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THE POLITICAL THOUGHT OF MUHAMMAD ASAD

Pipip Ahmad Rifai Hasan

A Thesis

in

The Department

of

Religion

Presented in Partial Fulfillment of the Requirements

for the Degree of Master of Arts at

Concordia University

Montreal, Quebec, Canada

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MASTER OF ARTS

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Feb 13 1998 _____   _____

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ABSTRACT

The Political Thought of Muhammad Asad

Pipip Ahmad Rifai Hasan

This study is an analysis of the political thought of a prominent Pakistani scholar, namely, Muhammad Asad (1900-1992). The emphasis of the study is placed on how Asad's proposal of a contemporary model of the *Sharī'ah* state in the context of Pakistan deals with constitutional questions pertaining to the nature and powers of the various organs of the state, the question of modern Islamic legislation, the status of non-Muslims and women, and the relationship of the Islamic state with non-Muslim states.

Asad is a distinguished Islamic scholar, and a fully and strongly committed Muslim whose life goal is the cultural, intellectual, and spiritual renaissance of Muslims. In order to achieve these ideals, Islam should become a program of life, he urges, adding that the establishment of a truly Islamic polity is imperative if Muslims truly want a vehicle through which they can translate the tenets of Islam into action. In addition, he believes that the freedom and prosperity of Muslims would not be achieved unless its adherents whole-heartedly adhere to its tenets and strive for their implementation.

This thesis is an historical study that analyzes the religio-political ideas of Asad, as can be gleaned from his writings: books, articles, and reports of interviews. The thesis also takes cognizance of a number of analytical and scholarly works on Asad's political thought. Lastly, certain conclusions are preferred in terms of the reliability and applicability of his model of the *Sharī'ah* state, and the suggestions he offers to a number of crucial issues plaguing many Muslim political thinkers.

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I have dedicated this work to my parents and family.

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SYSTEM OF TRANSLITERATION USED IN THIS WORK

English	Arabic
ʾ	ا
ʿ	ع
th	ث
ṭ	ط
jh	ج
ḥ	ح
kh	خ
dh	ذ
ḍ	ض
sh	ش
ṣ	ص
ẓ	ظ
q	ق
gh	غ

INTRODUCTION

The purpose of this study is to examine the political thought of a prominent Pakistani scholar. Muhammad Asad (1900-1992). His political views were originally published in March 1948 in the form of an essay entitled *Islamic Constitution-Making* This essay was a response and contribution to the issue of the Islamic character of Pakistan.[1] Thus, he formulated his theory in the concrete political situation of a struggling state whose *raison d'être* was Islam and the desire of the majority of Indian Muslims to have their own state where they could live as Muslims. Later in 1961, the University of California Press published Asad s *The Principles of State and Government in Islam* which represents a development of the ideas first set forth in the essay.[2] In addition, his political views could be found in his book *This Law of Ours and Other Essays*.[3]

The significance of this study lies in its discussion of several crucial topics such as, firstly, the nature and scope of Islamic political thought. Political thought, according to Hamid Enayat, has been at the forefront of Muslim intellectual life over the last two centuries. Two reasons are given to explain this phenomenon. The first is the ongoing struggle of various Muslim peoples during this period for their domestic freedom and independence from Western powers. This struggle has not yet reached its avowed goals, thus, ensuring the continual politicization of the Muslim mind in the future. The second is the conjunction of substantial economic, strategic and political interests on the part of the

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[1]See Muhammad Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar al-Andalus, 1980; reprint 1993), ix.

[2]Muhammad Asad, *The Principles of State and Government in Islam* (Berkeley and Los Angeles: University of California Press, 1961).

[3]See *This Law of Ours and Other Essays* (Gibraltar: Dar al-Andalus, 1987), 71-87.

outside world in the heartland of the "abode of Islam", resulting in the Western obsession with the "energy-crisis".[4]

Nevertheless, these explanations do not adequately explain the primacy of politics in modern Islam, since they do not take cognizance of a more fundamental issue, namely, the inherent link between Islam as a comprehensive scheme for all aspects of human life, and politics as an indispensable instrument for securing the universal compliance with that scheme. This issue has been discussed by numerous scholars who have offered both doctrinal and historical reasons for the inseparability of Islam and politics.[5] In his political study of Pakistan, Keith Callard, observed that to a Muslim, Islam embraces both religion and politics. It is, according to Callard, an outlook upon life that embraces social, political and cultural aspects of human behavior. Islam thus has guidance to offer in the production and distribution of wealth, in the maintenance of social services, in international relations, in the structure of family life, in public finance and the proper position of the hands during prayer.[6]

In addition, Islam is never content with the mere exposition of its ideals, but constantly seeks the means to implement them. It is also a religion that stresses above all the collective enforcement of public morals, and is indeed very much a social religion that seeks to organize the practices of social and family life. Therefore, according to the Muslim point of view, both the government and the state, constitute the proper

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[4]Hamid Enayat, *Modern Islamic Political Thought*, The Center for Middle Eastern Studies, The University of Texas at Austin (Austin: University of Texas, 1982; 3rd Paperback printing, 1991), 1.

[5]Enayat, *Modern Islamic Political Thought* 1; See also Ann K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists*, London Oriental Series vol. 36 (Oxford: Oxford University Press, 1981), 1; A. K. S. Lambton, "Islamic Political Thought," in Joseph Schacht and C. E. Bosworth, eds., *The Legacy of Islam*, 2d. ed. (Oxford: Oxford University Press, 1974), 404; Cf. John L. Esposito, *Islam and Politics* 3rd. ed. , Contemporary Issues in the Middle East (Syracuse: Syracuse University Press, 1991), 28-29; Mohammed Arkoun, *Rethinking Islam: Common Questions, Uncommon Answers* trans. and ed. Robert D. Lee (Boulder, San Francisco, and Oxford: Westview Press, 1994), 18-23 and 66-67.

[6]Keith Callard, *Pakistan: A Political Study* (London: George Allen & Unwin Ltd., 1957; 2nd. impression, 1958), 195-197.

instruments for the implementation of Islamic social values and ideals. At this point it is important to note that the government's importance does not lie in the "political" aspect of its mission (i. e. the representation of interests, the working of institutions, etc.) but in the crucial social role expected from it as guardian of the moral code, that is expected to constantly watch, give direction to, and actually mould the social fabric.[7] Moreover, the state is to be the organization to which the Muslim *Ummah* would entrust the task of executing its will.[8] On this issue, W. M. Watt states that due to this emphasis on communal solidarity as well as the circumstances of the early community--the wielding of political power by the Prophet Muhammad--there has never been in Islam any demarcation comparable to that in Christianity between "the church" and "the world". The normal community, according to him, has always been a solidly Muslim community.[9]

Secondly, the study of Asad's thought also demonstrates two historical realities which challenge the universality and centrality of the inseparability of religion and politics in Islam. The first is that different groups of Muslims interpret the Qur'ānic injunctions and the Prophetic sayings differently depending on their backgrounds, and the realities of their milieu. The second is that the majority of Muslims, for the greater part of their history have lived under regimes which had only the most tenuous link with those norms, and observed the *Sharī'ah* only to the extent that it legitimized their power in the eyes of the faithful.[10]

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[7]Nazih N. Ayubi, *Political Islam: Religion and Politics in the Arab World* (London and New York: Routledge, 1991; paperback, 1993), 35; Fazlur Rahman, "Implementation of the Islamic Concept of State in the Pakistani Milieu," *Islamic Studies* 6, no. 3 (September 1967): 205.

[8]Rahman, "Implementation of the Islamic Concept of State in the Pakistani Milieu," 205.

[9]W. Montgomery Watt, *Islamic Political Thought: The Basic Concepts* (Edinburgh: Edinburgh University Press, 1968; paperback ed., 1987), 29; cf. Wilfred Cantwell Smith, *Pakistan as an Islamic State: Preliminary Draft* (Lahore: Shaikh Muhammad Ashraf, 1951), 22-25.

[10]Enayat, *Modern Islamic Political Thought*, 1.

Thirdly, the study of Asad's political thought highlights three distinctive features which differentiate it with the Islamic political thought of the medieval period. The first is that his political thought emerged in a favourable environment, and in a milieu that enjoyed the freedom of speech, assembly and action. Asad began expressing his ideas following the Indian independence movement and amidst the establishment of the state of Pakistan: an atmosphere greatly conducive to the formulation and expression of political ideas. Needless to say, most of the Islamic political thought of the medieval period was formulated under regimes denying those essential freedoms. The second is that Asad formulated his political views in isolation from related disciplines. In other words, they are independent on, and not part of, jurisprudence and theology. Thirdly, he expressed his political ideas in the language of the Islamic sciences--using stereotyped legal phrases, citing Qur'ānic verses and Prophetic sayings, picking up some Western political institutions and ideas, and occasionally naming them in terms familiar to or within Islamic nomenclature.[11]

Fourthly, Asad's political thought proposes a contemporary model of the *Sharī'ah* state. For him, Islam should serve as a guide and inspiring ideal as well as the constitution of the state whose law is to be the *Sharī'ah*. He is committed to the Qur'ān and *Sunnah* as the sole sources of the law although allowing room for contemporary human discretion in the interpretation and application of the Scriptures. Consequently, it is interesting to take cognizance of Asad's position on key public law such as the status of non-Muslims and women, and the question of the relationship of the Islamic state with non-Muslim state--issues which are crucial to every Muslim political thinker in the contemporary world.[12]

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[11]Enayat, *Modern Islamic Political Thought*, 2-3.
[12]Erwin I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: Cambridge University Press, 1965), xiii; Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), 37-38.

On the basis of the afore-mentioned views, we find that central to Asad's political thought is that a state can become truly Islamic only by virtue of a conscious application of the socio-political tenets of Islam to the life of the nation, and by an incorporation of those tenets in the basic constitution of the country. The purpose of an Islamic state is not self-determination for a racial or cultural entity but the establishment of Islamic law as a practical proposition in human affairs. This is a clear rejection of the modern national state with its separation of religion and politics.

Asad is a Muslim thinker who tries to formulate his political ideas in conformity with credal, epistemological and methodological premises that ensure the continuity of Islamic thought. And, although he maintained that the Qur'ān and *Sunnah* do not lay down any specific form of state and that the *Sharī'ah* does not offer a detailed constitutional theory, Asad held that any form of the Islamic state must be in full agreement with the explicit, unequivocal *Sharī'ah* rules relating to communal life. He also declared that *Sharī'ah* consists of either general principles, within which detailed rules can be introduced through *ijtihād*, or details in matters not effected by changes caused by human social development. He also envisaged room for *ijtihād* in matters not covered by the *sharī'ah*. The *Sharī'ah* is formed only by what the Qur'ān and *Sunnah* have commanded, excluding *fiqh*, the traditional Islamic law. Indeed, he spoke of the supremacy of the *Sharī'ah* and the authority of the *ummah* to interpret and preserve it thus ensuring this continuity and development of Islamic thought.

Following this argument, he criticized the idea prevailing among many Muslims, both in the past and the present, that there could be but one form of state deserving the adjective "Islamic"—namely, the form manifested under the four Rightly-Guided Caliphs. For Asad, there can be many forms for the Islamic state so long as they are in full agreement with the explicit, unequivocal ordinances of the Qur'ān and *Sunnah*. In other

words, he does not rely on historical precedents as possible guides for his model of an Islamic state.

Asad is a distinguished Islamic scholar, mainly because of his faith, intellectual commitment, honesty and open-mindedness. He is also a dynamic person, an excellent thinker, and one of the most outstanding journalists who not only tried to get and send news but also tried to learn from, and befriend all those peoples he encountered. Moreover, he is a committed Muslim who not only thinks and writes books, but also puts his faith and ideas into practice and action. Hence, he was actively involved, among others, in the effort to create Pakistan—the first state in contemporary history to be established solely for the sake of Islam.

Nevertheless, for many people, Muslims and non-Muslims, he is virtually an unknown person. Consequently, with this study of his political thought, the present writer tries to place and introduce Asad first, as a Muslim who was well aware that no political idea, however valid and vital for the freedom and prosperity of Muslims, can mobilize them in a successful effort to cure their ills, unless it is shown to conform in both form and substance to the dictates of their religious consciousness. Second, Asad was a forceful proponent of modern Islamic legislation. While he believed that the comprehension and interpretation of Islamic law is dependent on the individual's knowledge and conscience alone, he at the same time believed that in matters affecting the collective good *ijtihād* should be based on collective *ijmāʿ*. This collective or corporate *ijmāʿ* is to be carried out by a legislative assembly (*majlis al-shūrā*) which must be truly representative of the entire community. Third, Asad is a Muslim political thinker who shows strong concern with constitutional questions relating to the nature and powers of the various organs of the state.[13] Thus, he deals with issues such as government by

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[13]The emergence of constitutionalism in the Islamic polity began in the Ottoman-Turkish Constitution of 1876, and serious confrontations between constitutionalism and Islam occured in Iran 1906. See Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964), 232-250; Said Amir Arjomand, "Religion

consent and council and the relationship between the executive and the legislative and between citizens and government.[14] This concern is no doubt encouraging because it indicates a commitment to constitutionalism.

In describing and interpreting the political thought of Muhammad Asad, this study will limit itself to his ideas, and will only delve into contemporary historical affairs or ideas, when such affairs or ideas shed light on his thought. Thus, this thesis will start with a brief biography of Asad as well as an introduction to his works in order to illustrate the background to his political thought. This is followed by a summary of the traditional Islamic political heritage in the classical and medieval periods of Islam. This summary is proffered in order to demonstrate the influence that this political heritage exerts on modern political thought. Next, the discussion will focus on modern Islamic political thought. It will start with the concepts of the Islamic state and nationalism, the development of Muslim nationalism in India and the creation of Pakistan. This is followed by a discussion of Asad's views on state and government in Islam, the relationship between Islam and the state, the purpose behind the creation of Pakistan, the structure and organization of state, and the latter's economic system. It also analyses other issues which were conceived to be the most important ones in contemporary Islamic political thought, namely the supremacy of the *Sharī'ah*, the position of non-Muslims and women, the relationship with non-Muslim states, the control of power, and modern Islamic legislation. We also describe the views of other Muslim thinkers in order to achieve a comparative perspective on these views, particularly the application of the *sharī'ah* in the Muslim world especially in Pakistan.

This thesis is an historical study, in the sense that it tries to offer a history of certain religio-political ideas. Moreover, since historical studies usually rely on written

and Constitutionalism in Western History and in Modern Iran and Pakistan," in Said Amir Arjomand, ed., *The Political Dimensions of Religion* (Albany: State University of New York Press, 1993), 69-99.

[14]See chapter 4 of this thesis.

sources, this study will completely rely on the latter kind of sources. The primary source used in this thesis is from Asad's *The Principles of State and Government in Islam*. The present writer also consulted a number of Asad's other books, namely *This Law of Ours and Other Essays* which contains several articles such as: "Islamic Civilization and Islamic Law," "What Do We Mean by Pakistan?", The Encounter of Islam and the West," "A Vision of Jerusalem," "Islam and the Spirit of Present Times," etc.; *Islam at the Crossroads*; *Sahih al-Bukhārī: The Early Years of Islam* (A Translation and Explanation of the Kitāb al-Jāmiʿ al-Ṣaḥīḥ al-Bukhārī) *The Road to Mecca*, and *The Message of the Qurʾān* (A Translation and Explanation of the Qurʾān). in addition to two Asad's articles namely, "Towards a Resurrection of Thought" which was published in *Islamic Culture*, "The Tribe that Kept its Names." published in *Arabia* magazine. and two interviews that were also in *Arabia*, namely, "Muhammad Asad--doyen of Islamic scholars" and "Asad Interviewed," as well as an article by Hasan Zillur Rahim published in the *Washington Report on Middle East Affairs* and entitled i. e. "Muhammad Asad: Visionary Islamic Scholar." Alas, the present writer was unable to obtain two of Asad's books, namely *Home-Coming of the Heart* and *Meditations*, which are as yet unavailable in North America. The writer had sent letters to several Islamic book stores and publishers in Europe but it was to no avail since these two books had apparently been sold out!

Lastly, the present author had the opportunity to consult a number of analytical and scholarly works on Asad's political thought. We consulted Erwin I. J. Rosenthal's discussion of Asad in chapter 6 of his book *Islam in the Modern National State*; Ishtiaq Ahmed's analysis in chapter 6 of his book *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan*, Abdullahi Ahmed An-Naʿim's discussion of reform methodology, *sharīʿah* and modern constitutionalism in chapters 3 and 4 of his book *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International*

Law, and Ahmad Syafii Maarif's discussion of Islam and the basis of the State in Indonesia in chapter 4 of his dissertation "Islam as the Basis of State: A Study of the Islamic Political Ideas as Reflected in the Constituent Assembly Debates in Indonesia." Hamid Enayat's *Modern Islamic Political Thought*; Farid Esack's *Qur'ān, Liberation & Pluralism: An Islamic Perspective of Interreligious Solidarity Against Oppression*; and Mehran Tamadonfar's *The Islamic Polity and Political Leadership: Fundamentalism, Sectarianism, and Pragmatism* which slightly discuss Asad's political views were also consulted. The full bibliographical details will be given at the end of this work. In writing this thesis the present writer used Kate L. Turabian's *A Manual for Writers of Term Papers, Theses, and Dissertations*, 5th ed. (Chicago and London: The University of Chicago Press, 1987) as a guide.

CHAPTER I

A SHORT BIOGRAPHY OF MUHAMMAD ASAD AND HIS WORKS

Muhammad Asad, writer, adventurer, diplomat, Muslim thinker par excellence, translator of the Qur'ān, and author of one of the most remarkable spiritual autobiographies ever, *the Road to Mecca*, is not as well recognized, even among Muslims, as he ought to be. This is unfortunate. Asad died in Spain in 1992, and he remains virtually unknown in the West and an enigma to the average Muslim. Those who have followed his career through his books and writings, however, know that no one has contributed more in our times to the understanding of Islam and the awakening of Muslims, or worked harder to build a bridge between the East and the West, than Muhammad Asad.[1]

Asad was born as Leopold Weiss on July 2, 1900 in Lwow, Galicia, now in Poland, and then part of the Austrian empire as the second of three children. He came from a Jewish family of Poland-Austria. His father was a barrister who had dreamed of devoting himself to science. Asad's grandfather had been an orthodox rabbi in Czernowitz, capital of the then Austrian province of Bukovina. In accordance with his family's tradition, Asad received, through private tutors at home, a thorough grounding in the Hebrew religious lore and the sacred scriptures. Thus, by the age of thirteen, he not only could read Hebrew with great fluency but also spoke it freely and had, in addition, a fair acquaintance with Aramaic. He studied the Hebrew Bible in the original; and the *Mishna* and *Gemara* became familiar to him. He could discuss with a good deal of self assurance the differences between the Babylonian and Jerusalem Talmuds; and he

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[1]Hasan Zillur Rahim, "Muhammad Asad: Visionary Islamic Scholar," *Washington Report on Middle East Affairs* September 1995, vol. 14, no. 3, 45.

immersed himself in the intricacies of Biblical exegesis, called *Targum* just as he had been destined for a rabbinical career.[2]

Asad ran away from home at 14 and joined the Austrian army to fight in the First World War. For about two years after the end of the Great War he studied, in a somewhat desultory fashion, the history of art and philosophy at the University of Vienna. But his heart was not in those studies. A quiet academic career did not attract him. He felt a yearning to come into more intimate grips with life, to enter it without any of those carefully contrived, artificial defences which security-minded people love to build around themselves. He wanted to find for himself an approach to the spiritual order of things which, he knew, must exist but which he could not yet discern. By 1922 he had become a foreign correspondent in the Near and Far East for the *Frankfurter Zeitung*, then one of the most outstanding newspapers in Europe.[3] His career in journalism took him to Palestine, Egypt, Syria, Iraq, Iran (Persia), Jordan, Arabia, and Afghanistan, and gave him a unique perspective on world affairs, particularly issues relating to Jews and Arabs.[4]

While staying with his uncle in Jerusalem, he came into contact with *the Zionist Committee of Action* and was repelled by its contempt toward the Arabs. "Although of Jewish origin myself," wrote Asad in *The Road to Mecca*, "I conceived from the outset a strong objection to Zionism . . . I considered it immoral that immigrants, assisted by a great foreign power, should come from abroad with the avowed intention of attaining a majority in Palestine and thus to dispossess the people whose country it had been . . . This attitude of mine was beyond the comprehension of practically all the Jews whom I

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[2]Muhammad Asad, *The Road to Makkah* (Lahore: Maktaba Jawahar ul Uloom, n.d.), 51-55.

[3]Before his association with the *Frankfurter Zeitung*, Asad also had been a journalist in the *United Telegraph* of Berlin in 1921. After his resignation from the *Frankfurter Zeitung*, he became a foreign correspondent for three other newspapers: the *Neue Zürcher Zeitung* of Zurich, the *Telegraaf* of Amsterdam and the *Kölnische Zeitung* of Cologne. Asad, *The Road to Makkah*, 66, 96-98, and 307.

[4]Asad, *The Road to Makkah*, 56-57 and 98-99.

came in contact during those months. They could not understand what I saw in the Arabs ... They were not in the least interested in what the Arabs thought; almost none of them took the pains to learn Arabic; and everyone accepted without question the dictum that Palestine was the rightful heritage of the Jews."[5]

It was there that Asad encountered Chaim Weizmann, the undisputed leader of the Zionist movement, and had a heated discussion with him regarding the Zionist philosophy. "What about the Arabs?" Asad asked as Dr. Weizmann who was one day articulating his vision of a Jewish National Home. "What about the Arabs?" echoed Dr. Weizmann. "Well, how can you ever hope to make Palestine your homeland in the face of the vehement opposition of the Arabs who, after all, are in the majority in this country?", Asad continued. The Zionist leader shrugged his shoulders and answered dryly: "We expect they wont be in a majority after a few years."[6]

Asad was overcome with sorrow as he reflected on this experience. "How was it possible, I wondered, for people endowed with so much creative intelligence as the Jews to think of the Zionist-Arab conflict in Jewish terms alone? ... Were they so hopelessly blind to the painful future which their policy must bring to the struggles and the bitterness to which the Jewish island would forever remain exposed in the midst of a hostile Arab sea? And how strange, I thought, that a nation which had suffered so many wrongs in the discourse of its long and sorrowful Diaspora was now in single-minded pursuit of its own goal, ready to inflict a grievous wrong on another nation. Such a phenomenon, I knew, was not unknown to history, but it made me, nonetheless, very sad to see it enacted before my eyes."[7]

Traveling extensively throughout the Muslim world, Asad's interest in Islam deepened. At the same time, he began to examine critically the decay he found among

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[5]Asad, *The Road to Makkah*, 93-94.
[6]Asad, *The Road to Makkah*, 94.
[7]Asad, *The Road to Makkah*, 96.

Muslims. Arabia was bogged down in tribal warfare; foreign powers were conquering Muslim lands with the help of Muslim puppets. By 1918, the military control of Britain and France in the Middle East and the Maghrib was stronger than ever before. The Ottoman Empire had lost its Arab provinces and was confined to Anatolia and a small part of Europe. In the Hijāz, the sharīf Husayn proclaimed himself king and ruled for a few years, but in 1920s his rule, ineffective and deprived of British support, was ended by an expansion of the power of the Saudi ruler, ʿAbd al-ʿAzīz from central Arabia. Asad observed all these events and wrote a series of articles on them in the *Frankfurter Zeitung*. Asad also sadly saw that most Muslims were mired in the lowlands of self-righteousness, wallowing in intellectual stagnation by blindly imitating the West. For Asad, the innate character of Western civilization definitely precludes a religious orientation in human beings.[8]

In 1926, the young Leopold Weiss converted to Islam in Berlin and became Muhammad Asad. A few weeks later his wife, Elsa, an artist (a painter), also converted.[9]

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[8]Asad harshly criticizes Reza Khan, and especially Mustafa Kemal whom, according to him, is a petty masquerader who denies all values to Islam. Asad, *The Road to Makkah*, 99-101, 104-105, and 188-190, 243-248, 264-270, 297, and 319; Asad, *Islam at the Cross Roads*, 101-104; Albert Hourani, *A History of the Arab Peoples* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1991), 315-319; Muhammad Asad, *This Law of Ours and Other Essays* (Gibraltar: Dar al-Andalus, 1987; reprint 1993), 75.

[9]Several months before embracing Islam he describes his perceptions and inner condition as follows: "An integrated image of Islam was now emerging with a finality, a decisiveness that sometimes astounded me. It was taking shape by a process that could almost be described as a kind of mental osmosis--that is, without any conscious effort on my part to piece together and 'syztematize' the many fragments of knowledge that had come my way during the past four years. I saw before me something like a perfect work of architecture, with all its elements harmoniously conceived to complement and support each other, with nothing superflous and nothing lacking--a balance and composure which gave one the feeling that everything in the outlook and postulates of Islam was 'in its proper place'." But at the same time he also realized the problems faced by Muslims. He writes: "I had no illusions as to the present state of affairs in the Muslim world. The four years I had spent in those countries had shown me that while Islam was still alive, perceptible in the world-view of its adherents and in their silent admission of its ethical premises, they themselves were like people paralyzed, unable to translate their beliefs into fruitful action. But what concerned me more than the failure of present-day Muslims to implement the scheme of Islam were the potentialities of that scheme itself. It was sufficient for me to know that for a short time, quite at the beginning of Islamic history, a successful attempt had been made to translate that scheme into practice; and what had seemed possible at one time might perhaps become really possible at another. What did it

When he informed his father that he had become a Muslim, the latter did not even answer his letter. Some months later his sister wrote, telling him that their father considered him dead. Thereupon he sent him another letter, assuring him that his acceptance of Islam did not change anything in his attitude toward him or his love for him. Asad told his father that Islam enjoined upon him (Asad) to love and honor his parents above all other people. But this letter also remained unanswered. Their relationship was resumed in 1935, after Asad's father had at last come to understand and appreciate the reasons for his son's conversion to Islam. Although Asad and his father never met again in person, they remained in continuous correspondence until 1942. After his conversion to Islam he lived for nearly six years in Arabia and enjoyed the friendship of King Ibn Sa'ūd. The story of the years before his conversion reflects the spiritual odyssey of a man in search of a home, a man struck by wanderlust, unable to quell his restless spirit until embracing Islam.[10]

To understand how Muslims could regenerate themselves, Asad took a characteristic approach: he immersed himself in understanding the source of Islam, the Qur'ān. Embarking on an intensive study of classical Arabic, he began at the same time living among the bedouins of Central and Eastern Arabia whose speech and linguistic associations had essentially remained unchanged since the time of the Prophet Muhammad when the Qur'ān was being revealed. It gave him insight into the semantics of the Qur'ānic language unknown to any Westerner and enabled him later to translate the Qur'ān into English as *the Message of the Qur'ān*. Along with his commentary, *The*

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matter, I told myself, that the Muslims had gone astray from the original teaching and subsided into indolence and ignorance? What did matter that they did not live up to the ideal placed before them by the Arabian Prophet thirteen centuries ago--if the ideal itself still lay open to all who were willing to listen to its message?" Asad, *The Road to Makkah*, 301 and 305.

[10]Asad, *The Road to Makkah*, 1, 56-58, 298, and 311; Muhammad Asad, *Islam at the Crossroads* (Lahore: Arafat Publications and Sh. Muhammad Ashraf, 1934; reprint, 1975), 4.

Message is without parallel in conveying the holy book's meaning and spirit to non-Arab readers.[11]

In his study of the Qur'ān, Asad found that Islam gave "Yes to action, No to passivity. Yes to life and No to asceticism." In its pages, he found an intense God-consciousness that made no division between body and soul or faith and reason, but consisted of a harmonious interplay of spiritual needs and social demands. "It was obvious to me that the decline of the Muslims was not due to any shortcomings in Islam but rather to their own failure to live up to it ... It was not Muslims that had made Islam great: It was Islam that had made the Muslims great. But as soon as their faith became habit and ceased to be a program of life, to be consciously pursued, the creative impulse that underlay their civilization waned and gradually gave way to indolence, sterility and cultural decay."[12]

From that point on, Muslim renaissance became Asad's goal in life. He traveled far and wide, conferred with kings, leaders and the common people "between the Lybian desert and the Pamirs, between the Bosporus and the Arabian sea," and began putting his ideas on paper. *Islam at the Crossroads*, first published in 1934, still stunts the contemporary reader with its analysis of Muslim regression and its bold prescription for instilling self-assurance to an Islamic world suffering from lack of confidence under the onslaught of Western civilization.[13]

But dark clouds had been gathering over the horizon of Europe. It was only in the late 1940s that Asad discovered that his father and sister had died. He did not know that in 1942 they were deported from Vienna by the Nazis and subsequently died in a concentration camp. Since 1932 Asad had been in India where he befriended Muḥammad Iqbal, the spiritual father of the idea of a separate Muslim state in India. Iqbal persuaded

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[11] *The Message of the Qur'ān* trans. and expl. Muḥammad Asad (Gibraltar: Dar al-Andalus, 1980), iv-v; Asad, *The Road to Makkah*, 9-16 and 193.
[12] Asad, *The Road to Makkah*, 190, 192, and 193.
[13] Asad, *Islam at the Cross Roads* 4; Rahim, "Muḥammad Asad," 45.

Asad to abandon plans to travel to eastern Turkestan, China and Indonesia and "to help

elucidate the intellectual premises of the future Islamic state."[14] He became editor of

Islamic Culture, the Hyderabad Quarterly Review, replacing Muhammad Marmaduke

Pickthall--who had edited the Quarterly Review since July 1927 and died in 1936-- from

January 1937 until April 1938. Although there was an announcement and eulogy when

Pickthall died, it is strange to find that there was no a such announcement in *Islamic*

Culture that Asad had replaced him as editor, or, when he stopped to be editor after

April 1938.[15]

During the Second World War, due to his then Austrian citizenship, Asad was

interned by the British government in India from September 1, 1939, to August 14,

1945. Throughout those years he was the only Muslim in an internment camp peopled by

some three thousand Germans, Austrians and Italians--both Nazis and anti-Nazis as well

as Fascists and anti-Fascists--all of them collected helter-skelter from all over Asia and

indiscriminately locked up behind barbed wire as "enemy aliens". The fact that he was

the only Muslim among so many non-Muslims contributed, if anything, according to

him, to the intensity of his preoccupation with the cultural and intellectual problems of his

community and the spiritual environment which he had chosen for himself as early as

1926. From September 1946 to February 1947 he edited the periodical *Arafat* published

in Lahore. As was eviden from its subtitle, "A Monthly Critique of Muslim Thought",

Arafat was a kind of journalistic monologue meant to clarify--as much as might be

possible for a single man--the great confusion prevailing in the Muslim community as to

the scope and the practical implications of Islamic Law.[16]

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[14]Asad, *The Road to Makkah*, 1-2, and 311; Rahim. "Muhammad Asad," 45.

[15]See *Islamic Culture* 1 (July 1927); *Islamic Culture* 10 (July and October 1936); *Islamic Culture* 11 (January, April, and October 1937); *Islamic Culture* 12 (January and April 1938). *Islamic Culture* is published until now in Hyderabad, India. Its publication was encouraged by a group of people in "His Exalted Highness the Nizam's Dominions" with the aim of disseminating true knowledge about Islam.

[16]Asad, *This Law of Ours*, 1. See also Muhammad Asad, "Why Arafat," *Arafat* 1 (September 1946): 1-4.

When Pakistan was born in 1947, Asad was appointed its undersecretary of state for Near Eastern Affairs and became its permanent representative to the United Nations in 1952. There he met his wife, Pola Hamida, an American from Boston, whom he married the same year. It was also there that he began writing his incomparable *The Road to Mecca* (1954), covering the first half of his life, including his conversion to Islam in 1926 and his last desert journey from the interior of Arabia to Mecca in the late summer of 1932.[17]

After two years in New York, the Asads traveled extensively before returning to Pakistan in 1955. But the couple's restlessness spurred them on, first to Morocco, then to Tangiers, then to Portugal, and finally to Spain. In *the Principles of State and Government in Islam*, published in 1961, Asad laid down in unambiguous terms the foundations of an Islamic state on the basis of Qur'ānic injunctions and the Prophet's sayings. Briefly, the two defining limits of this work are that in an Islamic state true sovereignty lies with God and that believers must conduct all businesses pertaining to the state and community through mutual consultation. Within this framework, Asad showed that an Islamic state had the flexibility to contain features of parliamentary democracy and the rule of law, including the American institutions of presidency and the Supreme Court. Consequently, the re-awakening of Islam is not necessarily an attempt to re-establish an Islamic theocracy modelled along the lines of previous dynasties.[18]

The author hoped with this book to contribute "toward a better understanding of Islamic ideology by the non-Muslim in the West--an understanding so vitally needed in our time." And Considering the dark and extreme pictures of several orientalists and "Islamic experts" like Bernard Lewis, Daniel Pipes, Steven Emerson and others about

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[17]Asad, *The Road to Makkah*, 1, 8, 9.

[18]Asad, *The Road to Makkah*, 8; Asad, *This Law of Ours*, 1-2; Muḥammad Asad, *The Principles of State and Government in Islam* (Los Angeles: University of California Press, 1961; reprint Gibraltar: Dar al-Andalus, 1993), 61; "Muḥammad Asad--Doyen of Islamic Scholars," *Arabia* 5 no. 61 (September 1986/Moharram 1407): 50.

Islam and Islamic states, Asad's book should be required reading for these "experts" from academe and the media.[19]

The Message of the Qur'ān was published in 1980. Asad meant to devote two years to completing the translation and the commentary but ended up spending 17 years doing so. He dedicated *The Message* to "people who think," and in his *foreword* for *The Message of the Qur'ān*, he mentions two main reasons for the lack of appreciation of the Qur'ān in the Western world, in spite of its undeniable and ever-increasing interest in all that concerns the world of Islam. The first reason is the Qur'ānic stress on "reason as a valid way to faith as well as its insistence on the inseparability of the spiritual and the physical (and, therefore, also social) spheres of human existence: the inseparability of man's daily actions and behaviour, however 'mundane', from his spiritual life and destiny. This absence of any division of reality into 'physical' and 'spiritual' compartments makes it difficult for people brought up in the orbit of other religions, with their accent on the 'supernatural' element allegedly inherent in every true religious experience, to appreciate the predominantly rational approach of the Qur'ān to all religious questions." In short," Asad says, "the Westerner cannot readily accept the Qur'ānic thesis that all life, being God-given, is a unity, and that problems of the flesh and of the mind, of sex and economics, of individual righteousness and social equity are intimately connected with the hopes which man legitimately entertains with regard to his life after death." Second, perhaps ever more decisive, is the fact that "*the Qur'ān itself has never yet been presented in any European language in a manner which would make it truly comprehensible.*"[20]

Asad tries to explain why this lack of understanding occured by pointing out that the authors of the long list of translations-- whether they are Muslims or non-Muslims-- were or are people who acquired their knowledge of Arabic through academic study

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[19]Asad, *State and Government*, vii; Rahim, "Muhammad Asad," 46.
[20]*The Message of the Qur'ān*, ii-iii; Asad, *This Law of Ours*, 187-188.

alone: that is, from books. None of them, according to him, however great his scholarship, has ever been familiar with the Arabic language as a person is familiar with his own, having absorbed the nuances of its idioms and its phraseology with an active, asssociative response within himself, and hearing it with an ear spontaneously attuned to the intent underlying the acoustic symbolism of its words and sentences. His own translation and explanation, *The Message of the Qur'ān*, is based on a lifetime of study and of many years spent in Arabia. Asad claims. It is an attempt, according to him, at a really idiomatic, explanatory rendition of the Qur'ānic message into a European language.[21]

Nevertheless, Asad by no means claims that his effort in interpreting the Qur'ān exhausted all the depths of the Book. Indeed, in a speech delivered at a Conference of the *Islamic Council of Europe* in London, April, 1980, Asad stresses that: "Neither my own approach to it, nor the commentaries produced by the greatest scholars of the Muslim past, could ever claim to have 'exhausted' something that is utterly inexhaustible by virtue of the fact that it represents God's ultimate Message to man." In emphasizing this point, he quotes the Qur'ān which declares: "Say: 'If all the sea were ink for my Sustainer's words—the sea would indeed be exhausted ere my Sustainer's words are exhausted' " (Q. 18: 109). Therefore, in no way Asad considers his *tafsīr* of the Qur'ān as a final and perfect one. This emphasis is related to Asad's view of *ijtihād*.[22]

The importance of using one's own faculties to understand the Divine text (*ijtihād*), a fact emphasized in the Qur'ān itself, was a theme Asad returned to again and again. Without *ijtihād* Asad was convinced Muslims would find it difficult, if not impossible, to practice true Islam in their lives, and that they would become intellectual

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[21] *The Message of the Qur'ān*, iii-v. Asad himself conducted an intensive study of classical Arabic, and began at the same time living among the bedouin of Central and Eastern Arabia whose speech and linguistic associations had essentially remained unchanged since the time of the Prophet Muḥammad when the Qur'ān was revealed. See Asad, *The Road to Makkah*, 9-16 and 193; See also Asad, *This Law of Ours*, 188-190.

[22] Asad, *This Law of Ours*, 187.

prisoners of others who were themselves prisoners of the past and had little to contribute to the resurgence of Islam in the modern world. It was only through *ijtihād*, he felt, that Muslims could grow, change and develop in accordance with the needs of the time and the growth of human experience, while always remaining true to the Qur'ān and the practice of the Prophet Muhammad. This was not to deny the importance of religious scholars, but to emphasize that Muslims are obliged to understand their faith as best as they could using their own God-given faculties, before seeking help to enlarge their understanding.[23] "Every Muslim ought to be able to say 'the Qur'ān has been revealed for me,'" he said in an interview a few years before his death. Moreover, he was fond of quoting the Prophetic *hadīth* that. "If you use your reason and turn out to be wrong, God will still reward you. And if you are right, you will be doubly rewarded."[24]

Asad also bestowes an important place to the *Sunnah* (Prophet's tradition) as recorded in the authentic *hadīths*.[25] This not only appears in almost all of his writings, but also in his translation and explanation of *Sahīh al-Bukhārī*, the most important compilation of Traditions.[26] Asad's translation and explanation of it is part of his

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[23]This theme appears clearly and thoroughly in *This Law of Ours*. 11-70. See also M. Asad-Weiss, "Towards a Resurrection of Thought," *Islamic Culture* 9 (1937): 7-16; Muhammad Asad. "Bragging About Our Past," *Arafat* 1 (September 1946): 5-9. Asad. *Islam at the Crossroads*, 143-149; see also Asad, *State and Government*. 11-17.

[24]Rahim, "Muhammad Asad," 46.

[25]For Asad, there are at least three distinct reasons for the institution of *Sunnah* The first reason--this is the individual aspect of the *Sunnah*- is the training of human beings, in a methodical way, to live permanently in a state of consciousness, wakefulness and self-control. The Second, is its social importance and utility considering that social conflicts are due to human beings' misunderstanding each other's actions and intentions. The cause of such misunderstandings is the extreme variety of temperaments and inclinations of the individual members of the society. The *Sunnah* enables members of society to be systematically induced to make their habits and customs resemble each other, however different their social or economic status be in each case. Moreover, the *Sunnah* makes society coherent and stable in form and precludes the development of antagonisms and conflicts. Therefore by following the example set by the Prophet every Muslim will mould his personality to that of the Prophet and other Muslims in such a way as to reinforce the latter's spiritual influence on the *ummah* The Prophet is thus not only the bearer of moral revelation but also the guide towards a perfect life. See Asad, *Islam at the Crossroads*, 139-149.

[26]Imām Abū 'Abd-Allāh Muhammad Ibn Ismā'īl al-Bukhārī, *Sahīh al-Bukhārī: The Early Years of Islam* trans. and expln. Muhammad Asad (Lahore: Arafat Publications, 1938: reprint. Gibraltar: Dar al-Andalus, 1993). One part of this Sahīh al-

endeavour to make Muslims acquire a better understanding of the Word of God (the Qur'ān) and the Example of the Prophet. For Asad, a genuine revival of Islam is impossible without an intensive inquiry into its original spirit. Muslims, according to him, must build further and higher on the foundations supplied by past generations of scholars and thinkers. Indeed, he cannot accept the idea that the teachings of Islam could ever be exhausted in all their depth. No word of anyone below the Prophet, in Asad's view, can ever be considered to be final. Muslims are but travellers aiming at new discoveries in the domain of the spirit of Islamic teachings, and the more Muslim's worldly knowledge increases, the more new and hitherto hidden meanings appear in the Qur'ān and the *Sunnah*,[27] he declared.

In 1987, Asad published *This Law of Ours and Other Essays*, a collection of articles on Muslim religious and political thought he had written over the years but had not published, including "Answers of Islam," "Calling All Muslims," "The Attitude of Religions Towards One Another," and "A Vision of Jerusalem." In fact, it was his wife, Pola Hamida, who discovered them after going through some of his old papers and, recognizing their importance, insisted that they be published. "I believe the reader will be struck, as I have been," she wrote in the foreword to the book, "not only by the extraordinary timeliness and the timelessness of these thoughts and predictions, but also by their consistency."[28]

Asad sees that one of the most important themes in Islamic doctrine is the historical continuation of and inner connection between the various forms and phases of divine revelation. The essence of their teachings, according to him, was always identical, and so it can be said that all of them proclaimed one and the same faith. Based on a

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Bukhārī's translation initially had been published in *Islamic Culture* 12 (January-April 1938): 98-107.

[27] Asad, "Preface to the First Edition (1938)," in _ *Saḥīḥ al-Bukhārī*, vi-vii.

[28] Pola Hamida Asad, "Foreword," in Asad, *This Law of Ours* x-xi.

