

# The Islamic State: A Conceptual Framework

*Louay M. Safi*

## Introduction

The purpose of this paper is to delineate the basic elements involved in the concept of the Islamic state and to clarify the basis and scope of political power. More specifically, discussions will focus on the purpose of the Islamic state, the source of political legitimacy, and the scope of state power. I will contend that a clear distinction should be made between the role and purpose of the state and those of the ummah, for only through the separation of the responsibilities and objectives of the two can the injunctions of the Shari'ah and the principles of revelation be properly observed.

## Historical Background

Although the word "state" (*dawlah*) was first used in the Qur'an, almost six centuries had to elapse before the word was given its first technical definition by Muslim scholars. The word *dawlah* was mentioned once in the Qur'an (in 59:7) in connection with the distribution of the *fay'* (the property Muslims appropriated from the Banū al Naḍīr upon the latter's expulsion from Madinah). The Qur'an justified this departure from the usual practice of dividing the spoils among the fighters by referring to the divine intention of preventing the circulation of wealth among a small group within the society.<sup>1</sup>

Up until the late fifth century, one could hardly find any reference to the state in Muslim literature, or in Western literature for that matter. Other terms such as *al amṣār* or *dār al Islām* were employed whenever a reference was made to the territories under Muslim control. Alternatively, the state as a political body was identified by its political organs, i.e., *al khilāfah*,

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Louay M. Safi is a researcher at Wayne State University, Detroit, Michigan.

<sup>1</sup>"What Allah has bestowed on His Messenger (and taken away) from the people of the townships belongs to Allah, to His Messenger and to kindred and orphans, the needy and the wayfarer; in order that it may not take a circuit (*lā yakūna dūlah*) between the wealthy among you . . ." (Qur'an 59:7).

*al imāmah*, or *al wilāyah*.<sup>2</sup> In the sixth and seventh centuries of the Muslim era, the term *dawlah* began to acquire a political connotation. Muslim scholars at this time, mainly historians, began to employ the word in reference to the various Muslim dynasties which emerged when the institution of *khilāfah* lost its executive power and was reduced to a nominal office symbolizing Muslim unity, while the real political and military power fell into the hands of strong clans and families. Ibn Manẓūr (630-711 AH), in his voluminous dictionary *Lisān al 'Arab*, distinguished between two variations: *dawlah* and *dūlah*, the former denoting the domination of one group by another through military power and the latter referring to economic domination.

Ibn Khaldūn presented, in the eighth century AH / fourteenth century AD, the first empirical study of the state. He associated the concept of state with that of social solidarity (*ʿaṣabīyah*) and contended that human beings were naturally inclined toward social organization. Such organization could be maintained only with the existence of an authority or a leadership that facilitated coordination and provided guidance. Ibn Khaldūn distinguished between two types of authority: coercive and participatory. The former resembled the authority of a king who extracts obedience through coercive capacity, the latter that of a chieftain whose influence is ensured by the homogeneity of his interests and those of his followers.

Ibn Khaldūn associated the state with the dominance of a powerful group whose power emanates from the solidarity or community spirit (*ʿaṣabīyah*) enjoyed by the group as well as the coercive capacity (*qahr*) it can bring to bear upon other groups. He therefore conceived of the state as a cyclical and recurring phenomenon – it comes into existence with the emergence of a social group enjoying a superiority of group spirit and coercive capacity and disappears when these two elements are lost after two generations.<sup>3</sup> Central to Ibn Khaldūn's conception of the state is the emphasis on the heterogenous nature of civil society and the domination of the political community by the most cohesive and organized social group, an emphasis that makes him a forerunner of modern theorists who stress the conflict-driven aspects of the state.

## Defining the State

There is a tendency on the part of modern political theorists, including

<sup>2</sup>See for instance al Māwardī, *al Aḥkām al Sultānīyah* (Cairo: Dār al Fikr, 1401/1983); also Abū al Ḥassan al Sharbānī, *al Siyār al Kabīr*.

