not since 1258, at the time of the fall of Baghdad.

While we have gone to some length into the origin and development of the Islamic state, it was necessary in order to show the progress of the young state through the first four “rightly guided” caliphs. By so doing we are better able to understand Muslim leaders of Pakistan, Iran and Libya when they speak of establishing Islamic Republics. Further, by briefly surveying the Umayyad and Abbasid caliphates, we may gain a clearer picture of the type of government that the same Muslim leaders today are determined to avoid. These leaders, as well as those in Saudi Arabia, are further alarmed at the current spectacle of increasing decadence in the West, which appears intent on exporting its unworthy materialistic value systems. These frightening examples of past perfidy and present decay pose a serious threat to the type of political, social and morally pure life that is dear to religiously oriented Muslims everywhere. By understanding these fears we are able to bring into focus more clearly the evils which the traditionalists are calling out to their countrymen to unceremoniously throw out, with all haste and return to the pristine life of the early purists of Islam.

Yet, that which the conservatives are calling for is far more simple to put into words than it is to realize in practice. In further seeking to understand that which they describe as an Islamic Republic in today’s world, we must look again to that point on which all agree namely that sovereignty belongs to God and its sequel, that the Laws of God (*shari’ah*) should be supreme. But there, as indicated earlier, unanimity ceases, leaving us with the question as to what kind of earthly authority or authorities these countries can set up, in the light of today’s situations that will enable them to achieve the kind of statehood which they desire and which they are promising to produce. The difficulties are increased in some Muslim countries because of new and unlimited wealth that is pouring in from oil revenues and because these countries are committed to progress in the fields of education, science and technology. These situations make them vulnerable to the evils they wish to avoid and make moral objectives more difficult to achieve.

A solution will suggest itself to us only if we keep our minds focused upon the relationship between *shari’ah* (the Law) and *khilafa* (the governing authority or authorities). It will further be helpful if we keep in mind the meaning of the term *khalifah* as used in the holy Qur’an, as well as throughout the different periods of Islamic history.

Kemal A. Faruki, a Muslim scholar from Pakistan, sets out the three-stage development of the concept of *khalifah* in Muslim history. Certainly in the early period of the Medina caliphate there was no question of the supremacy of the *shari’ah* over the *khalifah*. The caliph possessed authority only so long as he conducted himself and performed his duties in accordance with the *shari’ah*.

By the time we reach the middle period, during the years of the Umayyad and Abbasid caliphates, we find that the term and the concept has undergone significant changes. During that period, the caliph himself was considered to be God’s vicegerent on earth. While in theory the *shari’ah* was still supreme, in practice the highest authority on earth was the caliph.

In the post-caliphate period following the destruction of Baghdad, we read in the writings of al-Dawwani that an acceptable form of an Islamic state was still possible if the ruler (sultan) bowed to the advice of the *’ulama* on religious issues.

Thus, we see a successive three-way shift from the supreme authority of the *shari’ah* during the Medinan period to the supreme authority of the vicegerent of God on earth during the classical period, to the *sultan-’ulama* relationship of post-caliphate days.

But there is an often overlooked point of view, held by Muslim thinkers through various periods of Islamic history. This is the view that the *khalifah* of the holy Qur'an is the *khalifah* of man. By far the greatest number of usages in the Qur'an refer not to a particular person but to mankind in general, the only exception being the reference to David as God's vicegerent.

When we examine the various usages and forms of the word in the Qur'an, a very different picture emerges from that often envisaged in popular conceptions. Let us follow step by step the Qur'an sequence : sovereignty over the universe belongs to God and God rules through the *shari'ah*. In seeking ways and means to translate this, working out all the constitutional, political and legal ramifications into a viable, workable, Islamic state we are led a further step. Faruki points out the authority recognized by the Qur'an

for understanding and carrying out God's commands is nothing less than the totality of God's vicegerents in an Islamic state, which.. - is the Muslim community. Hence, an Islamic state, even in matters of *shari'ah* understanding, cannot be monarchic, autocratic, or oligarchic, but must necessarily be democratic, although its democratic nature may require special -expression for *shari'ah* purposes.

Faruki adds that it is only when the individual human being is recognized as being the *khalifah*, or vicegerent of God on earth, empowered to act as God's trustee, that a true expression of man's innate dignity and potential for greatness can find fulfillment.. .There is no place for blind obedience and an abdication of responsibility to an absolute ruler or king masquerading as God's only true representative and vicegerent on earth.

Here we are reminded of Maulana Abdul Ala Maudoodi's term, "theo-democracy" by which he characterized the Medinan democratic means of arriving at decisions. This is also close to Ayatollah Ruhollah Khomeini's and Mu'ammarr Gaddafi's interpretation as they apply it today. The Muslim Brotherhood, as well as Gaddafi, hold views similar to those of Ayatollah Khomeini which claim that "true democracy" means representation of the people by the 'ulama.

