

Abstract

[Religion](#), [Islam](#)



Abstract The division of spiritual and temporal in Christianity has taken a long time to be enacted into the political theory of the occidental mind. There is a long history of church rule behind today's secular political thinking. Which recognizes religion as of no significance in the eye of the state. They have taken the sovereignty from God and put it into the hands of the people. In doing so they have declared collective human conscience as their guide and have rejected all sorts of scriptures of divine nature. This is leading these societies to moral ruin. Approval of homosexuality as a legal practice by the legislatures of some western countries is an indication of the moral collapse that awaits them. Although Islam has no division of spirit and mundane but still does not support theocracy or any other form of autocratic rule. It has taken a middle course, which can best be explained by the word "autonomous". Giving the absolute power and responsibility of guidance in the hands of God, Islam lets the, Muslims to exercise unlimited sovereignty within the limits of Quran and Sunnah.

Introduction This topic seemingly look very simple and the one which can have a straightforward answer. But actually it required a great insight into the historical and the political perspective of Islamic world at large. This proposition can be tackled at a number of levels. One scheme of addressing this question could be to go to the theological injunctions, that is, to argue from Quran and Hadith. The second approach could be of digging into the history and bringing out the relevant examples. There is yet another way of going through this riddle and that is to examine the evolution of political ideology in the world of Islam and comparing it with the political evolution of the other nations or rest of the world. We may adopt any of the above methodology. But in order to get a

better view of things and comprehensive answer to this question. We analyze it at all the three above-mentioned levels. This will certainly render us a better understanding of not only this question but also of many other aspects of related political problems confronting the modern Muslim societies. Before beginning with our discussion it is useful that we first determine what sovereignty is? Oxford Advanced Learners Dictionary describes sovereignty as: the highest power or fully independent and self-governing. Similarly Webster's dictionary gives the following meanings to this word: "supreme leader or the one who exercise authority in a limited sphere". Quranic Interpretation As for as simplest mind, which goes through the Quranic text, it cannot ignore the fact that the God, that is Allah, is omnipotent, all powerful and all governing. This is the first and the last impression, which Quran leaves on any mind, no matter how naïve it may be. Contrary to many doctrines, Quran declares Allah to be the sole authority on every thing that is present not only in this world but the whole of the universe. Many Quranic verses can be quoted in this context. "Blessed is the Lord who holds control over all and is Omnipotent." (Al-mulk) And again: "Exalted is the One who controls every thing and to Him you shall resurrect." (Ya-seen) This makes very clear that every thing lies with Allah. It flows from thence unto His creatures. Same is the case with authority and sovereignty. Allah has send man on this earth as his vicegerent. Allah has given man sovereignty to reign on this world. As Quran says, "(remember) When your Lord said to angels that indeed I shall appoint a vicegerent on Earth." (Al-baqarah) Thus, man rules earth on the behalf of his Lord. Therefore he can exercise sovereignty with in certain limits, prescribed by Allah. Once

established that sovereignty is a reign were man has been given access. We find out whether men have been given some right to make decisions for themselves or not. Is a ruler selected by Allah and imposed on men or they are encouraged to exercise their sovereign right by some collective means? Now this is an arguable question. Some section may say that a king or some sort of ruler, imposed on the society by one way or the other, has the right to exercise the sovereignty that Allah has bestowed upon men. And we also find such a precedent in the Quran, from the story of Taloot and Jalloot in sura al-baqarah we come to know that kings were imposed on men without their will and consultation, what so ever. One may cite this example from the Holy book to give weight to his argument. But one thing must be kept in minds of the people that it was the practice of Allah for the people of Israel, usually referred to as Banu-Isreal in the Quran. Who were in a stage of evolution that was to culminate at the advent of the last Prophet Muhammad (P. B. U. H)? For us i. e. the ummah of the last prophet, this rule has changed. And the new scheme under which the sovereignty has to be exercised is given in the following verse: " And they conduct their affairs with mutual consultation. " (Shura) Thus we see that Quran encourages its followers to adopt a scheme of exercising their sovereignty over themselves by a way, which hinges itself over some system of broader consultation. Of the two views, latter is the one, which seems to be accurate and closer to the rationale thinking. From the above discussion, we have reached a conclusion that Quran does recognize the sovereignty of Muslim citizen in an Islamic state and they have to device such a methodology or system, which makes it convenient for them to achieve broader consultation. Quran,