Qur'ānic verse (Q. 5:48). Asad believes that: "For every one of you [i.e., for every one of your communities] have We appointed a [different] divine law and an open road". And, on the basis of another Qur'ānic verse,[29] he emphasizes that the sincere followers of earlier revealed religions (like Jews and Christians) can be regarded as righteous in the Qur'ānic sense of this term--provided that they believe in God's transcendental oneness and uniqueness, are fully conscious of their responsibility to Him, and really live in accordance with these tenets.[30]

Asad also feels the need and desireability for a better, deeper understanding between the world of Islam and the Occident in the interest of the whole world and the world's future. He points out to mutual distrust as the main obstacle for the two worlds to have a better mutual understanding and as close as possible a collaboration to be brought about. Moreover, he expects that Muslims, Christians and Jews will be able to bring forth, from within each of their existing societies, the strength to conceive and maintain truly spiritual, religious patterns of thought and feeling which alone could withstand the onslaught of materialism. He also admits that the history of Christendom is at least as full of wars and violence as the history of the Muslim world. Hence, he concludes that it is the moral duty of the Muslims to bring the intellectual premisses of Islam closer to the understanding of the Christians, and that Christians should approach the problems of the Islamic world in the same spirit of justice and fair-play as they approach, and demand for, their own concerns. Asad believes that as soon as these requirements are fulfilled, both the Christians and the Muslims will fully realise that the ethical outlook which the two great religions hold in common is of greater importance than the differences apparent in their doctrines.[31]

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[29]"Verily, those who have attained to faith [in this divine writ], as well as those who follow the Jewish faith, and the Christians, and the Sabians--all who believe in God and the Last Day and do righteous deeds--shall have their reward with their Sustainer, and no fear need they have, and neither shall they grieve" (Q. 2:62).

[30]Asad, *This Law of Ours* 153-154.

[31]Asad, *This Law of Ours* 121-128.

In the context of the attitude of religions towards one another and. or. of religious pluralism, Asad bases his views on his understanding of the Qur'ān. He, for example, interprets *islam* and *muslim* as denoting human being's "self surrender to God" and "one who surrenders himself to God", without limiting these terms to any specific denomination.[32] On the basis of this understanding he also interprets the term *kāfir*, which is usually equated with *unbeliever* or *infidel*, as one who denies (or refuses to acknowledge) the truth in the widest. spiritual sense.[33] This interpretation of the two Qur'ānic terms appears as a result of Asad's hermeneutic of the Qur'ān which has been the overriding principle which has guided him throughout his work. The message of the Qur'ān, according to him, must be rendered in such a way as to reproduce, as closely as possible. the sense which it had for the people who were as yet unburdened by the conceptual images of later Islamic developments.[34]

Interestingly. Asad was not only a man of thought but also a man of action. Beside being a Pakistani diplomat (Minister Plenipotentiary to the United Nations). he also took part in the effort to help the Sanusi Order struggle against the Italians in North

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[32]Asad cautiones that "in each and every case. the religious terms used in the Qur'ān in the sense which they have acquired after Islam had become 'institutionalized' into a definite set of laws, tenets and practices. However legitimate this 'institutionalization' may be in the context of Islamic religious history. it is obvious that the Qur'ān cannot be correctly understood if we read it merely in the light of later ideological developments. losing sight of its original purport and the meaning which it had--and was intended to have--for the people who first heard it from the lips of the Prophet himself." See Asad, *The Message of the Qur'ān*, vi.

[33]Asad says in this respect as follows: "In other words, the term *kāfir* cannot be simply equated. as many Muslim theologians of post-classical times and practically all Western translators of the Qur'ān have done. with 'unbeliever' or 'infidel' in the specific, restricted sense of one who rejects the system of doctrine and law promulgated in the Qur'ān and amplified by the teachings of the Prophet--but must have a wider. more general meaning. . . a kafir is 'one who denies [or 'refuses to acknowledge'] the truth' in the widest, spiritual sense of this latter term: that is, irrespective of whether it relates to a cognition of the supreme truth--namely, the existence of God--or to a doctrine or ordinance enunciated in the divine writ, or to a self-evident moral proposition, or to an acknowledgment of. and therefore gratitude for, favours received." See Asad, *The Message of the Qur'ān* 907. n. 4. For a concrete contemporary historical application of the terms *islām* and *kāfir* as understood by Asad, see Farid Esack, *Qur'ān. Liberation & Pluralism: An Islamic Perspective of Interreligious Solidarity against Oppression* (Oxford: Oneworld, 1997), 126-144.

[34]Asad, *The Message of the Qur'ān* vi.

Africa. The Sanusis had fought the Italians since 1911 when the latter invaded Tripolitania and Cyrenaica. Therefore, on the request of Sayyid Ahmad, the leader of the Sanusi Order, Asad went to Cyrenaica, Lybia to find out what could be done to help the struggle. He met, in January of 1931, the famous Sidi ʿUmar al-Mukhtar, who was entrusted by Sayyid Ahmad and Sayyid Idris to lead the struggle, to device plans on how to continue their struggle.[35] And, although there was almost nothing he could do to help the Sanusis because it was too late to help them, Asad did show his readiness to accept all the consequences of becoming a Muslim. He reflected on his secret trip to Cyrenaica, in which two encounters with the Italians almost took his life, as follows:

> "When I had come to know Islam and accepted it as my way of life, I had thought that all my questioning and searching had come to an end. Only gradually, very gradually, did I become aware that this was not the end: for to accept a way of life as binding for oneself was, to me at least, inextricably bound up with a desire to pursue it among like-minded people-- and not only to pursue it in a personal sense but also to work for its social fruition within the community of my choice. To me, Islam was a way and not an end-- and the desperate guerrillas of ʿUmar al-Mukhtar were fighting with their lifeblood for the freedom to tread that way, just as the Companions of the Prophet had done thirteen centuries ago. To be of help to them in their hard and bitter struggle, however uncertain the outcome, was as personally necessary to me as to pray . . ." [36]

Hasan Zillur Rahim, editor of the quarterly magazine IQRA, published in San Jose, California, had the good fortune of corresponding with Asad. In 1986, he had read *the Road to Mecca* and was so moved and persuaded by Asad's narrative that he resolved to somehow make contact with the latter. And, soon after that he came across an interview with Asad in a magazine called *Arabia*, published out of England. He wrote a letter to the editor of Arabia to forward to Asad and to his amazement, Asad soon replied from Spain. "I was deeply touched by your letter," Asad wrote, "which was forwarded to me by Dr. Fathi Osman. Thank you for your appreciation of my work; it is for people like you that I am writing." In his letter Rahim expressed the hope that Asad continue his

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[35]Asad, *The Road to Makkah*, 312-343.
[36]Asad, *The Road to Makkah*, 327.

life story from where he left off in *The Road to Mecca*. "I have promised my wife, who has been insisting for a long time," he replied, "that I should continue and complete my memoirs. My next work will be just that and of course it will, of necessity, include my years in India and Pakistan... Please pray that God will allow me to accomplish this work."[37]

After Asad died in Spain in 1992, Rahim wrote to Pola Hamida Asad, who informed him that the sequel to *the Road to Mecca* was only partially completed by Asad—part one—and that she herself would complete part two. It would be called *Homecoming of the Heart*, "a title which he himself suggested."[38]

Muḥammad Asad stood alone among contemporary Muslims for his extraordinary perception of, and contribution to, Islam. With his command of the English language, his knowledge of the Bible and biblical sources, as well as Jewish history and civilization, Asad was more successful than most in communicating to both Muslim and non-Muslim readers the essence of Islam in both its historical and timeless context.[39] But beyond words and books, Asad wanted to see the living body of Islam flourish in the modern world. And, although distressed by the sad state of the Muslim world and its reactive agenda, he remained optimistic to the end that a new set of Muslims would eventually rise to make his dream a reality.[40]

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[37]Rahim, "Muḥammad Asad," 46.

[38]"Muḥammad Asad," 50-51; Rahim, "Muḥammad Asad," 46.

[39]"Muḥammad Asad," *Arabia* 5 no. 61, 49-51. In 1985 Asad wrote an article as a response to Kamal Salibi's book which holds that the kingdoms of Solomon and David, and the site of the first Temple, lie not in Palestine at all but in a fertile coastal strip south of Mecca. Based on his knowledge of the Bible and its history Asad rejected that theory by saying in his conclusion that "what Salibi advances as a 'theory' cannot be taken seriously inasmuch as it does not in the least increase our understanding of Biblical history but, on the contrary only confuses the reader." See Muḥammad Asad,"The Tribe that Kept Its Name," *Arabia* January 1985/Rabiᶜ Al-Thānī 1405, 82-84. See Kamal Salibi, *The Bible Came from Arabia* (London: Jonathan Cape, 1985).

[40]His talk in Radio Beromünster, Switzerland, 1960 is entitled "Islam and the Spirit of Ours Times," and included in *This law of Ours* 129-135.

Asad was not blind to the mistakes of many Muslims and severely criticized the fanaticism and rigidity of current Islamic movements. Moreover, he felt compelled to intervene in the debates on religious reformation. Indeed, in an interview conducted by the journal *Arabia* (September 1986) he warned the "Islamic movement" against a total repudiation of Western civilization and its achievements. Were that to happen, in Asad's view, the Islamic world would rob itself of the benefits which it could derive from this civilization for its own advantage. As people were learning to use their own intellects in the schools and universities of the Western world, no Muslim should be ashamed of deciding to attend these places of training and education. According to Asad, he himself, would probably never have gone over to Islam had he not learned to use his mind at European schools.[41] In this connection he also attacked those groups of Muslims who attempt to emphasize their Islamic identities by external means such as by wearing special clothing. In this way, he argued, many of these so called 'Islamists' had fallen back into a period which belonged five or six hundreds years in the past. Moreover, the life-style which they practiced could not be attributed either to the Prophet Muḥammad or to his companions. Rather, it was derived from the time of the Abbasids and Mamluks, i. e. a time of decline.[42]

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[41]"Muhammad Asad," 55. M. Salim Abdullah, "What shall be the Answer to Contemporary Islamic Fundamentalism?," *Concilium* (June 1992): 76. Asad's knowledge of Islam and Muslim society before he eventually became a Muslim, was a result of his journey to the Middle East. This experience was published in a book entitled *Unromantisches Morgenland* Because of the book and some of his articles--especially those dealing with the intricate religious psychology of the Iranians--had come to the attention of prominent orientalist scholars and received more than passing recognition, as well as on the strength of this achievement, he was invited to deliever a series of lectures at the Academy of Geopolitics in Berlin--where he was told that it had never happened before that a man of his age (he was not yet twenty-six) had been accorded such a distinction. Other articles of more general interest had been reproduced, with the permission of the *Frankfurter Zeitung* by many other newspapers. One article had even been reprinted nearly thirty times. Asad, *The Road to Makkah*, 185, 299-300, and 307.

[42]"Muhammad Asad," 55. M. Salim Abdullah, "What shall be the Answer to Contemporary Islamic Fundamentalism?," 76. Asad further criticizes the emotional upheaval which is so characteristic of the present-day Muslim world as completely incoherent and confused. He says that "To desire a return to an Islamic reality is one thing; but to visualise that reality in all its aspects is another. Mere slogans will not help us in

Rahim imagines how Asad would respond to the peaceful yet vigorous activism of American Muslims in defending the tenets of their faith and in striving to bring a balance to American society. Asad would, Rahim writes, approve of it, and he would, in particular, have invested high hopes on Muslim youth for their idealism and their ability and eagerness to think and reason. Asad abhorred extremism in all its forms. "And thus We have willed you to be a community of the Middle Way" (Q. 2:143) was a Qur'ānic verse he often quoted, explaining that as a community that keeps an equitable balance between extremes and is realistic in its appreciation of human nature and of possibilities, the *ummah* rejects both licentiousness and exaggerated asceticism. He also explains that in Islam, there is no room for revolution, only evolution. Asad was also the conscience of thinking Muslims. "The door of *ijtihād* will always remain open," he used to say, "because no one has the authority to close it."[43]

Lastly, it must be said that Asad is an excellent spokesperson of Islam in the West, and symbolises bridge-building between east and west. He is capable of talking to both worlds in their own languages, both literally and figuratively. He spoke German, Arabic, French, Persian, Spanish, Urdu, and Portuguese, while writing mainly in English. Speaking these languages implies that he knows how people of different civilizations *tick*, and this makes Asad an extraordinary perceptive interpreter of his faith. Asad has demonstrated that it is possible to be cultured, knowlegable, intellectual and to be a Muslim; showing that Islam, properly lived and taught, is neither backward,

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our dilemma. The dream of an Islamic 'revolution' (a Western concept artificially implanted in Muslim minds) can only lead to an exacerbation of the many existing conflicts within our ummah, and thus to a deepening of chaos in which we now find ourselves. And the same goes for the assertion that this or that Muslim country has already attained to the status of an 'Islamic state' by virtue of nothing more than the introduction of hijāb for women and of *sharʿī* punishment (*ḥudūd*) for certain crimes, and the assumption of governmental power by groups of self-appointed 'guardians of Islam' who conceive themselves--after Western patterns and against all truly Islamic tenets--as a body of ordained clergy... ". He closes this criticism by saying that "emotion alone will not bring us closer to our goal." Asad, *This Law of Ours* 3.

[43]"Muhammad Asad," 53; Rahim, "Muhammad Asad," 46; Asad, *This law of Ours* 3 and 195; Asad, "Preface to the Second Edition," in Ṣaḥīḥ al-Bukhārī; Asad, *The Message* 30, n. 118.

obscure, nor occult, but coherent, rational, and in accordance with reality. Asad, in fact, has helped more than anybody else during this century to make Islam respectable in the West. As Islam enters the most critical phase of its development in the West, Muhammad Asad's legacy assumes an urgency no thinking Muslim can afford to ignore.[44]

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[44]"Muhammad Asad," 49-51; Rahim, "Muhammad Asad," 46.

CHAPTER II

ISLAMIC POLITICAL THOUGHT IN HISTORY

In the history of Islam, political thought has not been an independent discipline aspiring to the utmost heights of intellectual speculation. Traditionally, Muslims rarely studied politics in isolation from related disciplines; but they discussed it as part of the comprehensive treatises on jurisprudence and theology.[1] It is also interesting to note that the differences among the schools of Islamic law and, especially theology, sprang up, among other reasons, because of political conflicts.[2] This chapter will discuss various politico-religious schools and political thinkers, and their views on three most important elements in Islamic political thought: caliph or *imām, sharī'ah,* and *ummah*.

A. The Emergence of Politico-Religious Differences

When prophet Muḥammad died in Medina in 632, no formal arrangements had been made for the continuation of the body politic he had created. Contemporary Muslims were thus confronted with the question of succession to his position as the leader of the community. After some discussion the Muslims of Medina and the Meccan Emigrants all agreed to accept as "caliph" (*khalīfah*) or "successor" to the Prophet, one of the Emigrants, Abū-Bakr.[3] During his rule the revolts were quelled, and the Muslim

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[1]Ann K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists*, London Oriental Series vol. 36 (Oxford: Oxford University Press, 1981), 1; Hamid Enayat, *Modern Islamic Political Thought*, Modern Middle East Series, the Center for Middle Eastern Studies, the University of Texas at Austin (Austin: University of Texas Press, 1982: 3rd Paperback Printing, 1991), 3; A. K. S. Lambton, "Islamic Political Thought," in Joseph Schacht and C. E. Bosworth, eds., *The Legacy of Islam*, 2d. ed. (Oxford: Oxford University Press, 1974), 404; Cf. John L. Esposito, *Islam and Politics*, 3rd ed., Contemporary Issues in the Middle East (Syracuse: Syracuse University Press, 1991), 28-29.

[2]Abūl A'lā Maudoodī, "Political Thought in Early Islam," in M. M. Sharif, ed. and intr., *A History of Muslim Philosophy: With Short Accounts of Other Disciplines and the Modern Renaissance in Muslim Lands*, vol. 1 (Wiesbaden: Otto Harrassowitz, 1963), 665.

[3]However, there is a number of conflicting traditions handed down by chains of reporters on which the partisan jurists have built up their theories. One tradition cited by the *Shī'ah* jurists alleges that while Muḥammad was on his death-bed, he asked for paper and pen to dictate his will, but 'Umar did not allow this as Muḥammad was said to be in

state was ready to embark on, or rather to continue, its policy of expansion. Before his death in 634 C. E., Abū-Bakr appointed ʿUmar as his successor by saying that he was "the best among the Muslims".[4]

Territorial expansion took place steadily throughout ʿUmar's reign and until the fall of the Umayyad dynasty. At this early stage in the expansion certain administrative measures were taken, without which the expansion would not have been so great. ʿUmar died in 644 C. E. at about 52 years of age, leaving a panel of Medinese leaders to choose his successor. They chose the weakest among themselves, ʿUthmān b. ʿAffān, the pious early convert and son-in-law of the Prophet. The latter continued ʿUmar's policies but with less skill. ʿUthmān could not avoid, as ʿUmar had, allowing the richest Meccan families to go to the provinces, especially Irāq, and make business ventures there—to the annoyance of the less advantaged local Arabs. And, eventhough he managed to reverse this tendency by forcing those who had begun to leave to transfer their invesments back to the Hijāz, complaints began to mount up after some years, especially at Fustāt and Kūfah.[5]

Moreover, many people began to complain of ʿUthmān's tendency to nepotism, seeing in a clique of his relatives of Banū Umayyah the cause of all their grievances. Indeed ʿUthmān had given his relatives and their associates a near monopoly of top posts, often letting himself be dominated by them. This made him unpopular with the

a delirium. The Shīʿites also maintain that Muhammad wanted to nominate ʿAlī as his successor. The other tradition cited by the Sunnī jurists in support of the claims of Abū Bakr says that the Prophet, soon after he was incapacitated by illness, used to delegate his authority of leading prayers on Fridays to Abū Bakr. Accordingly, Sunnī jurists have tended to deduce that Muhammad had implicitly chosen Abū Bakr as his successor. See S. H. M. Jafri, The Origins and Early Development of Shīʿa Islam (Essex and Beirut: Longman Group Ltd. and Librairie du Liban, 1979), 1-23.

[4]W. Montgomery Watt, What is Islam? (New York and Washington: Frederick A. Praeger, 1968), 113-114; W. Montgomery Watt, Islamic Political Thought: The Basic Concepts (Edinburgh: Edinburgh University Press, 1968; reprint paperback ed., 1987), 36.

[5]Watt, What is Islam? 114-115; Marshall G. S. Hodgson, The Venture of Islam: Conscience and History, vol. 1 the Classical Age of Islam (Chicago and London: The University of Chicago Press, 1961; paperback ed., 1974), 212-213.

Anṣār families of Medina. Finally, some in the garrison towns complained of the financial system itself, which ʿUmar had set up but which began to fall apart under ʿUthmān. In 656 C. E. the discontent culminated, and after a period of general negotiation and counterplotting, a group of Arab soldiers from Egypt forced their way into ʿUthmān's house and killed him.[6]

Thereupon began a five-year period of *fitnah*, "temptation" or "trials", a time of civil war for the control of the Muslim community and its vast territories. ʿAlī b. Abī-Ṭālib, Muhammad's cousin and son in-law, who had been passed over when ʿUthmān was elected, was the most respected Muslim in Medina, and was acclaimed as caliph in the Mosque by such Muslims as were present in the city.[7]

ʿAlī, however, had not been recognized in Syria and Muʿāwiyah b. Abī-Sufyān, as governor there, took up the call for revenge for ʿUthmān, his cousin. This refusal to acknowledge ʿAlī led to a military confrontation in the region between Syria and Irāq. This confrontation took place in 657 at Ṣiffīn but was inconclusive because Muʿāwiyah's men, who were threatened with defeat, put Qurʾāns on the ends of their lances and called for arbitration according to God's word. The arbitration which followed failed, and before there was any decisive military encounter, ʿAlī was assasinated. After a weak attempt by ʿAlī's son, al-Ḥasan, to gain the caliphate, Muʿāwiyah was speedily recognized everywhere as caliph, and thus became founder of the Umayyad dynasty.[8]

The civil war between ʿAlī and Muʿāwiyah created major splits among the Muslim community, and had a direct bearing on the conception of the ruler and the conduct of the state. Five major religio-political schools of thought grew out of that civil war: (1) Khārijites or *Khawārij*,[9] (2) the *Shīʿah* or Shīʿites,[10] (3) The Murjiʾites or

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[6]Hodgson, *Venture I,* 213-214; Watt, *Political Thought,* 36.

[7]Hodgson, *Venture I,* 214; Watt, *Political Thought,* 36.

[8]Hodgson, *Venture I,* 214; Watt, *What is Islam?* 113; Watt, *Political Thought,* 36-37.

[9]The first Khārijīs were a small group of people who "went out" or dissented from ʿAlī because they disapproved of some of his acts, namely, submitting to an

Murjī'ah.[11] (4) Muʿtazilites or *Muʿtazilah*,[12] and (5) *Ahl- al-Sunnah wa 'l-Jamā'ah* or Sunnites.[13]

1. The Concept of the Caliphate

The main religio-political issues in the first and second centuries of Islam revolved around the question of the election and deposition of the Caliph or Imām.[14] The terms *khalīfah* and *imām* are largely interchangeable, but to the extent that a distinction can be made, the former is applied primarily to the supreme leader of the *Ummah* exercising the temporal functions of the Prophet, while the latter is applied to him in his capacity as religious leader.[15] Since, however, the two functions are theoretically vested

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arbitration in which he was cheated by a diplomatic trick although being in the right. Rahman, *Islam*, 168:Watt, *What is Islam?* 117: Hodgson, *Venture I*, 214; Watt, *Political Thought* 54.

[10]The word *Shī'ah* means "party", and the complete phrase should be Shī'at 'Alī, "the party of 'Alī", but this party was sufficiently outstanding to be known simply as "the party". Its follower were called *Shī'ī* to indicate that they were supporters of 'Alī. Watt, *Political Thought*, 43-44: Mahmood Shehabi, "Shī'a," in Kenneth W. Morgan, ed., *Islam—The Straight Path: Islam Interpreted by Muslims* (Delhi: Motilal Banarsidas, 1987). 180.

[11]The Murji'ites (Murji'ah) were people who had remained neutral in the civil wars (*fitnah*) between the Khawārij. Shī'ah. and the Umayyad regime. These people, called the Murji'tes (Murji'ah, i.e. those who 'postponed' judgment on people until the Last Day) recommended that one should desist from passing judgment on a grave sinner whose fate will be decided by God. See Rahman, *Islam* 86: Ira M. Lapidus, *A History of Islamic Societies* (Cambridge, New York, New Rochelle, Melbourne, and Sydney: Cambridge University Press, 1988; reprint, 1989), 105.

[12]The Muʿtazilah was a group of theologians in the reign of al-Ma'mūn (813-833) known to Islamic history as the Muʿtazilīs (Muʿtazilites),"the Seceders," who made use of Greek philosophical concepts in their intellectual defence of Islamic doctrines. Watt, *Political Thought*, 82-89; see also Lambton, *State and Government*, 36-37.

[13]The term *Sunnī* is short for *Ahl al-sunnah wa al-jamā'ah* ("People of the Sunnah and the Community"). It is used to refer to the large majority of Muslims, who were considered or equated by some scholars with the Islamic orthodoxy. Fazlur Rahman, for instance, translated the term as "the people of the middle path and unity", and called them the orthodoxy. Rahman, *Islam* 167 and 169; Cf. Maudoodi, "Political Thought," 671-672. Watt, however, has said that the term "orthodox" applies in the first place to Eastern Christendom, where there was an authority to say what was "orthodoxy" or "right belief" and what was "heresy". He maintained that in Islam there was no such authority. Therefore he preferred to avoid the term "orthodox" in Islamic studies. What existed in Islam, according to him, was the main or central body of opinion in the various schools or sections of the community. The question, according to Watt, is not whether orthodoxy viz. un-orthodoxy exists or not, but whether there is a central or core opinion in Islam or not? Watt, *Islamic Philosophy and Theology* 19; W. Montgomery Watt, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973). 72.

[14]Lambton, "Political Thought," 406.

[15]Etymologically, the word *khalīfah* stems from the root word *khalafa*, meaning to "come after someone." Khalīfah in its most common usage means successor viz. successor

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in a single individual and since Islam, in theory, does not admit a separation of religion and politics, of faith and authority, the distinction seems inadequate.[16] Therefore, we will use both terms synonymously and interchangeably.

In practice the term *khalīfah* gradually developed its meaning from "successor to the Prophet" to "vicegerent of God" as the office itself grew in importance and changed its character.[17] The authority of the *imām* or *khalīfah* was thus derived not from the community, but directly from God, who as sole Head of the Community, alone has the power to confer authority of any kind.[18] This is in violation of the generally accepted view that the consent and approval of the *ummah* is necessary for a valid assumption of the office.[19] Thus in a later development, during the second century of the hijrah to be

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to the Prophet. In the political terminology of Sunnism. *khalīfah* refers to the prophet's and his successors' temporal rule rather than their religious leadership. Meanwhile *imām* etymologically means "leader" and is basically a person who leads congregational prayers. In Shi'ah, the title of imam is essentially conferred on 'Alī and his legitimate Qurayshī successors. See Manzooruddin Ahmed, "The Classical Muslim State." *Islamic Studies* 1 (September 1962): 93; E. van Douzel. B. Lewis, and Ch. Pellat. eds. *Encyclopedia of Islam* (Leiden: E. J. Brill, 1978). s. v. "khalīfa," by Ann. K. S. Lambton: Mehran Tamadonfar. *The Islamic Polity and Political Leadership* (Boulder, San Francisco and London: Westview Press, 1989). 78 and 93 .

[16]In Sunnism *imām* also means leader and plays the same role as the caliph. See Ahmed "The Classical Muslim State." 93; Mehran Tamadonfar, *The Islamic Polity* 78 and 93; Patrick Bannerman, *Islam in Perspective: A Guide to Islamic Society, Politics and Law* the Royal Institute of International Affairs (London and New York: Routledge. 1988). 61; Esposito. *Islam and Politics* 3 and 28; Lambton, "Political Thought," 404; Watt, *Political Thought* 26-29.

[17]Watt, *Political Thought* 32-34.

[18]Muslim jurists and theologians justified their usage of the term *khalīfah* or the highest political authority, on the Qur'ānic verses,: "O David; Behold, We have made thee a [prophet and, thus, Our] vicegerent on earth: judge, then, between people with justice, and do not follow vain desire, lest it lead thee astray from the path of God..." (Q. 38: 26). "Say: 'O God, Lord of all dominion (sovereignty)! Thou grantest dominion (sovereignty) unto whom Thou willest, takest away dominion from whom Thou willest; and Thou exaltest whom Thou willest, and abasest whom Thou willest. In Thy hand is all good. Verily, Thou hast the power to will anything'." (Q. 3:26). H. A. R. Gibb, "Constitutional Organization: The Muslim Community and the State," in Majid Khadduri and Herbert J. Liebesny, eds., *Law in the Middle East* vol. 1 Origin and Development of Islamic Law (Washington, D. C.: The Middle East Institute, 1955), 4-5; see also Sir Thomas W. Arnold, *The Caliphate* with a concluding chapter by Sylvia G. Haim (New York: Barnes & Noble, Inc., 1966; reprint Routledge & Kegan Paul. 1967), 44-45.

[19]The "innaugural speech" delivered by Abū Bakr and 'Umar made clear that the political leadership relies on the consent of the "community of the faithful" on the one hand, and subscribed to the priority of a set of divinely revealed laws governing both the rulers and the ruled on the other. Moreover, obedience to the ruler is binding upon the

precise, a great deal of confusion and inconsistency with regard to the term *khalīfah* ensued.[20]

The aforementioned religio-political schools had different conceptions of the caliphate/imāmate and conditions of the leadership. The Khawārij held the imāmate to be compulsory; that to set up an imam and to submit to him is a necessity.[21] Being egalitarians, the Khārijīs rejected the view that the office of the Caliph, if there is a need or a necessity for it, must be confined to a member of the tribe of Quraysh (the tribe of the Prophet). Anyone duly elected from the Muslim community, from among the honest, even if the individual happens to be a black slave, will be the right Caliph according to them. Moreover, the Caliph must be obeyed so long as he acts rightly, justly and takes care of the administration of the Islamic community. By advocating and declaring this theory, the Khārijītes affirmed the democratic principle within the Islamic community. They also maintained that no tribe or race can enjoy any inherited rights more than the other tribes or races.[22]

Meanwhile the Shī'ah held that the only lawful successor to Muḥammad was his son-in-law 'Alī, who was clearly chosen by the former to assume the leadership of the Muslim community, and that the Imamate must continue within the progeny of Muḥammad. The office of the Imam (the term used by the Shī'a for the Caliph's office) belonged to the Imām alone, for he is entitled to both political leadership and religious

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Ummah only as long as the ruler upholds the law; however if he violates or ignores the law, the *Ummah* is justified in dismissing him. See Maudoodī, " Political Thought," 662.

[20]It is well illustrated by Abū Yūsuf's address to the Caliph Hārūn al-Rashīd. See , H. A. R. Gibb, "Constitutional Organization," 5-6; See also Erwin I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: Cambridge University Press, 1965), 14-16.

[21]Gibb, "Constitutional Organization," 7.

[22]Hamilton A. R. Gibb, "The Social Significance of the Shuubiya," in *Studies on the Civilization of Islam*, Stanford J. Shaw and William R Polk, eds. (Princeton, New Jersey: Princeton University Press, 1962; 1st Princeton Paperback, 1982), 66-67; Abdul Malik Ahmed Al-Sayed, "Classical Arabic-Islamic Political Theories of Administration, An Analysis and Evaluation of Their Contemporary Significance." (Ph.D. diss., University of Colorado, 1974), 68; Rahman, *Islam*, 169-170.

authority.[23] It is not an open office which every Muslim could seek, nor is it left to the choice of the community (*Ummah*). Rather, the office of the Caliph, or the Imam, was ordained by God to ʿAlī and to his descendants.[24] Thus, the concept of the Imamate later became the main pillar of their faith and the cornerstone of Islam according to the Shīʿite doctrine. They also affirmed that it was the duty of the Prophet to designate the Imam instead of leaving the matter to the discretion of the *Ummah*.[25]

The Murjiʾīs belief that grave sin in general does not exclude someone from the community,[26] and that salvation depends on faith alone[27] allowed them to justify the behavior of Muslims, who continued to live under a ruler whose authority they (the Muslims) might not approve of or legalize.[28] They also came to believe that political power, because of the doctrines aforementioned and their views on free will and predestination, ought not to be disobeyed because it was ultimately established by God.[29] By adopting this kind of justification, the Murjiʾites tended to disregard the high

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[23]Abdulaziz Abdulhussein Sachedina. *The Just Ruler (al-sulṭān al-ʿādil) in Shīʿite Islam: The Comprehensive Authority of the Jurist in Imāmite Jurisprudence* (New York and Oxford: Oxford University Press, 1988), 89; Maudoodi, "Political Thought," 66-67.

[24]The Imāmiyyah and other Shīʿī sects asserted that the Imamate was established through the designation of the imam by God through the mouth of the Prophet, and that thereafter each imam chose his successor to this office. They disagreed, however, as to the reason why designation of the imam is indispensable. Gibb, "Constitutional Organization," 10.

[25]Shehabi, *Islam--The Straight Path*. 188-189; Watt, *Political Thought*, 43-44; Watt, *Philosophy and Theology*. 16-17; Lapidus, *Islamic Society*, 64; Rahman, *Islam* 173; Gibb, "Constitutional Organization," 8-9.

[26]Watt, *What is Islam?* 118.

[27]Maudoodi, "Political Thought," 669.

[28]Watt, *Political Thought*, 58-59; Lambton, *State and Government*, 32. This Murjiʾī principle underlined the necessity of the existence of a government to keep the law and order in the land, although they disapproved of it. A view like that of the Murjiʾiʾs, which allows for the punishment of criminals without excluding them from the community, is the only possible basis for a normal state. See Watt, *What is Islam?* 118.

[29]They advocated that the community avoids rebellion against the de facto ruler by correcting his policy through criticism and well-intentioned advice as Muslims had done during the Umayyads and the ʿAbbāsid dynasties. Rahman, *Islam* 86; Watt, *Political Thought*, 58-59; Lambton, *State and Government*, 32.

qualifications and valid procedure prerequisite to the establishment of the imamate, which the other religio-political groups demanded.[30]

The Mu'tazilah, on the other hand, held different opinions concerning the appointment of the Imam or Caliph. Whereas some Mu'tazilites held that the latter's appointment was a religious urgency,[31] others, opined that the Imam was a superfluous office, and that the institution of such a post was not a religious necessity. Moreover, other Mu'tazilites went even further by saying that no Imam was needed if the community followed the right path.[32]

The choice of the Imam, according to them, rested with the community, and was a necessary step towards the validation of the authority. Moreover, community's approval must be given in order to validate any administrative appointment or action as legal, valid, and binding upon the community. The community's concent can be recognized when the community gives its sanction to a particular individual. Some Mu'tazilites also held that the choice of Caliph should be unanimous, and that in the event of differences and dissensions the appointment should be suspended and held in abeyance.[33]

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[30]Watt, *Political Thought* 58-59; Lambton, *State and Government* 32.

[31]Those Mu'tazilis who believed in the permanent necessity of an imam were divided into those who supported the imamate of the most excellent (*al-fadil*) and those who supported the imamate of the less excellent (*al-mafdul*). Lambton, *State and Government* 39.

[32]Erwin I. J. Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline* (Cambridge: Cambridge University Press, 1958), 28; Maudoodi, "Political Thought," 670. Among the Mu'tazilis who held this opinion, it was maintained that power carried with it the temptation to abuse it, and that the deposition of a ruler split the community. Hence it was better, in their view, not to appoint a ruler except when there was some special need to do so, and only for the duration of that need. Abu Bakr 'Abd al-Rahman bin Kaysan (d. 200/816 or 201/817), a Mu'tazili, held the view that the ideal community was the community of the righteous, which could do without a ruler. He also added that people would not have a need for an imam were they not prone to teach each other unjustly. According to him, a theoretical universal knowledge of the Qur'an should be sufficient for keeping society in order, but reality being imperfect, Muslims always chose somebody as their imam. Lambton, *State and Government* 38 and 39.

[33]Maudoodi, "Political Thought," 670. Al-Samm said that for the Imam's appointment to be valid, the ijma' of all Muslims is necessary. Once appointed, the election then becomes irreversible, even if a more excellent (*afdal*) candidate appeared. Consequently, armed resistance to a ruler was only allowed if the ruler had seized power in an unjust way and if the leader of the rebellion had been agreed upon by the concensus. Lambton, *State and Government* 37-38.

Generally the Mu'tazilah held that any morally qualified and efficient person could be chosen by the Muslim community as Imam or Caliph. The condition of being a Qurayshite, an Arab, or a non-Arab to them was irrelevant.[34] They also preferred a weak government which could be easily deposed, to one that was bad but strong and firmly established. Later Mu'tazilis, however, maintained that non-Qurayshi could not become imām if a qualified Qurayshi was available.[35]

Meanwhile the majority of Sunnis argued, as al-Ash'ari did, that the imāmate is itself an ordinance of the revealed Law. According to to the latter, eventhough it can be demonstrated by reason that subordination to it is admissible, the necessity for it was clearly stated in Revelation. Furthermore, al-Ash'ari maintained, that the companions of the Prophet were unanimous on its necessity, and in view of their unanimity no regard is to be paid to the opposition of isolated individuals.[36]

On the race and tribe of the Imam, the Sunnis maintain that the *shari'ah* has prescribed the attribution of the imamate to Quraysh and has indicated that Quraysh will never fail to produce some member who is qualified for the imāmate. Nevertheless it is not lawful to set up an imam for the whole Community from any other group. The argument of the Sunnis for the limitation of the Imamate to Quraysh is the word of the Prophet, "The imāms are of Quraysh." It was in deference to this tradition that the

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[34]Dirar, an independent theologian of the second century connected with the beginnings of the Mu'tazili movement, argued for the legality of the imāmate from outside Quraysh, even if a suitable candidate was found from within Quraysh. He said, "If there is equality of condition between the man of Quraysh and the non-Arab, then the non-Arab has the better claim to it, the client being more worthy of it than the true-born Arab." On the other hand, al-Ka'bi, a Mu'tazili (d. 319/931) contemporary of al-Ash'ari, asserted that a Qurayshi had more claim to it than one not of Quraysh who was qualified for it, but if there were danger of civil strife it was lawful to give it to another. Gibb, "Constitutional Organization," 8.

[35]Maudoodi, "Political Thought," 670-671; Lambton, *State and Government* 37.
[36]Gibb, "Constitutional Organization," 7.

Muslims of Medina surrendered the succession to Quraysh on the occasion of the election of Abū Bakr.[37]

There was disagreement on the method whereby the imamate is to be established, and whether it is to be by designation or by election. The vast majority of Sunnīs held that the method of its establishment is to be by election on the part of the Community, through the exercise of responsible judgment (*ijtihād*) by those of them who are qualified to do so and their selection of one who is fitted for the office.[38]

Concerning the qualifications of the caliph, Abū Ḥanīfah maintained that the former should be a free Muslim male, well versed in religion, and sound in body and mind. Abū Ḥanīfah equally asserted that governors, judges, *muftīs* (pronouncers of legal verdicts), and arbiters must be just, morally irreproachable, and compassionate. If a person who lacks any of these virtues comes to office, his caliphate will be null and void and the public will owe him no obedience. However notwithstanding his usurpation of power, if the social dealings and obligations of the caliph's administration are executed by pious Muslims in accordance with the *Sharī'ah* and the decisions of the judges appointed by him are just, these decisions are to take effect and to be considered valid.[39]

2. The Concept of the *Sharī'ah*

Before delving into the *Sharī'ah*, we have to illustrate the principle ultimate authority according to Islamic political doctrines. Ultimate authority according to the

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[37]Gibb, "Constitutional Organization," 8-9. Abū Ḥanīfah also held this view not because this office was constitutionally the exclusive right of that tribe but because of the particular circumstances of that period in history. Abūl A'lā Maudoodī, "Abū Ḥanīfah Abū Yūsuf," in M. M. Sharif, ed. and intr., *A History of Muslim Philosophy,* 684 .

[38]Abū Ḥanīfah maintained that the Caliph must be chosen by consultation and in conference with the wise who are entitled to give opinion (*ahl al-rā'y*). The seizure of power by force and the acquisition of allegiance under duress, according to him, are invalid and constituted usurpation. Maudoodī, "Abū Ḥanīfah and Abū Yūsuf," 682. It should be noted, however, that this method is only theoretical. In practice, the Umayyad and Abbasid Caliphs, who are Sunnis, designated their successors as the most Shiite Imam did.

[39]Maudoodī, "Abū Ḥanīfah and Abū Yūsuf," 683.

Islamic doctrines, belongs to God, whose sovereignty covers the universe as a whole.[40]

Thus, the Islamic polity is under the ultimate sovereignty of God. The Head of the

Ummah is God, and God alone. God's rule is immediate, and God's commands, as

revealed to Muḥammad, embody the Law and Constitution of the *Ummah*.[41] In practical

terms Divine authority means the *Sharīʿah*. It sets certain limits on the legislative

authority in the Islamic polity; regulates the behavior and authority of rulers; and protects

the interests of their subjects.[42]

The *Sharīʿah*, for the most part, embodies a set of general principles and, as such,

is subject to interpretation. The authority to interpret and preserve the *sharīʿah* resides

with the community which has repeatedly exercised this authority.[43] The exercise of such

an authority is quite evident in Muslim historical records. Moreover, given the fact that

neither the Qurʾān nor the Sunnah of the Prophet profferes precise instructions as to the

forms and institutions by which the unity of the *Ummah*, as a political organization,

should be expressed and maintained. It was upon the authority of the *Ummah*, as

expressed through the idea of *ijmāʿ* (concensus), that Muslims decided to elect Abū

Bakr as the first caliph and successor to the prophet.[44]

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[40]The Qurʾān announces that God is Creator and Sustainer of the Universe and of human beings, and particularly the giver of guidance to human beings. It is God who judges them, individually and collectively, and metes out to them merciful justice (Q. 3:26; 2:254-255; 59: 22-24).

[41]Since Muḥammad is the messenger of God and the prophet, he also has authority. He is entitled to obedience because God makes it mandatory for all human beings to obey him. It is the office of prophethood, therefore, and not the character of Muḥammad himself, that gives him authority (Q. 4:59; 33:21).

[42]Gibb, "Constitutional Organization," 3; Cf. Gustave E. von Grunebaum, *Medieval Islam: A Study in Cultural Orientation* 2d ed. (Chicago: The University of Chicago Press, 1953; Phoenix Books, 1961), 142; Cf. Muḥammad Maḥmoud Rabīʿ, *The Political Theory of Ibn Khaldūn* (Leiden: E. J. Brill, 1967), 78 .

[43]See, E. I. J. Rosenthal, "Some Aspects of Islamic Political Thought," *Islamic Culture*, vol. 22, no. 1 (January 1948): 1; Cf. Rosenthal, *Islam in the Modern*, 12-13.

[44]Gibb, "Constitutional Organization," 4. Another historical example which shows that the interpretation of the *sharīʿah* resides with the community was the Prophet's conversation with Muʿādh ibn Jabal. Muʿādh answered that he shall exercise his own judgment without the least hesitation if he found nothing concerning (a particular matter) in the Book of God and the *Sunnah* of the God's Apostle. Muhammad Asad, *The Principle of State and Government in Islam* (Gibraltar: Dar al-Andalus, 1980; reprint 1993), 24-25. The idea that the Community has authority to interpret the *Sharīʿah* is also

The *Sharī'ah* is a set of divinely ordained laws enunciated in the Qur'ān and the *Sunnah* to govern the behavior of human beings in this life and prepare them for the Hereafter. The significant implication of such a law is its *a priori* character. It is not the law which exists to preserve the state, but on the contrary, it is the state which exists for the sake of the law.[45] So, even though the Imam or Caliph is the means whereby the Law is translated from the sphere of potentiality into actuality and provided with temporal sanctions, he does not embody it, since it exists independently of him and of his will and he himself is subject to it.[46] Despite the wide power, the Caliph is not free from operation of the laws of the *Sharī'ah*. Theoretically the Caliph was not superior even to the lowliest person in the eyes of the *Sharī'ah*. He is in power to set rules according to the *Sharī'ah* but had no power to transgress the same.[47] In relation to ruler-people relationship, the fundamental loyalty of the Muslim is given not to the Imam but to the *Sharī'ah*.[48]

In the history of Islamic political thought the Khawārij were the first group to emphasize the importance of the *Sharī'ah* in the social and political arenas. Furthermore, the ideas implicit in their movement have contributed significantly to the development of Islamic thought and civilization. Their primary contention was that the affairs of the state and community should be managed in strict accordance with the Qur'ān. The Khārijites did not believe in the necessity for the existence of the state in order to manage

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linked with the principle of *Shūrā'* (mutual consultation). See Asad, *State and Government*, 43-44; Cf. Muhammed S. El-'Awā', *On the Political System of the Islamic State*, 2d ed., trans. Ahmed Naji al-Imam (Indianapolis: American Trust Publications, 1980), 86-97.