<sup>3</sup>For Ibn Khaldūn's views on the state, see *al Muqaddimah*, chapter III (Beirut: Dār al Kitāb al Lubnānī, 1956), 121-44.

some Islamists, to define the state in terms of the major components of the nation-state, the basic political unit in the contemporary international system. It is argued that the state is distinguished from other political systems by three elements: population, authority, and sovereignty.<sup>4</sup> The problem with this approach is that it fails to provide any meaningful explanation of the basis for political divisions in the international political system without relying extensively, and even exclusively, on the concept of power. Furthermore, defining the state in terms of the three components cited above is of little help in identifying the essential elements which distinguish the Islamic state from other types of states. An alternative and probably more fruitful approach is to identify the Islamic state with the order it purports to realize and which, in turn, determines its goals and actions. In other words, the Islamic state should be identified with the system of rules that determines the quality of life in the political community as well as the political organs necessary for the realization of the Islamic ideals.

Defining the Islamic state in terms of a system of rules and the organization responsible for their realization is crucial for avoiding confusion between the concept of state and that of ummah. The two may, and often do, differ in their moral significance as well as in their territorial boundaries. Morally, the state and the ummah, as will be shown later, operate on two different moral planes. Territorially, the geographical boundaries of the Islamic state need not coincide with those of the ummah. This means that although the territorial component of the state is important for determining the jurisdictional boundaries of a specific state, it is not an intrinsic element of the state, since territorial divisions mainly reflect the balance among the relevant powers in any historical epoch.

A given state's population, in any society that has developed beyond tribalism, consists of a multiplicity of collectivities. Although social groups in any society could be divided along different lines (i.e., linguistic, ethnic, or racial), the Islamically significant and politically relevant element of social differentiation is the ultimate purpose that brings the community members together and unites them with one another. The organization of purposes attains its highest expression in the state, the central organization of any society. The cohesion of collectivities is maintained by a system of norms (normative system) that determines the socially acceptable behavior of individual members. Likewise, the cohesiveness of the state is guaranteed by a political consensus (*ijmā'*) on a set of principles and values which constitute the fundamental law of society.

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<sup>4</sup>See for example 'Abd al Qādir 'Awdah, *al Islām wa Awdā'unā al Siyāsīyah* (Beirut: Mu'assasah al Risālah, 1984), 177; or Muḥammad Fārūq al Nabḥān, *Muhāḍarāt fī al Fikr al Siyāsī wa al Iqtisādī fī al Islām*, 35-58.

## The Nature of State Power

The state is not the only organization of purposes in society, and state law is not the only system of rules. What distinguishes the state and its laws from other social associations and norms is, however, the supremacy it enjoys over all other social organizations and the overriding power of its rules. As the bearer of political power in a specific society, the state is endowed with the authority to regulate all forms of association and determine the general social and economic conditions which have a direct bearing on the quality of life in that particular society. The authority of the state, the central organization of the society, signifies the recognition by individuals as well as social groups of its right to regulate (and later to enforce its regulations) social behavior, and hence of the citizens' obligations to comply with state regulations. The state's ability to enforce its decisions, and hence ensure conformity, is crucial for the integrity of the political community and the functioning of society. The state's failure to enforce law or implement public policy is a signal that the political community is on the verge of disintegration or that the social order is about to collapse.

We need not conclude, however, that force is all that the state requires to ensure compliance, for after all its authority is contingent upon the support and cooperation of a significant portion of the active social forces of society, i.e., on a system of purposes representing the normative foundation of state law. Political authority, on the other hand, represents the system that brings about the realization of the dominant social purposes.

In other words, force is a necessary but insufficient condition for enforcing the law, unless the state is willing to use brute force against deviance and dissension. The state is unlikely to be able to effectively enforce a law when a significant proportion of society is vehemently opposing it. Its coercive power is needed, under ideal conditions, only to deter and punish those individuals whose unprincipled egocentricity drives them to violate the rights of others and ignore the demands of justice. By ideal conditions is meant the availability of two elements: a general consensus over the fundamental values of society (i.e., the conception of the desired society to be realized) and a political authority representing the common interests of society and working for their realization. Therefore, in the absence of a set of fundamental values unanimously accepted by the bulk of society to guide and enlighten the decisions of political leaders, and of a political leadership providing a true representation of the society's common interests, law may well become an instrument of exploitation and repression. Furthermore, in the absence of a true moral commitment on the part of the society's members, the state's coercive power cannot be employed as a substitute for the self-motivation required for the realization of social goals.