similarly, rejects a single person's claim to sovereignty and authority. Who so ever becomes a ruler of a muslim state must take the views of the society while making decisions? Now the Quran does not let loose Muslims after giving them right to sovereignty. There are a number of responsibilities that the Quran puts on their shoulders. And Quran, in its own brief but effective manner, puts them as: " Those to whom we give power, must establish the system of prayers and charity and they ask the people to do good and forbid from doing evil. " Guidance from Sunnah Sunnah i. e. Prophet's life and actions is the biggest source after the Holy (Quran). There fore, we refer our self to this source. As the Quran says, " Consult Allah and the Prophet in a matter of discord. " At another place it is mentioned: " Surely there is the best guidance for you in the life of the prophet. " We see that the early part of the Prophet hood of Prophet Muhammad (P. B. U. H) does not give us any clue of the relation of citizens and state. It is only the latter part of his Prophet hood i. e. Medina period, in which he established a city state that we find some form or structure of a government. Now we can have any debate on the question of citizen's sovereignty in the eye of Islam basing our investigations on this period of Prophet Muhammad (P. B. U. H)'s life. It has become convenient, for at the very beginning of Medina period there is a record of a political agreement between all the cross-sections of population of Medina. This political document in itself, otherwise, is a very important and valuable document. It gives an insight into the political situation of the Muslims in particular and Medina and it's surrounding in general. Coming back to the question we are confronted with. We investigate this document to find if it sheds any light on this particular question. The first clause, which

defines the parties to the treaty, adequately addresses the sovereignty of the citizens. 1. This is the treaty between the Prophet Muhammad (P. B. U. H), Aus and Khazraj (the helpers) and Jews of Medina and its surroundings. 2. Above-mentioned parties would be one group for the defense of Medina. 3. Every body is independent to practice ones religion. 4. Disputes among Jews would be settled according to their laws. It was an unprecedented treaty in respect of its very liberal approach towards communities of other religions. The point, which is very important for our thesis, is that everybody in Medina was treated as an equal party in this treaty. This was going to be the future constitution of that state for the rest of the life of the Prophet Muhammad (P. B. U. H). Although the Jews broke this accord and had to pay its price. We do not talk about Jews as is mentioned above that they were left to their own laws. But the Divine laws governed Muslims. Which were revealed to the Prophet (P. B. U. H.) from time to time. Thus we see that Prophet Muhammad (P. B. U. H) in that state was the sole source of legislation. All the laws came from him. Many people misunderstand this phenomenon and they equate this authority of making laws by the Prophet Muhammad (P. BU. H) (that were revealed) as a precedent for authoritarian government by a single man. No, this approach is essentially flawed and contrary to the practice of the Prophet Muhammad (P. B. U. H). If we examine his political life and circumstances prevalent at that time more carefully and keenly. Then we get to a conclusion rather different from the misunderstanding that has been indicated above. As we know that Prophet Muhammad (P. B. U. H) was sent to a people who were totally ignorant, had never experienced any form of collective government and, therefore did not have laws and legislations.

Further more, Prophet Muhammad (P. B. U. H)'s, messaged was meant for all times to come. Thus Prophet Muhammad (P. B. U. H) was sent to such a neighborhood where he could construct a model beginning from scratch and having no influence of any previous system whatsoever. Now it was Prophet Muhammad's (P. B. U. H) job to introduce to them a system of laws and governance based on the divine guidance, and through them he was to demonstrate it to all people for all times to come. Laws were of course revealed and Muslims had and have to obey them as such. But when it comes to governance, we have ample examples to quote; Prophet Muhammad (P. B. U. H) mostly used the method of consultation. And this is what the message is that after the discontinuation of revelation, Muslims have to run their affairs in the light of revealed guidance by mutual consultation. To quote few examples from Prophet Muhammad's (P. B. U. H) life, in order to support the notion that citizens of an Islamic state do have some rights to exercise sovereignty over themselves, we refer to the following instances from the Prophet Muhammad (P. B. U. H) life: 1. As mentioned previously, in the very beginning of political history of the state of Medina general public i. e. Muslims were made an equal part in the matters of the governance. Prophet Muhammad (P. B. U. H) did not make himself the sole representative of the whole Muslim community. 2. Prophet Muhammad (P. B. U. H) appointed twelve representatives (Naqeebs) among the Ansar to represent them. 3. Before the battle of Badr Prophet Muhammad (P. B. U. H) consulted Muhajreen as well as Ansar. 4. In the battlefield of Badr, the camping place of the army was selected on the advice of Habbad-bin-Munzir. 5. At the time of Uhad , Prophet Muhammad's (P. B. U. H) own opinion was to