[45]Paydar, *Aspects of the Islamic State*, 104; Maudoodī, "Political Thought," 657; Cf. Gibb, "Constitutional Organization," 3. There are several definitions of *sharī'ah* All jurists have agreed that the Sharī'ah comprises the entire corpus of divinely revealed laws, but there is no agreement upon the precise contents of that corpus. See Bannerman, *Islam in Perspective*, 31-33 and 54-55; Cf. Rosenthal, *Islam in the Modern* 12.

[46]Gibb, "Constitutional Organization," 4-5.

[47]Dr. I. Samanta M.A., Ph.D., *Theories of Government in Islam* 2d ed. (New Delhi: Enkay Publishers Pvt. Ltd., 1988), 35; Maudoodī, "Political Thought in Early Islam," 657.

[48]Gibb, "Constitutional Organization." 14.

community affairs. Rather, they believed that Muslims could manage their community affairs and the individual Muslims, could control their behavior by abiding by the right without the need for state authority. Later, some of their notions were eventually accepted by the whole community in the form of the doctrine that all social and political life must be based on the *Sharī'ah*, the revealed divine law.[49]

The Shī'ī doctrine of the Imamate made them rely not only on the Qur'ān and the *Sunnah* as sources of the *Sharī'ah*, but also on an Imam whose functions are, broadly, to guide the community and to preserve and interpret God's law. To the Shī'īs, the Imams constitute a continuous divine revelation in human form. The Imam, in their eyes, inherites a secret knowledge and the exclusive authority to interpret the Qur'ān and hadīth and therefore to elaborate the legal system of Islam. The Imam is *ma'sūm*, a sinless and infallible guide to religious truth, as well as the sole guide to the esoteric comprehension of the truth.[50] Furthermore, since his selection was the result of divine inspiration, the Imams are effectively believed to have been designated by God and to have been charged by Him to carry out all the spiritual and temporal functions of the Prophet, save that of prophesy.[51]

The Mu'tazilah had a distinctive view of the *Sharī'ah*. Moreover, they held a controversial view of the Qur'ān that is based on the doctrine of the createdness of the Qur'ān. This doctrine seems to have been an offshoot of the first principle of the Mu'tazilah, that is, *al-tawḥīd* ("unity", or, more correctly, the "assertion of the unity of God") They rejected the concept of the Qur'ān as the Word or Speech of God, or as one of His attributes. Rather, the Mu'tazilah declared the Qur'ān to be a created word.[52]

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[49]Watt, *Philosophy and Theology*, 12; Al-Sayed, *Classical Arabic-Islamic*, 63.

[50]Lapidus, *Islamic Society*, 115-117; Rahman, *Islam*, 173-174; Sachedina, *The Just Ruler*, 89.

[51]Bannerman, *Islam in Perspective*, 73-74.

[52]Rahman, *Islam*, 89-90; Watt, *Philosophy and Theology*, 49-50; Lapidus, *Islamic Society*, 106.

Ahl al-Sunnah wal Jamāʿah and the Murjiʾah held a view of the *Sharīʿah* akin to that of the Khawārij. Abū Ḥanīfah for instance, who was considered as both a Murjiʾī and a Sunnī, maintained that God is the true sovereign, and Muḥammad, the prophet, is God's accredited vicegerent and must be obeyed.[53] He also affirmed that the *Sharīʿah* is the supreme law for the Muslim community and that all must submit to it without reservation. Moreover, since the State, in Islam, exists for the sole purpose of maintaining and enforcing the Law, the caliph as the commander of the believers should act according to it and to the will of the community.[54] Abū Ḥanīfah, however, saw that the Muslim community at his time had lost its consultative authority and that the Caliphs had diverged from the path of the *Sharīʿah* concept.[55]

3. The Role of the Ummah

Together with the *Sharīʿah*, *Ummah*, i. e. the Muslim community or the community of believers, is the source of political power. Sovereignty in Islam does not materialize except through a combination of three elements: the *Sharīʿah*, the *Ummah*, and the Caliph. The significance of the *Ummah* appears throughout the Qurʾān and the history of Islam. Islam owes a great deal of its success to the collective behavior and action of the *Ummah*.[56] In the Qurʾān, the *Ummah* occupies a prominent place. For example, "The Median community" was destined to become a witness to humankind (Q. 2:143). The latter was defined as "the best community that has ever been brought forth for [the good of] humankind who enjoin doing what is right and forbid doing what is

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[53]Maudoodī, "Abū Ḥanīfah and Abū Yūsuf," 681.

[54] Gibb, "Constitutional Organization", 3. See also Joseph Schacht, "The Schools of Law and Later Developments of Jurisprudence," in *Law in the Middle East*, 61.

[55]Maudoodī, "Abū Ḥanīfah and Abū Yūsuf," 688-689.

[56]Watt said that the great body of Sunnite Muslims, because of their beliefs about the community, have a deep devotion to it. According to him, it is the community which has given their lives significance, and has given them an identity of which they are proud. Many of the achievements of Islamic culture—such as the elaboration of a vast system of law and morals—have been possible through the energies released by the zeal for the community. Watt, *Political Thought*, 59.

wrong and believe in God" (Q. 3:110). This exalted position of the *Ummah* and its ethico-religious mission forms the core of the Islamic polity. Equally important is the high value attached to the preservation and execution of justice entrusted to the Ummah by Allah, which lends a strong moral significance to this community.[57]

The significance of the *Ummah* rests in the fact that it embraces all the followers or *jamāʿah* bound to one another by religious ties.[58] Public opinion or *ijmāʿ* (concensus of the community), as a source of law, endows the members of the community as a whole with a political sovereignty in "their own right."[59] It was on the basis of such a right and the exercise of *Ijmāʿ* that Muslims decided to elect Abū Bakr as the first caliph, and successor to the prophet.[60]

In the history of Islamic political thought, there were various views of, and different emphases on, the significance of the *Ummah*. The Khārijites were the first to make Muslims more aware of the charismatic nature of their community. The Islamic community was ideally, as they conceived of it, "the people of Paradise", a charismatic community that is divinely founded. This means that it is a community which more or less ensured for its members entry into Paradise, and made life meaningful and significant for them.[61] These important doctrines, which had characterized the earliest notions of the Khārijites, had been taken up by other Muslims after being purged of unsatisfactory aspects. Nonetheless, one must acknowledge that this Khārijī conception of the community as a charismatic entity, played an important role in the progressive

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[57]Asad, *State and Government* . 30.

[58]Gibb, "Constitutional Organization." 3.

[59]Bashir Ud-Din, "Political Theory of Islam, *Islamic Culture*, vol. 8 (1934): 598.

[60]Gibb, "Constitutional Organization." 4.

[61]Watt, *What is Islam?* 117-118; Watt, *Political Thought* 57-58. For further discussion of Islamic community as charismatic community see Hamid Dabashi, *Authority in Islam: From the Rise of Muhammad to the Establishment of the Umayyads* (New Brunswick, N.J. and London: Transaction Publishers, 1989).

development of the Qur'ānic vision.[62] This concept also inspired people to work at the elaboration of the Sharī'ah.[63]

The Shī'ī doctrine that the office of the Imām belonged to an Imam from among the progeny of Muḥammad, made them abandon the reliance on the community for safe protection.[64] According to the Shī'ites the Imāmate was not an open office which every Muslim could seek, nor was it left to the choice of the community, Ummah. Rather, the office of the Caliph, or the Imām, was ordained by God to 'Alī and his descendants, and it was the duty of the Prophet to institute the Imām instead of leaving the matter to the discretion of the Ummah.[65] Since the Imam was held to be divinely protected from committing error, the Shī'ite doctrine of 'iṣmah encouraged the autocratic form of the state and government,[66] and undermined the significance of the Ummah in the process of choosing its leader.[67]

As a result of the Murji'ī doctrines concerning sin, faith and work, the latter tended to ignore the role of the community.[68] Moreover, by denying the Ummah the right to judge, the Murji'īs also denied people the duty to enjoin the good and forbid the evil and encouraged political quietism.[69] Nevertheless, due to Khārijite pressure, their (Murji'ī) leaders later emphasized the necessity of execute the principle of "enjoining the good and forbidding the evil" on the moral rather than the legal plane, and through

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[62]Watt, *Islamic Philosophy*, 13; Watt, *What is Islam?* 117-118.

[63]Al-Sayed, *Classical Arabic-Islamic*, 65.

[64]Watt, *Political Thought*, 43-44; Watt, *What is Islam?* 120

[65]Shehabi, "Shī'a," 188-189; Watt, *Political Thought*, 43-44; Watt, *Philosophy and Theology*, 16-17; Rahman, *Islam*, 173; Lapidus, *Islamic Society*, 64.

[66]Maudoodi, "Political Thought," 666-667.

[67]Al-Baghdādī said that the Imāmiyyah and other Shī'ī sects assert that the method of establishment of the imāmate was by designation, although they disagree as to the reason why designation of the imam is indispensable. Gibb, "Constitutional Organization," 10.

[68]Watt, *Political Thought*, 58.

[69]Another view closely comparable with the one mentioned above was that if one's duty to uphold the right and stem the wrong (*amr bi al-ma'rūf and nahī 'an al-munkar*) required one to bear arms, it was a "trial" to be avoided. It was quite right to check others on wrong conduct, but to speak loudly against the tyranny of government, according to the Murji'ite, was not allowed. Maudoodi, "Political Thought," 670.

education rather than civil war.[70] They shifted the responsibility of the Community to judge a ruler who did wrong to God, and felt that such decisions or judgments must be God's decision on the last day and not a matter of concern to the individual or the community.[71]

Meanwhile the Mu'tazilah, because of their principle of human freedom and responsibility and their belief in the relation between God and human destiny, encouraged people to criticize and and even to revolt against unjust rulers. This political attitude was most conspicuous during the early 'Abbāsid period. At the time, some Mu'tazilah viewed the Abbāsids favorably, while others supported the 'Alid revolts.[72]

Another fundamental principle of the Mu'tazilah delved into the foundation of justice or righteousness. As a result they regarded themselves as 'the people of unity and justice' (*Ahl al-tawhīd wa al-'adl*).[73] This principle consequently made them emphasize that the *Ummah* has the right to refuse holding the Friday or other congregational prayers behind an unrighteous Imam.[74]

The Mu'tazilah held also the principle of *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* (enjoining what is right and forbidding what is wrong) which equally emphasized the significance of the *Ummah*. The Mu'tazilah and others understood this principle as the obligation to maintain justice and oppose injustice by tongue, power, and force. It could also include both moral exhortation of one's fellow-Muslims and the moral criticism of unjust rulers. If all these fail, it was a duty with them to rise in arms against

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[70]Rahman, *Islam*. 169.

[71]Watt, *Political Thought*, 58.

[72]One branch of the Mu'tazilah at the end of the 2nd/8th century even supported the Shi'ah Zaydiyyah.Watt, *Islamic Philosophy*, 51-52; Rahman, *Islam* 86 and 169; Maudoodi, "Political Thought," 671; Lambton, *State and Government*, 37.

[73]Watt, *Islamic Philosophy*, 50.

[74]Maudoodi, "Political Thought," 671.

an unjust government provided they had the power to do so and to raise a successful power struggle.[75]

The Sunnī point of view of the *Ummah* can be seen, among others, from the obligation of the Caliph to act according to the *Sharī'ah* and the will of the community. Abū Ḥanīfah for example, firmly maintained that the Caliph must be chosen by consultation and in conference with the wise who are entitled to give opinion.[76] He also emphasized the need to protect the public right of ownership, and had clear and unambigous views concerning the separation of the judiciary from the executive and demanded a complete separation between the two spheres of jurisdiction.[77] He equally emphasized the right and duty to control a ruler and the freedom to do so.[78]

He also discussed whether or not people were entitled as Muslims to revolt against a tyranical ruler who transgressed the limits of the Sharī'ah. The majority of the Sunnīs were divided on this point. A large section of the Traditionists (*ahl al-ḥadīth*) allowed people to raise their voices against a tyrant ruler and speak their mind before him but forbade them from rising in rebellion, even if he had to seize power, denied them their lawful rights and indulged in unjust bloodshed and open transgression.[79] Nevertheless Abū Ḥanīfah's opinon on this matter went against the current trend and

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[75]Thus it was that they rose in arms against the Umayyad Caliph Walīd bin Yazīd (r. 125-126/743-744) and tried to replace him by Yazīd bin Walīd who espoused their doctrine of secession. Watt, *Islamic Philosophy,* 52; Maudoodi, Political Thought." 671.

[76]Maudoodī, "Abū Ḥanīfah and Abū Yūsuf." 682.

[77]The Abbāsids claimed to be the servants of the *Sharī'ah*; however this does not mean that they were subservient to a free and independent judiciary. See N. J. Coulson M.A., *A History of Islamic Law,* Islamic Surveys 2 (Edinburgh: Edinburgh University Press, 1964), 37; Maudoodi, "Abū Ḥanīfah Abū Yūsuf," 685

[78]He argued on the bases of an incident during the caliphate of ʿAlī. Five persons were arrested and brought before ʿAlī on the charge of abusing him openly in the streets of Kūfah. One of them was also accused of saying that he would assassinate him. ʿAlī ordered their release. It was said, "But they intended to kill you." He asked in reply: "But should I kill them only for expressing the intention to kill me?" It was added, "But they also abused you." Alī said, "If you like you may also abuse them." Maudoodi, "Abū Ḥanīfah and Abū Yūsuf," 687-688.

[79]Al-Ashʿarī (d. 936), like *Ahl al-Hadīth,* also opposed armed rebellion against a tyranical ruler. See Gibb, "Al-Māwardī's Theory of the Caliphate," in *Studies on the Civilization,* 161.

declared that the caliphate of an unjust ruler was basically wrong and insupportable, and deserved to be overthrown.[80]

B. Islamic Political Thought in the Medieval Period

Islamic political thought in the medieval period may, broadly speaking, be divided into three major streams or groups that had little or no connection with one another.[81] The first may be termed the philosophical stream and may be defined as the attempt on the part of certain Muslim philosophers to recast the political philosophy of Plato into an Islamic mould. This stream made a determined attempt at a real synthesis between Platonic and Islamic concepts on the basis of the common ground of the central position of law in the state, and despite the existence of fundamental differences between the two systems. The second stream is the one that grew out of *Adāb*, or belles-lettres, and illustrates the adaptability of Islam to the culture of Iran and the Persian literary genre. The third stream and by far the largest in volume, though not necessarily in influence, is the one which grew out of jurisprudence (*fiqh*) and at first centered round the caliphate, that is the theory of the caliphate, its origin and purpose.[82]

We will hereby discuss briefly the three streams of Islamic political thought. In the philosophical stream we will mainly discuss the political philosophy of al-Fārābī as the first Muslim thinker to have left political writings, either in the form of commentaries or in treatises of his own, based upon Plato. He also profoundly influenced all subsequent Muslim philosophers, in particular Ibn Bājja and Ibn Rushd in Spain, and Ibn Sīnā in the East, where he himself lived. And, concerning the literary stream, we will discuss the *Siyāsat-nāmah* of Niẓām al-Mulk, the prime minister (vizier) of the Seljuqs. In the jurictic stream we will discuss the political thought of al-Māwardī, al-Ghazālī, Ibn

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[80]Maudoodī, "Abū Ḥanīfah and Abū Yūsuf," 688. See Von Grunebaum, *Medieval Islam*, 167.

[81]Tarif Khalidi, *Classical Arab Islam: The Culture and Heritage of the Golden Age* ((Princeton, NJ: The Darwin Press, Inc., 1985), 103.

[82]Khalidi, *Classical Arab Islam*, 103; Rosenthal, *Political Thought*, 3.

Jamāʿah, Ibn Taymīyah, and Ibn Khaldūn. In addition, the political thought of the Shīʿites will also be discussed.

1. The Political Philosophy of al-Fārābī

Medieval Muslim philosophers occupies a special position in the realm of political thought. This position may be described as an intermediary one between the theological-juristic treatment of the state on the basis of the divinely revealed law and the historico-political approach resulting from the study of the state built upon power. The law and the position of the individual as a citizen of a state founded on. and guided and directed by. a law possessing universal validity and absolute authority are two central ideas governing the political conceptions of Medieval Muslim philosophers. Their primary interest, basically, was the individual soul and its perfection rather than the state and its organization. But since for them, with the exception of Ibn Bājja (Avempace) and Ibn Tufayl. the highest perfection of the individual was possible only in the ideal state, they payed special attention to what form this should take, and who should be its ruler.[83]

Our discussion of the political thought of Medieval Muslim philosophers will be confined to al-Fārābī because of his dominating position among the latter. Abū Naṣr al-Fārābī was born in Khurāsān about 258/870 and died in 339/950 in Damascus. It was he, above all others, who paved the way for, and gave an authoritative beginning to the integration of Greek-Hellenestic philosophy in all its branches with Islam. For al-Fārābī, this was not an exercise in academic speculation but an ambitious program of political reform that aimed at restructuring the political foundations of a religious society. Needless to say, his ideas were to leave a lasting fascination despite the fact that they had

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[83]Erwin I. J. Rosenthal, "Some Aspects of Islamic Political Thought," *Islamic Culture* vol. 22, no. 1 (January 1948): 6; Lambton, *State and Government*, 316.

no influence on the course of events in the contemporary Islamic state; their impact on the political thought of later jurists, however, was not negligible.[84]

Al-Fārābī starts with the necessity of political association. His political thought was concerned with human beings's ultimate goal and the method of achieving this goal. The end of all human endeavours is happiness, according to al-Fārābī who believes that the state is a means by which one can attain happiness and ultimate perfection. In other words human beings need political association, that is in a nation city-state ruled by the philosopher-king, whom he identifies with the lawgiver and the Imām both in order to survive and to strive for perfection.[85] Moreover human beings cannot provide themselves with the necessities of life or with everything needed for the attainment of perfection, without the help of many others. In *Taḥṣīl al-Sa ādah* he describes the way of life that one must adopt in order to attain perfection, and defines happiness as the highest good sought after for its own sake.[86]

Interestingly, al-Fārābī tried to demonstrate the affinity and harmony between the divine law of Islam and the practical intentions of classical political philosophy. His concept of happiness is akin to that promised by the prophetic lawgiver. He describes

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[84]Ibrahim Madkour, "Al-Fārābī," in M. M. Sharif, ed. and intr., *Muslim Philosophy* 450; Khalidi, *Classical Arab Islam* 103; Rosenthal, *Political Thought* 4 and 122.

[85]This interpretation is contradicted, according to Miriam Galston, by a number of texts. In *Al-Madīnah al-Fādilah* al-Fārābī states that human happiness can in principle be attained in every city. The city of excellence is special in that in it the goal pursued by the community as a whole is the means to achieve true happiness. Galston takes another example that in *Fūsūl al-Muntaza ah* al-Fārābī said that true human happiness can be found in imperfect political communities because some people are born with a natural disposition to achieve the ultimate end of human beings and a hardiness that enables them to realize their potential under adverse circumstances. See Miriam Galston, *Politics and Excellence: The Political Philosophy of Alfarabi* ((Princeton, New Jersey: Princeton University Press, 1990), 175-176; See Rosenthal, *Political Thought* 124 and 129; Lambton, *State and Government* 316-317.

[86]Erwin I. J. Rosenthal, "The Place of Politics in the Philosophy of al-Fārābī," *Islamic Culture* vol. 29 (July 1955), 159-160; Lambton, *State and Government* 318; Alfarabi, "The Attaintment of Happiness," trans. Muhsin Mahdi, in Ralph Lerner & Muhsin Mahdi, eds., with the Collaboration of Ernest L. Fortin, *Medieval Political Philosophy*(The Free Press of Glencoe, Agora Editions, 1963; Ithaca, New York: Cornell University Press, 1993; Cornell Paperbacks), 78-79; Galston, *Politics and Excellence: The Political Philosophy of Alfarabi*, 150.

this happiness as an intellectual perfection combined with the moral perfection which precedes it. As a Muslim he was bound to accept the teachings of the *Sharīʿah* about God, the angels and reality. However, by drawing on Greek metaphysics, physics and psychology for the explanation of various religious doctrines, he elucidates various statements of the *Sharīʿah* and demonstrated that the law (*Sharīʿah*) is perfectly correct and true.[87]

Beside the similarities between many of the fundamental features of the ideal state of Muslim philosophers, on the one hand, and the good regime envisaged by classical political philosophy in general, and by Plato in the Laws in particular, on the other hand,[88] there are, however, certain clear differences between them. Although the law had a central place in the thought of both, there was a fundamental difference in their conception of the law. Whereas the *Sharīʿah* was based on revelation and centered on God, the nomos of Plato was based on a myth and revolved around a rational human being. Further, the *Sharīʿah* was concerned with twofold happiness: well being in this world and bliss in the next world, whereas Plato's law was designed to enable human beings to reach intellectual perfection in this world and was not concerned with the hereafter.[89] Greek political philosophy was also bounded by the geographical as well as cultural horizons of the polis, the classical Greek city state, whereas the horizons of Islam were limited only by the presence of the *ummah*, a socioreligious rather than a geographical unit.[90]

Al-Fārābī furthermore discusses the qualities of the perfect ruler. He demands the perfection of both his rational faculty or intellect and his imagination, through which, as

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[87]Rosenthal, *Political Thought*, 123; Lambton, *State and Government*, 317-318.

[88]Muhsin Mahdī mentioned several similarities between the two, such as that both begin with a god as the ultimate cause of legislation and consider correct beliefs about divine beings and the world of nature as essential for the constitution of a good political regime. See Lambton, *State and Government*, 317.

[89]Lambton, *State and Government*, 317; Rosenthal, *Political Thought*, 4.

[90]Khālidī, *Classical Arab Islam*, 103-104.

ruler-philosopher and ruler-prophet respectively, he communicates with the active intellect. Moreover, the imam-king must study the speculative sciences. The king must possess persuasion and imagination, as well as be a philosopher skilled in the speculative sciences. The masses, on the other hand, who serve the state by their arts and crafts, can be taught by means of persuasion and imagination only. Political leadership is the prerogative of the elite. The Imam-king must also possess unlimited powers and not be subject to any human being, political regime or law. It seems, therefore, that al-Fārābī's conception of the ruler is aristocratic, authoritarian, and elitist.[91]

2. The People of Literature

The second stream in Islamic political thought stemmed from *Ādāb* or literature, where an attempt was made to tap the political wisdom of the ancients especially Persia, for the service of Muslim rulers. The term "mirror of princes" literature, illustrates the extent of and borrowing of adaptability of Islam from the culture of Iran and of Persian literary genre, and is used to describe this body of political thought.[92]

The existence of an Arabic court literature, drawing its inspiration partly from the Persian Sasānid tradition, had begun even before the advent of the Abbāsid Caliphs. The secretaries of the first Abbasids were men who had begun their careers under the Umayyads, mostly as secretaries of the governors in Iraq, such as Abū Ayyūb al-Muriyānī, chancellor of al-Manṣūr, and especially the famous translator and adaptor of Persian works, Rozbih ibn al-Muqaffaᵉ (d. 759). The later is considered a pioneer in the introduction of Persian literature into Arabic literature in the 8th century C. E. through his translation from the *Pahlavī* (Middle Persian) of the famous *Kalīlah wa-Dimnah* (of

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[91]This nature of the ruler ultimately goes back to Plato's views on education and on the three classes, in the *Republic* See Rosenthal, *Political Thought*, 129; Lambton, *State and Government*, 320.

[92]Khālidī, *Classical Arab Islam*, 105; Rosenthal, *Political Thought*, 3 and 67.

Indian origin) and other works of an edifying, moralizing nature, and also through his original writings.[93]

The success of Ibn al-Muqaffaʿ's works gave further stimulus to this direction and exerted a dominating influence on what is called *Ādāb* literature in Arabic. Thus the Sassanian kings of Persia were set up as model rulers, based on Ibn al-Muqaffaʿ's Arabic translation of Persian "Mirrors of Princes", by Ibn Qutaybah, al-Jāḥiẓ and al-Bayhaqī right down to al-Ghazālī and the Spanish Muslim writer Ibn ʿAbd Rabbīhī.[94]

There are several major themes in this genre of Islamic political thought: justice, the alliance between kingship and religion, and centralization. The ruler is the center of interest and the principal figure of the political scene. His own interest and that of the state are identical, in fact if not in theory. And, although great stress was laid on justice and equity in conformity with the tenets of Islam, they are not conceived as absolute moral values and demands; but rather as politically useful and necessary tools serving the interests of both state and ruler. The writers of "Mirrors" thus base their practical advice on religious and moral principles, even though their advice is not the outcome of a political philosophy, a philosopher's or stateman's theory of government, but is the result of political machinations.[95]

The *Siyāsat-nāmah* of Niẓām al-Mulk belongs to the end of the eleventh century, when all power was firmly held by the sultan and the caliph's authority largely existed in theory only. The new dynasties of the tenth and eleventh centuries, like the Seljuqs, were often feudal and military in structure and spirit. Accordingly, these political manuals devote a great deal of space to a discussion of the relationship between the ruler and his army, emphasizing such questions as the readiness of troops, training exercises, and military strategy. Niẓām al-Mulk strongly champions Sunnī Islam, and he in particular

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[93]Gibb, "Shuubiya," 63; Rosenthal, *Political Thought,* 68.
[94]Gibb, "Shuubiya," 63; Rosenthal, *Political Thought,* 68.
[95]Rosenthal, *Political Thought, 68-69;* Khalidi, *Classical Arab Islam,* 106-107.

describes in the last chapters of his *Siyasat-namah* the schismatic rebellions of which he disapproves.[96]

Nizām al-Mulk was the prime minister (vizier) of the Seljuq sultans, Alp Arslān and his son and successor, Mālik Shāh.[97] His actual advice is principally contained in introductory remarks the head of each of the fifty chapters making up the *Siyasat-namah*. His exposition in the Treatise is a mixture of the ideals of the old Persian kings and Islamic theory. The whole is permeated with Islam, and its specific religious color is much more marked than in the Qābūs-nāmah of Kai Kā'ūs (b. 1021 C. E.). Nizām al-Mulk was concerned mainly with the practical duties of sovereigns and seldom referred to the caliph, and his aim was primarily to preserve the stability of the kingdom and the traditional form of society.[98]

Nizām al-Mulk's advices focus on the person of the ruler and the qualities which the ruler should possess.[99] Nizām al-Mulk thought the basis and *raison d'etre* of the kingly office is that it precludes the possibility of internal turmoil to a large extent and makes it possible for the subjects to live in peace and security. He said that God selects someone from among humans and gives over to him the charge of the well-being of the world and the comfort and tranquility of human beings after duly furnishing him with the arts of government.[100]

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[96]Rosenthal, *Political Thought*, 78; Khālidī, *Classical Arab Islam*, 107; Haroon Khan Sherwani, "Some Precursors of Nizāmul'l-Mulk Tusi," *Islamic Culture* vol. 8 (1934; reprint, 1967): 35-38.

[97]Nizām al-Mulk or Abū ʿAlī Hasan ibn ʿAlī ibn Ishāq was born at Nuqān, a suburb of Tūs, in 1017. He was first appointed a kātib (secretary) by Alp Arslān's father, Chagri Beg Dawūd. After that Nizām al-Mulk rose step by step till he became Joint-Minister and, after the death of Hamīd al-Mulk, Chief Minister of the Seljuq realm. See Haroon Khan Sherwani, "The Political Thought of Khwaja Nizāmu'l-Mulk Tusi," *Islamic Culture* vol. 8 (April 1934): 291.

[98]Rosenthal, Political Thought, 81; Ann K. S. Lambton, "The Persian Theory of Government," *Studia Islamica* vol. 5 (1956): 135-136.

[99]Rosenthal, *Political Thought*, 82; Lambton, "The Persian Theory," 136.

[100]Sherwani, "The Political Thought," 296.

Justice is the most important quality of all. Niẓām al-Mulk makes it quite plain that the king should be working for the good of his people till the end of his days as the Sovereign. In the same way, he should make his officials treat the people likewise, extract only the legal dues from them, and be ever careful of the affairs of the State.[101] He insisted on the ruler's duty towards the doctors of the law. The former must bow to their exposition of the law and to their interpretation of the Qur'ān and the traditions of Muḥammad, until his ignorance is replaced by a sound knowledge of the commandments.[102]

Niẓām al-Mulk also considered the need to maintain a network of spies in order to enable the ruler to keep all officers of the state under close observation and control.[103] Related to this topic, he also wrote about foreign representatives. For him, the real objective of foreign ambassadors is not only that they should convey the messages of their governments, but that they should obtain secret information to provide the ambassador's country with the necessary information concerning his country of residence, in case his native country was to fight or invade the other state.[104]

Niẓām al-Mulk marked an epoch in the history of Islamic learning and action, for he was an expert in the arts and sciences of his day. He was also a member of the government and whatever he has written had passed the acid test of experience as well as

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[101]On this point Niẓām al-Mulk quoted the story of Darius who was said to have exclaimed just before his last gasp that the carelessness of the King and the dishonesty of the Minister were the real causes for the downfall of his Empire. See Sherwani, "The Political Thought," 296.

[102]While reviewing the authority of the King, Niẓām al-Mulk quoted from the sayings of the saint Sufyān al-Thawrī that "the best of kings is he who keeps the company of the learned, and the worst of the learned is he who keeps the company of kings." He also warned the King against basing proclamations on the need of the moment, without knowledge of Islamic law, and on his personal whim. Rather he should issue them after duly consulting with those well-known for their experience, their sound views and their common-sense. See Sherwani, "The Political Thought," 296-297; Cf. Lambton, *State and Government*, 119.

[103]Rosenthal, *Political Thought*, 82.

[104]Sherwani, "The Political Thought," 297-298.

that of deep historical research. Hence, most of the ideas contained in the *Siyāsat-nāmah* were accepted by his master Malik Shāh as the constitutional code of his Empire.[105]

3. The Jurists

In the early ninth century there were a number of new developments in the political arena due to two processes: first, the emergence of semi-independent or independent dynasties, and second, the steady decline of the military power of the ʿAbbāsids throughout the ninth century. The former process was an unavoidable result of the need to carve up the ʿAbbāsid caliphate into provinces for administrative purposes. This new phenomenon consisted in the appearance of leaders, such as Ibrāhīm b. al-Aghlab in Tunisia and Ṭāhir ibn Ḥusayn in Persia, who had such military force at their command that they were virtually independent of Baghdad.[106] The second process became evident when in 945 C. E. Baghdad was forcibly entered by the armies of a family of warlords, the *Būyid* or *Buwayhid* dynasty. During the Buyid (945-1055) and the Seljūq periods (1055-1258), the ʿAbbāsid caliphs had no political power though they retained many ceremonial duties.[107] In short, spiritual and temporal authority were formally separated at the time and the unity of the *ummah* in political terms could no longer be substantiated.[108]

The aforementioned development posed problems for the jurists and political theorists. These problems were further exacerbated by the extinction of the ʿAbbāsid

[105]Sherwani, "The Political Thought," 295, 299-300.

[106]The first ruler of the Aghlabid dynasty was given Tunisia as a hereditary governorship just before 800 C. E.. Later the distinguished general Ṭāhir about 821 C. E. began to assert his independence of the caliph, and on his death in 822 al-Maʾmūn recognized Ṭāhir's son as his successor to the governorship. Watt, *Political Thought*, 99 ; J. J. Saunders, *A History of Medieval Islam* (London: Routledge and Kegan Paul, 1965; Reprint, 1972), 115 and 118.

[107]See Watt, *Political Thought*, 100; Bannermann, *Islam in Perspective*, 67.

[108]The granting of the title of *ʾamīr al-ʾumarāʾ* to Ibn Rāʾiq in 324/936 is usually regarded as the formal recognition of the existence of a supreme temporal authority, exercising effective political and military power, and leaving the caliph as the formal head of the state and the faith and representative of the religious unity of Islam. A. K. S. Lambton, "Some Reflections on the Persian Theory of Government," *Studia Islamica* 5 (1956): 128; Gibb, "An Interpretation of Islamic History," in *Studies on the Civilization* 14; Watt, *Political Thought*, 100.

caliphate at the hands of the Mongols in the middle of the thirteenth century. Clearly, the theory had to be modified in order to give doctrinal legitimacy to reality, as well as to demolish the doctrinal position of the (mainly Shī'ah) opposition.[109] Therefore, successive jurists sought to reformulate the contemporary political doctrines and, among others, to justify the caliphate as it developed historically.[110]

Al-Māwardī (d. 1058) wrote *al-Aḥkām al-Sulṭāniyyah* (Ordinances of Government) as an attemp to assert the authority of the 'Abbāsid caliphs against the Buwayhid emirs who were in effective control of their state. His treatise can be regarded as the theoretical basis for the delimitation of the spheres of authority between the caliph, in charge of religious affairs, and the emir, in effective control of civil administration on the basis of a negotiated agreement.[111] Accordingly, one can safely declare that many of al-Māwardī's opinions were dictated by the exigencies of his time and the special circumstances of his life.[112]

Al-Māwardī maintained the necessity of the imamate as required by the *Sharī'ah* and not by reason. The appointment of an Imam by the consensus of the Muslim

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[109]It will be recalled that it was precisely on questions relating to the caliphate that a large part of the early struggles between the Sunnīs, Khawārij, and Shī'īs centered. And, since the locus of the charges brought against the Sunnīs by their opponents, especially the Shī'ah, was that they had erred upon given occasions, as, for example, in recognizing the election of Abū Bakr or in acknowledging Mu'āwiyah, the Sunnī jurists were inevitably forced into arguments in defence or condonation of the actual historical process. The Sunnī scholars obviously could not admit any principle which might lead to the conclusion that the *Jamā'ah*, the community in being, had fallen into sin, with the corollary that all its religious and judicial activities were void. Gibb, "Al-Māwardī's Theory," 154; Watt, *Political Thought*, 102.

[110]Bannerman, *Islam in Perspective*, 67-68; Lambton, "The Persian Theory," 128; Gibb, "Al-Māwardī's Theory,", 152-153; Watt, *Political Thought*, 101.

[111]Rosenthal, *Political Thought*, 27-28; Gibb, "Al-Māwardī's Theory", 152; Lambton, *State and Government*, 87.

[112]The declining power of the Buwayhids in the beginning of the fifth/eleventh century, because of internal conflicts and insurrections in the army and because of Maḥmūd of Ghaznah's solicitations for the 'Abbāsids, made the Caliph al-Qādir and his son al-Qā'im aspire to regain the lost glory of their forefathers. The first step in this direction was the legal definition and exposition of the powers and prerogatives of the Caliph which had well-nigh been forgotten and had fallen into oblivion. See Muḥammad Qamaruddin Khan, "Al-Māwardī," in M. M. Sharif ed. and intr., *A History of Muslim Philosophy*, 719-720.

community is obligatory. The imamate is filled by election, that is carried out by qualified electors. This elective principle of the imamate is obviously opposed to the Shi'ite claim of bequethal or divine nomination. The imamate is established by a contract (*'ahd*) between two parties: the imām and the *jamā'ah*. To be able to rule efficiently and to defend the faith, the imam must satisfy seven conditions: *'adālah* (justice), *'ilm* , knowledge of tradition; be physically and mentally fit; courage and determination; and be a descendant of the Quraish tribe.[113]

Al-Māwardī's important contribution to political thought was that he gave a detailed account of the administrative machinery of the Government of his time, and defended the position of the caliph. He considered the caliphate of the contemporary Abbāsids as a caliphate in the full sense. The earlier view that the true caliphate had ended with the first four Rightly Guided Caliphs (*al-Khulafā'al-Rāshidūn*) was henceforth abandoned and replaced by the view that there was only one caliphate stretching from Abū Bakr's caliphate right down to contemporary caliphs, including both 'Umayyads and 'Abbāsids.[114]

Al-Ghazālī (1058-1111 C. E.), another of the leading thinkers and theologians of Islam, argued that the caliphate is a permanent necessity. The *imāmah* is necessary because it is of advantage and keeps away damage in the world. It is also an

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[113]Khan, "Al-Māwardī," 720-721; Gibb, "Al-Māwardī's Theory," 155-156; Rosenthal, *Political Thought,* 28-29.

[114]It should be pointed out, however, that al-Māwardī's effort to preserve the position of the caliph was justified by political expediency. Nevertheless, he extended illegal concessions to the contemporary *Amīrs* even though he admited that these concessions were contrary to the principles of the law. He justified these illegalities on two bases: first, that necessity dispenses with stipulations which cannot be fulfilled, and, second, that fear of injury to public interest justifies a relaxation of conditions. Khan, "Al-Māwardī," 730-731; Khalidi, *Classical Arab Islam,* 111; Gibb, "Constitutional Organization,", 19-20. Beside by formulating his political theory on the basis of historical facts and not indulging in empty speculation, it also should be pointed out that Al-Māwardī failed to offer a philosophical conception of the State. He did not discuss the meaning, scope, jurisdiction, and obligations of the State, gave no conception of sovereignty, and was completely ignorant of the idea of a constitutional theory. Thus, lack of this idea not only reduced the value of his work, but also adversely affected the later development of Muslim political thought. See Khan, "Al-Māwardī," 731; Lambton, *State and Government,* 84; Gibb, "Al-Māwardī's Theory," 155.

indispensable institution of Muslim life demanded by the *ijmā'* of the community, after the death of Muḥammad, when the maintenance of the religious and political order made the immediate investiture of the imam imperative. He similarly contends that the will of the Prophet was the source of the concensus of the community.[115]

Al-Ghazālī's attempt to defend the 'Abbāsid caliphate against the rising opposition of the Bāṭiniyyah and others who recognized the Fāṭimid caliphate, made him bestow the 'Abbāsid caliph with a legitimacy that he based on *Fiqh*. But, since real contemporary power was exercised by the Seljuq sulṭān, he was also forced to legitimate the position of the Sulṭānate in his theory of the Caliphate. In his view, the Caliph, in order to execute the requirements of the *Sharī'ah* has to cooperate with the actual holder of power, the Sulṭān.[116]

Although Al-Ghazālī legalized the function of a government built by brute military force, such as that of the Seljuqs, and urged the community of the faithful to obey even an unjust ruler, he maintained the essentials of the traditional Islamic theory that the source of all authority in Islam is the *Sharī'ah*. In his conception of the Caliphate there are three elements: the Caliph, the Sulṭān, and the 'ulamā', each corresponding to some aspect of the authority behind Islamic government, and each performing a function required by that authority. Each of the three parts of the Caliphate also represents one of the major elements of political power in the Sunnī community.[117]

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[115]His argument is that the Prophet's purpose was ultimate happiness for his community and that to secure this end both life and lifehood must be protected. Hence the appointment of an Imām is therefore obligatory. Rosenthal, *Political Thought*, 39-40; Leonard Binder, "Al-Ghazālī," in M. M. Sharif, ed. and intr., *A History of Muslim Philosophy*, 779.

[116]Moreover, he maintained that the function of the Sulṭānate is an essential element of the authorized Caliphate, and that the sulṭān is the guardian of religion. Al-Ghazali said that *dīn* (religion) is the foundation and sulṭān is the guardian. By sulṭān he means earlier "authority, power", and not "the man in power, the ruler". Later he defined the sulṭān as the man in control of affairs who owns allegiance to the imām and grants him his prerogatives. See Rosenthal, *Political Thought*, 39 and 43; Binder, "Al-Ghazālī," 778-781.

[117]Binder, "Al-Ghazālī," 784-785; Gibb, "Constitutional Organization," 19-20; Rosenthal, *Political Thought*, 42.

Badr al-Dīn ibn Jamāᶜah (1241-1333 C. E.) follows suit and further develops, in his treatise devoted to constitutional theory and administrative law, the views previously expressed by al-Ghazālī.[118] He was also effective in adapting Sunnite political theory to the situation created by the destruction of the ᶜAbbāsid caliphate of Baghdād in 1258.[119] He departed from al-Māwardī and earlier jurists, first by including designation of a successor by the reigning imam in the method of election, and second, by recognizing *de jure* usurpation. He actually ruled that if one usurper was overcome and vanquished by another, the first is to be deposed and the second to become imam in his place, "for the reasons of restoring and preserving the unity of the Muslims."[120]

Ibn Taymīyah (b. 1263 C. E.), was among the most vigorous critics of this doctrine. He tried to escape from the vicious circle in which Ibn Jamāᶜah and his predecessors were caught, by concentrating on the *Sharīᶜah* and its relevance to the life of the community. Thus, Ibn Taymīyah became renowned for his effort to cleanse Islam of the accretions of heresy, deviations, and abuses that had stuck to it, and to preach a return to the purity of early doctrine and practice.[121]

In contrast to other Islamic political thinkers, Ibn Taymīyah opined that there is no basis in the Qurʾān or the *Sunnah* for the traditional theory of the *Khilāfah* or the divine theory of the *Imāmah*. Rather, he visualised Islam as a social order where the law of Allah must reign supreme. As a result he was not interested at all in the state and its formation, but simply accepted the state as a religious necessity. According to him, any

[118]Rosenthal, *Political Thought*, 43.