## Political Consensus (*Ijmā' Siyāsī*)

It is conceivable that a system of rules, including the Islamic legal system, could be maintained through the excessive use of naked and brute force, at least for a while, against the will of the state's population. A stable and effective order, however, requires the masses' cooperation and support. The imposition of a legal system by a powerful group on the rest of society through the use of violence would inevitably lead to the alienation of other social groups, giving rise to animosity, and would eventually lead to disorder and violent confrontations. The effectiveness of the Islamic order and the stability of the state therefore require political consensus (*ijmā' siyāsī*).

The concept of consensus (*ijmā'*) was regarded by classical jurists (*al fuqahā' al uşūliyyūn*) as the fundamental principle which confers legitimacy on the state. Al Juwaynī, for instance, contended in his book *Ghiyāth al Umam* that political legitimacy could not be derived directly from any textual source, since a firm textual statement (*naşş qat'ī*) was lacking. Consequently, political legitimacy had to be achieved through the principle of consensus:

The question of *imāmah* should not be sought in the rules of reason, but should rather be subordinated to textual evidence (*dalīl naşşī*). But since no specific Qur'anic statement exists (on the subject), and a confirmed tradition (*khabar mutawāṭir*) is lacking, the validation of the doctrine (of *imāmah*) falls under the principle of *ijmā'*.<sup>5</sup>

In their attempt to develop a model of legitimate authority, classical jurists confined the exercise of consensus to the first generation of Muslims. The limitation placed on the principle of *ijmā'* was not induced by constraints provided by the Shari'ah but by practical considerations stemming from historical conditions. The principle of *ijmā'* itself, devised by earlier *fuqahā'*, was employed for the purpose of establishing the authenticity of statements and practices attributed to the Prophet and his Companions. Mālik and al Shāfi'ī, for instance, respectively defined *ijmā'* as the consensus of *ahl al Madīnah* (people of Madinah) and the consensus of the ummah. The principle was later used as a means for substantiating the rules of the Shari'ah arrived at through individual *ijtihād*.

In the absence of definite textual evidence (*dalīl qat'ī*) concerning the form and scope of government, the first generation's consensus on a specific method of selection for the head of state reaffirms the idea that the ummah

<sup>5</sup>Abū al Ma'ālī al Juwaynī, *Ghiyāth al Umam* (Alexandria, Egypt: Dār al Da'wah, n.d.), 47.

is the source of political power and legitimacy. The consensus of the Companions on certain political institutions and practices does not give these institutions and practices an absolute legitimacy; it only shows that the early Muslims were able, using their fallible judgment and contemplating the particular conditions of their society, to agree on a set of mechanisms for the selection and exercise of political authority.

But if the principle of *ijmā'* is the basis of political legitimacy, the question arises as to what are the proper ends of consensus? Consensus occurs when all members of a community unanimously agree on the meaning or desirability of certain issues. Since unanimity on all questions confronting the community is virtually impossible, the objects of consensus should be narrowed down to those which are fundamental for the realization of the Islamic order and relevant to the goals and proper functions of the state. What we need to achieve is a consensus on the basic parameters which permit the individual to lead a meaningful life while respecting the moral integrity and collective well-being of the community.

Before delineating the area of essential consensus for establishing a viable Islamic political order, we need to recognize that consensus is a multidimensional concept involving three distinct areas of agreement: a) Agreement over the basic values and principles of the desired order. Value consensus (*ijmā' qīmī*) therefore represents an agreement on the general purpose of the state and the essential moral foundations of social life; b) Since disagreement is bound to arise within the general framework of value consensus, a society will need to establish mechanisms which permit a peaceful resolution of social conflict. Regime or procedural consensus (*ijmā' ijrā'i*) represents an agreement on political processes and institutions; and c) Even after agreeing on the political regime or the structure of authority, a society must agree on the scope of authority, i.e., the limits to be imposed upon the exercise of political power. We will call this final area of agreement policy consensus (*ijmā' siyāsī*). The three areas of consensus are respectively discussed below under the headings purpose, organization, and power of the Islamic state.

## The Purpose of the Islamic State

We saw in the previous section that value consensus refers to the general agreement between social groups over the purpose of the state. In this section we will turn to the fundamental question: What is the proper purpose of the Islamic state? To begin with, the Islamic state is not a political community whose population is mainly composed of Muslim individuals, but rather one whose legal order is based on and derived from the principles of the Shari'ah.