fight within the city but the general opinion was to fight outside the city, and that was followed. 6. In the battle of Ahzaab, the strategy of digging a trench for the defense of Medina was again an idea presented by Salman. 7. The method of calling the faithful to the prayer was again a matter sort out by mutual consultation. Hence at end of this chapter we conclude that Prophet Muhammad's (P. B. U. H) life adequately provides us the evidence that in an Islamic state the power to rule and govern lies with the citizens and not with a single person or family or some creed. Rather it is the right of the people to govern themselves as they please, but of course not violating the Quranic limits set upon them. " Those to whom we give power, must establish the system of prayers and charity and they ask the people to do good and forbid from doing evil. " Islamic History and Muslim Scholars We have come out of an academic discussion. Now we shall be analyzing historical events and political realities. As we enter into a new phase of discussion. It will be very useful that we revise and redefine the question we are confronted with. So when we ask this that " are people sovereign in Islam? " What do we actually mean to imply? What are the other questions, which confront us when we say, " yes people are sovereign"? Having proved that sole source of power and strength is the Allah Almighty; do we mean to say, that Allah and His angels are physically involved in the governance of a state? Of course not, is the obvious answer. It is the men themselves who shall be arranging for any type of government. After placing theoretically all powers in Allah, when sovereignty is given to citizens it means following things. 1. Any government that is formed will be only due to the consensus of the majority of people. 2. Whenever there is some decision to be made, again it will be referred to

people. 3. Whatever a government or the rulers do is accountable to public.

4. As the government or state has functional powers, thus checks and balances on it to safeguard people against any sort of tyranny or exploitation. Now we shall examine different types of governments in Islamic history on the basis of these above points. To begin with, we first analyze first four guided caliphs. Abu Bakr (R. A) was made caliph and presented him in front of public. His first address is very suitable example. It encompasses almost all the above four points. He said: " O people! I have been made caliph against my will. I relieve you of your obligations to follow me. You can make anybody, you wish, your caliph. " All the people present there said that they accept him as their caliph. He then said: " Follow me if I go by Quran and Sunnah. You have no obligation to follow me if I go astray. Your weak will be powerful for me until I get him his right. And your powerful will be weak for me until I take from him the share of rightful. " Subsequent events in his caliphate proved his words true. He lived up to his words and set a precedent for his successors and for the rest of Muslims. Then comes the Umar (R. A), although he was not elected but he was the first one to establish proper institutions in the government. We know from historical accounts that how strict he was in implementing the rule of law and accountability. There are many instances when an ordinary citizen complained against a high official and was responded properly. Simple citizens in front of the whole gathering held even once Umar (R. A) accountable in the mosque. And once Amr bin Alaas, the governor of Egypt was brought to Umar (R. A) by ordinary Egyptian to reciprocate for the slap Amr had given him. 1. He was of the view that caliph was accountable only

to God and not the people. 2. Bait-ul-mal (Treasury) was not a public possession but that of Allah. 3. He appointed most of the officials and governors from his own clan. 4. Usman (R. A) beat Ammar (R. A), a companion of Prophet Muhammad (P. B. U. H), when he openly criticized his policies. These were clear violations of the principles set by his predecessors. This was an encroachment on the sovereignty of society. This was bitterly opposed by almost all the companions Prophet Muhammad (P. B. U. H) present at that time and even the wives of the Prophet Muhammad (P. B. U. H), especially Ayesha (R. A) openly criticized his policies. The caliph won't mend his ways and refused to leave the office even on public demand. This contributed to further escalate the situation and wrongdoers from Egypt took the advantage of the situation and murdered the caliph. From this incident one can judge that how strong was the idea of people's sovereignty in the early society of Islam. Even very close companion and son-in-law of the Prophet Muhammad (P. B. U. H) i. e. Usman (R. A) was not spared from bitter opposition when he tried to violate this principle. This event set a new dimension to the political history of Islam. After this a brief period of Ali (R. A) caliphate is the time when the Islamic state respected the people's right to sovereignty. Then came the kings who were as much monarchs as other kings were, in other parts of the world. All the Islamic history is the history of monarchs, even to this day, who branded themselves as caliphs. In the early and later part of the nineteen century most of the Islamic world experienced and new phenomenon that was subjugation or colonialism. The nations of the west, captured many Islamic countries. Through this contact came the western ideas of self-rule, independence, self-determination, freedom of

speech and democracy. These actually were the same principles, which Islam had given to humanity 1400 years ago. But the, Europeans had evolved them in their own environment and circumstances. Muslims being the subjects naturally got influenced. They got their independences using the same tools. Mid 20th century witnessed the emergence of many Muslim nation states on the map of the world. Almost all of these newly born countries adopted the same systems with little differences they also tried to keep the banner of Islam up by including certain Islamic provisions into their constitutions. Except few monarchies, all the other countries based their systems on the basic principle of free will of people that were asserted through assemblies etc.