[119]Watt, *Political Thought*, 107; Gibb, "Some Considerations on the Sunni Theory of the Caliphate," in *Studies on the Civilization*, 143.

[120]This doctrine, which amounted in effect to a complete divorce of the imamate from the *sharīᶜah* and the abandonment of the Law in favor of a secular absolutism, according to Gibb, was an obvious contradiction, which could not be accepted by the general Community of Muslims. Rosenthal, *Political Thought*, 44-45; Gibb, "Constitutional Organization," 23; Gibb, "Sunni Theory," 143.

[121]Rosenthal, *Political Thought*, 51-52; Gibb, "Constitutional Organization," 23.

form of government where the authority of the *Sharīʿah* reigns supreme, can be accepted as a valid Islamic state.[122]

In addition, he rejected the web of juristic arguments regarding the single caliphate. There is no obligation, according to him, whether in the Qurʾān, the *Sunnah*, or the *ijmāʿ* of the Companions, upon all Muslims to recognize such a single caliphate as the only valid form of government. Thus, Ibn Taymīyah rejected the theory of political universalism which was so central to Muslim political thinking from the time of al-Ashʿarī onwards but which had become by his age a polite fiction--not to mention hypocritical and dangerous. In its place, he proposed a more realistic and viable theory based upon acceptance of the evident geographical and political division of the Muslim world.[123]

Ibn Taymīyah was also instrumental in changing the center of gravity from the *khilāfah* (caliphate) and the *khalīfah* to the community (*ummah*), whose life must be regulated by the divine law. He said that the administration of the affairs of human beings is one of the greatest obligations of religion; and that religion cannot exist without it. His argument rests on two premises: first, the nature of religion (*dīn*) demands that there must be an organized social order where it may function properly. Second, the institution of the *imārah* (authority, *imāmah*) is a religious obligation.[124]

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[122]According to Qamaruddin Khan Ibn Taymīyah's contention is not that the Qurʾān does not enjoin on the believers to establish an ideological state, but that it gives no fixed constitution of any kind. And although there is no express command to institute the *imāmah*, its immediate necessity and obligatoriness are prescribed within the scope of the important Qurʾānic injunctions. Consequently, when Muḥammad was commanded to establish his prophecy, his commission primarily included the establishment of the *imāmah* Qamaruddin Khan, *The Political Thought of Ibn Taymīyah* (Delhi: Adam Publishers & Distributors, 1982), 63.

[123]In short, he suggested the principle of cooperation, both in the national and international polity of Muslims, and illustrated the necessity of finding a new relationship between the *Ummah* and the *Sharīʿah*. Khan, *Ibn Taymīyah* 183-184; Gibb, "Constitutional Organization," 23-24.

[124]The Prophet has ordered his *ummah* to appoint their administrators to govern their affairs and has ordered the administrators to return the trusts to whom they are due and to adjudicate with justice when they sit in judgment on them. Rosenthal, *Political Thought* 52; Khan, *Ibn Taymīyah* 29-32; Lambton, *State and Government* 146-147.

Ibn Khaldūn (1332-1406 C. E.) was an exception among the jurists or political theorists writing on the state, and has been hailed as one of the first to attempt a scientific study of the state and society. For example, he propounded a theory on the power-state which transcended the opinions generally held in the Middle Ages. Moreover, his realistic approach to human beings made him recognize the desire for power and domination as the principal driving force for human action. Together with his impartial sense of observation, this living heritage enabled him to deduce a general law which he applied to the whole of human civilization.[125]

For Ibn Khaldūn, Islam, in the form of the *khilāfah*, is the choicest fruit of a God-guided and God-centered human association. According to him, it is the ideal and the best way to the fulfilment of human destiny, and to the attainment of happiness in this world and in the world to come. He was not concerned with the individual believer but with the human group, which he saw as the creator of culture and civilization in the natural and necessary framework of a state built on power and maintained by the force of law and arms under a single sovereign ruler.[126]

His political theory is part of his description of *ʿumrān* in the specific sense of "civilization". The close connection between civilization and politics as the art of government is apparent from Ibn Khaldūn's terminology; for example, *ʿumrān* is synonymous with *madaniyah* and *haḍārah* settled urban life (as distinct from *badāwah* rural life). *Haḍārah* in turn is equivalent to *tamaddun* to live or become organized in a city (*madīnah*) in the sense of the Greek *polis*.[127]

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[125]Lambton, *State and Government*, 152; Rosenthal, *Political Thought*, 84-85; Watt, *Political Thought*, 107. Ibn Khaldūn studied the Qurʾān and Qurʾānic sciences, the traditions, jurisprudence and the political sciences and was thus aware of the different approaches of the jurists and the philosophers towards to the study of human beings and societies. See Lambton, *State and Government*, 152.

[126]Rosenthal, *Political Thought*, 85-86.

[127]Rosenthal, *Political Thought*, 84; Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, 2d ed., Bollingen Series XLIII, trans. Franz Rosenthal, vol. 1, (Princeton: Princeton University Press, 1980), lxxvi.

Ibn Khaldūn distinguishes between three kinds of states according to their government and purpose: *siyāsah dīniyyah*, government based on the divinely revealed law (*Sharī'ah*); *siyāsah 'aqliyah*, government based on a law established by human reason; and *siyāsah madaniyyah*, government of the ideal state of the philosophers, i. e. the Utopia (*madīnah fādilah*) of Plato's Republic.[128] The state as such is the natural result of human life which requires association (*ijtimā'*) and organization, for human organization is a must since "Every human being is a citizen by nature." In other words, association is indispensable for civilization (*Madaniyyah*) to exist.[129]

Ibn Khaldūn illustrated the importance of *'asabiyah* and economics in politics. He opined that royal authority continues in a particular nation until the force of the group feeling (*'asabiyah*) of (that nation) is broken and gone, or until all its group members had ceased to exist. According to him, even religious propaganda needs group feeling.[130] Meanwhile the significance of economics is shown in his effort to illustrate that for a sovereign to maintain his independent rule, the absolute monarch must rely on an army which requires considerable sums of money which he must raise through taxation and often through active participation in trade and industry. After a period of expansion and wealth leading to luxury and ease of living, the inevitable decline will set in, forcing him to take measures for self-preservation which will inevitably alienate his subjects, harm

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[128]Rosenthal, *Political Thought*, 86.

[129]Rosenthal, *Political Thought*, 86.

[130] *'Asabiyah* is a common bond which encompasses both the ties of blood and family tradition instrumental in creating a sense of solidarity and mutual responsibility, and the common outlook which shows itself in united action and serves as an important driving force in the formation of states and dynasties. The term *'asabiyah* itself was not coined by Ibn Khaldūn. As a pre-Islamic word, it was used to indicate a kind of "making common cause with one's agnates", which might lead to "blind support of one's group without regard for the justice of its cause". With the advent of Islam, *'asabiyah* and its bad manifestations were strongly condemned and Muslims were called upon to get rid of such backward tribal and group bias. Ibn Khaldūn was aware of the Islamic stand against *'asabiyah* and tried, for the sake of his theoretical reasoning and later rationalizations, to approach it from another point of view in an effort to explore mutual grounds on which Islamic principles and *'asabiyah* can meet. For a thorough discussion of the concept of *'asabiyah* see Rabī', *The Political Theory*, passim, especially 48-69; Lambton, *State and Government*, 167-173; Ibn Khaldūn, *The Muqaddimah*, 296-299 and 320-327.

them in their economic activities, and bring about the ruin and destruction of his dynasty and eventually of the state itself.[131]

Ibn Khaldūn, like the other Muslim jurists of his time, was concerned with the problem of reconciling the ideal demands of the *Sharī'ah* with the facts of history.[132] The careful reader, Gibb points out, will note how he drives home the lesson, over and over again, that the course of history is what it is because of the infractions of the *Sharī'ah* by the sin of pride, the sin of luxury, and the sin of greed.[133] Even in economic life it is only when the ordinances of the *Sharī'ah* are observed that prosperity will follow.[134]

4. The Political Thought of the Shī'ah

The main doctrine of Shī'ism, namely that the imāmate is the foundation of faith, has not changed considerably over the centuries.[135] The Orthodox Shī'ites (*Ithnā 'Asharīyah or Imāmiyah*) believe that the Imāmate had descended from Muhammad, the Prophet, to 'Alī and his eleven descendants. The line of designated Imāms came to an abrupt end in 874 C. E., when the Twelfth Imam, Abū al-Qāsim Muhammad ibn Hasan

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[131]To Rosenthal's knowledge, Ibn Khaldūn was the first medieval thinker to see the importance of economics for politics and for the whole life of any society organized in a state. See Rosenthal, *Political Thought*, 90; Rabī', *The Political Theory*, 35-37; Lambton, *State and Government*, 175-176.

[132]Gibb, "Structure of Religious Thought in Islam," in *Studies on the Civilization*, 173. Rosenthal observes that Ibn Khaldūn gives religion (that is, in practice, the Sharī'ah of Islam) if not the first at least a very important place in the existing state. His inquiry into Islamic history and his experience of the contemporary Muslim states in the Maghreb taught him that there is always a gap between the ideal demands of the ideal *Sharī'ah* and political reality. See Rosenthal, *Political Thought*, 99 and 92-102.

[133]Gibb, "Structure of Religious Thought", 173; Ibn Khaldūn, *The Muqaddimah*, 378-380 and 424-426; Rabī', *The Political Theory*, 94 and 98-99; Lambton, *State and Government*, 177.

[134]Rosenthal, *Political Thought*, 92; Ibn Khaldūn, *The Muqaddimah*, 426-428; Lambton, *State and Government*, 177; Gibb, "Constitutional Organization," 13-14.

[135]Lambton, *State and Government*, 224; 'Allāmah Sayyid Muhammad Husayn Tabātabāī, *Shī'ite Islam*, 2d ed., Trans. and ed. Seyyed Hossein Nasr (Albany: State University of New York, 1977), 186. In explaining the position of the *Imām*, Ja'far al-Sādiq, the sixth *Imām* made repeated declarations in unequivocal terms declaring the Imamate to be a covenant between God and humankind, and the recognition of the *Imām* to be the absolute duty of every believer. See S. H. M. Jafri, *The Origins and Early Development*, 294.

disappeared. According to Shīʿī doctrine, the twelfth Imām went into an occultation which consists of two periods, short (*sughrā*) and long (*kubrā*). They also believe that at an appropriate time he will return as the Mahdī, the man 'guided' by God to set all things right.[136]

The theological and political doctrines of Ithnā ʿasharī-Shīʿism refused to make legitimate any Muslim government established after the death of the Prophet, except that of the first Imām ʿAlī b. ʿAlī Ṭālib. The doctrines of Ithnā ʿasharī-Shīʿism were formulated by three great Shīʿī ʿulamāʾ, namely, Abū Jaʿfar Muḥammad b. Yaʿqūb al-Kulaynī (d. 328/939),[137] Ibn Bābūyah al-Ṣadūq al-Qummī (d. 381/991), and Muḥammad al-Ḥasan al-Ṭūsī (1067). All these scholars lived under the Buyids and were highly esteemed by the Ithnā ʿasharī Shīʿah down to the present day. Writing during the occultation of the Hidden Imām the Shīʿī jurists did not feel the need, which al-Māwardī had felt, to justify the state. Rather, in the absence of the *Imām*, all government, even if the holders of actual power were Shīʿīs, was regarded by them as unrighteous by the Shīʿī ʿulamāʾ. Thus, they felt no responsibility for the conduct of political affairs or the need, as had al-Ghazālī, to legitimate the power of the temporal government. Rather, they

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[136]Syed ʿAbid ʿAlī ʿAbid, M.A., "Political Theory of the Shīʿites," in M. M. Sharif, ed. and intr., *A History of Muslim Philosophy*, 735; Watt, *Political Thought*, 111. Prof Watt tried to discover the significance of the Lesser and the Greater Occultations in actual political terms. See W. Montgomery Watt, "The Significance of the Early Stages of Imami Shīʿism," in Nikki R. Keddie, ed., *Religion and Politics in Iran: Shīʿism from Quietism to Revolution* (New Haven and London: Yale University Press, 1983), 22-30.

[137]Al-Kulaynī completed his *al-Kāfī fī ʿIlm al-Dīn*, the earliest of the Four Books of Jaʿfarī *fiqh* and an authoritative Shīʿī compilation of Ḥadīth comparable to that of Ṣaḥīḥ of Bukhārī. It contains an exposition of the theory of the Imamate in a special section, the *Kitāb al-Ḥujjah* (the "Book of Proof"), significantly placed in the part dealing with the Uṣūl and immediately following the *Kitāb al-Tawḥīd* (the "Book of Unity of God"). He centered his polemic on the subject of the legitimate and just governance and the authoritative legislation directed against other Islamic schools of law outside as well as within Shīʿism and underlying the discussion of every aspect of jurisprudence. See Joseph Eliash, "The Ithnā ʿAsharī-Shīʿī Juristic Theory of Political and Legal Authority," *Studia Islamica* vol. 29 (1969): 18.

awaited the coming of the Kingdom of God upon earth (the return of Mahdī, the twelfth Imām).[138]

The later Shīʿī ʿulamāʾ, Najm al-Dīn Jaʿfar bin Yaḥyā (d. 1277) and Ḥasan ibn ʿAlī ibn al-Muṭahhar al-Ḥillī (d. 1325) who lived under the Mongol Ilkhāns, added little to the works of earlier writers in the field of political theory. And, even when the Shīʿism of the Ithnā ʿAsharī rite became the official religion of the state under the Safavids, the exposition of Muḥammad Bāqir Majlisī (d. 1699) and others did not materially modify the Shīʿī theory of state. Indeed, the religious institution under the Safavids was from the beginning subordinate to the political institution.[139] One must note that the concept of the Imamate, in relation to prophecy, forms the basis of the Ithnā ʿasharī-Shīʿī legal and theological notion that unites the authority of the Sharīʿah with that of the Imām. The living Imām is considered to be the living entity of the infallible divine law, its interpreter-maker and executor.[140] Before the foundation of the Islamic Republic of Iran in 1979, the Ithnā ʿasharī-Shīʿī doctrine of the Imamate had not served juristically to enhance or justify the position of the Ithnā ʿasharī-Shīʿī ruler despite the existence of an Ithnā ʿasharī-Shīʿī sovereign state for more than four centuries in addition to the various

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[138]Eliash, "Ithnā ʿAsharī-Shīʿī Juristic Theory," 17-19; Ann K. S. Lambton, "A Reconsideration of of the Position of the Marjaʿ al-Taqlīd and the Religious Institution," *Studia Islamica* vol. 20 (1964): 115

[139]Eliash, "Ithnā ʿAsharī-Shīʿī Juristic Theory," 17-19; Lambton, "Marjaʿ al-Taqlīd," 115-116.

[140]The Ithnā ʿasharī-Shīʿī jurists came to the conclusion that it was incumbent upon God not to discontinue the mission to humankind after Muḥammad's death. They, thus formulated the doctrine of the Imamate as a position occupying the place of prophecy, carrying on its function except in the matter of divine inspiration without a mediator, *waḥy*. Eliash, "Ithnā ʿasharī-Shīʿī Juristic Theory," 23.

earlier Ithnā ʿasharī-Shīʿī regimes. Ithnā ʿasharī-Shīʿīsm conceives of no authority exercised by a human being as being divine and no legislation infallible, until the return of the Mahdī.[141]

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[141]Even in the concept of Wilāyat-i faqīh, the rulership of a faqīh or juristconsult is believed to be the representative of the Hidden Imam (nāʾib al-imām). Thus, the position of the faqīh is temporary that is as the custodian of the community in the absence of the Imam. But, the concept of Wilāyat-i faqīh has been interpreted in various and contending ways over the course of time. See Hamid Enayat, "Iran: Khumayni's Concept of the 'Guardianship of the Jurisconsult'," in James P. Piscatori, ed., *Islam in the Political Process*, Published in association with The Royal Institute of International Affairs (Cambridge: Cambridge University Press, 1983), 160-165; Nikki R. Keddie, *Iran and the Muslim World: Resistance and Revolution* (New York: New York University Press, 1995), 169; Shahrough Akhavi, "Contending Discourses in Shīʿī Law on the Doctrine of Wilāyat al-Faqīh," *Iranian Studies* vol. 29, no. 3-4 (Summer/Fall 1996): 229-268; Ahmad Moussavi, "The Theory of Vilayat-i Faqih: Its Origin and Appearance in Shīʿite Juristic Literature," in Mumtaz Ahmad, ed., *State, Politics and Islam* (Indianapolis: American Trust Publications, 1406/1986), 97-113.

CHAPTER III

ISLAM AND THE DEMAND FOR PAKISTAN

Islamic political thought in the modern period, is part and parcel of Islamic responses in general toward European domination, and a response toward cultural, political and economic problems facing Muslim societies.[1] By the end of the nineteenth century, many Muslim territories were under direct European control, and much of the Muslim world was dominated by the West. The basis for this European capacity for domination was the transformation of Western society through the processes of modernization.[2] Nevertheless, it can also be said that Islamic political thought at the turn of the century is still entrenched in previous political theories. These early and medieval theories, as we have already seen in the previous chapter, sought to endow changing realities with doctrinal legitimacy. Consequently, modern Muslim scholars do not seem to have fully accepted the concept of the nation-state and have generally withheld doctrinal recognition and legitimation, although tacitly accepting the reality.[3] The results of this interaction between the responses to Western domination and a fidelity and

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[1]During the latter half of the nineteenth century, there emerged a generation of Islamic reformers such as Jamāl al-Dīn al-Afghānī (1838-1897) and Muḥammad ʿAbduh (1849-1905) who sought to unite and strengthen Muslim communities through a reform of Islamic belief, culture and society. They advocated a reinterpretation and reformulation of their Islamic heritage to respond to the political, cultural and scientific challenge of the West and modern life. See John L. Esposito, *Islam and Politics*, 3rd ed., Contemporary Issues in the Middle East (Syracuse: Syracuse University Press, 1991), 46-47; Abdullahi Ahmed An-Naʿīm, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), 4.

[2]John Obert Voll, *Islam: Continuity and Change in the Modern World* 2nd ed. (Syracuse: Syracuse University Press, 1994), 5 and 84.

[3]Muḥammad Rashīd Riḍā (1865-1935) for example, although advocating the ultimate restoration of the universal caliphate and a transnational Islamic community, accepted the reality of the new separate Muslim states, the importance of Muslim unity, and the need to avoid anything which might weaken that unity and make Muslims even more vulnarable to continued European rule. See Esposito, *Islam and Politics*, 64; Patrick Bannerman, *Islam in Perspective: A Guide to Islamic Society, Politics and Law* (London and New York: Routledge, 1988), 80.

continuity of the Muslim tradition, was influenced by local conditions, which formed the third dimension of modern Islamic history.[4]

There are at least two characteristics of modernity which are related to Islamic political thought: firstly, the emergence of sovereign nation-states as legally defined entities in a global political system, and secondly, secularization and trivialization of religion and the use of the spiritual for profane purposes, as well as the removal of religious concerns from politics and economics. Secularization may be defined as "the process of emancipation of certain areas of social, cultural and political life from the dominance or control of traditional religious ideas; it has been both a contributing factor in modernization and a result of it".[5] These developments are the main questions faced by Muslims, as reflected in modern Islamic political thought.[6] This chapter will deal mainly with the concepts of Islamic state and nationalism as formulated by modern Muslim thinkers: and secondly, it will deal with the origin of Pakistan, the development of Muslim nationalism in India, and the creation of Pakistan.

A. Modern Islamic Political Thought

The following part will deal with the concept of the Islamic state as formulated by Rashīd Riḍā, since his model of a modern Islamic state has been adopted by various Islamic movements seeking to establish Islamic states throughout the Muslim world; and the views of ʿAlī ʿAbd al-Rāziq who opposed Riḍā's views on the caliphate and repudiated the traditional Islamic religio-political position. The present writer will also discuss the concept of nationalism in both the Arab countries and Iran. He will focus mainly on those thinkers who witnessed the abolition of the Ottoman caliphate in 1924, because it was only after the abolition that Muslims started facing severe problems

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[4]Voll, *Islam*, 5 and 149; Bannerman, *Islam in Perspective*, 77.

[5]Andrew Rippin, *Muslims: Their religious beliefs and practices* vol. 2: the contemporary period (London and New York: Routledge, 1993), 12-13.

[6]Cf. Erwin I. J. Rosenthal, "Some Reflections on the Separation of Religion and Politics in Modern Islam," *Islamic Studies* vol. 3 (September 1964): 250-251.

concerning the justification and reconciliation of the contemporary *status quo* with its separate Muslim states and the universal or transnational Islamic community, as well as the place of Islam in the modern national state.

1. The Concept of the Islamic State

The abolition of the Caliphate by the decision of the Grand National Assembly of Turkey in 1924 had one subsidiary, doctrinal result: it introduced the idea of the Islamic state as an alternative to the Caliphate.[7] The founding theoretician of that concept is the Syrian-Egyptian scholar, Muḥammad Rashīd Riḍā, the spokesman of the *Salafiyah* school of Egypt.[8] As a direct disciple of ʿAbduh, Rashīd Riḍā has exercised great influence in shaping the activist ideology of the Muslim Brotherhood (*al-Ikhwān al-Muslimūn*), the *Jamāʿat-i-Islāmī* and others in the Sunnī-Muslim world. Riḍā, like his teacher and mentor, ʿAbduh, was concerned with the reinterpretation of Islam in light of modern thought.[9] Riḍā's political thought and program are summed up in his book *Al-Khilāfah aw al-Imāmat al-ʿUẓmā* ("The Caliphate or Supreme Imamate") published in Cairo on the eve of the abolition of the Caliphate. His concern was to reassert the temporal as well as religious significance of the true Caliphate and to demonstrate the fitness of the institution for the political requirements of the modern age. Moreover, his thesis provides an instructive starting-point to gauge the degree to which the modern concept of the Islamic state has changed from its earlier spiritual character to its present, totally political nature.[10]

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[7]Hamid Enayat, *Modern Islamic Political Thought*, Modern Middle East Series, the Center for Middle Eastern Studies, the University of Texas at Austin (Austin: University of Texas Press, 1982; 3rd paperback printing, 1991), 52 and 69.

[8]See note 3.

[9]See Enayat, *Modern Islamic*, 69-70; Ziaudin Sardar, *Islamic Futures: The Shape of Ideas to Come* (London and New York: Mansell Publishing Limited, 1985), 132-133.

[10]Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muhammad ʿAbduh and Rashīd Riḍā* (Berkeley and Los Angeles: University of California Press, 1966), 158; Enayat, *Modern Islamic*, 70; Sardar, *Islamic Futures*, 133.

There are three important issues which Riḍā dealt with in the *Khilāfah*: (1) Community sovereignty; (2) power, authority and necessity; (3) spiritual and temporal authority. Concerning community sovereignty, he discussed traditional and rational arguments on the obligatory nature of the *khilāfah*. He also considered the *ahl al-ḥall wa al-ʿaqd* (literally: the people with power to bind and to loosen) as the legitimate representatives of the Community, and established an identity between them and the Community as a whole, whether the latter is termed *jamāʿah* or *ummah*.[11] Eventually he argued, along with most traditionalist and modernist Muslim scholars, that once the principle of *shūrā* or consultation between the rulers and the ruled, and the provisions laid down by the juristconsults on the right to resist injustice are implemented, democracy will be ensured for Muslims.[12]

In dealing with the issues of power, authority, and necessity, Riḍā, disagreeing with the classical theorists, sets forth his account of the structure of the Caliphate with an entirely different purpose and set of assumptions in mind. Rather, he seeks to provide the basis on which the "true" Caliphate can be restored in the present day. Moreover, he is not concerned with defending the historical record of the various Sunnī caliphates after the *Rāshidūn* and in fact challenges the legitimacy of the Umayyads, Abbasids, and Ottomans.[13]

There are two Imamates according to Riḍā: the duly constituted Imamate, in which deposition can only be for cause, and the Imamate of necessity. This latter comprises two subcategories: The first occurs, when it is not feasible to meet all the requirements of the Imamate either with regard to the qualifications of the candidate or to the functions of his office and scope of his jurisdiction, so that an imperfect solution

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[11]Kerr, *Islamic Reform*, 159-161.

[12]Kerr, *Islamic Reform*, 163; Enayat, *Modern Islamic*, 77; Sardar, *Islamic Futures*, 133.

[13]Kerr, *Islamic Reform*, 168.

must be voluntarily accepted; and second, when the office or its functions are usurped by force. In the former case the usual rules of deposition only for cause apply; while in the latter, no obedience at all is due, and it is a duty to overthrow the ruler at the first opportunity.[14]

Whether power or authority logically precedes the other, Riḍā sought to strike a balance between ignoring the fact of power, or under the guise of necessity, declaring in so many words that might made right, as the classical theory argued. Alas, he did so rather indiscriminately and ineffectively due to his failure to be specific enough in identifying the precise procedures and requirements of the Imamate. In discussing whether those holding *de facto* power are obliged to defer formally to a caliph whose authority is only nominal, he solves the problem by declaring that if in fact they did defer to him, then he would indeed thereby hold real power and would not be only a nominal ruler.[15]

In his discussion of spiritual and temporal authority, Riḍā wrote at length of the political sovereignty of the representatives of the Community, the *ahl ḥall wa al-'aqd* whom, he believed, must have the ability to interpret and apply the *Sharī'ah* in the spirit of early, pure Islam and in conformity with the requirements of the age.[16] Meanwhile the function of the caliph, as their nominee, is to direct the common affairs of the Community and to serve as the chief interpreter of the law. According to him, the function of the caliph is to protect the Faith and its adherents and to enforce the ordinances of the *Sharī'ah*. He is not empowered over the people in religious matters nor has he

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[14]Kerr, *Islamic Reform*, 169.

[15]Kerr, *Islamic Reform*, 171.

[16]It will be recalled that this term includes the 'Ulamā', which in the present context means the juristconsults or the jurists, who, according to Riḍā, should possess, in addition to a thorough grounding in the traditional sources of the *Sharī'ah*, a lively critical mind for independent judgment. What should distinguish them, however, from other experts in the application of the *Sharī'ah* is their moderation: they must strike a balance between the Westernized élite and the hidebound, dogmatic, orthodoxy. See Enayat, *Modern Islamic*, 80.

independent authority to determine the *shar'ī* ordinances for them. Rather, his task is only to maintain order and enforce the law. Thus for Riḍā, the caliph's power is civil and subject to consultation, not absolute or exclusive.[17]

Riḍā further emphasized the importance of the *Sharī'ah* as the supreme law of the Islamic state. In his view, Islam has required the caliph to act in accordance with the revealed Law and has forbidden him to legislate in his own right. Moreover, the *Sharī'ah* must be preserved or revived in its proper form, and civic rule (*ḥukūmah madaniyah*) must be enforced with proper legislation in order to survive and function properly. The term he uses for legislations is *ishtirā'* which means both the actual law-making and the ability to deduce laws (*istinbāt*) from the *Sharī'ah*. This last category includes the whole realm of political, administrative, financial, judicial, and military organization. In addition, he stresses that the essence of these rules is their adaptability to meet the exigencies of every time and place, and to fit the religious and political characteristics of every nation. The final criterion, however, against which such laws should be judged remains the *Sharī'ah*.[18]

In sum, one can deduce that the main pivot of the Islamic state, according to Riḍā, is the *Sharī'ah*. The broad ideological orientation of such a state, contrary to what is suggested by the label of Riḍā's own brand of reformed Islam, is not a total return to the origins of Islam but a return to those elements of early Islamic idealism which were untarnished by mundane, ethnic and sectarian prejudices. Furthermore, the political, social and economic affairs of the state should be regulated by a constitution inspired in its general principles by the Qur'ān, the Tradition and the historical experience of the

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[17]Kerr, *Islamic Reform*, 177; Erwin I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: Cambridge University Press, 1965), 69.

[18]In this legislation, *ijtihād* (independent legal judgment, effort or ability to deduce rules from sources) is an imperative attribute. It seems that Riḍā understands the *Sharī'ah* to mean the divine law which exists in the Qur'ān and *Sunnah* See Kerr, *Islamic Reform*, 177; Enayat, *Modern Islamic*, 78-79; Sardar, *Islamic Futures*, 133-134; Rosenthal, *Islam in the Modern National State*, 68.

Rāshidūn caliphs. Moreover, the political leader, Caliph or Imam of the state, Riḍā argued, should be someone who has the capability of performing *ijtihād* in which he would be aided by a Council of Jurists. Indeed, the head of the state must be elected from this Council, modelled after the Electoral Council set up by ʿUmar to find his successor, which itself represents all groups of Muslims. The head of the state thus has both political and religious authority and is one of the main spirits behind the legislative process of the country. Moreover, he is the head of all Muslims who are to obey him so long as his decisions conform to the principles of Islam and are in the public interest.[19]

Riḍā's model of a modern Islamic state has been adopted by various Islamic movements fighting to establish Islamic states throughout the Muslim world. The Muslim Brotherhood, based in Egypt, Sudan and elsewhere in the Middle East, has taken over the model, with various modifications in its attempt to establish the rule of the

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[19]The head of state must have religio-spiritual authority, beside the political one, and the Islamic state must be based on the divine law (the *Sharīʿah*) to which the head of state should conform. Riḍā thus states that "true obedience is only due to God, and coercive power has been entrusted to the social body of the community. The head of state is only the personification of social unity". He also distinguishes between the caliph's spiritual guidance and the spiritual authority of the Pope. The spiritual authority of the caliph carries no hint of infallibility or the suggestion of spiritual intercession. See Enayat, *Modern Islamic*, 81; Kerr, *Islamic Reform*, 184-185; Rosenthal, *National State*, 78-79; Sardar, *Islamic Futures*, 134.

Sharī'ah on earth.[20] In Iran, the same goal was achieved by a popular revolution which overthrew the Shah and gave an opportunity to the 'ulamā' to test out their theories.[21]

As opposed to Riḍā's theory on the Islamic state, 'Alī 'Abd al-Rāziq (1888-1966) contested the views of not only the orthodox 'Ulamā' but also modernists like Rashīd Riḍā.[22] In his principal work *Al-Islām wa uṣūl al-ḥukm* ("Islam and the Fundamentals of Government") he too made great use of the legal and historical antecedents of the Sunnī political theory. In presenting his ideas, 'Abd al-Rāziq too contributed to a new Sunnī consensus on the relationship between Islam and the modern state. 'Abd-al-Rāziq's book is based on two premises: first, that the caliphate is not inherent in Islam

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[20]During the first decade of its existence, the Muslim Brotherhood concentrated on moral and social reform, attracting popular support for their educational and social welfare projects. In 1933 Ḥasan al-Bannā decided to move the center of activities to Cairo, where he devoted himself to the organization and communication of the Brotherhood's mission and message. The Brotherhood developed into a well-knit religious and political organization with a network of branches that were further divided into secret cells. In its goal to establish an Islamic state in Egypt, some groups of the Brotherhood turned to violent struggle. However, in the 1980s the Brotherhood in Egypt emerged as a respectable opposition group that had demonstrated its ability to stand up to "pharaoh" without resorting to terrorism. It had established its credentials as a moderate Islamic organization, publicly eschewing violence and working within the political system. From its creation in 1954 the Muslim Brotherhood advocated the establishment of an Islamic political and social order through the adoption of an Islamic constitution based upon the Qur'ān and the introduction of Islamic law. In 1977 the Brotherhood advocated the strategy of bringing about gradual change from below, from within the system which included greater involvement in the political process. See Esposito, *Islam and Politics* 133-134, 228-229 and 234-235.

[21]It is noteworthy that in recent years, about half a century after the publication of Rashīd Riḍā's treatise, when some Iranian Shī'ī leaders—the architects of the Islamic Revolution—produced their initial ideas on an Islamic state as an alternative to submission to tyrannies in anticipation of the return of the hidden Imām, there were strong similarities between their pronouncements and those of their Sunnī counterpart: in both, the *'Ulamā'* have prime responsibility for leading the popular struggle for establishing the new state; *ijtihād* is the main intellectual means of upholding and reviving the *Sharī'ah*, the head of state is distinguished more by his jurisprudential and exegetical competence than his political skills; sectarianism is discarded in favour of an irenic, 'unitarian' Islam just as nationalism is deprecated in the name of universalism; and perhaps most important of all, resisting the cultural offensive of the West is the implied objective of all political, educational and legal reforms. See Enayat, *Modern Islamic* 82-83; Sardar, *Islamic Futures* 134.

[22]Rāziq belonged to an influential family whose members had taken an active part in the Liberal Constitutional Party. He studied at al-Azhar University and went to England to study at Oxford shortly before the outbreak of World War I. He was a religious scholar and a judge in the *Sharī'ah* court. See Khadduri, *Political Trends* 215; Esposito, *Islam and Politics* 69.

and therefore not necessary; and second, that the separation between state and religion is based on the assumption that Islam, like Christianity, is a religion with a universal message. In support of the first premise, 'Abd al-Rāziq argued that the two authoritative sources of Islam--the Qur'ān and Traditions--were silent on the matter. Moreover, the consensus of the community (*ijmā'*), the material welfare and religious practices of Muslims give no ground for caliphal authority.[23]

As for the second premise which eludes to the separation of religious from civil authority, 'Abd-al-Rāziq argued that the Prophet exercised political power necessitated by the special circumstances of his time; but his action should not be taken to imply that he attempted to found a state or that it was part of his religious mission, a mission which was "prophetic" and not "temporal." He further argued that the caliphate, even that of the first four caliphs, was simply a political phenomenon. And, even though it was established by Abū Bakr on the foundations of a religious call (*da'wah*), the state of the Arabs is *ḥukūmah madaniyah dunyāwiyah*, i.e. a political wordly government, that has nothing to do with religion and that succeeding generations came to believe that a religious significance was attached to this office--a significance which the caliphs found in their interest to encourage.[24]

'Abd al-Rāziq, however, faced several problems in proving that the Prophet's rule or government was unpolitical. He had to admit that the Prophet's *risālah* or apostleship-- so different from the *mulk* of his successors--demanded a certain *quwwah* (force) in order for him to fulfil the divine command (*qawl*) and to see that people followed his call (*da'wah*). The Prophet had also engaged in *jihād*, holy war, in order to make his preaching prevail in the face of Arab and Jewish opposition. 'Abd al-Rāziq stated, nevertheless, that religious propaganda is incompatible with the application of force, and

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[23]Khadduri, *Political Trends* 216; Enayat, *Modern Islamic* 62; Esposito, *Islam and Politics* 70; Rosenthal, *Modern National* 86.

[24]Khadduri, *Political Trends* 217; Rosenthal, *Modern National* 92; Enayat, *Modern Islamic* 63-65; Esposito, *Islam and Politics* 70-71.

that not a single prophet, he asserted, had recourse to the sword in order to win people over to faith in God. Yet it is an undeniable fact that David, Solomon, and Muhammad, among others, had waged wars against the infidels.[25]

Enayat believes that ʿAbd al-Rāziq's views revolve around two propositions: first, that political authority and government, however indispensable for implementing Islamic ideals, do not belong to the essence of Islam and specifically do not constitute any of its cardinal principles. Second, that Islam, if properly understood, leaves the Muslims free to choose whatever form of government they find suitable to ensure their welfare. The opposite belief that in Islam, religion and politics form a unified whole, is wrong so far as it associates politics primarily with the Caliphate, or with the despotic regimes that have ruled the Muslims throughout history.[26] Finally, ʿAbd al-Rāziq's view is significant not only within its limited historical context but also because it crystalized many of the issues that modern secularism raises regarding the nature of prophecy and the Prophet Muhammad's mission and, by extension, the meaning and purpose of Muslim life. Moreover, it strikes at beliefs, practices, and institutions that have been integral to mainstream Islam from its earliest period: the religio-political nature of Islam and the fundamental importance of the Sharīʿah in providing guidance and certitude in social life.[27]

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[25]Rosenthal, *Modern National,* 92-94; Khadduri, *Political Trends,* 217-218.

[26]Enayat, *Modern Islamic,* 64-65; Khadduri, *Political Trends,* 217-218; Rosenthal, *Modern National,* 98-99.

[27]Esposito, *Islam and Politics,* 71; Khadduri, *Political Trends,* 217-218. Rosenthal has raised a different objection that might be similarly levelled against ʿAbd al-Rāziq from an orthodox standpoint. This objection concerns the relationship between state and law in Islam. The Imamate or Caliphate, he asserts, is incomprehensible and meaningless without recognizing the place and function of law in it. According to him, the student of Islam from the time of the caliphate to the modern age is aware that the question of a religious or a lay state depends on the role of the Sharīʿah in a state created by and for Muslims. The source (divine or human) and the extent of the law of such a state determine its character. Consequently, the law in force makes it a religious or a lay state anyway. Rosenthal, *Modern National,* 89 and 98-102.

2. Nationalism

In the history of political thought, the term nationalism sometimes refers to a movement for guarding a nation's independence and freedom in the face of an external aggressor, or to an intellectual assertion of a nation's separateness and identity—or, in its extreme form, of superiority over other nations.[28] Muslim writers in the nineteenth century, such as Tahṭāwī, Nadīm, Marṣafī, and ʿAbduh,[29] understood the term primarily in the first sense, identifying it with the term patriotism, which although signifying a different concept, is related to the territorial aspect of the national identity.[30]

There were differences between Arab nationalism before and after World War I. Before the War, the Arab idea of nationalism was mingled with the idea of Islamic unity, and Arab nationalism scarcely aimed beyond the rehabilitation of the Arab race in a multinational empire. At the time, Muslim liberal thinkers, to advocate the idea of nationalism, did neither demand that Arab lands be detached from the Ottoman empire nor indeed that religion be separated from the state. The Syrian ʿAbd al-Raḥmān al-Kawākibī (d. 1902), the most radical Muslim thinker to attack Ottoman rule, called for the restoration of the caliphate from Turkish to Arab hands, but not for a break in Ottoman unity.[31] Moreover, he replaced pan-Islamism with pan-Arabism through his

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[28]Enayat, *Modern Islamic*, 112. Richard Cottam, in terms of perception and of value, defines that nationalism occurs when a large number of people perceive that they belong to a community that is entitled to and capable of maintaining independent statehood and who grant that community a primary and the primary terminal loyalty. See Richard Cottam, "Nationalism in the Middle East: A Behavioural Approach," in Said Amir Arjomand, ed., *From Nationalism to Revolutionary Islam*, Foreword by Ernest Gellner (Albany: State University of New York Press, 1984), 29.

[29]Rifāʿah Badawī Rāfiʿ al-Tahṭāwī (1801-1873), ʿAbd Allāh al-Nadīm (1844-1896), Ḥusayn al-Marṣafī, and ʿAbduh were Egyptian thinkers before the collapse of the Ottoman empire. For their ideas on nationalism see Albert Hourani, *Arabic Thought in the Liberal Age 1798-1939* (Oxford: Oxford University Press, 1962; Cambridge: Cambridge University Press, 1989), 69-83, 130-160, and 193-221.

[30]Enayat, *Modern Islamic*, 111-112.

[31]Even Christian thinkers like Najīb ʿAzūrī who advocated the liberation of the Arabs from Ottoman rule, accepted an attachment to Ottoman unity in some form. They were ready to compromise their extreme nationalist views so as to maintain solidarity with their Muslim compatriots. See Majid Khadduri, *Political Trends in the Arab World:*

concentration on the *Ummah* as founded by the Arabs. The Arabs, he said, with their innate qualities such as pride, group solidarity, steadfastness and resilience in the face of physical hardships, should pre-empt the Caliphate for them. And, like al-Afghānī, he wanted, as an orthodox Muslim a thorough reform of Islam to make it impregnable against Western imperialism. According to him, the *Ummah* should be contracted to the Arabs. This notion is linked to his definition of the *Ummah* as the sum of the individuals with a common ancestry or *watan* language or religion, and to his identification of the Arabs with the foundation and expansion of Islam to such an extent that he arrived at a complete identification of the Arab Islamic state with Islam as a religion.[32]

After the War, however, with the collapse of the Ottoman empire and the gradual withering of the colonial system, Muslim peoples who achieved the status of nationhood began to favour the notion of patriotism, especially certain Arab writers. This marked the beginning of an ideological controversy among the Muslim intellectuals which is still continuing. It centered round the basic contradiction between nationalism as a time-bound set of principles related to the qualities and needs of a particular group of human beings, and Islam as an eternal, universalist message, drawing no distinction between its adherents except on the criterion of their piety. Under the impact of European ideas, Arab nationalism necessarily became liberal and almost secular in character, since it was reacting against the Islamic unity. The controversy over the secularisation of law and court procedure and the debate between "Islamist" and Westernisers about what kind of state and laws Muslims should develop also arouse.[33]

Consequently, the goal of Arab unity, embracing as it did large numbers of peoples of diverse characteristics and inhabiting a vast expanse of territories, and the intimate, subliminal association between Arabism (*ʿurūbah*) and Islam, became issues

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[32]Rosenthal, *Modern National*, 121; Enayat, *Modern Islamic*, 56-57.
[33]Enayat, *Modern Islamic*, 112; Rosenthal, *Modern National*, 104; Khadduri, *Political Trends*, 20.

for Arab nationalists after the first World War. Amīr Shākib Arslān (1869-1946) was a close friend and associate of Rashīd Riḍā who devoted much of his life to the Arab nationalist cause and remained a convinced advocate of the Islamic nature of Arab nationalism. Like Riḍā, Arslān professed primary loyalty to Islam but, following the collapse of the Ottoman empire after World War I, he supported Arab nationalist leaders more strongly than Riḍā, particularly because he was opposed to European occupation of Arab lands. His view of nationalism was, accordingly, negative; and he remained at heart faithful to Islam and saw in nationalism a force which would strengthen Islam against Christian encroachments.[34]

Saṭiʿ al-Ḥusrī (1880-1964) moved beyond the generalities of Shākib Arslān and addressed in a more specific manner the issues that were generated by the formulations of Arab nationalism, Egyptian nationalism, and pan-Islamism. Although born in the Yemen to Syrian parents from Aleppo, he was brought up in Istanbul and educated more as a Turk than an Arab. His vernacular was Turkish, and he acquired in his youth the characteristic formation of the Young Turk generation, based on the ideas of French positivism and European nationalism. He held important posts in the Ottoman Ministry of Education before the collapse of the empire compelled him, like so many others, to choose one or the other side of this complex tradition. In 1919 Ḥusrī went to Damascus to serve as Minister of Education in Fayṣal's Arab government and to reorganize its educational system. Moreover, after the downfall of Faiṣal's kingdom he followed Fayṣal to Irāq, where he held positions once more in the Ministry of Education, and had much influence on the formation of an Arab consciousness in Iraq.[35]

There are three sentiments, in Ḥusrī's view, that create political communities: nationalism, territorial patriotism, and loyalty to the State. Since the beginning of the

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[34]Khadduri, *Political Trends* 181-182; Esposito, *Islam and Politics* 72.
[35]Hourani, *Arabic Thought* 312; Khadduri, *Political Trends* 199-200; Esposito, *Islam and Politics* 73.

nineteenth century the first characteristic i. e. nationalism had been the most important one and played the most active role in creating patriotism and establishing States. The state, for modern human beings is the fatherland in which one's fellow nationals live, and the claim of the State to one's loyalty is based on its embodying the will of one's nation. A nation for Husrī is something that exists apart from human beings who may, or may not, cherish belonging to it. Moreover, any nation must have an objective basis, which can be the language of the state. Therefore, anyone who speaks the Arabic language is, in his eyes, an Arab and belongs to the Arab people. The Arab nation consists of all who speak Arabic as their mother-tongue, no more, no less.[36]

Second to language, history is the other basic element in nationalism. A common history is important but secondary to language. If a nation forgets its history it loses its feeling and self-consciousness, but it can recover its national consciousness by going back to its history. History can strengthen, but cannot create, the national bond; and it can only strengthen if it is used deliberately to do so. As for religion, Husrī does not ignore its effect on human sentiments. Indeed, he admits that religion can create a kind of unity in the feelings of individuals: what that effect will be, and how it will be connected with national unity, however, varies from one religion to another. A national religion poses no problem, for it clearly reinforces national feeling; but with a universal religion like Islam or Christianity the matter is more complicated, since it will have the tendency to create universalist and even anti-nationalist feelings. Therefore, Husrī advocates a secular type of Arab nationalism, completely divorced from religion. He is firmly committed to the doctrine of separation of religion and politics, and believes that in the modern age religion should be a matter of individual conscience.[37]

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[36]Hourani, *Arabic Thought*, 313; Khadduri, *Political Trends* 201; Esposito, *Islam and Politics*, 73.