This should not, however, be interpreted to mean that the Islamic state's purpose is to impose a narrowly defined code of behavior on society. Far from it. Toleration of differences in beliefs and doctrinal commitments is an established Islamic principle. Both the Makkī and Madanī Qur'anic revelations ascertain in unequivocal terms the principle of toleration:

If it had been your Lord's will, all those on earth would have believed; will you then compel mankind, against its will, to believe?  
(10:99)

Let there be no compulsion in religion: Truth stands out clear from error. (2:256)

The principle was respected by the ummah throughout the better part of Muslim history. Differences in belief were tolerated by Muslim governments throughout history. The right of non-Muslim minorities to express their beliefs and practice their own legal codes was given full recognition.<sup>6</sup> Likewise, doctrinal differences among ideological and doctrinal groups were for the most part respected and kept out of the state's domain. Incidents involving the violation of religious and doctrinal tolerance represented the exception rather than the rule. For example, al Ma'mūn's efforts to bring the state into the doctrinal domain were resented and condemned by the bulk of the ummah, and the practice was quickly abandoned by the rulers who succeeded al Mu'taṣim.<sup>7</sup>

The purpose of the state is not to impose Islamic teachings on society, but rather to establish the general conditions that will facilitate the realization of the human mission (*khilāfah*). It is important here to distinguish between the role and purpose of the Islamic state and those of the ummah. While the latter purports to foster the Islamic character and help the individual grow morally and spiritually, allowing him/her to define his/her role and objectives in life within the general framework of the Shari'ah, the former attempts to coordinate the activities of the ummah in ways that will enable a society to cope with economic and political challenges and to enhance the quality of life in the community.

The distinction between the roles and purposes of the ummah and the Islamic state should not be taken to mean that one could be isolated from the other. Both are closely interconnected, and the functional existence of one presupposes the other. The creation of the Islamic state presupposes the

<sup>6</sup>See T. Walter Wallbank, et al., *Civilization Past and Present*, 5th ed. (Glenview, IL: Scott Foresman and Company, 1965), 208.

<sup>7</sup>See for instance Ibn Kathīr's *al Bidāyah wa al Nihāyah*.

emergence of a society committed to Islamic principles and norms; in a word, it presupposes the existence of the ummah. On the other hand, although the ummah *qua* the moral Islamic order could exist and has existed without an Islamic state, the creation of the state is imperative if the ummah *qua* the legal Islamic order is to be realized. As such, the Islamic state is indeed a supreme moral goal, because Islamic moral life can never be complete in the absence of the Islamic state. The Islamic state, being the political dimension of the ummah, comes into existence when the ummah becomes centrally organized for the purpose of pursuing Islamic goals and ideals. Yet the purpose of the state, as the moral expression of the higher objectives of the Shari'ah, transcends the domain of the Muslim community to encompass the whole of humanity. The humanistic and global purpose of the state is derived from the overall purpose of the Shari'ah as it is expressed in different parts of the Qur'an and articulated by eminent Muslim scholars.<sup>8</sup>

## The Organization of State Power

Historically, classical scholars and jurists (*al 'ulamā' wa al fuqahā' al uṣūliyyūn*) endorsed the *khilāfah* as the only legitimate institution for the ummah's governance. Though rejecting the concept of divine commission advanced by Shi'i jurists, classical scholars looked at the first political system, the consultative *khilāfah*, as a model from which they derived their theories and argumentations.<sup>9</sup> The first model of Islamic government existed during the reign of the four rightly-guided caliphs who succeeded the Prophet. During this period, the Muslim community was involved in the selection of its leader either directly or through its local leaders. The selection (*ikhtiyār*) of political authority, however, was transformed gradually during the reign of the Umayyid dynasty from the community at large to an increasingly smaller group of Muslims, and was eventually confined to the ruling family and a few other influential government officials. Al Bāqillānī (d. 403/1013) summarizes the views of the major political groups of his time on the selection of the leader:

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<sup>8</sup>The Shari'ah's humane and global orientation is reflected in many verses of the Qur'an, such as: "We sent you not but as a mercy for humanity" (21:7). Its humanistic orientation has been articulated by Abū Ishāq al Shāṭibī (d. 730 AH), who posits in his major work *al Muwāfaqāt* five purposes of the Shari'ah: the protection of religion, life, progeny, property, and mind. For a detailed discussion on the subject, see *al Muwāfaqāt* (Cairo: al Maktabat al Tijāriyah), vol. II, 5-20.