1. Qazi Abu Yusuf In the *kitaab-ul-kharaj*, Qazi Abu-Yusuf the leading hanafi jurist at the court of the Abbasid caliph Haroon-ur-Rasheed, while elaborating the revenue code, which he had formulated on the request of the court, emphasized on the need of virtuous conduct from the caliph. Haroon-ur-Rasheed was reminded that he was in charge of a sacred trust, which required him to establish a just society, based on the principles of God consciousness. This clearly shows that the leading hanafi jurist and only second to Imam Abu-Hanifa had reconciled with the stark reality of the monarchy. He finds the king or so called caliph tolerable as long as he up holds the laws of shariah. He even goes to the length of appointing to him the sacred trust, for which the caliph is not qualified in the light of shariah itself. This can not be understood but a compromise of the leading scholar.

2. Al-Mawardi Al-Mawardi is considered the most learned theoretician of the orthodox political theory. In enumerating the qualifications of the caliph, beside the usual mention of Quraish descent, he

points out that qualified electors, i. e, ' those who loosen and bind', should elect him. An out going caliph can also legitimately nominate his successor. The caliph should commit himself to strict adherence to the revealed law and promote general welfare. As long as he is not guilty of heresy, or a captive in the hands of the enemy, obedience was due to him from all Muslims. The idea of two caliphs was rejected. However, he was receptive to the altered balance of power in which the authority of the caliph had suffered at the hands of the emerging regional powers and representative sultans and amirs. He recognized their legitimacy in their domains, as long as they did not encroach upon the supreme position of caliph as the leader of the faithful. Al-Mawardi's time is the one when the authority of the Abbasid caliph was weakened. 3. Al-Ghazali Writing, when the Sunni Seljuk Sultans had captured real power, tried to accommodate this erosion of central authority. He asserted that the caliph need not exercise political authority himself, he can delegate into a sultan. The caliph is advised to seek the advice of ulama and fuqa'ha in the interpretation of divine law. This advice further detracted from the effective power of the caliph, reducing him to a mere nominal spiritual leader of the ummah. 4. Ibn-e-Khuldun An erudite scholar from Tunisia, applied sociological methods and criteria to explain the evolution of Muslim history. He wrote that in all societies there is an innate cyclical evolution. A martial tribe captures power, subjugates the surrounding tribes and establishes a civilization. That civilization reached its zenith and then decay sets in through the life of ease and indulgence. The appointment of Quraishite caliph was an expression of this natural law of social evolution. Ibn-e-Khuldun accepted the necessity of a state, even one

based on power, for civilization to flourish. He was positive to the role of religion as an essential factor in the civilization. He believed that even the states based on power can benefit from the shariah since its observance leads to public welfare, and no ruler can afford to ignore the public good. 5. Maududi Maulana Maududi conceived of the term Al-hakimiya, a derivative of an Arabic word that means "to govern". He introduced it in his work Al-Mustalahat alArba'a fi'l-Quran. The term Al-hakimiya has been used by Islamic political thinkers ever since to mean sovereignty. He argued that according to Islam, sovereignty belongs to God. He alone was the lawgiver and that believers could neither resort to totally independent legislation nor could they modify any law laid down by God. He saw the Islamic state as a political agency set up to enforce the laws of God. Herein lies the cardinal difference between the modern and Islamic conceptions. While modernity made the state a repository of sovereignty, in Islam the state was merely an agency of the sovereign. Thus the Islamic state is conceptually weaker than the modern state. Maududi also recognized the vicegerency of man and explained that each believer was a repository of the Khalifat (vicegerency). The Quran makes this explicitly clear (45: 12, 13). Maududi's understanding of the Khalifat of Man is definitely in the popular sense but he does not explain it in conjunction with sovereignty. Thus sovereignty lies in God, state is an agency of the sovereign and every believer is God's vicegerent on Earth. Conclusion: At the end of our discussion, we make some conclusions in the light of result we have reached upon. Sovereignty of the people of an Islamic state is not an idea alien to the teaching of Islam. Rather it is the very corner stone of Islamic Ideology. Allah entrusts his sovereignty to the

people of Islamic state and not to any single person. Any such claim of single person without the consent of the people is an illegitimate act in the eye of Islam. The rise of political Islam has made the concept of Islamic sovereignty central to Islamic political theory and often it is presented as a barrier to any form of democracy. Democracies are seen as system where human whim is the source of law where as Islamic principles are transcendental and cannot be undermined by popular whim. Unfortunately, what many of the Islamists fail to understand is that democratic institutions are not just about law. They are also about prevention of tyranny by the state. Regardless of where sovereignty is placed theoretically, in practice it is the state, which exercises it in their world and not God or his angels. Sovereignty is a complex concept and any attempt to simplify it can only cause problems. Nevertheless, Muslims must understand that while sovereignty belongs to God it has already been delegated in the form of human agency (Quran 2: 30). Muslims as individuals and as an Ummah cannot be held accountable for what they do unless they have the freedom/agency/sovereignty to do as they please. The discretion and the judgment with which Muslims apply the given law not just to apply it but to achieve its purpose constitute human sovereignty.