[37]Hourani, *Arabic Thought*, 313-315; Khadduri, *Political Trends*, 203-204; Esposito, *Islam and Politics*, 73-74.

Some Arab writers try at first to prove that there is no contradiction between Islam and Arab nationalism. But they often end up confirming the Arabic identity of Islam. A typical illustration of this attitude can be found in the views of 'Abd al-Rahmān al-Bazzāz (d. 1972), an outstanding exponent of Arab nationalism, and Iraq's Prime Minister in 1965-1966. He starts off by criticising the misrepresentation of the notion of religion among Arabs under the impact of "cultural imperialism", and the Western usage of the term. Islam, he says, does not admit a narrow view of religion by restricting it within the limits of "worship, specific rituals and spiritual beliefs". Rather, "in its precise meaning, Islam is also a social order, a philosophy of life, (a system) of economic rules, and a government," says Bazzāz. Nevertheless, he extends the role of the Arabs, as the founders of Islam, to that of saviors of the world from oppression and ignorance. Bazzāz has been fully appreciative of the significance of nationalism in modern Arab life and has tried to reconcile Islam, which in his eyes is both a cultural and political force, with nationalism. Nationalism, however, is not a sufficient force without spiritual and moral value, he contends. Consequently, he deduces that Islam is a national religion, and that the real Islam is Arab Islam.[38]

The religious and ethical values of Islam were so ingrained in Arab society that they could not be ignored even by Arab Christians. A leading Christian Arab nationalist scholar, Qunstantīn Zurayq,[39] said: "True nationalism can, on no account, contradict true religion." Zurayq often impressed young people with the need of spiritual values and pointed out that there was no inherent conflict between the true spirit of nationalism and

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[38]He stresses that the national government he wants to see established does not conflict with Islam, and calls for a pan-Arab organization in Asia and Africa. Islamism and Arabism are like two circles, he maintains. He does not say, however, whether this is intended as an integration or a parallel existence. Enayat, *Modern Islamic* 112-113; Rosenthal, *Modern National* 121; Khadduri, *Political Trends* 185; 'Abd al-Rahmān al-Bazzāz, "Islam and Arab Nationalism," in John J. Donohue and John L. Esposito, eds., *Islam in Transition: Muslim Perspectives* (New York and Oxford: Oxford University Press, 1982), 84-85; Hourani, *Arabic Thought* 308-309.

[39]Qunstantin Zurayq is a well-known historian and educator at the American University of Beirut. See Khadduri, *Political Trends* 184.

religion. Zurayq, however, opposes both Sufism and a petrified "clergy". He saw in the life of the Prophet an Arab hero whose conviction led him to "found the basis of a new civilization," hence his emphasis on the prophet and early Islam. Moreover, he insisted that both religion and nationalism stem from the same source.[40]

Another Christian nationalist is Michel Aflāq, the co-founder, with Salāh al-Dīn al-Bītār, of the *Ba'th* (Resurrection) Party in 1940.[41] In his view there is an unbroken and natural relationship between Islam and Arab. For him, Islam is the vibrant convulsion which shook the forces latent in the Arab *ummah* and mobilized it in a surge of life which rocked the barriers of tradition and the bonds of convention to reestablish its connection with the profound sense of being. Aflāq regards the message of Islam as the creation of Arab humanity,[42] and Islam as the ideal form of existence to believers, since it was revealed originally to the Arabs because their virtues had made them fit to transmit its eternal message.[43]

Aflāq also delved into the notions of nationalism and humanism and their relationship with religion. Religion, and the Islamic religion in particular, is an important element in Arab nationalism as its spiritual manifestation. According to him, Westerners decided to separate nationalism from religion, since religion having entered Europe from without was foreign to its nature and its history. Consequently, religion was a distillation of the creed and morals of the hereafter to them. Whereas Islam, according to him, in relation to the Arabs, is not merely a creed of the hereafter nor is it mere morals, it is of

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[40]Rosenthal, *Modern National*, 121-122; Khadduri, Political Trends, 184.

[41]He was Minister of Education in 1949 and 1956, and had fused his party with the Socialist party of Akram Hourani to form the Arab *Ba'th* Socialist party, now ruling Syria and Iraq. He was expelled from the party in Syria in 1966 but remains in favor with the Iraqi branch. See John J. Donohue and John L. Esposito, eds., *Islam in Transition*, 107.

[42]Michel Aflāq, "The Arab Personality Between Past and Present," in John J. Donohue and John L. Esposito, eds., *Islam in Transition*, 107-109. It seems that Aflāq's writing was originally a speech given by him in the commemoration of the Prophet Muhammad. The original Arabic title of his speech is *Dhikrā al-Rasūl al-'Arabī* ("In Remembrance of the Arab Prophet").

[43]Khadduri, *Political Trends*, 197.

this world, expressing the universal feelings of the Arabs and their view of life. Islam is closely linked with the Arab spirit and it is a symbol of its identity, and it is even the strongest expression of the unity of the Arab personality. Islam, Aflāq said, over and above that, is the image of their language and literature and the most weighty of Arab national history. Therefore for Christian Arabs, Aflāq argued, Islam is their national culture.[44]

Arab nationalism thus starts and ends with the glorification of Arabism as a commanding value in Islam. Nevertheless, the above-mentioned works give the impression that the Prophet Muḥammad almost acted as the first hero of Arab nationalism by uniting all the Arab-speaking inhabitants of the Peninsula under his banner. This view certainly sounds blasphemous to many devout Muslims, Arab or non-Arab, but it bespeaks a sentiment deeply ingrained in the Arab consciousness, however well concealed, or hedged in with the kind of qualifications that would make it palatable to dogmatically severe Muslims. There were, however, diverse reactions toward nationalism. The most outspoken of which were voiced by fundamentalists both inside and outside the Arab world such as al-Bannā', Navvāb Safavī, Sayyid Qutb, al-Ghazālī and Mawdūdī who have taken an unequivocal stand against all varieties of nationalism: linguistic, ethnic or liberal. Other groups have been less consistent, because they have been forced to take account of new political circumstances. This group is represented by the ʿUlamā' of al-Azhar and the Shīʿī leaders and writers of Iran.[45]

Members of *al-Ikhwān al-Muslimūn* are among the best representatives of the first group. The *Ikhwān* stress the religious and political unity of classical Islam. For

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[44]Aflāq, "The Arab Personality Between Past and Present," 111. Another Arab nationalist Christian is Edmond Rabbath, a lawyer and once a member of parliament in Damascus, who began to explain the inescapable association of religion and nationalism, and sought to derive from Islam the same ethical values that were derived from other great religions. Rabbath carried the idea of the religious basis of Arab nationalism a step further by arguing that Islam is in essence a national religion. See Khadduri, *Political Trends* 184.

[45]Enayat, *Modern Islamic*, 114-116.

them, resistance against foreign domination does not have to be formulated in the language of nationalism. Islam possesses enough ideological and emotional resources to galvanize the masses in the cause of independence. And, even patriotism is discarded from the lexicon of these leaders, because the only homeland they recognize is not the familiar one associated with specific ethnic groups, but the global *al-waṭan al-Islāmī* (the Islamic homeland).[46] Sayyid Quṭb formulated the essence of Islam as a religious way of life applicable to contemporary Muslim society. Saʿīd Ramaḍān, one of the active members of the *Ikhwān* who led the movement outside Egypt and continued its opposition against Gamāl Abd al-Nāsser's regime, likewise sees in pan-Islamism the truth which only Islam, but not narrow nationalism, can provide. Meanwhile Muḥammad al-Ghazālī stresses the imperative duty of Muslims to apply the teachings of Islam to political and social life. His views are strongly colored by the uncompromising stand against Western "colonialism" and "imperialism", which he holds responsible for the mistaken separation of religion and politics. Nationalism, according to him, is no less deadly an enemy of Islam than colonialism.[47]

The initial attitude of the ʿUlamāʾ of al-Azhar toward nationalism was in accord with that of the fundamentalists. The contemporary rector of al-Azhar, Muḥammad Abu al-Faḍl al-Jizāwī, and the *Muftī* of Egypt, ʿAbd al-Raḥmān Qurrah, led the attack on the nationalist "heresy" as late as 1928, when Arab nationalists were only starting their campaign across national borders, and the earlier amorphous movements were evolving into more determinate political ideologies and trends such as Wafdism and Kemalism were taking root. In 1938 another eminent religious figure, Shaykh Muḥammad Ghunaymī and the Rector al-Azhar, Shaykh Muṣṭafā al-Marāghī, reiterated Islam's opposition to all forms of geographic or ethnic particularism and racialism.[48]

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[46]Enayat, *Modern Islamic*, 115.

[47]Rosenthal, *Modern National*, 104 and 123; Khadduri, *Political Trends*, 87; See also Esposito, *Islam and Politics*, 131-143.

[48]Enayat, *Modern Islamic*, 117.

But in 1952 when the Egyptian monarchy was overthrown by the Free Officers' *coup,* there was transformation of al-Azhar from a champion of Islamic internationalism into the spiritual citadel of Arab nationalism. The reasons behind this conversion were the inability of al-Azhar and the Egyptian ʿUlamāʾ to compete with the Officer's regime in gaining people's minds and hearts and their submission to the ideology of the new regime. By joining the Arab nationalist movement, al-Azhar not only immunised itself against charges of disloyalty, but also gained a leverage over a leadership which otherwise might have fallen at best, in the hands of secularists and at worse in the hands of communists. Thus, the attitude of al-Azhar brought a complete identification of Islam with Arab nationalism as the one we noticed in the case of Bazzāz.[49]

The significance of nationalism both as an idea and a movement in Iran's modern history is different from that of Arab nationalism. The prime concern of the political leaders and theoreticians of Arab nationalism during the last two centuries has been to vindicate the essential unity of the Arabic-speaking peoples despite their differences and to arouse them to a sustained struggle for recovering this unity. By contrast, what is called Iranian nationalism, according to Enayat, has been concerned less with the problem of nationhood than with that of freedom. Only marginal references are to be found in the relevant writings of nineteenth-century Iranian intellectuals on such questions as the oneness of the Iranian nation, the constituents of its identity, and the conflict between Iran's pre-Islamic culture and her Islamization. Instead there are persistent demands for democracy, parliamentarism, and the rule of law; criticism of the existing state of affairs; and wistful comparisons of modernization with backwardness. This is simply because, since 1502 at least, Iran had been an independent state, and the unity and identity of her people had been an accomplished fact. Hence, Enayat concludes, the Shīʿī religious writers scarcely felt the necessity to pronounce their views on nationalism.[50]

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[49]Enayat, *Modern Islamic,* 117-119.
[50]Enayat, *Modern Islamic,* 120-121.

Nevertheless, one must not ignore the fact that increasing threat to Iranian independence and to Islam through the penetration of Western (non-Muslim) colonial powers, the weakness of the Qajar dynasty in the face of Westerners and the domination of the country, gave push to the development of Iranian nationalism in the nineteenth century. This development was strengthened by an attempt to introduce formal constitutional limits on an autocratic and, at times, despotic Qajar government. Under Qajar rule (1794-1925), the relationship of the *Ulamā'* to the government changed as they reappropriated their oppositional role as guardians, protectors, and defenders of Islam rather than as government advisers and administrators.[51] The *Ulamā'*, then, joined forces with merchants in forming political opposition movements and in political action. They formed particularly strong ties with the latter who looked to the *Ulamā'* for religious guidance. The *Ulamā'* had also played a major role in, and represented, early nationalist movements in Iran.[52]

However, following the founding of the Pahlavi dynasty by Reza Khan in 1925 there was opposition toward nationalism within the *Ulamā'* circles. Reza Khan/Shah's systematic policy of cultural nationalism, and glorification of Iran's pre-Islamic civilization at the expense of Islamic values and symbols, naturally made opposition to nationalism a criterion of doctrinal rectitude.[53] Among modern religious polemists against Iranian cultural nationalism, the most influential had been Murtaḍā Mutahhari (d. 1979), Professor of Islamic Philosophy at Tehran University, and one of the leaders of

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[51]Shahrough Akhavi, *Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavī Period* (Albany: State University of New York Press, 1980), 15; Esposito, *Islam and Politics*, 83.

[52]For the role of 'ulamā' in nationalist movement in Iran see Akhāvi, *Religion and Politics* 23-59; Esposito, *Islam and Politics*, 83.

[53]Among Reza Shah's policies which, for his religious opponents, indicated the non-Islamic character of the dynasty are his choice of Pahlavi, the language of pre-Islamic Iran and the adoption of symbols such as the lion and the sun, the re-establishment of Zoroastrianism together with Islam as the state's religions, and the re-naming of streets and public places in honor of pre-Islamic heroes such as Cyrus the Great. See Esposito, *Islam and Politics* 121-122; Akhavi, *Religion and Politics* 37-59.

the Islamic Revolution in Iran. He opposed the current official and intellectual belief about the virtues of Iran's pre-Islamic civilization by demonstrating the social injustice and moral depravity of the Sassanian state.[54]

Against those nationalist writers as well as Western Iranologists who claim that the Islamization of Iran was never genuine because Islam was imposed on her by force, and that it has always been an alien culture for the majority of Iranians, Muṭahharī advanced two essential arguments. First, that it is difficult for people who speak of the military conquest of Iran by the Arab armies as being synonymous with the Islamization of the country, to explain why the Persians produced so many great Islamic scholars. It might be thought that a people, Muṭahharī said, if forced, would submit outwardly to another pattern of life, but not that a people would be forced to contribute creatively and profoundly to this pattern unless they were transformed inwardly by the new way of life. Second, he argued that if Islam were alien to the Iranians because of having originated outside their geographic borders, then so should Christianity be to the Europeans, Buddhism to the Chinese, and Communism to the Russians. But none of these people have ever expressed a sense of specifical cultural alienation towards their religion or ideology. The fact is that Islam, contrary to the contention of Arab nationalists, is not bound by any ethnic predilection; it treats all human individuals as equally capable of grasping its truths, and that the Islamization of Iran, concluded Muṭahharī, had taken place gradually over a long period of time.[55]

B. Indian Muslims and the Creation of Pakistan

Pakistan is the first state in contemporary history to be created solely in the name of Islam. It was to be a separate home for the Muslims of the Indian sub-continent. But in eyes of most Westerners, Pakistan, whether regarded as an Islamic state or a Muslim state, was an aberration from the norm. The European or American observer instinctively

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[54]Enayat, *Modern Islamic*, 123.
[55]Enayat, *Modern Islamic*, 123.

feels that the concept of a nation and a state whose unity depends almost entirely on religion is an anomaly, and a reactionary anomaly. Religion is not now, if ever it was, the basis of nationhood in the rest of the world.[56] Nevertheless when, on 14 August 1947, Pakistan was established, Muslim were hopeful and ecstatic about the creation of this new state where the *Sharī'ah* would reign supreme. In the following passages the present writer will discuss the genesis of Pakistan and the ideas of the pioneer of Indian Muslim modernism, Sayyid Ahmad Khan, the theoretician of a separate Muslim state in India, Muhammad Iqbal, and the founding father of Pakistan, Muhammad Ali Jinnah.

1. The Conflicting Views About the Origin of Pakistan

In considering the origin of Pakistan there are two opposite views. The first one sees Pakistan as a historical inevitability rooted in the doctrinal differences between Hinduism and Islam. Ishtiaq Husain Qureshi, for example, argues that from the very beginning the Muslims of India, of both native and foreign origin, were conscious of their separate identity. Hinduism and Islam remained two distinct, irreconcilable, ways of life and the creation of Pakistan was therefore the logical culmination of this irreconcilable clash of values.[57] The second one is the view that conceives Pakistan as the result of the political manipulations and conspiracy of the British government to divide and rule. So that the feeling of being a distinct nation came as late as 1940s, when it became clear that the British would soon leave India. Prior to that, the Muslim nobility had little in common with the Muslim peasantry and artisan castes. Muslim professionals

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[56]Sardar, *Islamic Futures*, 135; Khalid B. Sayeed, *Politics in Pakistan: The Nature and Direction of Change* (New York: Praeger, 1980), 1; Keith Callard, *Pakistan: A Political Study* (London: George Allen & Unwin Ltd., 1957), 194-195.

[57]Akmal Hussain, "Pakistan: The Crisis of the State," in Mohammad Asghar Khan, ed., *Islam, Politics and the State: The Pakistan Experience* (London: Zed Books Ltd., 1985), 195; Ishtiaq Husain Qureshi, *The Struggle for Pakistan* (Karachi: University of Karachi, 1969; reprint 1979), 3-16; Ishtiaq Ahmed, *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan* (London: Frances Pinter, 1987), 66.

and enterpreneurs feared permanent Hindu domination in a united India, and therefore, demanded a separate state where their interests could be safeguarded.[58]

It is an established fact that the conflict between Hindus and Muslims had happened long before the emergence of British power in India. Indeed, it was perhaps due to Emperor Aurangzeb's policies (1658-1707) that tension between Hindus and Muslims had increased as a result of his effort to Islamicize the Moghul government. Several Muslim historians have actually glorified Aurangzeb for making Muslims conscious of their separate religious and ideological identity. But it has also been argued that Muslims separatism really started after the British conceded separate electorates to Muslims in 1909. This decision has often been described as a deliberate attempt on the part of the British to divide the electorate and thus disrupt the growing Indian Nationalist movement.[59] However, the British had defended their decision by maintaining that the allegation that separate electorates had created a new political gulf between Hindus and Muslims, was no more than a recognition of the cultural and religious differences that had already existed between Hindus and Muslims.[60]

The Hindu-Muslim conflict was further heightened when the British policy of transfering more and more power to Indian hands had generated economic repercussions

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[58]Hussain, "Pakistan," 195; Ahmed, *Islamic State*, 66.

[59]Mahatma Gandhi in the second session of the Round Table Conference in London in 1931 said that the quarrel between Hindus and Muslims was coeval with the British advent in India. However, it is difficult to indicate such a position historically. See Khalid B. Sayeed, *Pakistan: The Formative Phase 1857-1948*, 2d. ed., with a foreword by George Cunningham (Karachi: Oxford University Press, 1968; Oxford Pakistan Paperbacks, 1992), 3.

[60]Sayeed, *Pakistan* 3-4; Cf. Hussain, "Pakistan," 195-196. Prior to 1909 two books were representative of the Muslim and Hindu ways of thinking: Altaf Husain Hali's *Musaddas* (The Ebb and Flow of Islam, 1879) and Bankim Chandra Chatterjee's *Anandamath* (The Abbey of Bliss, 1882). Hali appealed to Indian Muslims to discard their ignorance, indolence, and selfishness and forge ahead as a disciplined, industrious, and united nation. While *Anandamath*, portraying the rise of Hindu nationalism during the decline of Muslim power in Bengal, sounded a clarion call to Hindus to arise from their languor and take up arms against the degenerate and oppressive Muslim rule. Hindu leaders in the novel made it clear that their struggle was not against the British, who had really come to India as liberators, but against Muslim tyranny and misrule. Sayeed, *Pakistan* 4-5.

as well. Muslims and Hindus not only competed against each other for Government posts but also for jobs and opportunities created in the wake of the industrialization and urbanization of India. Thus Muslim middle-classes, lagging behind the other Indian communities in this competitive struggle, found the idea of Pakistan extremely attractive because it would mean that Muslim banks, Muslim industries, and Muslim commercial houses would be established in Muslim Pakistan with the fear of Hindu competition removed permanently from their state.[61]

But Pakistan came into being not only because the Muslims in India were intensely conscious of their national and cultural identity, but also because the Hindu community in India was intolerant and exclusive, at the time. Just as Caste Hindus have maintained caste segregation against Hindu inferior castes, the Hindu community, dominated by Brahmins, had also regarded Muslims, who ate beef and brought with them an alien culture as *Melechas* (unclean).[62] Even Jawaharlal Nehru had admitted that many a Congressman was a communalist under a national cloak. It was Sardar Patel who had been communal-minded from the beginning and later, as a result of the obstructive attitude of the Muslim League in the Interim Government, became convinced that Muslims and Hindus were separate nations and that partition was the only solution.[63]

While the Congress was formally a secular organization, in practice, its campaigns and political language were characterized by Hindu symbolism. This most apparent during the 1905-11 campaign against the partition of Bengal, when the Congress could have won the support of most Muslim landlords, because few Muslims supported the division of Bengal, but failed to mobilize the support of Muslims. Moreover, the suspicion among Muslims that the Congress had a Hindu communal orientation was given further weight by the fact that *Bande Mataram*, a patriotic hymn

[61]Sayeed, *Pakistan* 7; Ahmed, *Islamic State* 66; Hussain, "Pakistan," 197.
[62]See Qureshi, *The Struggle* 4-5.
[63]Sayeed, *Pakistan* 8-9; Hussain, "Pakistan," 198.

expressed in Hindu images, was declared the national anthem. The Congress stand on the language issue also incensed many Muslim intellectuals, especially when Hindi was made compulsory in schools and the Congress refused to introduce the Urdu language and Arabic and Persian literature to regions where the traditional Muslim community regarded these as the basis of Muslim education.[64]

At this stage it is worth considering Leonard Binder's assesment. He believes that Pakistan came into being as a result of the increasing democratization and Indianization of the government of India in the face of the peculiar geographic distribution of the Muslim population, its cohesiveness, and its fear of Hindu domination. According to him, the cohesiveness of any society is partly a function of external factors. In the case of the creation of Pakistan, the exclusiveness of Hindu society, its caste system, and its rapid adjustment to British rule were perhaps more important than any theoretical inner unity. Moreover, the gradual devolution of imperial power to the developing Indian democracy, wherein the numerical superiority of the Hindus was approximately three to one, gave rise to a not unnatural apprehension regarding the status of Muslims and Islam in an Indian nation-state.[65]

Each factor mentioned above had perhaps contributed its share, and consequently Pakistan was born through a multiplicity of factors. Various views differ in emphasizing which factor is dominant in the foundation of Pakistan. But perhaps a dominant or decisive cause for the creation of Pakistan, according to Sayeed, is that there has never taken place a confluence of the two civilizations in India—the Hindu and the Muslim. They may have followed a winding course towards each other here and there, but on the

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[64]Hussain. "Pakistan." 199 and 206; Sayeed, *Pakistan* 23 and 88.

[65]Leonard Binder, *Religion and Politics in Pakistan* The Near Eastern Center University of California Los Angeles (Berkeley and Los Angeles: University of California Press, 1963), 3-4.

whole the two have flowed their separate courses—sometimes parallel and sometimes contrary to one another.[66]

2. Sir Sayyid Ahmad Khān and the Muslim Political Separatism

No account of the creation of Pakistan could be considered complete without accounting for the contributions of Sayyid Ahmad Khān. He came of an aristocratic family of Mughal Delhi, and was born in 1817 and took service under the British in 1837, rising to the rank of Subordinate judge. He remained loyal in the Mutiny (1857) and published an essay on its causes. He visited England in 1869, and retired in 1876. In 1878 he became a member of the Viceroy's Legislative Council and was knighted in 1898. From 1859 until his death in 1898 he came to be more and more preoccupied with the problems of Muslim education in India, and at the time of his death he was acknowledged as the grand savior of Indian Islam.[67]

The shattering experience of the Mutiny of 1857 brought Sayyid Ahmad Khān to be convinced that the Indian Muslim community must come to terms with the West, both politically and culturally. Since for him, "the first priority was the successful transcendence by the community of its immediate difficulties so that it might recover strength and wellbeing,"[68] he argued that education is essential for the community's progress. He, therefore, devoted himself to the promotion of English education among the Muslims, and in 1875 laid the foundation of the Anglo-Muhammadan Oriental College at Aligarh which soon became the famed Muslim University.[69]

The college, which was aimed to at the liberalization of ideas, broad humanism, a scientific worldview, and a pragmatic approach to politics, had significant repercussions

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[66]Sayeed, *Pakistan* 11-12.

[67]Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857-1964* (London, Bombay, and Karachi: Oxford University Press, 1967), 31-32; Sheila McDonough, *The Authority of the Past: A Study of the Three Muslim Modernists* (Chambersburg, Pennsylvania: American Academy of Religion, 1970), 4-5.

[68]McDonough, *The Authority of the Past* 7.

[69]Ahmad, *Islamic Modernism* 36-38.

on the idea of a separate Muslim nation in India. By striving for a steady increase of educated Muslims in the government services, and smoothing the transition of the younger generation of Muslim elite from almost medieval conservatism to at least superficial modernism, it finally, was to produce the leadership for Muslim political separatism in India as a counter-balance to the growing influence of the Indian National Congress.[70] Khwaja Altaf Husayn Hali, Chiragh ʿAlī, Shiblī Nuʿmānī, Mawlana Muhammad ʿAlī were Sayyid Ahmad Khān's associates and followers.They were mainly responsible for making Muslims conscious of their separate national and cultural identity.[71] Sir Sayyid's movement influenced the Urdu literature profoundly, and Hali's book, *Musaddas*, marks the rise of the political poem in Urdu, and also had an indirect influence on Iqbal.[72]

Although Sayyid Ahmad Khān was not anti-Hindu, but he became suspicious about Hindu intentions after 1867 when they started campaigning in Benares for the substitution of Hindi with its Devnagri script for Urdu with its Persian script as a court language. His reasoning to oppose the Congress was that the Congress objective of representative government meant that Muslims would be swamped by the Hindu majority.[73] In 1887 when a Muslim, Badr al-dīn Tayyibji, was elected as its president, he became vehement in his opposition to Muslims joining the Congress, because he feared

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[70]Ahmad, *Islamic Modernism,* 37.

[71]Sayeed, *Pakistan* 11; Ahmad, *Islamic Modernism,* 129-132; Aziz Ahmad and G. E. Von Grunebaum, eds., eds., *Muslim Self-Statement, in India and Pakistan 1857-1968,* Near Eastern Center University of California Los Angeles (Wiesbaden: Otto Harrassowitz, 1970), 49, 89, 95, and 112.

[72]Sayyid Ahmad Khan's movement influenced the Urdu literature profoundly, which soon became a powerful instrument of religio-political propaganda. The Muslims of the Punjab were taking to Urdu under the influence of the Aligarh movement. Lahore was vibrating with new intellectual trends, and Urdu poetical symposia were in vogue, and Hali (a pillar of the Aligarh movement), and Maulana Muhammad Hussain Azad were the shining literary stars. The cultural life of Sialkot, where Iqbal spent his childhood, echoed the trends prevailing in Lahore. See Ahmad and Grunebaum, eds.,*Muslim Self-Statement,* 95; Hafeez Malik & Lynda P. Malik, "The Life of the Poet-Philosopher," in Hafeez Malik, ed., *Iqbal: Poet-Philosopher of Pakistan* (New York and London: Columbia University Press, 1971), 6.

[73]Sayeed, *Pakistan* 18.

that the logical outcome of Congress agitation would be violence in which Muslims, as in the Mutiny, would bear the brunt of the consequences. From Sayyid Ahmad's viewpoint this was the beginning of an erosion in Muslim political solidarity and disastrous for the future of the Muslim community. It was numerically much smaller than the Hindu population, educationally backward, politically immature, and in economic resources and enterprise far behind the others. A political alliance with the Hindus could therefore lead only to one inevitable result, the eventual domination and the subjugation of the weaker by the stronger.[74]

However, the reasoning that Sir Sayyid used against wholesale extension of representative government to India was prophetic. He also pointed out that majority government was possible only where voters belonged to a homogeneous nation. Where they were not, according to him, as in the case of India which was continent and not a country, this would spell nothing but disaster to the Muslim minority. It may also be noted that Sir Sayyid before the close of the nineteenth century was advancing the same views that came to be associated with Jinnah in his advocacy of Pakistan and the two-nation theory after 1940.[75]

3. Iqbal and the Muslim Nationalism

Muhammad Iqbal, the poet-philosopher of the East, is widely considered to be the man who conceived the idea of Pakistan. Although he started as an Indian nationalist who sang praise for his homeland,[76] it was in his mind that the idea of Pakistan as a separate Muslim State was first generated. And, eventhough the poet died nine years

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[74]Ahmad, *Islamic Modernism* 34; Sayeed, *Pakistan* 18.

[75]Sayeed, *Pakistan* 18-19.

[76]Iqbal's pre-1905 poetry is often described as nationalistic. However, Riffat Hassan notes that it is necessary to differentiate between patriotic and nationalistic verses because, according to her, the latter implies an awareness of, and an involvement with, political theory or practice which may be entirely absent from the former. Thus, *Himala* the first poem in *Bang-i-Dara* and a hymn of the magnificence and grandeur of the tallest mountain range in the world, according to Hassan, is patriotic, not nationalistic. See Riffat Hassan, "The Development of Political Philosophy," in Malik, ed., *Iqbal* 137.

before Pakistan was founded, he had called for "Self-government within the British Empire or without the British Empire, the formation of a consolidated North-West Indian Muslim State" as early as 1930. "The construction," he said, "of a polity on Indian national lines, if it means a displacement of the Islamic principle of solidarity, is simply unthinkable to a Muslim."[77]

Iqbal's theory of Islamic Nationalism and a separate Muslim state in India is reflected in both his writings and poems. Through understanding Iqbal's major views with regard to the function of poetry, theory of knowledge, theology, philosophical anthropology James B. Prior uncovered Iqbal's vision about an Islamic community or nation. It appears that Iqbal condemned "fatherland-worshipping", especially in the United States where the cult of patriotism encourages human sacrifice as its most sacred rite. He saw that danger in a narrowly-conceived form of nationalism, which was defined only by geography and politics, could be very dangerous.[78]

Iqbal found a firmer basis for his nation in the principle of obedience to God. The cornerstone of nationhood is unity of a group of people, and this unity must first of all be a common affirmation of faith, of common purpose, he declared:

> the heart dies of hatred, lives of faith.
> The power of faith derives from unity;
> when unity becomes visible, it is a nation.[79]

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[77]H. A. R. Gibb, *Modern Trends in Islam* (Chicago, Illinois: The University of Chicago Press, 1947), 59; C. M. Naim, ed., *Iqbal, Jinnah, and Pakistan: The Vision and the Reality,* Foreign and Comparative Studies/South Asian Series, No. 5 (Syracuse: Maxwell School of Citizenship and Public Affairs, 1979), 195-196; Annemarie Schimmel, *Gabriel's Wing: A Study into the Religious Ideas of Sir Muhammad Iqbal* (Leiden: E. J. Brill, 1963), 33-34; Aziz Ahmad, *Studies in Islamic Culture in the Indian Environment* (Oxford University Press, 1964), 273; Ahmad and Grunebaum, eds., "The Concept of a Separate Muslim State in the Subcontinent," in *Muslim Self-Statement*, 148 and 150.

[78]James B. Prior, "Iqbal's View of Islamic Nationalism in Javid Namah," in M. Saeed Sheikh, ed., *Studies in Iqbal's Thought and Art (Select Articles from the Quarterly "Iqbal")* (Lahore: Bazm-i Iqbal, 1972), 383, 412, and 421.

[79]Iqbal, *Javid-Nama,* translated from the Persian with introduction and notes by Arthur J. Arberry (London: George Allen & Unwin Ltd., 1966), 129; Prior, "Iqbal's View," 428.

The vision of tawḥīd, the Unity of God is a second prerequisite of unity. When Muslims stand together, their unity as a community manifests the Unity of God:

Do not look slightingly on oneness of vision:
this is a true epiphany of the Unity.
When a nation becomes drunk with the Unity
power, yea, omnipotence lies in its grasp[80]

In other words, political unity is essential for the unity of religious faith. Spiritual purity is dependent, apparently, on political purity. That, according to Prior, is why Iqbal advocated a separate Muslim state in India, since an Islamic nation is an essential part of faith for a Muslim. The implication is clear: not only is the West a threat to Islam, but the myriad of divisive forces inside the Indian Subcontinent are an inherent threat to Islam. The Muslim of India must, therefore, band together--or perish.[81]

Accordingly, Iqbal believed that a separate Muslim state is a solution for Muslims in the slowly-emerging pattern of self-government in India. His understanding of the Islamic state as a community whose membership is based on common religious belief and whose purpose is to realize freedom, equality, and brotherhood in history led quite logically to his rejection of territorial or local nationalism as contrary to the universal brotherhood established by Muhammad:

Our Master, fleeing from his fatherland,
Resolved the knot of Muslim nationhood.
His wisdom founded one Community
The world its parish--on the sacred charge to civilize.[82]

Iqbal's rejection of any understanding of the nation-state as a foundation of the Islamic community also implied the rejection of the modern Western concept of the

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[80]Iqbal, *Javid-Nama*, 139; Prior, "Iqbal's View," 428.

[81]Prior, "Iqbal's View," 422, 428, and 429.

[82]Sir Muhammad Iqbal, *The Mysteries of Selflessness: A Philosophical Poem* trans. Arthur J. Arberry, with Introduction and Notes (London: John Murray, 1953), 30; John L. Esposito, "Muhammad Iqbal and the Islamic State," in John L. Esposito, ed., *Voices of Resurgent Islam* (New York and Oxford: Oxford University Press, 1983), 182. The real significance of the Prophet's *hijrah* from Mecca to Medina in 622 lay in the repudiation of the concept of local patriotism. Ahmad, *Islamic Modernism*, 156-157.

duality of church and state. "In Islam," he holds, "it is the same reality which appears as the Church looked at from one point of view and the State from another. It is not true to say that the Church and the State are two sides or facets of the same thing. Islam is a single unanalysable reality which is one or the other as your point of view varies."[83] He further maintains that "The Islamic idea of the State must not be confounded with the European idea of the separation of Church and State. The former is only a division of function as is clear from the gradual creation in the Muslim State of the office Shaikh-ul-Islam and Ministers; the latter is based on the metaphysical dualism of spirit and matter."[84]

In Iqbal's view the ideological State, being an Islamic State, affords equal opportunities to people to make as much as their potentialities permit. In such a State, every member of is to be encouraged to display the best in him/her in the service of God and humanity. An Islamic State, according to Iqbal, exists for the perfection of the world-order and for the raising of humanity to a higher, nobler, and more spiritual life, and is thus to be distinguished from a national State, which is narrow and secular in its outlook. Iqbal says that "the state, from the Islamic standpoint, is an endeavour to transfrom ... ideal principles into space-time forces, an aspiration to realize them in a definite human organization. It is in this sense alone that the state in Islam is a theocracy, not in the sense that it is headed by a representative of God on earth who can always screen his despotic will behind his supposed infallibility. The critics of Islam have lost sight of this important consideration."[85]

Iqbal thus rejects nationalism in the secular sense; yet is an advocate of Islamic nationalism which he bases primarily on the principle of the unity of God, and hence

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[83]Allama Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Sh. Muhammad Ashraf, 1968), 154.

[84]Syed Abdul Vahid, *Thoughts and Reflections of Iqbal* (Lahore: Shaikh Muhammad Ashraf, 1964), 284; quoted in Hafiz Abbadullah Farooqi, "Iqbal's Concept of State," in M. Saeed Sheikh, ed, 373.

[85]Iqbal, *The Reconstruction* 147.

cherishes the vision of a World State in which all Muslim nations would form an indivisible community. Nationalism in this sense has its place in an Islamic ideological State.[86] The inner cohesion of this community issues not from geographic or ethnic unity, but from the unity of its political and religious ideals. Membership or citizenship is based upon a declaration of "like-mindedness" which terminates only when this condition has ceased to exist.[87] Iqbal further elucidates this point as follows: "The Political ideal of Islam consists in the creation of a people born of a free fusion of all races and nationalities. Nationality, with Islam, is not the highest limit of political development; for the general principles of the law of Islam rest on human nature, not on the peculiarities of a particular people."[88]

Iqbal sees Islam and modern territorial nationalism as rival principles for organizing the ultimate political group. Nationalism brings people together, but it also divides them and keeps them divided, for its criteria of solidarity among human beings-- race, language, and territory--cannot readily be met by the outsider. In its identification with secularism, it makes religion a private affair, consigning it to the individual's relationship with God. Furthermore it makes coercive power the ultimate author and arbiter of morals.[89] Iqbal said:

> If you begin with the conception of religion as complete otherworldliness, then what has happened to Christianity in Europe is perfectly natural. The universal ethics of Jesus is displaced by nationalist systems of ethics and policy. The conclusion to which Europe is consequently driven is that religion is a private affair of the individual, and has nothing to do with what is called man's temporal life. Islam does not bifurcate the unity of

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[86]Farooqi, "Iqbal's Concept of State," 374.

[87]Esposito, "Muhammad Iqbal," 183.

[88]Vahid, *Thoughts and Reflections* 60; quoted in Farooqi, "Iqbal's Concept of State," 374.

[89]Anwar Hussain Syed, *Pakistan: Islam, Politics, and National Solidarity* (New York: Praeger, 1982), 44.

man into an irreconcilable duality of spirit and matter. In Islam God and the universe, spirit and matter, church and state are organic to each other.[90]

Territorily, according to Iqbal, the Islamic polity is transnational, embracing the whole earth. In *Rumuz-i Bekhudi*, for example, he states the case for international Islam. At the time he was still thinking of the possibility of a revived caliphate, bringing together in a single theocracy all the Muslims of the world.[91] Later, however, he came to realize that the exigencies of his time necessitated adaptation and patience. In a similar vein, Iqbal accepted the Mu'tazilite view that the caliphate, far from being divine or indispensable, should be judged pragmatically. "For the present," he wrote, "every Muslim nation must sink into her own deeper self, temporarily focus her vision on herself alone, until all are strong and powerful to form a living family of republics. A true and living unity, according to the nationalist thinkers, is not so easy as to be achieved by a merely symbolical overlordship. It is truly manifested in a multiplicity of free independent units whose racial rivalries are adjusted and harmonized by the unifying bond of a common spiritual aspiration. It seems to me that God is slowly bringing home to us the truth that Islam is neither Nationalism nor Imperialism but a League of Nations which recognizes artificial boundaries and racial distinctions for facility of reference only, and not for restricting the social horizon of its members."[92]

For Iqbal, Islam is more of a principle of social action than as a way of securing eternal bliss in the hereafter. Islam gives Indian Muslims solidarity which is the basis of their group cohesion. The "organic wholeness of a unified will" is necessary for taking

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[90]Muhammad Iqbal, "Presidential Address at the Annual Session of the All-India Muslim League Muslim League at Allahabad on the 29th December, 1930," in Naim, ed., 192; Ahmad, *Islamic Modernism* 156.

[91]See for example his poems which Arberry named as "That since the Muhammadan Community is Founded upon Belief in One God and Apostleship, therefore it is not Bounded by Space." See Iqbal, *The Mysteries*, 29-31; Vahid, *Thoughts and Reflections* 60; quoted in Farooqi, "Iqbal's Concept," 374; Esposito, "Muhammad Iqbal," 183.