What does *khalifah* of mankind mean in terms of the Islamic state today? Above all, that the legislative, executive and judicial branches of the state receive their authority from the community. If the matter is not religious, there is no question. If it is, it would be referred not to a lawmaking body, but a law interpreting body, which would consist of men of legal and moral competence and training to deal with the variety of matters they would be expected to handle.

Should such systems come into effect following the revolutions, all involved would of necessity have to recognize the experimental nature of the attempt. All would further have to realize that since there is no modern prototype after which such a system could be modeled, the experimental Islamic state would require a long transitional period, allowing sufficient time for replacing the old with the new. Finally, there would need to be wide-spread education of the masses concerning all that was being attempted and above all, what the ultimate goals were.

Certainly this is a fruitful area for dialogue, not only among Muslims, but among interested well-wishers from all religious backgrounds. Many are attracted to the interpretation of the Qur'anic term *khalifah* in such a way as to place the worldly authority of the Muslim state in the hands of God's vicegerents, the members of the community themselves.

I for one share the hopes expressed by William Shepard of the University of Canterbury (New Zealand) who wrote:

There is at least a chance that the (Islamic revolutions) eventually produce a significantly different and more effective synthesis of Islam and 'modernity' than the world has yet seen. If our cultural 'blindness' are too narrow, however, we may be unable to recognize, understand or respond appropriately to it.

NOTES

1. Kemal A. Faruki, Editorial, *Islam Today and Tomorrow*. Karachi. Pakistan Publishing House (1974), p. 366.
2. *Ibid.*
3. *Ibid.*, p. 367.
4. Sir Thomas Arnold and Alfred Guillaume, *The Legacy of Islam*, Oxford University Press (1st ed. 1931, reprinted 1945), p. 284.
5. *Ibid.* Cf. Reuben Levy, *The Social Structure of Islam*, Cambridge University Press (1957), p. 242.
6. Arnold and Guillaume, *op. cit.*, p. 285. Cf. W. Montgomery Watt, *Islam and the Integration of Society* (1961), pp. 57, 58.
Routledge & Kegan Paul
7. Arnold and Guillaume, *op. cit.*, p. 288.
- 8: *Ibid.*
9. *Ibid.*, p. 294.
10. Centre Culture Islamique, Paris, Publication No. 1, *Introduction to Islam*, 3rd ed. (1388 H., 1969), pp. 100, 101. Cf. Levy, *op. cit.*, pp. 285-287.
11. Levy, *Ibid.*, pp. 273-276.
12. Watt, *op. cit.*, p. 161.
13. Levy, *op. cit.*, p. 274. Majid 'All Khan lists ten fundamental democratic principles on which the Prophet founded the Islamic state, which, as he affirms, are common to modern democracies. They are: counsel (*shard*); freedom of opinion and liberty of conscience; equality; social justice; Islam, the state religion; fraternity; protection of non-Muslims; tolerance; the government as a trust; and ambition for power not allowed ("Some Political Aspects of the Prophet's Life," *Islamic Culture* (Vol. LIT, No. 4, Oct, 1979', pp. 233 ff).
14. Watt, *op. cit.*, p. 164,
15. Asghar 'Ali Engineer, "Islamic State Through Middle Ages," *Islam and the Modern Age*, Zakir Husain Institute of Islamic Studies, Jamia Millia Islamia, Jamianagar, New Delhi (Vol. X, No. 3, August, 1979), pp. 62-64.
16. Cf. Levy, *op. cit.*, pp. 293-331.
17. Arnold and Guillaume, *op. cit.*, p. 299.
18. *Ibid.*, p. 300. Cf. Engineer, *op. cit.*, p. 55.
19. Watt, *op. cit.*, p. 165.
20. Cf. Levy, *op. cit.*, p. 283.
21. Watt, *op. at.*, p. 167. Cf. Engineer, *op. cit.*, pp. 60, 61.
22. Arnold and Guillaume, *op. cit.*, p. 301.
23. *Ibid.*, p. 302. Cf. Centre Culture Islamique, *Introduction to Islam*, *op. cit.*, p. 97.

24. Faruki, *op. cit.*, p. 368.
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*, pp. 370, 371.
28. *Ibid.*, p. 371,
29. Engineer, *op. cit.*, pp. 52, 53.
30. Daniel Dishon, "Faith and Politics," *The Jerusalem Post*, International Edition (November 18-25, 1979), p. 10.
31. Faruki, *op. cit.*, pp. 371, 372.
32. *Ibid.*, pp. 372, 373.
33. Letter to the editor, *The Christian Century*, Chicago, HI, (Vol. XCVI, No. 28, Sept 12, 1979.)