<sup>9</sup>See al Māwardī (d. 450 A.H.), *al Aḥkām al Sultāniyah* (Cairo: Dār al Fikr, 1404/1983), 6-9; also al Juwaynī, *Giyāth al Umam*.



There is disagreement also on the method whereby the imamate is established, whether it is by designation or by election. The vast generality of our associates and of the Mu'tazilah, Khawārij, and the Najjāriyah hold that the method of its establishment is by election on the part of the community, through the exercise of responsible judgment (ijtihād) by those qualified to do so and their selection of one who is fit for the office. . . .

. . . there is a further disagreement among the partisans of election as to the number of actual electors of the leader. Al Ash'arī held that the imamate is validly contracted on behalf of one who is fitted for it by the contract of a single pious man who is qualified to exercise ijtihād. . . . the Zaydī and certain of the Mu'tazilah held that the least number . . . is two persons of piety and ijtihād. . . . Al Qalanīsī [an Ash'arī contemporary] and those of our associates who follow him hold that the contract . . . is validly made by the ulama of the community who are present.<sup>10</sup>

Despite the fact that the *khalīfah* had become a hereditary system after the establishment of the Umayyid dynasty, it was never sanctioned or recognized as such by Muslim jurists. They maintained that the leader could be either elected (*ikhṭiyār*) or designated (*ʾahd*) and that the selected head of the community should meet certain physical, moral, and intellectual requirements. Al Māwardī (d. 450/1058), for instance, predicated the foregoing two modes of selection on the practice of the Muslim community during the time of the four rightly-guided caliphs. He based the election of the leader on the precedent of the choice of Abū Bakr (the first *khalīfah*) by election and that of ʿUmar (the second *khalīfah*) by nomination. Al Māwardī also stated that the leader should receive confirmation (*bayʾah*) from the community or its representatives as it was practiced during the early caliphate. This practice was modelled after the *bayʾah* of al ʿAqabah, in which people expressed their allegiance to the Prophet and acknowledged his commission and leadership.<sup>11</sup>

Classical jurists divided the selection process into two stages: nomination and confirmation. While most leading jurists and schools of law agreed that the leader may be nominated by one competent individual, they differed as to what constituted confirmation. However, the widely-accepted proposition was that it was the right of the community, through its local leaders (*ahl al ḥall wa al ʾaqd*) and scholars (ulama), to confirm the leader. Muslim scholars

<sup>10</sup>Quoted in Ann K. Lambton, *State and Government in Medieval Islam* (Oxford: Oxford University Press, 1981), 81.

<sup>11</sup>Al Māwardī, *al Aḥkām al Sulṭānīyah*, 6-9.

disagreed, however, on the number required for the nomination stage and how the people of *ikhtiyār* were to be chosen. The vast majority of classical jurists settled for the number one. They nevertheless insisted that this one person could not be chosen arbitrarily, but that he had to represent and be supported by the bulk of society:

I contend that if 'Umar's nomination of Abū Bakr had been challenged by others, I would have argued that the nomination (of the head of state) by one individual was insufficient (under the circumstances). Similarly, if the nomination by two or four was challenged by many others, it would not have been binding. But when 'Umar made the *bay'ah* others followed suit, (eventually) the community declared its allegiance (to the new *khalīfah*).<sup>12</sup>

Although the model adopted by classical jurists was designed to correspond with the practice of the Prophet's Companions, it was evidently founded on the belief that the ummah, being the bearer of divine revelation, was the ultimate source of political power and that the community's approval of the head of state was essential for the legitimation of state actions. Clearly, the political model of the Islamic state is secondary to the principle which justifies it, and it should therefore be modified and even changed when it fails to realize the principle which justifies its existence. In fact, classical jurists and the Muslim community before them were willing to endorse different variations of the model so long as these variations continued to reflect the fundamental principle.