[92]Iqbal, *The Reconstruction* 157-159; Iqbal, *The Mysteries* xii; Esposito, "Muhammad Iqbal," 183; Syed, *Pakistan* 44.

communalism seemed to be absolutely necessary for Muslims to preserve their identity and way of life: "the Indian Muslim is entitled to full and free development on the lines of his own culture and tradition in his own Indian Homelands." Iqbal loved his communal group as a living operative factor in his present consciousness. But he distinguished this from a narrow communalism which deprecated other communities and their customs. Rather, his communalism entertains the highest respect for the customs, laws, religious and social institutions of other communities.[93]

4. Muhammad Ali Jinnah and the Foundation of Pakistan

There is a popular view which regards Pakistan as no more than a personal triumph of the brilliant strategy and will-power of Quaid-i-Azam (Great Leader) Muhammad Ali Jinnah. Some have been even gone so far as to suggest that had Jinnah died earlier, there would not have been a Pakistan. This view, however, is not true, although it is true that Jinnah's great role was a highly important contributory factor. He was indeed the one to take Iqbal's embryonic vision to its logical conclusion, and it was his genius, commitment and shear hard work that ensured the creation of a homeland for the Muslims of India.[94]

In his early political life, Jinnah, like Iqbal, was an Indian nationalist. But when Jinnah finally gave up his "All India" dream of a free united India he, unlike Iqbal, became concerned with the political power of the Muslim Community, not with the community's religion or its religious philosophy. While Iqbal was deeply concerned with the religious solidarity of Muslims and hence condemned Qadianism as a divisive element on the issue of the finality of Muhammad's prophethood, Jinnah does not seem

[93]Iqbal, "Presidential Address," 194-195; Muhammad Iqbal, "The Concept of a Separate Muslim State in the Subcontinent," 149; Syed, *Pakistan* 46; Esposito, "Muhammad Iqbal," 184.

[94]It is often said that Iqbal is the visionary, Jinnah is the technician, and Pakistan the reality. See Fazlur Rahman, "Iqbal, the Visionary; Jinnah, the Technician; and Pakistan, the Reality," in *Iqbal, Jinnah, and Pakistan* 1-9. ; Sayeed, *Pakistan* 11; Sardar, *Islamic Futures* 135.

community's religion or its religious philosophy. While Iqbal was deeply concerned with the religious solidarity of Muslims and hence condemned Qadianism as a divisive element on the issue of the finality of Muhammad's prophethood. Jinnah does not seem to have been perturbed by this issue. Therefore it is not surprising that while he managed to secure the support of many influential ʿulamāʾ and ṭarīqah's leaders, assuring them that the *Sharīʿah* would be observed by the Muslim state,[95] he, on the other hand, declared several times that Pakistan would not be a theocratic state but a modern and secular democracy. This premise was made when he addressed the members of the Pakistan Constituent Assembly on 11 August 1947, three days before independence in which he committed openly to secularism.[96]

For many people the speech contradicted the whole rationale of Pakistan. Muslim nationalism was based on religion and Jinnah and all other Muslim League leaders had used Islam in their legitimation of the demand for a separate state.[97] Indeed, one of landmarks in Jinnah's political career was his formulation of 'Fourteen Points', summing up the reaction of the All-India Muslim Conference to the report of the committee appointed by the Indian National Congress to recommend the principles of a constitution for India. Jinnah's Fourteen Points demanded a federal system with complete autonomy and residuary powers vested in the provinces; separate electoral bodies and weightage for the Muslims; and safeguards for the protection and promotion of Muslim education, language, religion, personal laws and waqfs.[98]

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[95]In a letter to Pir Shahib Manki Sharif, a powerful pir of the Frontier region, Jinnah wrote: 'It is neeedless to emphasize that the Constituent Assembly which would be predominently Muslim in its composition would be able to enact laws for Muslims, not inconsistent with the Shariʿat laws and the Muslims will no longer be obliged to abide by un-Islamic laws.' Ahmed, *Islamic State*, 78.

[96]Saleem M. M. Qureshi, "Iqbal and Jinnah: Personalities, Perceptions and Politics," in Naim, ed., 20.

[97]Ahmed, *Islamic State*. 79; Sardar, *Islamic Futures* 136.

[98]Ahmad, *Islamic Modernism* 164-165.

Moreover, it was Jinnah who had elaborated the "Two-Nation theory", first formulated by Iqbal, in 1940 in an article in *Time and Tide*. He began his argument, by quoting from the report of the Joint Committee on Indian Constitutional Reforms set up by the British Government, that India is inhabited by many races often as distinct from one another in origin, tradition and manner of life as are nations of Europe. "Hinduism and Islam", continued Jinnah, "represent two distinct and separate civilizations and, moreover, are as distinct from one another in origin, tradition, and manner of life as are nations of Europe."[99]

Jinnah's best well-known statement of the two-nation theory was made during his presidential address at the annual meeting of the Muslim League in March 1940, where a resolution demanding independent Muslim states in the subcontinent was adopted. According to him, the problem in India is not one of an inter-communal character but manifestly of an international one, and must be treated as such. The Hindus and Muslims belong to two different religious philosophies, social customs, and literatures. The Muslims, he said, would not accept an Indian polity in which a permanent Hindu majority--often hostile to their cultural personality--predominated. Beyond that, they wished to develop their spiritual, cultural, economic, and political life according to their own "genius" and their own ideals. Jinnah, therefore, exhorted his listeners at Lahore to "come forward as servants of Islam" and to organize the Muslims masses for the attainment of these goals.[100]

After Pakistan had been established it seemed that the idea of Muslim nationalism, and the two-nation theory would yield to a Pakistani nationhood to which

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[99]Ahmad, *Islamic Modernism* 165-166; see also Anwar H. Syed, "Iqbal and Jinnah on Issues of Nationhood and Nationalism," in Naim, ed., 91; Qureshi, "Iqbal and Jinnah," 31-32.

[100]Syed, *Pakistan* 51-52; Manzooruddin Ahmed, "Iqbal and Jinnah on the Two-Nations' Theory," in Naim, ed., 41, 64-65.

not only Muslims, but Pakistani Hindus and other non-Muslims might belong.[101] Syed argues that it would seem that at the time of his address to the Constituent Assembly, Jinnah regarded this as a desirable development. But it appears also that his mind was not entirely made up. Ahmed opined that by saying that Hindus had equal rights as citizens and religion had nothing to do with the business of the state was a radical position to take after all that had been said, and was being said, about Islam and its connection with Pakistan. It could even be said that Jinnah's discourse on a secular state was hardly consistent with the logic of Pakistan. It is possible, however, to argue that what Jinnah was suggesting was the replacement of the idea of a Muslim nation with a territorial concept: the notion of a territorially-defined nation, i.e. a Pakistani nation including all people and religious communities living in Pakistan. In that case, Pakistan was to be a Muslim state only in an arithmetical sense--as the numerical majority.[102]

Pakistan meant different things to different people, it is thus a matter of consequence that after its establishment the various expectations generated considerable ideological debates. No one had the remotest idea what followed afterwards. Since Pakistan was a confessional state, the government, on the one hand, was under pressure from the 'ulamā' and other doctrinally-minded Muslims to give some tangible form to the state's professed "Islamic way of life", including the composition of an Islamic constitution. The Western-oriented elites, on the other hand, have been evasive, probably because of their concern that their own title to rule would be dubious in an Islamic state.

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[101]Jinnah's presedential address to the Constituent Assembly of Pakistan, on August 11, 1947 stated, among others: "You may belong to any religion or caste or creed--that has nothing to do with the business of the state." M. A. Jinnah, "Inaugural Address to the Constituent Assembly of Pakistan on 11th August, 1947, in His Capacity as Its First President," in Naim, ed., *Iqbal Jinnah, and Pakistan* 213; Syed, *Pakistan* 53-54.

[102]Syed, *Pakistan* 54; Ahmed, *Islamic State* 79. Meanwhile Naib argues that a careful analysis of the same speech and Jinnah's other utterances before and after partition convinces him that Jinnah had no objection to the state based on the broad principles of Islam. Naib concludes the speech was made at a time when the whole Indian sub-continent was swayed with communal frenzy, in which millions of people were victims of communal riots. Jinnah was stressing the necessity for the communal harmony and peace for the progress of the new nation. See Raja Mohammed Naib, "Islamic Political Thought: The Case of Pakistan (Ph.D. diss., The University of Kansas, 1963), 157-158.

As a result there were conflicting theories of the nature or character of an Islamic state. In this context Muhammad Asad's work on the principles of state and government in Islam has a significant relevance.[103]

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[103]Ahmed, *Islamic State*, 80-81; Binder, *Religion and Politics*, ix and 117.

CHAPTER IV

MUHAMMAD ASAD ON STATE AND GOVERNMENT IN

ISLAM

After the establishment of Pakistan, the leadership of the newly born Muslim state under Muhammad Ali Jinnah and his Muslim League Party turned its attention to the task of nation-building. Five issues dominated the political field in the first year of Pakistan's existence, they were: the war in Kashmir, the refugee problem, "provincialism," the status of religious minorities, and the Islamic character of the state.[1] In this chapter we will discuss Muhammad Asad's views on state and government in Islam which were originally published in March 1948 in the form of an essay entitled *Islamic Constitution-Making*. This essay was a response and contribution to the issue of the Islamic character of Pakistan.[2] Later in 1961, the University of California Press published Asad's *The Principles of State and Government in Islam* which represents a development of the ideas first set forth in the essay.[3]

A. Muhammad Asad's Position on the Islamic Character of Pakistan

Scholars drew different categories for all those who participated in the debates surrounding the character of the state, particularly those who wanted to give Pakistan a distinctly Islamic character that is fully attuned to the exigencies of the present age. Leonard Binder, for instance, identifies four important points of view regarding the constituent process in Pakistan, namely, a traditional view, a modernist view, a fundamentalist approach, and a secularist orientation. Generally speaking, these points of

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[1]Akram Raslan Deiranieh, "The Classical Concept of State in Islam," (Ph.D. diss., Howard University, 1975), 221; Leonard Binder, *Religion and Politics in Pakistan*, Published Under the Auspices of *The Near Eastern Center*, University of California, Los Angeles (Berkeley and Los Angeles: University of California Press, 1963), 116.

[2]See Muhammad Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar al-Andalus, 1980; reprint 1993), ix.

[3]Muhammad Asad, *The Principles of State and Government in Islam* (Berkeley and Los Angeles: University of California Press, 1961).

view, according to him, are adhered to by four loosely organized social groupings. The traditional view is almost exclusively that of the *'Ulamā',* who are not only the upholders of tradition but also identify the establishment of an Islamic state with the recognition of their own institution. The modernist view is held by most of the politicians, Westernized businessmen, and many professionals in Pakistan. The fundamentalist approach is held by only one important fundamentalist group in Pakistan, namely, the Jamāʿat-i-Islāmī. Its supporters and sympathizers seem to be hail from the traditional middle class, the students, and those who have failed to enter into the modern middle class inspite of holding the bachelor degree, as well as the bazaar merchants who often financially support the Jamāʿat. The secularists are small in number, but extremely powerful since they are the most highly Westernized and are often found in important positions in the civil service and the military. The small but growing group of Pakistani industrialists tends to fall into the latter category.[4]

Manzooruddin Ahmed makes a different classification in his study of Islamic constitution-making in Pakistan. Ahmed groups the traditional *'ulamā'* and the fundamentalists under one broad category of traditionalists, defines the modernists as liberals, and makes a third category for the secularists who did not want an Islamic state of any kind.[5] Unfortunately, Ahmed does not explain the social backgrounds of the traditionalists and secularists, although, describing that of the liberals. The liberals, Ahmed writes, come mostly from the upper middle class and the aristocracy of the country. A large number of them were educated abroad, and they represent the various professions like education, law, administration, and politics.[6]

Ishtiaq Ahmed divides the positions held in the debates on the concept of an Islamic state into four main modes of reasoning: First, the sacred state excluding human

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[4]Binder, *Religion and Politics*, 7-9.

[5]Manzooruddin Ahmed, *Pakistan: The Emerging Islamic State* (Karachi: The Allies Book Corporation, 1966), 11-15.

[6]Ahmed, *Pakistan,* 13.

will; second, the sacred state admitting human will; third, the secular state admitting divine will; and fourth, the secular state excluding divine will. The first mode of reasoning assumes, according to him, that God did not leave the intricacies of wordly life to the discretion of human beings, but has prescribed a clearly defined path, with detailed instructions on how to tread along it. Further, Ahmed divides this mode of reasoning into two variants: the absolutist position and the fundamentalist one.[7]

The second mode of reasoning, i.e. the sacred state admitting human will, is based on the assumption that Islam sanctions a distinct type of state which is neither wholly theocratic nor completely secular. Rather, as Ahmed describes, "it is an ideal balance between divine restrictions and human freedom". Four variants are included in this mode of reasoning: first, the theocratic position seeking adjustment with modernism; second, the theocratic position seeking severance with tradition; third, the moderate version of cohabitation between theocracy and secularism; and fourth, the radical version of cohabitation between theocracy and secularism.[8]

The third mode of reasoning is the secular state admitting divine will. This mode of reasoning, Ahmed argues, is a continuation of the modernist apology, but, in an important qualitative sense, it differs from the established second trend in that its proponents deny that Islam has provided any particular concept of the state. This is a categorical recognition of the separation of the religious and profane aspects of human existence. This mode of reasoning abandons the widespread belief that in Islam the religious and temporal spheres are linked inextricably, and it consists of two variants: the liberal version seeking continuity with the political spirit of Islam, and the socialist version seeking continuity with the economic spirit of Islam.[9]

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[7]Ishtiaq Ahmed, *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan* (London: Frances Pinter, 1987), 30-32.
[8]Ahmed, *Islamic State*, 34-35.
[9]Ahmed, *Islamic State*, 36-37.

The fourth mode of reasoning favors the secular state excluding divine will. Ahmed's description of this mode of reasoning is rather negative. He declares that its proponent are against the emergence of an Islamic state believing that the latter would be detrimental to the well-being of the people of Pakistan. They argue that any attempt to resurrect an Islamic state would be a vain effort to revive a bygone era. Pakistan, should, instead become a modern secular state based on the rational aspirations of its people.[10]

I would like to make a different classification, which is based on the inclusion and exclusion of the *Sharī'ah*. Two positions emerged from this classification that is: first, the proponents of a *Sharī'ah* state, and second, the proponents of a secular state.[11] The proponents of a *Sharī'ah* state could be divided into three sub-groups: traditionalists, fundamentalists, and modernists or liberals. In reference to all those classifications, we can infer that Muḥammad Asad belongs to the modernist or liberal camp of the proponents of a *Sharī'ah* state which assumes that Islam sanctions a distinct type of state whose law is to be the *Sharī'ah* with room for contemporary human discretion in its interpretation and application. The *Sharī'ah*, according to him, is formed only by what the Qur'ān and *Sunnah* have commanded. His concept of the Islamic state which admits human will is an effort to seek adjustment with modernism. His position and view-points on state and government in Islam and the Islamic character of Pakistan will be described and analyzed with the help of the following concepts: first, the relationship between Islam and the state; second, the purpose behind the creation of Pakistan, third, the structure and organization of the state; and fourth, its economic system. Several themes, namely, the constitutional questions relating to the nature and powers of the various organs of the state, categories of citizens (including non-Muslim minorities), the position

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[10]Ahmed, *Islamic State*, 37-38; see also Muḥammad Munir, *From Jinnah to Zia*, 2d ed. (Lahore: Vanguard Books Ltd., 1980), xv.

[11]See Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse: Syracuse University Press, 1990), 35-44.

of women, and relations with the non-Muslim world will also be analyzed.[12] In illustrating Asad's ideas we will compare them with those of other persons and groups that were equally involved in the constitutional debates and the issue of the Islamic character of Pakistan.

B. The Relationship between Islam and the State

Muḥammad Asad begins his book by stating that Muslims, upon acquiring their independence, are not only faced with the problem of administrative efficiency but also of ideology. And, concerning the latter problem, he asks whether Islam requires Muslims to strive for the creation of an Islamic state under all circumstances or whether, like other religions, it opposes the mixing of religion and politics.[13] To these questions he answers in the affirmative: Islam does require the realization of the supreme purpose of all creation—i. e. the establishment of divine will on earth—which is directly dependent on the existence of an Islamic state. For Asad, a state "can become truly Islamic only by virtue of a conscious application of the socio-political tenets of Islam to the life of the nation, and by an incorporation of those tenets in the basic constitution of the country."[14] Accordingly, a state inhabited predominantly by Muslims is not necessarily an Islamic state until and unless the Islamic socio-political tenets are applied in the life of the people. This is the central theme of Asad's political treatise.

In his rejection of a secular state, Asad argues that: "...in a modern secular state there is no stable norm by which to judge between good and evil, and between right and wrong. This only possible criterion is the "nation's interest."[15] As to what constitutes the nation's best interest, he maintains that in a secular state, different groups of people may have widely divergent views, since there is no "objective scale of moral values."[16]

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[12]See Ahmed, *Islamic State*, 38-40.
[13]Asad, *State and Government*, 1-2.
[14]Asad, *State and Government*, 1.
[15]Asad, *State and Government*, 5.
[16]Asad, *State and Government*, 5.

On the other hand, in an Islamic state, according to Asad, these moral values "do not change from case to case or from time to time but retain their validity for all times and conditions."[17] For Asad, only when eternal immutable standards of "right" and "wrong" exist can humankind fulfill its duty of worshipping God truly by submitting to God's will. The Islamic state is thus intrinsic to the purpose of creating a society based on complete submission to the will of God. Moreover, the realization of this purpose requires that submission to the will of God be not confined to general instruction in ethics, but to a precise body of laws which would outline, however broadly, the whole sphere of human life embodied in the Qur'ān and *Sunnah*.[18] Asad admits that human beings have free will, but, he asserts, if they wish to lead a proper Islamic life, this can only be done through participation in social life based on the Islamic pattern.[19]

Asad rejects the idea of a secular state since such a state does not submit to a universal morality but to the interests of a nation, class, or race, or some other divisive category. According to him, the people of the West "instead of submitting their decisions and actions to the criterion of a moral law--which is the ultimate aim of every higher religion--these people have come to regard expediency (in the short-term, practical connotation of the word) as the only obligation to which public affairs should be subjected; and because the ideas as to what is expedient naturally differ in every group, nation, and community, the most bewildering conflicts of interest have come to the fore in the political field, both national and international."[20] These moral values, as symbolized by the concept of *al-amr bi al-maʿrūf wa al-nahy ʿan al-munkar* (the enjoining of what is right and forbidding of what is wrong), must remain largely theoretical so long as there is no worldly power responsible for enforcing them in the form of an Islamic law. Consequently, this wordly power or state is an inevitable

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[17]Asad, *State and Government*, 2.
[18]Asad, *State and Government*, 2-3.
[19]Asad, *State and Government*, 3-4.
[20]Asad, *State and Government*, 4-5.

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requirement of Islamic life.[21] Asad further asserts that only religion can provide a universal code of morality, and that this function is fulfilled admirably by Islam, which is a religion meant for the good of all humankind.[22]

However, there are numerous disagreements regarding the extent and details of *shar'i* legislation. Therefore, Asad feels it necessary to make a few general observations about the concept of Islamic Law as such.[23] Asad regards conventional Muslim jurisprudence (*fiqh*) as extremely deep and conscientious, nevertheless, he maintains that, "the results of such studies were often highly subjective: that is, they were determined by each scholar's personal approach to, and interpretation of, the legal sources of Islam, as well as by the social and intellectual environment of his age." Moreover, because of the scholars' vastly, different environments, "some of these 'deductive' conclusions," Asad argues, "naturally differ from the conclusions we might reach at the present time..." Therefore, these laws have no sacrosant value and cannot lay claim to eternal validity, and can also be changed and replaced.[24]

He pleads for a return to the realities of the Qur'ān and *Sunnah* in order to find an Islamic solution to the cultural crisis of Islam, and rejects "the present drift of Muslim society toward Western concepts and institutions" which he believes would spell the ruin of Islam.[25] Asad asserts that the real *shari'ah* only consists of a small number of laws based on the Qur'ān and *Sunnah*, and is far more consice and very much smaller in volume than the legal structure that evolved through the *fiqh* of the various schools of Islamic law. This limited scope of the explicit ordinances contained in the Qur'ān and

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[21]Asad, *State and Government*, 4.

[22]Asad, *State and Government*, 9-10.

[23]Asad actually already wrote extensively this topic on a series of articles entitled *This Law of Ours* These articles were published in *Arafat* 1, no. 3, 4, 5 (November and December 1946; January 1947): 65-160. These articles, with others, have been republished in a book entitled *This Law of Ours and Other Essays* (Gibraltar: Dar al-Andalus, 1987).

[24]Asad, *State and Government*, 10-13.

[25]Asad, *State and Government*, 16, Rosenthal, *National State*, 127.

Sunnah, Asad maintains, was meant to provide a most essential, deliberate safeguard against legal and social rigidity. Therefore, it is reasonable, according to him, to assume that the Law-Giver never intended the *Sharī'ah* to cover in detail all the conceivable exigencies of life.[26]

He emphasizes the need for fresh *ijtihād*,[27] and by stressing this need for free inquiry, he urges Muslims to give up their sterile reliance on what the previous generations of Muslim scholars believed to be "final" verdicts on the sociopolitical laws of Islam. Hence, he encourages Muslims to begin thinking about these laws anew, in a creative manner, and on the basis of their own study of the original sources. Lastly, he draws two important conclusions: first, that "the concept of Islamic Law—especially with regard to public law—acquires once again that simplicity which had been envisaged for it by the Law-Giver but has subsequently been buried under many layers of conventional and frequently arbitrary interpretation." Second, that "the outward forms and functions of

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[26]Asad, *State and Government*, 13. *Sharī'ah* is "the religious law of God: consisting of such ordinances as those of fasting and prayer and pilgrimage and the giving of the poor rate; and marriage, and other acts." It signifies also a law, an ordinance, or a statute, a religion, or way of belief an practice is respect of religion." *Arabic-English Lexicon* 1984 ed. . s. v. "sharī'ah," by E. W. Lane. According to Asad *Sharī'ah* consists of either general principles, within which detailed rules can be introduced through *ijtihād* or detailed rules in matters not affected by changes caused by human social development. This Asad's concept of *Sharī'ah* which excludes *fiqh* (jurisprudence) is different from historical concept of *Sharī'ah* that includes moral and pastoral theology and ethics, high spiritual aspiration, and detailed ritualistic and formal observance; it encompasses all aspects of public and private law, hygiene, and even courtesy and good manners. The latter concept of *Sharī'ah* includes *fiqh*. See An-Na'īm, *Toward an Islamic Reformation* 9 and 11.

[27]Asad mentions Ibn Ḥazm of Cordova (384-456 A. H./994-1064 C. E.) who in his great work, *Al-Muḥalla* held that the far large area of things and activities which the Law-Giver has left unspecified must be regarded as allowable (*mubāḥ*) from the *sharʿī* point of view. He based this assumption on the saying of the Prophet Muḥammad that: "Do not ask me about matters which I have left unspoken: for, behold, there were people before you who went to their doom because they had put too many questions to their prophets and thereupon disagreed [about their teachings]. Therefore, if I command you to do anything, do it as much as you are able to ; and if I forbid you from doing anything, abstain from it." See Asad, *State and Government*, 13-14. For Ibn Ḥazm's religious ideas and doctrine, see A. G. Chejne, *Ibn Ḥazm* (Chicago: Kazi Publications, 1982), 109-131.

an Islamic state need not necessarily correspond to any 'historical precedent.' " This conclusion, according to Asad, is most pertinent given the problems faced by Muslims.[28]

C. The Purpose behind the Creation of Pakistan

Asad discusses the purpose behind the creation of Pakistan in his article, *What do we mean by Pakistan?* [29] He believes that there is no future for Islam in India until Pakistan becomes a reality, and that, if it becomes a reality in the Indian sub-continent, it might bring about a spiritual revolution in the whole Muslim world. According to him, the real and historic justification for the demand for Pakistan is to be found in the Muslims desire to establish a truly Islamic polity, and to apply the tenets of Islam in practical life. He criticizes Muslims who do not seem to care for the spiritual, Islamic objectives of Pakistan, and who permit themselves to be carried away by sentiments not far removed from nationalism. It thus sems that in doing so he was refering to Western educated Muslims who prefer of a secular Pakistani state.[30]

Explaining the uniqueness of Pakistan, Asad maintains that the Muslim masses -- in the former British India--feel and know that their communal existence is not based on racial affinities or on the consciousness of common cultural traditions, but only-- exclusively—on the fact of their common adherence to the ideology of Islam. Therefore, Asad argues, they must justify their communal existence by erecting a socio-political structure in which that ideology —the *Shari'ah*—would become the visible expression of their nationhood. Accordingly, Asad holds that the political ideals of Pakistanis are

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[28]Asad, *State and Government*, 16-17.

[29]This article was published in *Arafat* (May 1947), and republished in *This Law of Ours*, 71-88.

[30] *This Law of Ours*, 72-73. Compare this to Iqbal's view of Islam as an ethical idea and a polity when he said: "The religious ideal of Islam, therefore, is organically related to the social order which it has created. . . Therefore, the construction of a polity on national lines, if it means a displacement of the Islamic principle of solidarity, is simply unthinkable to a Muslim." See Muhammad Iqbal, "The Concept of a Separate Muslim State in the Subcontinent," in Aziz Ahmad and G. E. Von Grunebaum, eds., *Muslim Self-Statement in India and Pakistan 1857-1968* (Wiesbaden: Otto Harrassowitz, 1970), 148.

entirely different from the ideals of other Muslims such as the Turks, the Egyptians, the Afghans etc., since Pakistanis at the time were alone among all the Muslim peoples to find the way back to the concept of the *Ummah*. In this respect, the Pakistan movement, according to him, is truly unique among all the political mass movements in the Muslim world.[31]

Asad is firm in his belief in the Islamic objective of Pakistan, and thus criticizes those Pakistani leaders who do not seem to make a serious attempt to show that Islam is the paramount objective of their struggle. He asserts that it should be the leaders' duty to tell their followers that they must become better Muslims *today* in order to be worthy Pakistan's *tomorrow*. He discusses also the need to prove to non-Muslims, firstly, that an Islamic polity connotes justice for all, and, secondly, that Muslims are really serious in their avowals that precisely such a polity is their goal. He further says: "We want, through Pakistan, to make Islam a reality in our lives. We want Pakistan in order that every one of us should be able to live a truly Islamic life in the widest sense of the word." He emphasizes the role of Islamic law in this kind of Pakistan by stating that it is impossible "for an individual to live in accordance with the scheme propounded by God's Apostle unless the whole society consciously conforms to it and makes the Law of Islam the law of the land."[32]

D. The Structure and Organization of the State

Asad illustrates that the ultimate purpose of the Islamic state is to provide a political framework for Muslim unity and cooperation.[33] Thus, according to him, an Islamic state is not "a goal or an end in itself but only a means: the goal being the growth of a community of people who stand up for equity and justice, for right and against wrong—or, to put it more precisely, a community of people who work for the creation

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[31] *This Law of Ours* 74-75.
[32] *This Law of Ours* 78-81.
[33] Asad, *State and Government* 30. Asad here refers to Sūrah 3:103-104.

and maintenance of such social conditions as would enable the greatest possible number of human beings to live, morally as well as physically, in accordance with the natural Law of God, Islam".[34] He further states that the development of a strong sense of brotherhood among the community is an indispensable prerequisite to such an achievement.[35] Therefore, it is hardly surprising that he condemns nationalism as opposed to the "fundamental Islamic principle of the equality of all men" and states that Muslim unity must "be of an idelogical nature, transcending all considerations of race and origin: a brotherhood of people bound together by nothing but their consciousness of a common faith and a common moral outlook".[36] Asad concludes that, "it is such a community of ideals alone that can provide a justifiable basis for all human groupment; whereas, on the other hand, the placing of the real or imaginary interests of one's nation or country above moral considerations has been condemned by the Prophet..."[37]

If the state acts according to all the principles espoused by Islam it "can rightly be described as 'God's vice-gerent on earth'; its foremost duty... consists in enforcing the ordinances of the *Sharī'ah* in the territories under its jurisdiction".[38] He therefore demands that "the constitution must explicitly lay down that no temporal legislation or administrative ruling, be it mandatory or permissive, shall be valid if it is found to contravene any stipulation of the *Sharī'ah*".[39] Obedience to legally constituted authority is a religious duty and must be rendered as long as the government acts within the *Sharī'ah*. The community must supervise the actions of the government which is

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[34]Asad, *State and Government*, 30.

[35]Asad, *State and Government*, 30.

[36]Asad, *State and Government*, 31.

[37]Asad, *State and Government*, 32. The Prophet said: "He is not of us who proclaims the cause of tribal partisanship; and he is not of us who fights in the cause of tribal partisanship; and he is not of us who dies in the cause of tribal partisanship." (Abū Dawūd, on the authority of Jubayr ibn Mut'im). The meaning of tribal partisanship ('aṣabiyyah), in the words of the Prophet is: "[It means] your helping your own people in an unjust cause." (Abū Dawūd, on the authority of Wāthilah ibn al-Asqa'). See Asad. *State and Government*, 32.

[38]Asad, *State and Government*, 34.

[39]Asad, *State and Government*, 35.

"subject to the people's consent". This popular consent depends on the free election of the government by the people.[40]

Asad repeats the standard doctrine that sovereignty in an Islamic state belongs to God. However, the Muslim community exercises vicarious sovereignty, he admits, which means that while the Islamic state owes its existence to the will of the people (who voluntarily create the Islamic state), it derives its sovereignty from God, and not the people. He also argues that because "in a consciously Islamic society the people's consent to a particular method of government and a particular scheme of sociopolitical cooperation is but a result of their having accepted Islam as a Divine Ordinance, there can be no question of their being endowed with sovereignty *in their own right.*" Thus, Asad concludes that "the real source of all sovereignty is the will of God as manifested in the ordinances of the *Shari'ah*. The power of the Muslim community is of a vicarious kind, being held, as it were, in trust from God; and so the Islamic state—which, as we have seen, owes its existence to the will of the people and is subject to control by them— derives its sovereignty, ultimately, from God."[41]

Interestingly, Asad held that the Qur'ān and *Sunnah* do not lay down any specific form of government and state, nor elaborate a constitutional theory. However, according to him, "The political law emerging from the context of Qur'ān and *Sunnah* is, nevertheless, not an illusion. It is very vivid and concerete inasmuch as it gives us the clear outline of a political scheme capable of realization at all times and under all conditions of human life."[42] Further, with reference to the problem which Pakistanis were facing, he states that "there is not only one form of the Islamic state, but many; and it is for the Muslims of every period to discover the form most suitable to their needs—on

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[40]See Rosenthal, *National State*, 129; Asad, *State and Government*, 36.
[41]Asad, *State and Government*, 37-39.
[42]Asad, *State and Government*, 22-23.

the condition, of course, that the form and the institutions they choose are in full agreement with the explicit, unequivocal *shar'ī* laws relating to communal life."[43]

Asad shows strong concern with constitutional questions relating to the nature and powers of the various organs of the state. Therefore, he emphasized the principle of consultation which is to be observed under all circumstances. By quoting a Qur'ānic verse[44] concerning the application this principle, he believed that this injunction must be regarded as the fundamental operative clause of all Islamic thought relating to statecraft. Moreover, he maintained that the *nass*[45] "is so comprehensive that it reaches out into almost every department of political life, and it is so self-expressive and unequivocal that no attempt at arbitrary interpretation can change its purport. The word *amr* in this injunction refers to all affairs of a communal nature and therefore also to the manner in which the government of an Islamic state is to be established: that is, to the elective principle underlying all governmental authority."[46] Following in the steps of other modernists, Asad also wants to see the concept of *shūrā* become a reality in the life of the *Ummah*. This is all the more urgent, since Muslims have for centuries been the victims of "every kind of oppression and exploitation at the hands of unscrupulous rulers."[47]

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[43]Asad, *State and Government*, 23.

[44]"Their [the Believers'] communal business [*amr*] is to be [transacted in] consultation among themselves." Q. 42:38.

[45]*Nass* (pl. nuṣūṣ) literally means 'text', 'wording', 'version'. See *A Dictionary of Modern Written Arabic*, 3rd ed., s. v. "Naṣṣ," by Hans Wehr, ed. J. Milton Cowan. Edward William Lane summarises and defines the term *nass* in relation to the Qur'ān and *Sunnah* as "a statement plainly, or explicitly, declared or made manifest by God and His Apostle; ... an expression, or a phrase, or a sentence, indicating a particular meaning, not admitting any other than it; . . . a statute or an ordinance indicated by the manifest, or plain, meaning of words of the Qur'ān and of the Sunnah". See *Arabic-English Lexicon* 1984 ed. , s. v. "Naṣṣ," by E. W. Lane. Others describe *nass* as follows: "The *nass* of the Qur'ān and the Sunnah denotes the injunctions (*ahkām*) contained in the plain (*zāhir*) wording of these sources". See Lisān al-ʿArab, 1971 ed. , s. v. "*Nass*" by Ibn Manẓūr.

[46]Asad, *State and Government*, 44.

[47]Asad, *State and Government*, 37.

Concerning the source of state sovereignty, Asad seems to strike a middle course between the notion of God's sovereignty and that of people's sovereignty. Therefore, while defending and advocating the rights of people to rule, he, on the basis of his interpretation of a Qur'ānic verse (3:26), comes to the conclusion that: "... so the Islamic state--which ... owes its existence to the will of the people and is subject to control by them--derives its sovereignty, ultimately, from God."[48] What he meant by the sovereignty of God is nothing other than the sovereignty of the *Sharī'ah* over the actions of the citizens of an Islamic state.[49] From this line of argument, Asad then developed the concept of obedience on the part of the people, based on a *hadīth* narrated by al-Bukhārī and Muslim. This *hadīth* says: "He who obeys me, obeys God; and he who disobeys me, disobeys God. And he who obeys the amīr [i.e., the head of the state], obeys me; and who disobey the *amīr*, disobeys me."[50]

Asad insists on ideological purity and justifies the action of the state which distinguishes between its Muslim and the non-Muslims citizens. While the non-Muslim citizen is to enjoy full religious, cultural and social freedom, he admits that "without a certain amount of differentiation between Muslim and non-Muslim there can be no question of our ever having an Islamic state or states in the sense envisaged in Qur'ān and *Sunnah*".[51] In practice, this means that "they may not be entrusted with the key position of leadership".[52] A non-Muslim could not "work wholeheartedly for the ideological objectives of Islam; nor in fairness could such a demand be made of him".[53]

Concerning the head of the state, Asad maintains that only a person who believes in the Divine origin of Islamic law, i. e. a Muslim, may be entrusted with the office of head of state. This condition stems from his belief that the real purpose of an Islamic state

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[48]Asad, *State and Government*, 39.
[49]Asad, *State and Government*, 39.
[50]Asad, *State and Government*, 39.
[51]Asad, *State and Government*, 40.
[52]Asad, *State and Government*, 40.
[53]See Rosenthal, *National State*, 130; Asad, *State and Government*, 41.

is not the "self-determination" of a racial or cultural entity but the establishment of Islamic Law as a practical arbitrator in human affairs. Realizing the context of modern political thought, Asad admits that a theoretical discrimination on the grounds of religion may be unpalatable to many Muslims, not to mention the non-Muslim minorities living in their midst. However, Asad argues, this is not a discriminative policy against non-Muslim citizens in the ordinary spheres of life. "On the contrary, they must be accorded all the freedom and protection which a Muslim citizen can legitimately claim: only they may not be entrusted with the key position of leadership," Asad says.[54] Non-Muslims, for instance, can seek employment in state services, and may even be taken into the armed forces, in which case they will be exempt from the *jizyah*.[55]

Asad emphasizes the need for continuous, temporal legislation since, according to him, the *Sharīʿah* deliberately refrains from providing detailed regulations for all the manifold, changing requirements of social existence. In an Islamic state, this legislation would relate to the many problems of administration not touched upon by the *Sharīʿah* at all, as well as the problems with regard to which the *Sharīʿah* has provided general principles but no detailed laws," Asad says.[56] The problem which Asad tried to solve concerns the manner through which new laws are to be enacted as well as the persons who are to enact these laws. There is no question, according to him, that "in matters affecting the communal side of our life no legislative *ijtihādī* decisions can possibly be left to the discretion of individuals: they must be based on a definite consensus (*ijmāʿ*) of the whole community..."[57] Moreover, those who are to enact these temporal, communal legislations are to be a limited group of persons to whom the community could delegate its legislative powers and whose decisions would be binding on all. Moreover,

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[54] Asad, *State and Government*, 40-41.

[55] Asad, *State and Government*, 74. *Jizyah* is the tax that is taken from the free non-Muslim subjects of a Muslim government. *Arabic-English Lexicon* 1984 ed., s. v. "Jizyah," by E. W. Lane.

[56] Asad, *State and Government*, 43.

[57] Asad, *State and Government*, 43.

since,"possession of absolute power often corrupts its possessor and tempts him to abuse it, conciously or unconsciously, in his own interest or in that of his partisans,"[58] the legislative powers of the state, in Asad's view, should be vested in a body of legislators whom the community would elect for this specific purpose.[59] In addition, since the Qur'ān and the *Sunnah* do not provide clear-cut instructions concerning the procedure and method of elections, they are to be left to the *ijtihād* of the community which must decide according to the needs of its time.[60]

All temporal legislation is to be entrusted to the community which must carry out its task by means of *ijtihād*, that is, the exercise of independent reasoning in consonance with the spirit of Islamic Law and the best interest of the nation. However, it is to be noted that, whereas Asad had previously demanded *ijtihād* to be "in consonance with the spirit of Islam",[61] he now seems to simultaneously widen and restrict its scope by adding a further most important principle to it. This principle was emphasized by Rashīd Riḍā, with whom Asad has much in common, that is the principle of *maslahah*, "the best interest of the nation".[62] At the same time the word "Islam" in his phrase "the spirit of Islam" has now become "Islamic Law"[63] while "community" was used to denote the whole community,[64] particularly the Legislative Assembly, to which he gave the traditional Muslim name of *majlis al-shūrā*, which must be truly representative of the entire community, both men and women. Thus, Asad seems to respond to present circumstances which can and must legitimately be taken into account for all legislation outside of, and additional to, the *Sharī'ah*.[65]

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[58]Asad, *State and Government*, 44.
[59]Asad, *State and Government*, 44.
[60]Asad, *State and Government*, 45.
[61]Asad, *State and Government*, 14.
[62]Asad, *State and Government*, 43.
[63]Asad, *State and Government*, 43.
[64]Asad, *State and Government*, 43.
[65]See Rosenthal, *National State*, 130-131; Asad, *State and Government*, 43-45.

In Asad's view such a representative character can be achieved only through free and general elections, and, the members of the *majlis* must be elected by means of the widest possible suffrage, including both men and women. The method of elections-- direct or indirect, transferable or non-transferable vote, regional or proportional representation, and so forth--according to Asad, "has not been laid down in the *Sharī'ah* and is, therefore, a matter for communal decision".[66]

Asad, however, mentions one important point which is crucial to the method of election. This point is based on a prophetic tradition which prohibits self-canvassing. According to him, the Prophet consistently refused to make any administrative appointment whenever the person concerned asked for it. Thus, he concludes, "it would be in full keeping with the spirit of the *Sharī'ah* if the constitution of an Islamic state would explicitly declare that self-canvassing by any person desirous of being appointed to an administrative post (including that of head of the state) or of being elected to a representative assembly shall automatically disqualify that person from being elected or appointed."[67] Asad of course is aware that such a requirement puts the candidate in a difficult position--being barred from delivering electioneering speeches--, but is nevertheless convinced that with this kind of method, only a person enjoying well-deserved and unsolicited esteem among the electorate would have a genuine chance of success.[68]

In modern times, according to Asad, the election of the members of the *majlis al-shūrā* (*shūrā* council) must have the widest possible basis, in which both men and women would participate.[69] Moreover, since the legislative work of the *majlis al-shūrā* will relate to matters of public concern, and more particularly to matters which have not been regulated in terms of law by the *nuṣūs* of the Qur'ān and *Sunnah*, it is highly

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[66]Asad, *State and Government* 46.
[67]Asad, *State and Government* 46-47.
[68]Asad, *State and Government* 47.
[69]Asad, *State and Government* 48.

improbable that the members of the *majlis* will always view a given social situation in exactly the same light and, consequently, reach full unanimity as to the legislative measures required to meet that situation. Therefore, Asad holds that difference of opinion should be allowed in the assembly since it stimulates reflection, and emphasizes that difference of opinion was even praised by the Prophet.[70] Indeed the validity of the majority principle is to be found in the *hadiths* of the Prophet.[71]

Given the fact that Islam allows for difference of opinion, Asad held that the right to form political parties should be equally recognized. This political grouping, in Asad's view, has the purpose of propagating certain sets of views as to what should be the policy of the state on this or that question, and provided that those views do not run counter to the ideology on which the state is based—that is the *Shari'ah*-the parties thus constituted must have the right to argue them in and outside the *majlis al-shūrā*. "However," Asad says, "this freedom to form parties and to advocate their programs should not be allowed to influence the administrative practice of the government—as it necessarily would if the latter were composed of ministers who receive their mandate from, and remain responsible to, the party organizations represented in the *majlis*."[72]

Asad believes that the presidential form of government, rather than the "parliamentary" one, is the best option for the Islamic state, as it corresponds to the Islamic concept of caliph or *amir*. A strong head of state possessing the necessary qualifications to lead the community should be entrusted with the job, he adds.

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[70]Asad quotes a Prophetic *hadith* that praises difference of opinion. It runs as follows: "The differences of opinion among the learned within my community are [a sign of] God's grace." (Al-Suyūṭī, *al-Jāmiʿ al-Saghīr*). Asad, *State and Government*, 47-48.

[71]"Follow the largest group." (Ibn Mājah, on the authority of ʿAbd Allāh ibn ʿUmar). "It is your duty to stand by the united community and the majority [*al-ʿāmmah*]." (Ahmad ibn Ḥanbal, on the authority of Muʿādh ibn Jabal). Asad, *State and Government*, 49-50.

[72]Asad, *State and Government*, 61.

Moreover, his ministers ought not to be more than his administrative assistants or "secretaries", appointed by him at his own discretion and responsible directly to him.[73]

But, Asad holds, the *amīr* (head of state) is to be bound by the temporal legislation enacted by the *majlis al-shūrā* and by its decisions on major questions of policy. "However," Asad maintains, "the manner in which he translates those decisions and directives into terms of day-to-day administration is left to the discretion of the executive over which he presides; and although the *majlis*, on the other hand, is empowered to frame the temporal laws on the basis of which the country is to be governed, to decide the major policies which are to be pursued, and in a general way to supervise the activities of the government, it is not entitled to interfere with the day-to-day working of the executive." [74] Therefore, he concludes that "the amir must possess executive powers within the fullest meaning of these words." An office of head of state deprived of all real power and reduced to a mere figurehead, according to Asad, "is obviously redundant from the viewpoint of the Qur'ānic injunction which makes the Muslims' obedience to 'those who hold authority' [*ulū l-amr*] a corollary of their obedience to God and His Apostle."[75]

Asad also discusses the necessity of having an impartial machinery for arbitration, in order to solve any fundamental differences between the *majlis al-shūrā* (legislature) and the *amīr* (executive). Based on a Qur'ānic verse,[76] Asad proposes a supreme judicial tribunal which would have the right and the duty to arbitrate in all instances of disagreement between the *amīr* and the *majlis al-shūrā* referred to the

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[73]Asad, *State and Government*, 61.

[74]Asad, *State and Government*, 58.

[75]Q. 4: 59. Asad, *State and Government*, 58.

[76]"Obey God and obey the Apostle and those in authority from among you. Then, if you disagree in anything, refer it to God and and the Apostle." (Q. 4: 59). In commenting on this verse Asad says that disputes should be solved through referral to the Qur'ān and *Sunnah*-or, to be more explicit, to a body of arbitrators who, after an impartial study of the problem, must decide which of the two conflicting views is closer to the spirit of the Qur'an and *Sunnah.* See Asad, *State and Government*, 66.

tribunal by either of the two sides, to veto, on its own accord, any legislative act passed by the *majlis* or any administrative act on the part of the *amir* which, in the tribunal's considered opinion, goes against a *nass* of the Qur'an or *Sunnah*. In effect, this tribunal would be the guardian of the constitution.[77]

The question of the relationship of the Islamic state with non-Muslim states of the modern world appears in his discussion of *jihad*. Asad insists on its purely defensive character, since Islam forbids wars of agression, as demonstrated by Qur'anic verses. Moreover, since war is only permissible in self-defence, the non-Muslim citizens share with the Muslims the duty to take up arms in defence of the Islamic state. Yet, they are entitled to exemption on grounds of conscience, in which case they pay must the *jizyah*[78]

In dealing with the rights and duties of citizens, Asad advocates obedience to the state so long as its policies are based on the ordinances of the Qur'an. No obedience, however, is due to a sinful, oppresive or unjust ruler, and the right to rebellion can only be exercised in extreme cases when the government falls into the hands of persons who behave like infidels.[79] Normally, an unobservant ruler should be forced into mending his ways through peaceful pressure. Thus, the citizens have the right and duty to watch over the activities of the government and to criticize its administrative and legislative policies whenever there is reason to suppose that matters are wrongly handled. Nevertheless, this

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[77]Asad, *State and Government*, 66-67.

[78]Q. 2: 190-193; Asad, *State and Government*, 70-75.

[79]Asad relates this to several of the Prophet's traditions: "The highest kind of *jihad* is to speak up for truth in the face of a government [*sultan*] that deviates from the right path." (Abu Da'ud, Al-Tarmidhi, and Ibn Majah, on the authority of Abu Sa'id al-Khudri); If any of you sees something evil, he should set it right by his hand; if he is unable to do so, then by his tongue; and if he is unable to do even that, then within his heart—but this is the weakest form of faith". (Muslim, on the authority of Abu Sa'id al-Khudri); "No obedience is due in sinful matters: behold, obedience is due only in the way of righteousness [*fi al-ma'ruf*]. (Al-Bukhari and Muslim, on the authority of 'Ali). In other versions of this Tradition, the Prophet is reported to have used the expressions: "No obedience is due to one who does not obey God." (Ahmad ibn Hanbal, on the authority of Mu'adh ibn Jabal); "No obedience is due to one who rebels against God." (Ahmad ibn Hanbal, on the authority of 'Ubadah ibn al-Samit). See Asad, *State and Government*, 76-77.

does not mean that citizens have the right to always rise in rebellion against the government whenever the latter contravenes any of the *sharī* laws.[80]

In relation to the extent of the citizens' patience with an unjust government, Asad lays down four principles: first, so long as the *amīr* represents the legally established government, all citizens owe him their allegiance, however much one or another of them may dislike his person and, on occasion, even his administrative acts; second, if the government issues laws or regulations which involve the commission of a sin in the strict *sharī* sense, the duty of obedience ceases to be operative with regard to these laws or regulations; third, if the government sets itself openly and deliberately against the *nass* ordinances of the Qur'ān, it may be deemed to have become guilty of infidelity, whereupon authority should be withdrawn from it; and fourth, this withdrawal of authority must never be brought about by armed rebellion on the part of a minority within the community. To prove this last principle Asad quotes two Prophetic traditions.[81]

Interestingly, Asad suggests the use of referendums as forum for gathering consensus against any acts of the government which are contrary to the *Sharī'ah*, and even to depose the government which its behavior amounts to flagrant infidelity. The holding of popular referendums would fall within the purview of the tribunal. Asad further maintains that "if, by means of such a referendum, the majority of the community

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[80]Asad relies on several *hadīths* to prove this point: "He who has pledged allegiance to a leader [imām], giving his hand and the fruit of his heart, shall obey him if [or: "as long as"] he can". (Muslim, on the authority of ʿAbd Allāh ibn ʿAmr); "If anyone sees in his *amīr* something that displeases him, let him [nevertheless] remain patient; for behold, he who separates himself from the united community by even so much as a handspan and dies thereupon, has died the death of the Time of Ignorance." (Al-Bukhārī and Muslim, on the authority of ʿAbd Allāh ibn ʿAbbās). Asad, *State and Government*, 77-78.

[81]"He who raises arms against us ceases to be one of us [i.e., ceases to belong to the Muslim community]." (Al-Bukhārī and Muslim, on the authority of ʿAbd Allāh ibn ʿUmar and Abū Hurayrah). And, "He who unsheaths his sword against us ceases to be one of us." (Muslim, on the authority of Salamah ibn al-Akwaʿ). See Asad, *State and Government*, 79-80.

pronounce themselves against the *amīr*, he must be regarded as having been legally deposed, whereupon the people's pledge of allegiance to him ceases to be effective."[82]

Asad also mentiones three cardinal rights of citizens, namely: *freedom of opinion, the protection of citizens* and *free and compulsory education*. Concerning the freedom of opinion, Asad says that the citizens have every right to criticize the government and to propose alternative lines of action. However, according to him, the state cannot permit criticism of the *Sharī'ah*, the preaching rebellion against the state and the dissemination of indecent ideas. This right is part of one's duty to combat evil wherever one encounters it, and to strive for justice whenever people disregard it.[83]

The citizens also have the right to have their life and property protected. Similarly, the individual citizen's obligation to respect and honor the legally established government must find its counterpart in the government's duty to extend its protection to the private lives of the citizens. The protection which the state must grant to the citizens, according to Asad, is not limited to the tangible factors of their existence, such as their persons and possessions, but must extend to their dignity and honor and the privacy of their homes as well.[84]

Asad draws a connection between the citizen's duty and political freedom as well as the latter's possession of sound knowledge. "Consequently," Asad says, "it is the citizens' right and the government's duty to have a system of education which would make knowledge freely accessible to every man and woman in the state."[85] "It follows

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[82] Asad, *State and Government*, 80.

[83] Asad, *State and Government*, 81-83.

[84] Asad quotes the sayings of the Prophet as follows: "Behold your lives and your possessions shall be as inviolable among you as the sacred inviolability of this very day [of Pilgrimage]." (Muslim, on the authority of Jābir ibn 'Abd Allāh). "The blood, property and honour of a Muslim must be sacred [*ḥarām*] to every [other] Muslim." (Muslim, on the authority of Abū Hurayrah). Asad, *State and Government*, 84-86.

[85] Asad mentions several Prophetic traditions, such as: "If anybody goes on his way in search of knowledge, God will thereby make easy for him the way to Paradise." (Muslim, on the authority of Abū Hurayrah). "The search for knowledge is a sacred duty [*farīḍah*] imposed on every Muslim man and woman." (Ibn Mājah, on the authority of Anas). Asad, *State and Government*, 86-87.

therefore," Asad concludes, "that a state which owes its justification to the call of Islam and aims at establishing the Law of Islam as the law of the land must make education not only accessible but also compulsory for every Muslim man and woman; and because it is one of the basic tenets of such a state to make all the facilities of life available to its non-Muslim citizen as well, education must be free and compulsory for all citizens, regardless of religion".[86]

He further maintains that Islam "is a complete, self-contained ideology which regards all aspects of our existence--moral and physical, spiritual and intellectual, personal and communal--as parts of the indivisible whole which are called 'human life' ",[87] hence "its adherents cannot live a truly Islamic life merely by holding Islamic beliefs... the socio-economic laws of Islam" must be equally enforced.[88]

His sense of moral obligation and responsibility is clearly expressed in his comment on Sūrah 3:110. He says that "Our being a righteous community depends, therefore, on our being prepared to struggle, always and under all circumstances, for the upholding of justice and for the abolition of injustice for *all* people: and this should preclude the possibility of a truly Islamic community ever being unjust to the non-Muslims living in its midst".[89]

Asad is also sensitive to the issue of modern Islamic legislation, which Josep Schacht observes as, "an important, if it is not, the most important, manifestation of Islamic modernism, of modern thought in Islam."[90] Therefore, we need to take a look at Asad's Islamic legal theory, in which he expresses the need to translate Islamic social and economic programs into political action. He advocates "a concise, clearly comprehensible

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[86]Asad, *State and Government*, 87.
[87]Asad, *State and Government*, 95.
[88]Asad, *State and Government*, 95-96.
[89]Asad, *State and Government*, 99.
[90]Josep Schacht, "Problems of Modern Islamic Legislation," *Studia Islamica* 12 (1967): 99.

code of *sharʿī* laws",[91] unencumbered with the elaborations of conventional fiqh. Indeed, he advocates "a code of the shariʿah which (a) would be generally acceptable to all its Muslim citizens without distinction of the *fiqhī* schools to which they may belong, and (b) would bring out the eternal, unchangable quality of the Divine Law in such a way as to demonstrate its applicability to all times and all stages of man's social and intellectual development".[92] He is against the harmonization of existing *fiqh* as well as its revision in light of modern conditions because such a revision would become obsolote sooner or later, and need to be revised again until nothing of the Law of Islam would be left. This would negate the very concept of a Divine Law. His remedy then is to separate "God's true *shariʿah* from all man-made, deductive, *fiqhī* laws".[93]

In his discussion of the method of codification, Asad proposes that the *majlis al-shūrā* elect a small panel of scholars to concentrate exclusively on "such ordinances of Qurʾān and *Sunnah* as (a) answer fully to the linguistic definition of *nass*-that is to say, injunctions and statements which are self-evident (*zāhir*) in their wording, having a particular meaning which does not admit more than one interpretation; (b) are expressed in terms of command (*amr*) or prohibition (*nahy*); and (c) have a direct bearing on man's social behavior and action."[94]

Asad realizes that many *ahādīth* have to be reconsidered. Therefore, while admitting that a selection of *nass* ordinances from the Qurʾān is comparatively easy, "the application of the above principles to *ahādīth* will necessitate a thorough examination of each item against its proper historical background," he concedes. Consequently, he advocates the usage of Traditions which meet the highest standards of historical and technical criticism only, and the exclusion of all Traditions to which the slightest legitimate objections may be raised regarding their authenticity. Asad also suggests that

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[91]Asad, *State and Government*, 100.
[92]Asad, *State and Government*, 100-101.
[93]Asad, *State and Government*, 101-102.
[94]Asad, *State and Government*, 103.

scholars must differentiate carefully between the ordinances intended by the Prophet for all times and circumstances, and those which were obviously meant to meet the needs of a particular occasion or time.[95]

In addition, Asad declares that scholars must not select disjointed verses of the Qur'ān or individual *aḥādīth*, but to consider fully the entire context of the Qur'ān and *Sunnah*. In his view, most existing *aḥādīth*, however, are no more than fragments of the Prophet's sayings or description of isolated incidents, often taken out of their historical context, in his life as leader and legislator. Consequently, according to him, one should never overlook the fact that the Qur'ān and *Sunnah* form one integral whole, elucidating one another. Hence, the proposed *sharʿī* code must contain cross references from both sources.[96]

Interestingly, Asad proposes a multi-national system of modern Islamic legislation, in which the *nuṣūṣ* of the Qur'ān and *Sunnah* would be placed together and circulated among the competent scholars throughout the Muslim world with a view to obtaining suggestions and criticisms, especially with regard to the method by which the ordinances based on the *aḥādīth* had been derived.[97] The criticisms and suggestions received should be carefully considered and utilized in the final revision of the collection of ordinances, whereupon it shall be submitted to the *majlis al-shūrā* for adoption as the Basic Law of the land. The fact that the codification only brings out the ordinances which have a *ẓāhir* quality, that are not subject to conflicting interpretations, "will not only make the code acceptable to all Muslims, but will also result in a code of public law that is small in volume, extremely concise, and therefore easily accessible to the understanding of every Muslim man and woman of average intelligence and education,"[98] Asad elucidates.

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[95]Asad, *State and Government*, 103-104.
[96]Asad, *State and Government*, 104.
[97]Asad, *State and Government*, 104-105.
[98]Asad, *State and Government*, 105.

E. The Economic System

Asad believes that it is the state's responsibility to provide citizens with material welfare and economic facilities which are necessary for the maintenance of human happiness and dignity. In his view, "Islam demands a society that is righteous not only in its moral outlook, but in its deeds as well; a society that provides not only for the spiritual needs of its members, but for their bodily needs as well."[99] Consequently, a state in order to be truly Islamic, according to him, has three responsibilities. Firstly, it must arrange the affairs of the community in such a way that every individual, man and woman, shall enjoy that minimum of material well-being without which there can be no human dignity, no real freedom and, in the last resort, no spiritual progress. Secondly, "that all the resources of the state must be harnessed to the task of providing adequate means of livehood for all its citizens."[100] Thirdly, "that all the opportunities in this respect should be open to all citizens equally, and that no person should enjoy a high standard of living at the expense of others."[101]

Asad shows that there can be no happiness and strength in a society that permits some of its members to suffer undeserved want while others have more than they need.[102] He based this conclusion on several *hadīths* which emphasize that mutual cooperation in all phases of life is a fundamental requirement of Islam. No state, according to Asad, can therefore be called Islamic unless it guides that cooperation by legislative means.[103] He also warns that "if the available resources of a community are so

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[99]Asad, *State and Government*, 87

[100]Asad, *State and Government*, 88.

[101]Asad, *State and Government*, 88.

[102]Asad, *State and Government*, 90.

[103]For example: "You shall not enter Paradise until you have faith; and you cannot attain faith until you love one another." (Muslim, on the authority of Abū Hurayrah). "Have compassion on those who are on earth, and the One Who is in heaven will have compassion on you." (Al-Tirmidhī and Abū Da'ūd, on the authority of 'Abd Allāh ibn 'Amr). "God will show no compassion to one who has no compassion toward all human beings." (Al-Bukhārī and Muslim, on the authority of Jarīr ibn 'Abd Allāh). Asad, *State and Government*, 89.

unevenly distributed that certain groups within it live in affluence while the majority of the people are forced to use up all their energies in search of their daily bread, poverty becomes the most dangerous enemy of spiritual progress, and occasionally drives whole communities away from God-consciousness and into the arms of soul-destroying materialism."[104] Further, Asad says that the Islamic state must make sure that "equity prevails within the community, and that every citizen--man, woman, and child--shall have enough to eat and to wear, shall be succored in case of illness, and have a decent home in which to live."[105]

In pursuance of this aforementioned aim, Asad offers a concrete proposal. He proposes that the constitution of Pakistan must contain a provision to the effect that "every citizen has a right to (a) productive and remunerative work while of working age and in good health, (b) training--at the expense of the state, if necessary--for such productive work, (c) free and efficient health services in cases of illness, and (d) a provision by the state of adequate nourishment, clothing and shelter in cases of disability resulting from illness, widowhood, unemployment due to circumstances beyond individual control, old age, or under-age."[106] Such a constitutional enactment, according to him, would presuppose the creation of a nationwide social insurance scheme, to be financed by means of a comprehensive taxation of wealth. This taxation is in accordance both with the Prophet's injunctions,[107] and the historical practice of the Islamic Commonwealth at the time of the Rightly Guided Caliphs.[108]

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[104]Asad, *State and Government*, 90

[105]Asad, *State and Government*, 90-91.

[106]Asad, *State and Government*, 91.

[107]"It shall be taken from the rich among them and turned over to the poor among them". (Al-Bukhārī and Muslim, on the authority of ʿAbd Allāh ibn ʿAbbās). Asad, *State and Government*, 91.

[108]It was ʿUmar the great who, in the year 20 A.H., inaugurated a special government department, called *dīwān* for the purpose of holding a census of the population at regular intervals. On the basis of this census, annual state pensions were fixed for (a) widows and orphans, (b) all persons who had been in the forefront of the struggle for Islam during the lifetime of the Prophet, beginning with his widows, the

F. Analysis

In this part we will try to deal mainly with six issues which the present writer conceives to be the most important ones, and which have been thoroughly discussed, by Asad, namely, the relationship between Islam and the state, the supremacy of the *Shari'ah*, the position of non-Muslims and women, the relationship of the Islamic state with non-Muslim states, the control of power, and modern Islamic legislation. The relationship between Islam and the state has long been a delicate and controversial subject both in the Muslim world and in academic circles, and is the central theme of Asad's political treatise. As we have already noted above, Asad, in accordance with Islamic jurisprudents and political theoreticians, advocates the unity of religion and politics. Moreover, in his rejection of the secular state, he argues that the Islamic state is only a vehicle by which the Islamic moral values can be enforced in the socio-political life of the *Ummah*.[109]

The question then is do why almost all Muslim scholars, like Asad, reject, to different extents, the secular state. It seems that one reason why those Muslims oppose secularism is based on their understanding of the terms 'secular' and 'secularism', as defined in dictionaries. Indeed, secularism is invariably defined as "opposed to religion", or as a "secular spirit or tendency, especially a system of political or social philosophy, that rejects all forms of religious faith."[110] Moreover, the word suggests that morality should be based solely in regard to the well-being of mankind in the present life, and to the exclusion of all considerations drawn from belief in God or a future life.[111]

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survivors of the Battle of Badr, the early *muhājirs* and so forth, and (c) all disabled, sick, and old persons. See Asad, *State and Government*, 92.

[109]See Asad, *State and Government*, 4-10.

[110]Jess Stein and Laurence Urdang, eds., *The Random House Dictionary of the English Language* (New York: Random House, 1971), 1289-1290.

[111]J. A. Simpson and E. S. C. Weiner, *The Oxford English Dictionary*, 2d. ed., vol. 14 (Oxford: Clarendon Press, 1989), 849; Rafiq Zakaria, *The Struggle within Islam: The Conflict between Religion and Politics* (Viking, 1988; Penguin Books, 1989), 20.

In fact, there are other definitions and changes to the concept of secularism since it was first conceived. One of the best definitions of a secular state has been given by the American scholar, Donald Eugene Smith who states that: "The secular state is a state which guarantees individual and corporate freedom of religion, deals with the individual as a citizen, irrespective of his religion, is not constitutionally connected to a particular religion nor does it seem either to promote or interfere with religion."[112] Akin to this definition, Charles Davis, in his discussion of the relation between religion and society, states that "a secular society is a society or people that has not committed itself as a collectivity to a single set of ultimate beliefs and values." From this definition, he concludes that a secular, pluralist society is not secularist in the sense of embodying an ideology hostile to religion.[113]

The most prominent example of that type of secular society is American society. Alexis de Tocqueville, a Roman Catholic member of the French nobility, lived through the French revolution, and then travelled to see the new social and political order which had just been implemented in North America. On his arrival in the United States the religious aspect of the country was the first thing that struck his attention. In America, unlike in France, he found the spirit of religion and the spirit of freedom intimately united and that they reigned in common over the same country. The causes of this phenomenon, according to his investigation, lay mainly on the separation of church and state. While he underlined the importance of religion as another form of hope and the only permanent

[112]Donald Eugene Smith, *India as a Secular State* (Princeton, New Jersey: Princeton University Press, 1963), 4.

[113]Charles Davis, *Religion and the Making of Society: Essays in Social Theology* (Cambridge: Cambridge University Press, 1994), 2. The terms Secularism and secularization historically began and grew out in Christian-European societies. The word secularization, according to Chadwick, "began as an emotive word, not far in its origins from the word anticlericalism. Sometimes it meant a freeing of the sciences, of learning, of the arts, from their theological origins or theological bias. Sometimes it meant the declining influence of churches, or of religion, in modern society." See Owen Chadwick, *The Secularization of the European Mind in the Nineteenth Century* (Cambridge: Cambridge University Press, 1975; Canto ed., 1993), 64. For a deep and thorough discussion in the context of Muslim society see Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964).

state of humankind, he thought the Americans were right to disconnect it with state. He perceived that as long as a religion rests only upon the natural desires of immortality and of hope which are the consolation of all affliction, it may attract the affections of all humankind. But, if political power is legitimated by religious authorities and church and state are perceived as supporting and upholding each other, then when the people turn against the state, they will probably also turn against the religion. For him, the church cannot share the temporal power of the state without being the object of a portion of that animosity which the latter excites.[114]

It appears that some Muslim scholars agree with the second definition of a secular state, i. e., that which guarantees individual and corporate freedom of religion.[115] But most of them seems to maintain that American-Christian experience could not be implanted in Muslim society. From Berkes' discussion of the development of secularism in Turkey, it is evident that the distinction between the Christian and Islamic experiences lies in the differences in the institutions and hierarchies within the religion, which influenced the relationship between the religious and political authorities. De Tocqueville, as discussed before, talked much about the relation between church and priest (clergy) on the one side and political power on the other when he was describing the position of religion in North America. It has not been the experience of Islam. In the Muslim societies, according to Berkes, the basic conflict is not necessarily between religion and the world, but is often between the forces of tradition, which tend to promote the domination of religion and sacred law, and the forces of change. Such a struggle can take place, in his view, in a society where there is no organized church authority. And, in its

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[114]Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley, vol. 1 (New York: Alfred A. Knopf, 1945), 308-310; Sheila McDonough, "Typologies of Religion and State," in Tarek Mitri, ed., *Religion, Law, and Society: A Christian-Muslim Discussion* (Geneva: WCC. Publications; Kampen: Kok Pharos Publishing Co., 1995), 6-7.

[115]See Zakaria, *The Struggle within Islam*, 6-20; Mushir-ul-Haq, *Islam in Secular India* (Simla: Indian Institute of Advanced Study, 1972), 4-21; Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 1980).

formal doctrine. Islam has no clergy, even forbids Muslims to have such kind of class. Therefore, the concepts of secularism and secularization could not be applied completely in Muslim society.[116]

It follows, even though a secular state and society is not necessarily secularist in the sense of a state embodying an ideology hostile to religion, many Muslims still can not accept the idea of a secular state. For example, Kemal A. Faruki, after giving a historical sketch of the development of the idea of the secular state in Western societies, maintains that Islam is a secular religion if the word secular was used to indicate concern with worldly problems. However, he rejects the other meaning of secularism which suggests the separation of spiritual and temporal affairs, as well as the superiority of the temporal. Similarly, Fazlur Rahman, although not explicitly mentioning the term secularism, also expresses such kind of rejection. It appears that their rejection is based on two reasons. First, a secular society seems to relativize moral ideas of right and wrong which are derived from religion and to subordinate them to other considerations.[117] Second, a secular state is "neutral" in the sense that it will not interfere in promoting moral ideas of right and wrong. Consequently, this kind of attitude will make goodness exist at the

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[116]Berkes, *The Development of Secularism*, 5-8. See Ernest Gellner, *Postmodernism, Reason and Religion* (London: Routledge, 1992; rep. 1993), 8. Gellner says that "It does not officially separate church from society, any more than it formally separates church from state. It does not possess, as some other civilizations have been said to possess, an exemplary centre holding up the Ideal to man, whether in a political or a religious court. If anyone in practice possess such a role within Islam, it is the scholars, the theologians-jurists, the *Ulama* . But they do not constitute a sacramentally segregated caste or stratum: they can only claim scholarship, familiarity with the scripturally recorded social/legal ideal, and hence the ability and will to practice and implement it, and no more. As for political authority, it is charged with enforcing divine law, rather than specifically or paradigmatically exemplifying it, let alone creating it. It must observe it, as must others, but it does not inherently constitute either its source or its norm." Ernest Gellner, *Conditions of Liberty: Civil Society and Its Rivals* (London: Hamish Hamilton, 1994), 16-17.

[117]Faruki is fiercely against the subordination of morality to any other consideration such as the nation-state. This is in fact, according to him, "the inevitable result when loyalty to nationalism is placed superior to loyalty to the moral principles which come from religion." Faruki, *Islamic Constitution*, 85.

individual level but may compromise it at the collective level with expediency and other extraneous considerations.[118]

In addition, the social problems and moral confusion faced by secular Western societies at present may enforce the Muslim rejection of the concept of a secular state. Moreover, some observations by contemporary Western historians were also used to strengthen their rejection. One of these Western historians is Arnold J. Toynbee, possibly the most eminent of modern Western historians, who describes the problems besetting modern Western life as follows: " ... our own Western post-Christian secular civilization might at best be a superfluous repetition of the pre-Christian Graeco-Roman one, and at worst a pernicious back-sliding from the path of spiritual progress. In our Western world of to-day, the worship of Leviathan—the self-worship of the tribe—is a religion to which all of us pay some measure of allegiance; and this tribal religion is, of course, sheer idolatry. Communism which is another of our latter-day religions, is, I think, a leaf taken from the book of Christianity—a leaf torn out and misread. Democracy is another leaf from the book of Christianity, which has also, I fear, been torn out and, while perhaps not misread, has certainly been half emptied of meaning by being divorced from its Christian context and secularized; and we have obviously, for a number of generations past, been living on spiritual capital, I mean clinging to Christian practice without possessing the Christian belief—and practice unsupported by belief is a wasting asset, as we have suddenly discovered to our dismay, in this generation."[119]

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[118]Rahman believes that it is necessary to create effective institutions, a government and state, which shall constitute the proper instrument for the implementation of social values and ideals. The collective institution of the society, i.e. the government, according to him, has the right and duty to constantly watch, give direction to, and actually mould the social fabric. Moreover, the state is to be the organization to which the Muslim *Ummah* would entrust the task of executing its will. Fazlur Rahman, "Some Reflections on the Reconstruction of Muslim Society in Pakistan," *Islamic Studies* 6, no. 2 (June 1967): 103-104 and 107; Fazlur Rahman, "Implementation of the Islamic Concept of State in the Pakistani Milieu," *Islamic Studies* 6, no. 3 (September 1967): 205.

[119]Arnold Toynbee, "Christianity and Civilization," in *Civilization on Trial and the World and the West* (Cleveland and New York: Meridian Books, 1965), 207.

Asad was born and raised in that kind of environment in Europe. Therefore, in describing his European socio-cultural situation he arrives at a similar conclusion to that of Toynbee. He writes as follows: "The opening decades of the of the twentieth century stood in the sign of a spiritual vacuum. All the ethical valuations to which Europe have been accustomed for so many centuries had become amorphous under the terrible impact of what had happened between 1914 and 1918, and no new set of values was yet anywhere in sight. A feeling of brittleness and insecurity was in the air—a presentiment of social and intellectual upheavals that made one doubt whether there could ever again be any permanency in man's thoughts and endeavours. Everything seemed to be flowing in a formless flood, and the spiritual restlessness of youth could nowhere find a foothold. In the absence of any reliable standards of morality, nobody could give us young people satisfactory answer to the many questions that perplexed us."[120]

Concerning moral relativism he states: "In the general process of dissolution of established social mores that followed the Great War, many restraints between the sexes had been loosened. What happened was, I think, not so much a revolt against the strait-lacedness of the nineteenth century as, rather, a passive rebound from a state of affairs in which certain moral standards had been deemed eternal and unquestionable: a swinging of the pendulum from yesterday's comforting belief in the continuity of man's upward progress to the bitter disillusionment of Spengler, to Nietzsche's moral relativism, and to the spiritual nihilism fostered by psychoanalysis. Looking backward on those early postwar years, I feel that the young men and women who spoke and wrote with so much enthusiasm about 'the body's freedom' were very far indeed from the ebulient spirit of *Pan* they so often invoked: their raptures were too self-conscious to be exuberant, and

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[120]Muhammad Asad, *The Road to Makkah* (Lahore: Maktaba Jawahar ul uloom, n.d.), 57.

too-easy going to be revolutionary. Their sexual relations had, as a rule, something casual about them--a certain matter-of-fact blandness which often led to promiscuity." [121]

Given this historical background one can understand why Asad rejects the secular state. It also appears that he has a great deal of apprehension concerning the fact that in a modern secular state there is no stable norm by which to judge between good and evil, right and wrong, and where the only possible criterion is the "nation's interest". For him, it became evident that the contemporary Western political systems base their conception of right and wrong on nothing but people's changeable and continuously changing material preferences. In the modern secular state, he thus concluded, "the term 'right' and 'wrong' have no real validity of their own but are merely convenient fictions, fashioned exclusively by time and sosioeconomic circumstances." In his view, religion alone can provide a permanent, absolute moral law in order for a nation or community to know and gain unity and happiness. [122]

Asad's belief in the supremacy of the *Sharī'ah* is in accordance with traditional Islamic political thought as already explained in Chapter II. Therefore, for him the Islamic polity is under the ultimate sovereignty of God. In practical terms, however, Divine authority means the *Sharī'ah* which in turn sets certain limits on the legislative authority in the Islamic state, regulates the behavior and authority of rulers, and protects the interests of their subjects. The recognition of the sovereignty of God, makes it incumbent upon the believers to follow His lead by complying with the *Sharī'ah* instructions. This submission to God's sovereignty undoubtedly imposes restrictions upon individual and communal rights that are fundamental attributes of popular sovereignty and an integral component of his model of the *Sharī'ah* state. It is argued, however, that such restrictions on the rights of the individual do not necessarily make the Islamic state authoritarian. Asad, for example, lists two reasons demonstrating the unauthoritarian

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[121]Asad, *The Road to Makkah*, 59.
[122]See Asad, *State and Government*, 5-6.

character of the Islamic state: first, the role of the *Ummah*. In Islamic political thought, as already explained in Chapter II, the *Ummah* or the community of believers, along with the *Sharī'ah*, is the source of political power. He maintains that "the principle of 'popular consent' presupposes that the government as such comes into existence on the basis of people's free choice and is fully representative of this choice."[123] He argues, however, that whenever Muslims speak of the "will of the people" in the context of Islamic political thought, they should not substitute for the un-Islamic autocracy of their past centuries the equally un-Islamic concept of unrestricted sovereignty on the part of the community as a whole.[124]

As a comparison, Fazlur Rahman, in a different line of argument, illustrates a similar view to that of Asad. Rahman maintains that the state organization in Islam receives its mandate from the people, that is the Muslim Community. Therefore, he argues, it is necessarily democratic. And, in accordance with traditional Islamic political thought, he conceives that there will always be a group of people which has accepted to implement the will of God as revealed in the Qur'ān and whose model in history was created by the Prophet.[125] It seems that Rahman's recognition of democracy should not be equated with a wholesome acceptance of democracy as it exists and functions in the West. With various arguments other Muslim thinkers too such as Muḥammad Iqbal, Ayatullah Khomeini, and 'Alī Sharī'ati do not accept modern Western democratic principles as a whole, instead, they embrace "Islamic democracy".[126] Iqbal, for instance, praises Islamic democracy for being based on equality, and criticizes modern Western democracy for being " . . . a system where people are counted but not weighed."[127]

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[123]See Asad, *State and Government*, 37

[124]See Asad, *State and Government*, 38.

[125]Rahman, "Implementation of the Islamic Concept of State," 205.

[126]Mehran Tamadonfar, *The Islamic Polity and Political Leadership: Fundamentalism, Sectarianism, and Pragmatism*, Westview Special Studies on the Middle East (Boulder, San Francisco, & London: Westview Press, 1989), 40-41.

[127]Freeland Abbot, "View of Democracy and the West," in Hafeez Malik, ed., *Iqbal: Poet-Philosopher of Pakistan* (New York and London: Columbia University Press,

The second reason is the nature of the *Sharīʿah*. The *Sharīʿah*, according to Asad, for the most part, embodies a set of general principles and, as such, is subject to interpretation. Because under the supervision of and in compliance with the *Sharīʿah* the community still maintains broad discretion in decision-making.[128] He justifies his opinion by claiming the support of the Companions of the Prophet and of outstanding jurists, in particular Ibn Ḥazm. Through the exercise of *ijtihād*, necessary, additional legislation can and must be provided "in consonance with the spirit of Islam".[129] He would occasionally, therefore, refer to legislations of the past, arrived at by *ijtihād*, and stress the temporary character of all such legislations since they were surely bound by the special circumstances of their time and place. They were, nevertheless, always subject to the authority of the irrevocable, unchangable *Sharīʿah*. Moreover, he believes that the ordinances of the Divine Law conform to "the real nature of man and the genuine requirements of human society at any time".[130] Similarly, he quotes a Qurʾānic verse[131] in support of his contention that "the Law-Giver has conceded to us, within this area, an 'open road' (*minhaj*) for temporal legislation which would cover the contingencies deliberately left untouched by the *nuṣūṣ* of Qurʾān and *Sunnah*."[132]

1971), 175; See also Fazlur Rahman, "Some Aspects of Iqbal's Political Theory," *Studies in Islam* 5 (April-July 1968): 165.

[128]See Asad, *State and Government*, 23.

[129]For example, ʿUmar's establishment of the dīwān, or treasury office, after a Persian model, or his prohibiting warriors from Arabia to acquire landed property in the newly conquered territories. These cases are differently interpreted. Asad said that these cases were examples of administrative and legislative enactments which were neither directly nor indirectly derived from the Qurʾān or *Sunnah* but from purely commonsense considerations of governmental efficiency and public interest and in accordance with the spirit of the Qurʾān and *Sunnah* Meanwhile An-Naʿīm interprets these cases as clear and and strong precedents from the earliest times of Islam that policy considerations may justify applying a rule derived through *ijtihād* even if that required overriding clear and definite texts of the Qurʾān and *Sunnah* as long as the outcome of such *ijtihād* is consistent with the essential message of Islam. Asad did not say that ʿUmar's *ijtihād* overrode the clear and definite texts of the Qurʾān and Sunnah (*nuṣūṣ*), but An-Naʿīm did. Asad, *State and Government*, 14 and 23-24; An-Naʿīm, *Toward an Islamic Reformation*, 28-29; Rosenthal, *National State*, 126.

[130]Asad, *State and Government*, 14; Rosenthal, *National State*, 126.

[131]"For every one of you We have ordained a Divine Law and an open road." (Q. 5:48).

[132]Asad, *State and Government*, 15; Rosenthal, *National State*, 126-127.

We deal now with the position of non-Muslims in the Islamic state as Asad

envisions it. No doubt this issue is one of most delicate problems for modern Islamic

political thought, and the object of criticism from non-Muslims especially from

contemporary Western countries. The criticism often centers on the civil and political

rights of non-Muslims as members of religious minorities. Non-Muslims, it was argued,

can not have complete equality within an Islamic state, though assured that their basic

religious freedom is guaranteed and their personal laws recognized. The status of non-

Muslims (*ahl al-dhimmah*)[133] is entitled under traditional Islamic political theories to

protection of one's person and property and to practice one's religion in private in

exchange for payment of poll tax (*jizyah*).[134] Meanwhile, Asad relates the payment of

jizyah by non-Muslims with the duty of citizens of the Islamic state to take arms in

defensive war. Therefore, the non-Muslim citizens can share with the Muslims the duty

to take up arms in defence of the Islamic state if they wish. However, they are entitled to

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[133] *Ahl al-dzimmah* is the people with whom a compact or covenant has been made; the free non-Muslim subjects of a Muslim government, who pay a poll-tax for which the Muslims are responsible for their security and freedom and toleration. *Arabic-English Lexicon* 1984 ed. , s. v. "dzimmah," by E. W. Lane.

[134] See Abdelwahab El-Affendi, *Who Needs an Islamic State?* (London: Grey Seal, 1991), 65-66; Mitri, "Introduction," in Tarek Mitri, ed., *Religion, Law, and Society*, vii; An-Nai'imi, *Toward an Islamic Reformation* 89.

exemption on grounds of conscience, in which case they must pay the *jizyah*.[135] This is a significant reversal of the mainstream conservative position.[136]

Asad tries not to discriminate against non-Muslim citizens and declares that the only post to be reserved for a Muslim is that of head of state. This means that non-Muslim citizens can attain all other positions. It also appears that he realizes that this demand may still cause some apprehension inasmuch as it would seem to imply a discrimination between the Muslim and non-Muslim citizens. He, therefore, emphasizes that Muslims must be able to show that the sociopolitical scheme of Islam aims at justice for Muslims and non-Muslims alike, and that in the Muslim endeavor to set up a truly Islamic state they are moved by moral consideration alone.[137]

Nevertheless, he frankly admits the need to have a certain amount of differentiation between Muslims and non-Muslims based on psychological and ideological reasons, otherwise, in his opinion, there can be no question of Muslims ever having an Islamic state or states in the sense envisaged in the Qur'ān and *Sunnah*.[138]

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[135]Asad, *State and Government*, 70-75. Thus, according to Asad, *jizyah* is no more and no less than an "exemption tax" in lieu of military service and in compensation for the "covenant of protection" (*dhimmah*) accorded to such citizens by the Islamic state. There is classification of *ahl al-dhimmah* ("the people who are given covenant of protection"). All women, males who have not yet reached full maturity, Old men, all sick or cripled men, priests and monks, are exempted from the payment of *jizyah*. Only non-Muslims who— if they were Muslims, would be expected to serve in the armed forces of the state-- are liable to the payment of *jizyah* provided that they can easily afford it. Asad bases this classification on several Traditions of the Prophet Muḥammad. The term itself is derived from the verb *jazā* "he rendered (something) as a satisfaction", or "as a compensation (in lieu of something else)". The term *jizyah* occurs in the Qur'ān only once (9: 29), but its meaning and purpose have been fully explained in many authentic Traditions. Meanwhile the term *dhimmah* occurs twice in the Qur'ān (9: 8 and 10). *The Message of the Qur'ān* 257: n. 13 and 15, ; 262: n. 43, .

[136]The mainstream concervative position simply disqualifies non-Muslims rather than exempting them from having to fight in defence of themselves. Exemption implies request, or at least the choice of the person being so exempt, whereas according to the conservative position non-Muslims have no choice in accepting the status of being defended by the Muslims in exchange for payment of *jizyah* See An-Naʿim, *Toward an Islamic Reformation* 89. For an orthodox or conservative position see Mawdūdī, *The Islamic Law and Constitution* 292-321; Ahmed, *The Concept of an Islamic State* 87, 92, and 101-103.

[137]Asad, *State and Government*, 99.

[138]See Asad, *State and Government*, 40-41. One can argue that even in some states which seemingly secular, like the United Kingdom (Britain), they too require that its

Asad, Parwez and Mawdūdī hold similar view that the *dhimmis* are to follow their own laws, granted full autonomy, and entitled to the same civic rights that the Muslims enjoy. Mawdūdī further divides non-Muslims in an Islamic state into three types: Contractees, the Conquered, and Residents.[139]

The status of non-Muslims also comes to attention when Asad expounds the term "community" and the elective nature of the chief executive and the legislature. According to Asad, the Legislative Assembly, to which he gives the traditional Muslim name of *majlis al-shūrā*, must be truly representative of the entire community, both men and women. Rosenthal deduces that, by this meaning, Asad excludes the non-Muslims from both voting for and sitting in the Legislative Assembly. According to the former, this belief is contrary to Asad's insistence on the fundamental Islamic principle of the equality of all human beings, and is not only a form of inevitable differentiation as he admits but of discrimination as well. The reason for Rosenthal's statement is that minorities are as much, if not more, affected by decisions concerning public matters as the majority.[140]

That it is also a form of discrimination appears when he talks of broad Muslim suffrage. There is no mention of universal adult franchise, which might also include non-Muslims as active participants in the political process, although he recognizes the right to form political parties. Asad, however, seems to try to minimize discrimination against religious minorities which the *Ulamā* want to extend to all aspects of societal life.[141]

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monarch to be the defender of the Protestant faith. See Zakaria, *The Struggle within Islam*, 20. This also applies to the Spanish monarchy. Similarly, the constitution of Republic of Argentina also rules that the president should be a Roman Catholic.

[139]Maudūdī, .. *Islamic Law*, 289-291, 295-321; G. A. Parwez, *Islam: A Challenge to Religion* (New Delhi: Islamic Book Service, 1989), 276.

[140]See Rosenthal, *National State*, 131; Asad, *State and Government*, 47-48.

[141]For comparison, the traditional 'ulamā' see the *Sharī'ah* as dictating the creation of a state for Muslims as the sole citizens, with non-Muslims having no political rights. Mawdūdī accepts the first part of the above proposition but allow non-Muslims very limited participation in politics. Parwez, Hakim, and Zafar also see the state as only for Muslims, but whereas Hakim sees a role for non-Muslims in policy implementation, Parwez and Zafar do not discuss the status of non-Muslims. Javid Iqbal seems to believe

Although Asad as far as possible tries to minimize discrimination against non-Muslims and to be fairer to them compared to traditionalists and fundamentalists, he is unable to give Islamically new and fresh solution that suits to the present stage of human development. It happens, perhaps, because he fails to apply completely his hermeneutical method and legal theory of considering fully the entire historical context of the Qur'ān and *Sunnah* and of the spirit of Islam. While in other cases, that is concerning punishment for stealing and position of woman, Asad succeeds relatively to apply his hermeneutical method and legal theory, in the problem of non-Muslim citizens his solution seems to fall short of responding to the requirements of time and changing social conditions.[142] Moreover, Asad's *ijtihād* has its limitations, because of his notion of *nass* i.e. a statement plainly, or explicitly, declared or made manifest by God (in the Qur'ān) and His Apostle (in the *Hadīth*). He considers that the *nass* is so self-expressive and unequivocal that no attempt at arbitrary interpretation can change its purport. It therefore follows that any discriminatory rule that is based on an explicit and definite text (*nass*) for Asad is not open completely to reform through *ijtihād*.[143] Asad's notion of *nass*

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in Muslims as the primary nation, with non-Muslims as part of a broader Pakistani nation. Ahmed, *Islamic State*, 87, 101-103, 126-127, 132, 137, 141-142; An-Na'īm, *Toward an Islamic Reformation*, 38.