Two questions regarding the method of selection went unanswered by classical jurists. The first question had to do with the nature of the *ahl al ḥall wa al 'aqd*, and the other with the mechanisms to be used in the confirmation stage of elections. Classical jurists were content with spelling out the basic qualifications that the *ikhtiyār* people had to meet while overlooking the important question of how these individuals were to undertake their extremely important tasks. This was probably due to the fact that there was then no urgent need to clarify this question, for by the time classical jurists developed the *khilāfah* theory, political power was practically under the tight control of powerful families and clans. Evidently, the *ahl al ḥall wa al 'aqd* was not conceived of as a clearly defined body with formal duties, but rather as a group of influential persons interacting loosely among themselves. As a system of representation, the *ahl al ḥall wa al 'aqd* could be reduced to one person whenever the choice made by this one individual

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<sup>12</sup>Al Juwaynī, *Ghiyāth al Umam*, 55-6.

reflected the will of the ummah. The number had, however, to be increased until this body became reflective of the entire ummah:

We consider that one person should be sufficient (for the selection of the leader) so long as this individual is obeyed and esteemed (by the people) and so long as his inclination to one side coincided with the inclination of the masses. . . . But if achieving this objective (popular support of the leader) required that two or three persons (should agree), then their agreement is necessary.<sup>13</sup>

## The Scope of State Power

Historically, classical jurists gave the head of state a wide array of executive powers, including an indefinite term of office, unlimited appointive power, and tight control over all appropriations and the budget. The head of state was indeed supreme on the executive side, but he was never an absolute ruler. Beyond his executive supremacy, he was subordinate to the Shari'ah and limited by its rules and principles. The Shari'ah was the ultimate source of law, and both the community and the jurists acted as a check on the ruler. Ordinary members of the Muslim community were able to curb the ruler's power in their capacity as trustees of the divine revelation, and believers were religiously obliged to obey the ruler only so long as he abided by the Shari'ah's rules. Jurists could also act as a barrier to the ruler's abuse of power because they were seen as the repository of knowledge and the only segment of society which had the capacity to interpret the law.

Furthermore, not only did the ruler lack any legislative power, but his influence over the judiciary as well as educational and social welfare institutions was minimal or nil. Judges who were appointed by the *khalīfah* had to apply civil and criminal codes developed by the jurists, whereas schools, universities, and social welfare institutions were completely independent from government control and were run by both private citizens as well as the ulama. The tremendous power which the ummah and the ulama exerted over the government notwithstanding, their influence remained informal and loosely channelled to the political system; indeed, both failed to transform their political function into that of well-defined and organized institutions.

In short, the power to enact law (i.e., legislative power) remained historically in the domain of the ummah. Admittedly, the head of state and his ministers could occasionally establish public rules, but these rules were

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<sup>13</sup>Abū Ḥamīd al Ghazzālī, *Fadā'ih al Baṭīniyah* (Cairo: al Dār al Qāwmiyah), 176-7.

more like executive orders than laws, and they had to conform to the rules of the Shari'ah developed by Muslim jurists in order to be considered valid by the community.

In recent years, contemporary Muslim leaders and intellectuals have started to call for the establishment of legislative bodies, stressing the need to add a legislative function to the state. It is argued that the withholding of legislative power from the state was understandable when political power was usurped by tribal dynasties. But an elected government should be entrusted with the responsibility to legislate, instead of keeping this important function unorganized.<sup>14</sup> Some prominent scholars have even argued that since the purpose of the state is to implement the Shari'ah, and since the Shari'ah addresses various aspects of life, the Islamic state is in a sense totalitarian.<sup>15</sup> Such statements underscore confusion between the concept of ummah and that of state, a confusion that mistakes the role of the ummah as the moral manifestation of the Shari'ah with the role of the state as the bearer of political power. The distinction between the roles of the state and the ummah should not be interpreted, however, to mean that the political is to be separated from the moral. Far from it. The political and the moral are, from the Islamic point of view, inseparable. The Islamic state, as we saw earlier, presupposes the existence of the Islamic normative order, i.e., the ummah with its unique set of values and beliefs whose realization requires the establishment of specialized political organs. The distinction is rather one of scope and degree. That is, state activities are distinguished from social activities in that they reflect a commitment to the higher objectives of the Shari'ah and, consequently, a broader basis of consensus.