[142]It is unfortunate that Asad who understands well Islamic history does not try to notice different arrangement which made by the Prophet with non-Muslims and the treatment made by him after some Jewish tribes violated the Constitution, or his successors (the caliphs) when the Arab-Muslims conquered vast territories under Persian and Byzantium empires. Prophet Muḥammad establish the first Islamic state in Medina through an alliance between the migrants and their supporters in the City, together with the Christian and Jewish tribes of the area. During that initial period, Christians and Jews, known as *Ahl al-Kitāb*, People of the Book or Followers of Earlier Revelation, were treated with tolerance and respect as equal partners in the Constitution of Medina which regulated their relationship with the Muslims. A new principle came into play, however, with the expedition against Khaybar in 628. The Jews who violated the Constitution were not expelled but allowed to go on cultivating on condition that they paid a proportion of their produce and *jizyah* (poll-tax) to the Muslims. A similar principle was followed under Abū Bakr and 'Umar. Asad seems to ignore those different and changing historical circumstances. See W. Montgomery Watt, *Islamic Political Thought: The Basic Concepts* (Edinburgh: Edinburgh University Press, 1968; paperback ed. 1987), 4-14 and 46-52.

[143]See Mahmoud Mohamed Taha, *The Second Message of Islam*, trans. and intr. Abdullahi Ahmed An-Na'īm (Syracuse: Syracuse University Press, 1987), 22-23.

then, become impediment for him to achieve the moral and political objective of removing

all discrimination against non-Muslims in Islamic Law. It seems that the status of non-

Muslims and woman, still constitutes the problem for a modern Islamic political theory

that is, how it has to deal with international human rights standards which clearly say that

the principle of equality is not compatible with a regime of discrimination against

religious minorities.[144]

Concerning the relationship of the Islamic state with non-Muslim states, Asad

holds that Islam forbids wars of agression and insists on the purely defensive character

of *jihād* war, i. e. it is only permissible in self-defence. On his discussion of *jihād*, Asad

quotes the verse 2: 190: "And fight in God's cause against those wage war against you,

but do not commit aggression--for, verily, God does not love agressors." This verse and

the following verse, according to him, lay down unequivocally that only self-defence (in

the widest sense of the word) makes war permissible for Muslims.[145] The traditionalists,

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[144]See Rosenthal, *National State*, 132: Asad, *State and Government*, 47-48; Ann Elizabeth Meyer, *Islam and Human Rights: Tradition and Politics* (Boulder and San Francisco: Westview Press; London: Pinter Publishers, 1995), 80; El-Affendi, *Who Needs an Islamic State?*, 67-68

[145]Asad, *State and Government*, 72-75. We would like to examine further Asad's interpretation of Qur'ānic verses regarding relationship with non-Muslims. In interpreting Q. 3: 28, Asad comments that the believers not to take those who deny the truth for their allies in preference to the believers in cases where the interests of those "deniers of the truth" clash with the interests of believers. It means if there is no such a clash, it is allowed for a Muslim group or power to form an alliance with "those who deny the truth", above all if it is intended to protect Muslims. Regarding the deeper implications of the term *awliyā'* (allies) he says that it doest not indicate in that context merely political alliances, but more than anything else a "moral alliance," that is, to an adoption of their way of life in preference to the way of life of the believers, in the hope of being "honoured", or accepted as equals, by the former. Asad argues that since an imitation of the way of life of confirmed unbelievers must obviously conflict with the moral principles demanded by true faith, it unavoidably leads to a gradual abandonment of those principles. He moreover says that friendly relations with unbelievers who are not hostile to the Muslim community are permissible, and even desirable. It is obvious Asad does not interpret the verse and other verses with similar issues such as 4: 144, 8: 72-73, 9: 23 and 71, and 60: 1, with the use of force against non-Muslims as were understood and applied by the early Muslims. It seems that Asad sees these verses as having provided the necessary psychological support for the survival and cohesion of a vulnerable community of Muslims in a hostile and violent social and physical environment in Medina. See *The Message of the Qur'ān*, 41: n. 167; 70: n. 19 and 20; 131: n. 154: ; 132: n. 159: 252-253: n. 77, 78, 79, 80, 81, and 82; 259: n. 31; 272: n. 99; 855: n. 1, 2, and 3; An-Na'im, *Toward an Islamic Reformation*, 144..

on the contrary, see peace with the non-Muslim world as temporary and confontration as unavoidable. Mawdūdī sees the possibility of negotiating peace with non-Muslims while admitting the inevitability of confrontation if the *Sharī'ah* is the law of the land. Ghulam Ahmad Perwez, Khalifa Abdul Hakim, and Javid Iqbal seem to believe, whether expressly or by implication, the peace with the non-Muslim world is desireable, but they differ on whether confrontation is likely. To Hakim, ideological confrontation with atheism and polytheism is necessary, a position which is hard to reconcile with his view that peace is desireable. Parvez does not address the question, but it seems that peace with non-Muslims follows from his general reasoning.[146]

The position of women in Islam has aroused much interest in current developments. It is undoubtedly, the growing strength of Islamist movements today, which urge the reinstitution of the laws and practices set forth in core Islamic discourses, made the discussion of the position of women in relation to Asad's political thought seem particularly urgent and relevant.[147] Given the prevailing marginality of Muslim women in politics and existing views which forbid women's socio-political participation, Asad's views on women's political participation seem quite liberal. This appears in his discussion of the election of members of the legislative assembly, of free and compulsory education-- where women are explicitly mentioned-- and of the election of head of state. He also suggests that the members of the *majlis* (the legislative assembly) should have, regardless of their gender, a good working knowledge of the *nuṣūṣ* of the Qur'ān and *Sunnah* and that they are to be people of understanding and insight, aware of the

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[146]Ahmed, *Islamic State*, 183-184; An-Naʿim, *Toward an Islamic Reformation*, 38-39.

[147]Nikki R. Keddie, "Introduction: Deciphering Middle Eastern Women's History," in Nikki R. Keddie and Beth Baron, ed., *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender* (New Haven and London: Yale University Press, 1991), 1-2; Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven and London: Yale University Press, 1992), 1-2; Mai Yamani, "Introduction," in Mai Yamani, ed., with Additional Editorial Assistance from Andrew Allen, *Feminism & Islam: Legal and Literary Perspectives* (New York: New York University Press, 1996), 1.

sociological requirements of the community and wordly affairs in general. For him, education and maturity are indispensable qualifications for election to the *majlis al-shūrā*. Also when illustrating the conditions for the position of head of state he mentions that that person must believe in the Divine origin of the *Sharīʿah*, be a Muslim, possess honorable individual merits. Asad precludes any considerations of race, family origin, or previous social status.[148] Moreover, he does not mention that the head of state should be a man nor that this office cannot be entrusted to a woman, as medieval Islamic political theorists did and traditional and fundamentalist *ʿulamāʾ* do at the present time.[149] Asad, therefore, seems to believe that woman has equal political rights.[150] Perwez, Hakim, and Javid Iqbal are in accord the opinion of Asad in allowing women participation in public life on an equal footing with men.[151]

Since Muʿāwiyah (r. 661-680 C. E.) installed himself as caliph, many Muslims have lived, and still live, under authoritarian regimes and unjust rulers who deny them freedom of speech, assembly and action. Muslim jurists, as already expounded in Chapter II, had recourse involuntarily to legitimist and opportunistic theories for reasons of restoring and preserving the unity of Muslims. The *ʿUlamāʾ* continued, on the one hand, to strenuously advocate absolute obedience even to unjust rulers and, on the other, to draw perfectionist pictures of an ideal caliph or ruler to ensure political stability.

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[148]Asad, *State and Government*, 39-40, 45-48, and 87.

[149]See Maudūdī, *Islamic Law*, 282.

[150]It is interesting to illustrate Asad's assessment of Islamic Law and Muslim attitudes towards women. He writes: "The freedom which Islamic Law accords to both men and women to contract or dissolve a marriage explains why it considers adultery one of the most heinous of crimes: for in the face of such latitude, no emotional or sensual entanglement can ever serve as an excuse. It is true that in the centuries of Muslim decline, social custom has often made it difficult for a woman to exercise her prerogative of divorce as freely as the Law-Giver had intended: for this, however, not Islam but custom is to blame— just as custom, and not Islamic Law, is to be blamed for the seclusion in which woman has been kept for so long in so many Muslim countries: for neither in the Koran nor in the life-example of the Prophet do we find any warrant for this practice, which later found its way into Muslim society from Byzantium." Muḥammad Asad, *The Road to Makkah* (Lahore: Maktaba Jawahar ul uloom, n.d.), 284-285. This book was written around 1954.

[151]Ahmed, *Islamic State*, 133, 137, and 144; An-Naʿīm, *Toward an Islamic Reformation*, 38.

According to them, the other alternative was chaotic and unstable, thus Muslims with the help of the doctrine of predeterminism could do nothing religiously except obey their unjust and authoritarian rulers.[152]

Realizing those historical facts, Asad is strongly concerned with constitutional questions relating to the nature and powers of the various organs of the state. He therefore pays much attention to the necessity to control power, government by consent and council, the relationship between the executive and legislative, and the citizens and the government. He, for example, proposes a referendum to legally depose a ruler who governs in deliberate opposition to Islamic Law.[153]

Asad's proposal to hold a referendum to depose a ruler shows clearly his tendency to have people control the powers of the ruler. He even emphasizes that Muslims should not substitute for the un-Islamic autocracy of their past centuries the equally un-Islamic concept of unrestricted sovereignty of the community as a whole. Moreover, he declares that the entire Muslim history could have taken a different course if 'Uthmān (the third Caliph) had held himself bound (in the legal sense of the word) by the decisions of a properly constituted *majlis al-shūrā*.[154]

However, Asad also emphasizes obedience to the *amīr*, based on a number of "political" *ḥadīths*, in consonance with the principle of communal unity insisted upon so frequently in the Qur'ān and *Sunnah*. This acceptance of political *ḥadīths* has invited much criticism which declares that by using this kind of *ḥadīth* uncritically, his theory on the principle of obedience to the *amīr* is unacceptable and seems to contradict his views on the necessity to get rid of authoritarian regimes.[155] One has to remember that Asad is

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[152]Fazlur Rahman, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965), 92-94.

[153]Asad, *State and Government*, 36, 38, 43-44, 80.

[154]See Asad, *State and Government*, 38, 56, and 80.

[155]See Ahmad Syafii Maarif, "Islam as the Basis of State: A Study of the Islamic Political Ideas as Reflected in the Constituent Assembly Debates in Indonesia," (Ph.D diss. The University of Chicago, 1983), 219.

a *muḥaddith* (one who believes in and defends all the "authentic" *ḥadīths*).[156] By using these "authentic" political *ḥadīths* which are contradictory to one another, as one of the main sources of his theory, Asad has made a definite formal confusion as well.[157]

Asad's Islamic legal theory is challenging because of his historical and critical approaches. Furthermore, his proposal that the *majlis al-shūrā* elect a small panel of scholars is equally worthy of appreciation.[158] His notions on differentiating between universal and particular ordinances, and on considering the entire—socio-cultural and historical—context of the Qur'ān and *Sunnah*, could result in liberal and unrigid interpretations and applications of Islamic law. One may, however, argue that Asad's emphasis on the actual —those based on clear instructions in the Qur'ān and *Sunnah* — divine laws (*naṣṣ*) which include the harsh criminal code, arises confusions and contradictions, and seems to limit this liberal tendency. Nevertheless, it could be equally argued, that since he always refers to the *spirit* (not the form) of Islam, of Islamic law, or of the Qur'ān and *Sunnah* in his discussion of how the community enacts relevant and detailed legislation through the exercise of independent reasoning (*ijtihād*), it seems that it provide a safeguard against legal and social rigidity, and it has, at least, potentialities to allow a more liberal interpretation of Islamic law.[159] In addition, his suggestion to invite

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[156]Ibn Taymīyah (1263-1328 C. E.) encouraged Muslims to rediscover the original teachings of Islam and to apply individual judgment (*ijtihād*) in the interpretation of religious doctrine, and brought forth powerful arguments in vindicating religious values. His political doctrine was not, however, necessarily free from certain basic limitations due to his uncritical acceptance of political *ḥadīths* which made him declare that the *imām* who is to be obeyed is the one who has power, regardless of whether he is just or unjust. See Manzoor Ahmad Ḥanifi, *A Survey of Muslim Institutions and Culture*, rev. ed. (Lahore: Sh. Muhammad Ashraf, 1980), 78; Rahman, *Islamic Methodology in History*, 93-94.

[157]Maarif, "Islam as the Basis of State," 220.

[158]Asad's proposal is similar to that of Iqbal's. In Iqbal's view the transfer of the power of *ijtihād* from the individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only possible form of *ijmaʿ* that can take place in modern times. Allama Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Dr. Javid Iqbal & Sh. Muhammad Ashraf, 1968), 173-174.

[159]That Asad is not literalist is evident in his explanation of the verse 5: 38 concerning Qur'ānic punishment for stealing. According to Asad, the punishment could

criticism and suggestions from other Muslim countries, in a kind of corporate-global interpretation or communicative reasons, toward suggested legal codification demonstrates his open-mindedness and unrigid and flexible attitude.

His notion of the need to consider fully the entire historical context of the Qur'ān and *Sunnah* and his reference to the spirit of Islam is similar or comparable to the hermeneutical method employed by Fazlur Rahman in his interpretation of the Qur'ān. Rahman's method of Qur'ānic hermeneutics is concerned with the understanding of its message in such a way as to enable those who have faith in it and want to live by its guidance--in both their individual and collective lives--to do so coherently and meaningfully. The process of interpretation proposed by him consists of a double movement, from the present situation to Qur'ānic times, then back to the present. According to him, the Qur'ān is the divine response, through the Prophet's mind, to the moral-social situation of the Prophet's Arabia, particularly to the problems of the

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not be applied unless every member of the Islamic society--Muslim and non-Muslim alike--is given his or her right to protection (in every sense of the word) by the community as a whole. Based on his understanding of Qur'ānic ordinances as well as the Prophetic injunctions forthcoming from authentic Traditions, Asad shows that every citizen is entitled to a share in the community's economic resources and. thus, to the enjoyment of social security. Asad says: "In other words, he or she must be assured of an equitable standard of living *commensurate with the resources at the disposal of the community*." He emphasizes if the society is unable to fulfil its duties with regard to every one of its members, it has no right to invoke the full sanction of criminal law (*hadd*) against the individual transgressor, but must confine itself to milder forms of administrative punishment. He praises the Caliph 'Umar who, in accordance with this principle, waived the *hadd* of hand-cutting in a period of famine which afflicted Arabia during his reign. He concludes, "that the cutting-off of a hand in punishment for theft is applicable only within the context of an already-existing, fully functioning social security scheme, and in no other circumstances." See Asad, *The Message of the Qur'ān* 149-150: n. 48. Another example is his interpretation of the stipulation that the evidence of two women are equal to that of one man, as required by the Qur'ān (2: 282). Asad's interpretation clearly takes the historical context into consideration and implies that the derived meaning is conditional and temporary, not literal and permanent i. e. it could change according to the requirements of time and the changing social conditions. Asad's comments are as follows: "The stipulation that two women may be substituted for one male witness does not imply any reflection on woman's moral or intellectual capabilities: it is obviously due to the fact that, as a rule, women are less familiar with business procedures than men and, therefore, more liable to commit mistakes in this respect." Although he avoides to make a clear conclusion, it could be concluded, had the circumstances changed, that is woman as familiar as man, or even in the modern time many women are much more familiar with business or law such as business-woman and lawyers, the stipulation would have changed. See *The Message of the Qur'ān* 63: n. 273 .

commercial Meccan society of his day. The first movement consists of two steps, in where in the first step one must understand the import or meaning of a given statement by studying the historical situation or problem to which it responds. The second step is to generalize those specific answers and enunciate them as statements of general moral-social objectives that can be "distilled" from specific texts in light of the sociohistorical background and the often-stated *rationes legis*. The second movement, then, is to be from this general view to the specific view that is to be formulated and realized. In other words, the general has to be embodied in the present, concrete sociohistorical context.[160]

Because of Asad's modern historical and critical approach and his plan to summon a new assembly for a codification of *sharī* ordinances, the feasibility of his proposal will depend on the support it will find among like-minded Muslims believing in the greatness of original Islam as well as modern-educated Muslims. The established experts—the *ulamā*-could not, however, be expected to support such a drastic break with the traditional system. Nevertheless, Asad hopes that with this codification the dissension and confusion existing among Muslims as to what constitutes the socio-political teaching of Islam on which they ought to model their Islamic state will be resolved. In practical terms this means that Asad aspires to bring about the rebirth of ideal Islam and to show the world Islam's moral superiority. But, it is difficult to establish ideal Islam, since a Muslim thinker like Asad has to face two obstacles at the same time: the power and influence of the conservative *Ulamā* on the one hand, and the current secular tendencies in Muslim societies, on the other.[161]

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[160]Fazlur Rahman, *Islam & Modernity: Transformation of an Intellectual Tradition*(Chicago & London: The University of Chicago Press, 1982; Paperback ed., 1984), 4-7.

[161]See Rosenthal, *National State*, 136. In his writing of the need for Muslims to think anew about Islam in order to give them precise directives for the formation of their society and to translate these directives into practice, Asad criticizes the *'Ulamā.'* They, according to him, were telling Muslims that in matters of religion independent thought is heresy, and the true Muslim is he who blindly repeats the formulas evolved in the olden days. See Asad, *This Law of Ours* 11-14. Compare to Iqbal when he says that he did not

Throughout his model, Asad is strongly concerned with constitutional questions relating to the nature and powers of the various organs of the state. This concern is no doubt encouraging because it indicates a commitment to constitutionalism. But his model of the *Shari'ah* state is insufficient to achieve full constitutionalism, since it does not completely apply the principle of the equality of all citizens before the law. It, as already analyzed above, disqualifies non-Muslims from holding any office involving the interpretation and application of the *Shari'ah* and the office of head of state. This lack of Asad's model of the *Shari'ah* state laid on his failure to apply comprehensively his own hermeneutical method and legal theory. His view that it is in full keeping with the spirit of the *Shari'ah* if the constitution of an Islamic state would explicitly disqualify desirous self-canvassing person of being appointed to an administrative post or of being elected to a representative assembly from being elected or appointed, also compromised individual and communal rights which are fundamental attributes of popular sovereignty that constitutes one important principles of relating to the nature of his model of the *Shari'ah* state. One can expect, however, that Asad's scheme of the Islamic state allows for human social and intellectual evolution and thus avoid rigidity in the concept of Islamic political law, and considerable scope for a just and moral society and relatively and potentially more liberal interpretation of Islam.[162]

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see any reason why the *'Ulamā'* claim of finality of the popular schools of Islamic law. See Iqbal, *The Reconstruction of Religious Thought*, 168.

[162]Cf. Hamid Enayat, *Modern Islamic Political Thought*, The Center for Middle Eastern Studies, The University of Texas at Austin (Austin: University of Texas Press, 1982; Paperback ed., 1991), 110 and 205.

CHAPTER V

SUMMARY AND CONCLUSION

This study of Muhammad Asad's political thought presents us with several conclusions; all of which must be highlighted within the sphere of Islamic political thought. Therefore, let us first summarize the origin and development of Islamic political thought in early and medieval Islam, and, second, the development of modern Islamic political thought. From our previous discussion it could be seen that Islamic political thought in early Islam focused mainly on religio-political issues surrounding the question of the election and deposition of the Caliph or Imam. This issue dominated the scene because soon after the death of the prophet Muhammad, contemporary Muslims were confronted with the question of succession to his position as leader of the community. Hence various politico-religious schools came into existence and formulated different views concerning this issue. Ultimate authority, however, according to all these parties, belonged to God, whose sovereignty extends over the whole universe. In practical terms, Divine authority means the *Sharī'ah*. It sets certain limits on the legislative authority in the Islamic polity; regulates the behavior and authority of rulers; and protects the interests of their subjects. Together with the *Sharī'ah*, the *Ummah*, i. e. the Muslim community or the community of believers, is a source of political power. Indeed, the *Ummah* lies at the core of the Islamic political concept. Moreover, public opinion or *ijmā'* (concensus of the community), as a source of law, endows the community as a whole with political sovereignty in "their own right." In later periods, however especially during and after the Umayyad caliphate, this theory increasingly served as doctrinal justification for contemporary politics which became more and more separated from the early exemplar. The ruler's behavior and authority were no longer regulated by the *Sharī'ah* and the political power was not based on public opinion but almost completely on force.

The three major streams or groups of Islamic political thought in medieval Islam tended to describe and grapple with the contemporary discrepancy between the ideal form of the state and the reality of Muslim political affairs. Their debates centered round the caliphate, and recognized, the authority of the *Sharī'ah* as supreme. Nevertheless, the decline of the Abbasid caliphate which was characterized by constant struggles between the caliph and the sultan (or emir) for effective exercise of authority and power, tended to increase the divergence between the real and the ideal. Unfortunately, when these struggles were taking place the caliphate had not only diverged from the path of the *Sharī'ah*, but it became increasingly difficult to define and legitimize the relationship between the caliph and the sultan. Consequently, the Islamic political thinkers tried, on the one hand, to keep faith with the ideal caliphate and its sole supreme authority, while on the other hand, they grappled with the reality that effective power in medieval Islam was in the hands of sultans and emirs. The scholars, nevertheless, managed to legitimize the caliphate of their time, eventhough it did not fulfill the ideal requirements.

Ibn Taymīyah and, especially Ibn Khaldūn, were more realistic in their political theories. Interestingly, Ibn Taymīyah ignores the current political struggles and tries, by concentrating on the *Sharī'ah*, to create the conditions necessary for the reconstitution of a Muslim community guided by the *Sunnah* of the Prophet. He also rejects the theory of political universalism so central to Muslim political thinking from the time of al-Ash'arī onwards. Similarly, Ibn Khaldūn, although paying lip-service to the classical theory of the *imāmah* or *khilāfah*, accepts on the basis of historical evidence that the Muslim state had gradually metamorphosed into a form of temporal authority. Therefore, more than one polity may be found in the Muslim world and all such polities, so long as they base their rule upon compliance with the revealed law, are both legitimate and doctrinally acceptable.

Islamic political thought in the modern period is part and parcel of Islamic responses in general toward European domination, and a response toward cultural, political and economic problems facing Muslim societies. Nevertheless, it can also be said that modern Islamic political thought is still entrenched in previous political theories. Modern Muslim scholars, such as Rashīd Riḍā. do not seem to have fully accepted the concept of the nation-state and have generally withheld doctrinal recognition and legitimation, although tacitly accepting the reality. Riḍā's model of a modern Islamic state, in which its main pivot is the supremacy of the *Sharīʿah*. has been adopted by various Islamic movement seeking to establish Islamic states throughout the Muslim world. He reasserted the temporal as well as religious significance of the true Caliphate and demonstrated the fitness of the institution for the political requirements of the modern age. This model was opposed by ʿAlī Abd al-Rāziq who held that the caliphate is not inherent in Islam and therefore not necessary, and argued for the separation between state and religion.

The Muslim encounter with the West resulted in the introduction and spread of, among others, nationalism among them. Indeed, there are differences between Arab nationalism before and after World War I. Before the War, the Arab idea of nationalism was mingled with the idea of Islamic unity, and Arab nationalism scarcely aimed beyond the rehabilitation of the Arab race in a multinational empire. After the War, however, with the collapse of the Ottoman empire and the gradual withering of the colonial system, an ideological controversy began among the Muslim intellectuals which is still continuing until the present. This controversy centered round the basic contradiction between nationalism as a time-bound set of principles related to the qualities and needs of a particular group of human beings, and Islam as an eternal, universalist message, drawing no distinction between its adherents except on the criterion of their piety. Under the impact of European ideas, Arab nationalism necessarily became liberal and almost secular

in character, since it was reacting against the call for idea of the Islamic unity. Moreover, the controversy over the secularisation of the law and court procedure as well as the debate between "Islamist" and Westernised thinkers about what kind of state and laws Muslims should adopt also developed.

The experience of Iranian Muslims was quite different from that of their Arab counterparts. Iranian nationalism has been less concerned with the problem of nationhood than with that of freedom. Indeed. only marginal references are to be found in the relevant writings of nineteenth-century Iranian intellectuals on such questions as the oneness of the Iranian nation, the constituents of its identity, and the conflict between Iran's pre-Islamic culture and her Islamization. Instead there are persistent demands for democracy. parliamentarism, and the rule of law: criticism of the existing state of affairs: and wistful comparisons of modernization with backwardness. Hence the Shī'ī religious writers scarcely felt the necessity to pronounce their views on nationalism. However, following the founding of the Pahlavi dynasty by Reza Khan in 1925, opposition was expressed by the 'ulamā' toward nationalism. Moreover, Reza Khan/Shah's systematic policy of cultural nationalism, and glorification of Iran's pre-Islamic civilization at the expense of Islamic values and symbols, naturally made opposition to nationalism a criterion of doctrinal rectitude.

Pakistan came into being through a crisis of cultural identity and the development of a national consciousness manifested in the Indian Muslim struggle against British colonialism and Hindu domination. In fact, Pakistan was born through a multiplicity of factors: cultural, social and political. Sir Sayyid Ahmad Khān, Muhammad Iqbal, and Muhammad Ali Jinnah are considered to be the most important contributors for the creation of Pakistan, the first state in contemporary history to be established solely for the sake of Islam. But, Pakistan meant different things to different people, it is thus a matter of consequence that after its establishment the various expectations generated

considerable ideological debates. Since Pakistan was a confessional state, the government, on the one hand, was under pressure from the *'ulamā'* and other doctrinally-minded Muslims to give some tangible form to the state's professed "Islamic way of life", including the composition of an Islamic constitution. The Western-oriented elites, on the other hand, were rather evasive concerning the "islamic" character of the state, probably because of their concern that their own titles would be dubious in an Islamic state. As a result there were conflicting theories concerning the nature or character of an Islamic state. In this context, Muhammad Asad's work on the principles of state and government in Islam bears a significant relevance.

Among those who participated in the debates surrounding the character of the state, particularly those who wanted to give Pakistan a distinctly Islamic character, is Muhammad Asad who belonged to the modernist or liberal camp. The proponents of this camp believed in the idea of a *sharī'ah* state and assumed that Islam sanctions a distinct type of state whose law is to be the *Sharī'ah* with room for contemporary human discretion in the interpretation and application of which in Asad's opinion, the purpose behind the creation of Pakistan is to establish a truly Islamic polity and to apply the tenets of Islam in practical life. Therefore, for him Islam should serve as a guide and inspiring ideal as well as the rule of life, i. e. the constitution of the state whose law is to be the *Sharī'ah*. In other words, a state can become truly Islamic only by virtue of a conscious application of the socio-political tenets of Islam in the life of the nation, and by an incorporation of those tenets in the basic constitution of the country. Thus, the Islamic state is to be a vehicle through which the Islamic moral values can be enforced in the socio-political life of the *Ummah*. This belief is not different from Ibn Taymiyah's, Fazlur Rahman's, Mawdūdī's as well as the statements of other Islamic thinkers. Furthermore, it is in the total agreement with the standard of Islamic political theory. It is also the central theme of Asad's political treatise.

In Asad's view, the Qur'ān and *Sunnah* do not lay down any specific form of state, nor does the *Sharī'ah* illustrate a detailed constitutional theory, rather any form of an Islamic state may be acceptable so long as it is in full agreement with the explicit, unequivocal *Sharī'ah* rules relating to communal life. Following this argument, he criticized the notion prevailing among many Muslims, both in the past and the present, that there is but one form of state deserving the adjective "Islamic"—namely, the form manifested under the four Rightly-Guided Caliphs. For Asad, there could be many forms for the Islamic state so long as they are in full agreement with the explicit, unequivocal ordinances of the Qur'ān and *Sunnah*. In other words, he does not rely on historical precedents as possible guides for his model of an Islamic state. Similarly, he argued that the supremacy of the *Sharī'ah* and the authority of the *Ummah* to interpret and preserve the latter ensures the continuity and development of Islamic thought.

In this study we find that Asad, in accordance with the opinion of the majority of Muslim scholars, rejects the secular state. He argues that in a modern secular state there is no stable norm by which to judge between good and evil, and right and wrong. Rather, the only possible criterion in such a state is the nation's interest. Moreover, in a secular state, there is no objective scale of moral values. On the other hand, the purpose of an Islamic state is not self-determination for a racial or cultural entity but the establishment of Islamic law as a practical proposition in human affairs. This is a clear rejection of the central idea of the modern national state with its separation of religion and politics. Asad also believed that a state built on the foundations of religion offers an infinitely better prospect of national happiness than a state founded upon the concept of a secular political organism. To achieve that condition, the religious doctrine on which such a state rests should, he argued, make full allowance, first, for human biological and social needs, and, second, for the law of historical and intellectual evolution to which human society as a whole is subject.

Interestingly, Asad called for the initiation of a fresh approach to Islamic law. He argued that by implementing *ijtihād* faithfully, Muslims would be able to achieve a renewal of Islam in an Islamic state. He also asserted that the real *sharī'ah* only consists of a small number of laws based on the Qur'ān and *Sunnah*, and is far more consice and very much smaller in volume than the legal structure that evolved through the *fiqh* of the various schools of Islamic law. This limited scope of the explicit ordinances contained in the Qur'ān and *Sunnah* (*nass*) was meant to provide a most essential, deliberate safeguard against legal and social rigidity. Therefore, it is reasonable, according to him, to assume that the Law-Giver never intended the *Sharī'ah* to cover in detail all the conceivable exigencies of life. As a result, of this line of argument, the concept of Islamic Law--especially with regard to public law--acquires once again that simplicity which had been envisaged for it by the Law-Giver but has subsequently been buried under many layers of conventional and frequently arbitrary interpretation.

Implementing his ideological plan in Pakistan is, needless to say, an impossible task since the simplicity of the Islam of the prophet is not unconnected with the economic, social and cultural situation of seventh-century Arabia. Asad was well-aware of this fact and acknowledged the process of historical evolution that distinguished the era of the Prophet Muhammad from even that of the *al-khulafā' al-rāshidūn* (the Rightly-Guided Caliphs), in which some of whose legal enactments and administrative measures were neither directly nor indirectly derived from the Qur'ān and *Sunnah*, but, were nevertheless in conformity with the spirit of Islam.

In addition, Asad called for the formation a new assembly which is to codify the actual (those based on clear instructions in the Qur'ān and *Sunnah*) divine laws. Such an act obviously means a reliance on modern-educated Muslims, since the established experts--the *'ulamā'*--could not be expected to support such a drastic break from the traditional system. Asad's constitution allows no authority to the *'Ulamā'* whatsoever.

Instead, he gives the supreme Court sole jurisdiction in questions concerning the conformity or repugnancy of acts of the legislature to the *Sharīʿah*.

Asad's model of the *Sharīʿah* state shows strong concern with constitutional questions relating to the nature and powers of the various organs of the state. Thus, he deals with issues such as government by consent and council and the relationship between the executive and the legislative and between citizens and government. In cases of disagreement between the *majlis* and the executive organ, fundamental differences are to be referred to a body of arbiters, who, after an impartial study of the problem, would decide which of the two conflicting views is closer to the spirit of the Qurʾān and *Sunnah*. The same "impartial supreme tribunal" would have the power to veto legislation and administrative acts that go against the texts of the Qurʾān and *Sunnah*. He also insisted on an interdependence between the Executive and the Legislative, since their independent existence and functioning would be against Islam. Likewise, he maintained that in a state subject to the authority of a Divine Law there can be no radical separation of the legislative and the executive organs of government. Relying on historical precedents, as well as the Qurʾān and *Hadīths*, he argued that the leader is obliged to follow the decisions of the majority of his council, whereas in a presidential system where non-Muslims sit in cabinet, the leader is the only holder of authority.

He also tried to deal with key public law issues such as the status of non-Muslims and women, and the relationship of the Islamic state with non-Muslim states—; issues which are crucial to every Muslim political thinker in the contemporary world. In dealing with these issues, Asad realized that the existing system of Islamic law (*Sharīʿah*) has serious problems with modern constitutional, penal, and international laws as well as current standards of human rights, especially in relation to the status of women and non-Muslims. He therefore, endeavoured, within his Islamic legal theory, to resolve these problems. Nevertheless, as it was already analyzed, Asad's theory which

relies on the internal mechanisms of adjustment and reform within the framework of the *Sharīʿah*, including *ijtihād*, seems insufficient in resolving the problems. Or rather, he was not fully consistent in applying his hermeneutical method. Although his notion on differentiating between universal and particular ordinances, and on considering the entire context of the Qurʾān and *Sunnah*, and his reference to the spirit of Islam could result in liberal and unrigid interpretations and applications of Islamic law, his emphasis on the actual divine laws (*nuṣūṣ*) arouses confusions and contradictions, and seems to limit this liberal tendency.

Within the framework of his legal theory and in line with constitutionalism, he rightly proposed a referendum to legally depose any ruler who governs in deliberate opposition to Islamic law. Nevertheless, his views on the principle of obedience to the ruler are unacceptabele and seem to contradict his views on the necessity to get rid of authoritarian regimes. His notion on considering the entire context of the Qurʾān and *Sunnah* is also evident in several cases. For example, his belief that Qurʾānic punishment could not be applied unless every member of the Islamic society--Muslim and non-Muslim alike--is given his or her right to protection by the community as a whole, shows his unrigid interpretation and application of Islamic law. This tendency also appeared when he interpreted the stipulation declaring that the evidence of two women are equal to that of one man as conditional. Concerning the relationship of the Islamic state with non-Muslim states and his interpretation of *jihād*, he held that Islam forbids wars of agression and insisted on the purely defensive character of *jihād* war. However, he failed to apply his hermeneutical method and legal theory effectively when dealing with the status of non-Muslim citizens. Indeed, his solution seems to fall short to the requirements of our times and changing social conditions and puts a brake on the process of reformation which he seems to support.

Asad expressly stated that the head of the state must be a Muslim. He also included a series of individual rights providing for freedom of speech so long as such freedom does not aim at undermining the ideals of the state, freedom of religion short of the right to attempt to convert Muslims, free education for all, the right to employment, social security, and the inviolability of property.

In addition, the Individual and communal rights which are fundamental attributes of popular sovereignty which in turn constitutes one of the important principles of the *Sharī'ah* state are equally compromised by his tendency to remain in line with the traditional view of the *hadīth*. Thus, while political parties may exist and oppose one another on policies, they are not to compete for office. Any intention to seek office is to be prohibited.

In short, we could note that Muhammad Asad is frank in his admission that dissension and confusion exist among Muslims as to what constitute the socio-political teachings of Islam on which they ought to model their Islamic state. Moreover, he sees in his proposal for a codification of *shar'ī* ordinances the only way out of this impasse. Whether his plan is feasible or not will depend on the support it will find among like-minded fervent believers in the greatness of original Islam, and on the chances of its realization in an age of doubt, unconcern and unbelief.

One can also declare that Asad aspires, on the one hand, to bring about the rebirth of ideal Islam (which is possible only as a result of a successful struggle against both conservative and secularist Muslims), and, on the other, the acceptance of such an Islam by the world community through the weight of its moral superiority. In this project Asad is caught up in a difficult situation since without the power and influence of the conservative *'ulamā'* being curbed and the current secular tendency being stopped effectively, ideal Islam is difficult to establish within the Muslim community. Similarly, unless some of the clear-worded laws of punishment in the Qur'ān and *Sunnah* and

ideas about *jizyah* are reinterpreted and replaced by legislation based on current standards of human rights and values, his life goal of the renaissance of Islam is unlikely. On the other hand, the future of Islam also will be relied on the ability of Muslims to place the process of reform of Islamic law as a practical proposition in human affairs within an Islamic framework, and not on secular grounds.

On economic and social matters Asad did not rely on dogmatic support to a great extent. Moreover, his ideas about adequate material benefits for all citizens, supported by Qur'ānic quotations, are not much different from those which form the basis of the modern welfare state. He placed a great deal of emphasis on a welfare state actively involved in creating material well-being through education and egalitarian reforms. Similarly, while arguing that property cannot be taken over by the state without due course of law, he declared that it can be taxed heavily in the interest of welfare. He also derived a social insurance scheme from the policies of the *al-Khulafā' al-Rāshidūn*, particularly those of the caliph 'Umar. Asad also told Muslims that it is their duty to complete the work then commenced but neglected in subsequent Islamic eras. As a whole, his economic policy is inspired by both by the historical precedents of the Islamic Commonwealth at the time of the Rightly-Guided Caliphs, as well as the Western welfare-state system. Asad seems to favour the welfare system and economic equality and distribution.

When Asad was discussing the influence of Western thought on many aspects of contemporary life, he stated that the people of the West have become disappointed with their religion, and this disappointment, according to him, is reflected in the ethical, social, and political chaos now pervading a large part of the world. But, it seems that Asad does not reject the West completely for he also adopts several Western ideas such as the right to form political parties, the election of a legislative assembly, and the presidential form of government. And, although Asad rejects many Western concepts and institutions, his

view of necessity of temporal legislation through *ijtihād*, is not very different from Western efforts at promoting economic wellbeing, social justice and creative leisure for free individuals. Sadly, his call for *ijtihād* also indicates that the prevailing conditions of Muslims at the time— even until now—did not live up to, in most cases, the high moral principles which Asad attributed to the Qur'ān and *Sunnah*.

Asad may be right in his assessment of secular Western societies and the social and moral dilemmas facing them. But, where one cannot agree with him is in his claim that only Islam is all-comprehensive. Other religions, and even the secularized West which derives much of its ethics from them, teach the similar comprehensive social ideal and try to infuse these ideals into the legislation of many lay states. He is, however, right when he views with scepticism the imitativeness of secularist Muslims where the West is concerned, and when he is similarly critical of the opposition of concervative circles to everything Western, for they confuse the real values of Islam with the social conventions of Muslim society and take refuge in historical precedents.

Nevertheless, he is not very accurate when he charges the West with opposition to the Islamic state. Yes, there are several orientalists and "Islamic experts" who are still hostile to Islam and Muslims, and yes it is true that not only Islam was misrepresented in the West through past Western scholarship and statemanship, but also it is persistently distorted in the present time especially by Western mass media. Yet, Asad can hardly be unaware that, certainly in the present time, Western understanding and appreciation of the teachings and institutions of Islam have made great strides, not least in co-operation with Muslim scholars. Moreover, his criticism of the conservative *ulamā'* who insist that the political forms and procedures of a contemporary Islamic state must strictly follow the pattern that evolved in the early period of Islam, seems to allow the Western outsider an excuse for paying more heed to the statements of conservative traditionalist religious leaders than to thinkers like Asad who set their face against historical precedent, deny the

validity of any legal injunction outside the *nuṣūs* and want to re-activate and apply in a twentieth-century setting the primary sources of *Fiqh*, that is, the Qur'ān and *Sunnah* only, in disregard of the decisions of many generations of Muslim jurists.

In the last analysis, however, one can expect that Asad's scheme of the Islamic state allows for human social and intellectual evolution and thus avoid rigidity in the concept of Islamic political law, and considerable scope for a just and moral society and relatively and potentially a more liberal interpretation of Islam.

Asad's vision of Pakistan, however, still has to be realized in the country's present-day reality. Internal tensions and external pressures constantly beset the country. Pakistan faces political, economic, social, ethnic, and religio-sectarian problems. Economic or class conflicts in which one witnesses conspicuous consumption matched by dire poverty. The ethnic conflicts between the Punjabis and Bengalis resulted in the dismemberment of the state in 1971 with East Pakistan emerging as the sovereign state of Bangladesh. In the present state of Pakistan, the conflicts between the Punjabis and the Sindhis or between the Punjabis and the Pathans, the Sindhis, and the Mohajirs (refugees from India) have continued. Although Pakistan is already an Islamic state—not because its form is ideal but because, or in so far as, its dynamic is idealist—clearly acceptable understanding or compromise has yet to emerge between traditionalists, fundamentalists, and liberals or secularists in giving Pakistan form and content as an Islamic state. Sectarian divisions increase, that strangely enough, threaten the freedom of religion of the Muslims in this Islamic state. The triangular struggle for power between the president, the prime minister, and the military has remained unabated. Pakistan also has been plagued by increasing political corruption and every kind of corruption, which their speed can truly be described as exponential.

In aggravating the problems, Pakistan also faces certain geo-political pressures because of its strategic location. On its long eastern frontier, Indeed, Pakistanis feel that

their long eastern frontier is threatened by India, their inveterate enemy which they believe has forcefully grabbed the valley of Kashmir which is predominantly Muslim. Pakistan's enmity with India ever since its formation in 1947 has remained the single preponderant preoccupation in foreign policy. This bitter political realities not only make Pakistan a special case of study but have created in the minds of its citizens increasing disillusionment with the Islamic character of the state and perhaps cynicism with the very name of the state, Pakistan, which means "the land of pure." Since 1988 Pakistanis have been success in returning back and maintaining democracy, after long years of military dictatorship. But, Pakistanis are still far away to achieve the goal of Pakistan, that is, to enable Muslims "to order their lives in the individual and collective spheres in accordance with the teaching and requirements of Islam."

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