The difference between commitments associated with the ummah and those identified with the state can be better understood by considering the structure of the Shari'ah. The Shari'ah's rules may be divided into three categories: a) Rules identifying moral principles and personal obligations. These mainly involve teachings intended to promote individual character and to help the Muslim grow spiritually and hence improve his/her relationship with his/her Creator (*akhlaq* and *ibādāt*); b) Rules intended to regulate individual behavior in respect to other members of society. These include rules regulating interpersonal relations among the members of society (*mu'āmalāt*); and c) Rules intended to regulate individual behavior in relation to society as a whole. These are essentially general guidelines outlined in broad terms. Many of the rules in this area fall within the realm of the Shari'ah known as *maṣlaḥah mursalah* (public good). Rules of this sort are subject

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<sup>14</sup>See Rashīd Riḍā's *al Khilāfah*; also Abū al A'lā al Mawdūdī's *Islamic State*, trans. Mazheruddin Siddiqi (Karachi: Islamic Research Academy, 1986).

<sup>15</sup>See al Mawdūdī, *Islamic State*, 14-7.

to reasoned judgments in line with the guiding principles of the Shari'ah.

It is only this last category of rules that should be delegated to the state. Personal and interpersonal rules should fall under the control of the ummah, because individual character and morality can be better influenced by inspirational and educational means, while personal exchange is subject to local considerations and should be regulated by local communities. Only intergroup behavior and questions concerning the general well-being and quality of life in society should come under the state's control.

Whereas economic and contractual relations involving members of the community should be left to the ummah and civil society in general, economic and contractual relations involving classes<sup>16</sup> of citizens must be regulated by the state so as to prevent the formation of a closed economic elite and to ensure that public resources are equitably distributed among the society's members. The state's authority to regulate intergroup economic and contractual relations is derived not only from its overall responsibility to ensure that social relations are structured pursuant to the principles of justice and human dignity, but is also prompted by Qur'anic injunctions which emphasize fairness, decency, and compassion.<sup>17</sup>

## Conclusion

It is argued in this paper that the Islamic state should be identified with two elements: the system of rules that determines intergroup activities and the general social and economic conditions, as well as the political organs necessary for the realization of Islamic ideals. A distinction is made between the Islamicity of the state and the legitimacy of state power. The former is connected with the source of law, the latter with the source of authority. The state is Islamic insofar as its rules and laws are based on and derived from the principles of the Shari'ah. The legitimacy of the state, on the other hand, depends upon the extent to which state organization and power reflect the will of the ummah, for as classical jurists have insisted, the legitimacy of state institutions is not derived from textual sources but is based primarily on the principle of *ijmā'*.

It is further argued that a distinction should be drawn between the role and purpose of the Islamic state and those of the ummah. This is because

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<sup>16</sup>The term "class" includes but is not limited to the economic sphere. It may also include social groups divided along political, ideological, or regional lines.

<sup>17</sup>The Qur'an expresses in so many ways the obligation of the ummah to establish an equitable order in which human exploitation and abuse is prevented and human dignity is protected and promoted. See, for example, 4:135, 5:8, 16:90, 57:25, and 59:7.

while the latter purports to facilitate the moral and spiritual growth of the individual and to provide the environment that would allow the individual to define and then realize his/her role and objectives in life within the general framework of the Shari'ah, the former aspires to establish the general conditions that would enhance the quality of life in the political community.

The distinction between the role and purpose of the state and those of the ummah translates in practice into two distinctive spheres of moral and social responsibility. On the one hand, control over personal and interpersonal behavior should be localized; decisions regarding interpersonal social and economic activities should be handled by local communities, and hence should fall under the domain of the ummah. The state, on the other hand, should focus on global questions concerning the quality of life in society as well as intergroup activities.

## من إصدارات المعهد العالمي للفكر الإسلامي



كيف نتعامل مع القرآن  
للشيخ محمد الغزالي  
في مدارس أجراها معه  
الاستاذ عمر عبيد حسنة

تقديم د. طه جابر العلواني

تدور المدارس في حوله مناهج فهم القرآن المجيد  
وقضايا تفسيره وتأويله وتصنيفه وتبويبه، وكيفية جعله  
المصدر الأول لثقافة المسلم المعاصر، ليستعيد العقل المسلم  
عافيته ويسترد القرآن المجيد دوره في عطائه وإنارته.

غلاف عادي ١٢ر٥٠ دولاراً

٣١٧ صفحة