

The history of the *Khilafah*—the political institution of Islam—started with the most brilliant career ever in the annals of religion. Muhammed (peace be upon him) established not only an appeal for the salvation of mankind but also a phenomenon unique among the prophets of Allah—the organised state.

In the beginning was the city state of Medina, which expanded to become a universal state. The universal state started to decentralise in about 980. After 1580 it started to fragment and in 1918 the Muslim state had become national states. All this came about through the struggle for power between the different leaders of Islam, the factor of territoriality, allegiance, the factor of culture, the fact that there were different languages spoken by different people, and then to crown it all through the intervention of imperialism. Through the cultural impact of imperialism, we became their proteges, their followers in thought and ideas.

For example when Turkish nationalism and the Western modernism of Kamal Ataturk led to the abolition of the *Khilafah*, we find that some Muslim thinkers not only accepted the fact but began theorising on it. Ali Abdel Raziq Al-Azhari, wrote a book on Islam and government in which he said that Islam was a spiritual religion like Christianity and the fact that the Prophet, peace be upon him, had established a state was an accident. He claimed that the state which continued after the Prophet was also nothing more than an arrangement for secular purposes of law and order. His book maintained that Muslims should not concern religion with any aspect of government.

When imperialism departed it handed over power through a process of transfer that was modelled according to their own institutions of government. We all acquired parliamentary regimes, with the detail of speakers and presidential guards. We formed our government exactly to the pattern that was reigning in the different imperialist powers that had conquered us. However, before this happened, the *Shari'ah* which had been the law of the land receded in importance. Some Muslim states even before achieving independence rejected the *Shari'ah* till it only remained in the field of personal law. Even in personal law, some so called modernisers have abolished *Shari'ah* in

Turkey, and other countries have followed suit. So we have emptied our countries from any Islamic application in any serious form.

We can hardly find a Muslim country today which we could genuinely feel to be Islamic. However, this state of affairs, dim as it looks, has prompted an awakening—and Islamic awakening. A number of factors contribute to this. First, all the nationalist movements which benefited through the transfer of power in the different states have reached the end of their service, and have failed to deliver the goods to the people. Second, the removal of the foreign yoke has led people to ask themselves searching questions about their own identity, dignity and history. Then there is the fact that the nature of Islam is unique. It is unique because it has moulded us. What Roman law and language, Greek culture, and Christianity did to the formation of a certain Western consciousness, in our case all this was done to a large extent by one force, Islam. Islam has therefore precipitated a solidarity amongst us which has survived all the catastrophes, crises and difficulties through which we have passed.

One Muslim response which totally rejected anything to do with the West, and sought to establish a state completely modelled on the one the Prophet formed in Medina, without any form of compromise, is exemplified by the achievement of the Mahdism in the Sudan. However, this was trampled by the power of the technologically advanced Western imperialist. However, another movement started which sought to establish a government with all the fundamentals of Islam maintained, but with certain modifications. This movement took root in many Muslim countries particularly Egypt, India, Pakistan and the Sudan. I would like to briefly describe the ideas of this movement as formulated by the prominent Muslim *mujahid* Maulana Abul Ala Maudoodi. I think his writings articulate this conception more than any other. He begins by saying that Islamic government is theo-democratic, distinguishing it from theocracy and democracy. He holds that sovereignty in the Muslim state belongs to Allah. All people are Allah's vice-regents. They choose amongst themselves one to rule, who becomes head of state. Maudoodi discusses the function of the legislature in an Islamic state. Strictly speaking, there is no right of legislation except with

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God. However, the legislature that Maudoodi proposes to establish has the following functions: it enacts explicit directives, and provides relevant definitions and details; where directives have more than one interpretation, it defines which is to be accepted; where there is no explicit provision in the Qur'an and *Sunnah* it enacts legislation that is in the spirit of Islam. Maudoodi suggests that the legislature should be elected, but the qualifications of the people who stand must be vetted. He states that this sort of election was not entered into by the early followers—*As-sadr al-awal*—of Islam because there was no need for it then. The associates of the Prophet were considered *ahl-al hul wal-aqd* (i.e. counselors) and so they legislated for the Muslim state. Maudoodi states that he has not been able to find any definite ruling on whether the resolution of the *ahl-al hul wal-aqd*, as he calls the legislature, are binding or advisory. However, he maintains that there is no alternative but to restrict and subordinate the executive to the majority decision of the legislature. So he accepts this as an innovation.

He sees the function of the executive as being to enforce the directives of the Qur'an and *Sunnah*, and to bring about a society ready to accept and adopt these directives. The head of government is to be elected by general will and not imposed. No clan or clique should have any monopoly of this power. The head of state becomes the head of the three branches: the executive, the legislature and the judiciary. The judiciary may be separated, and have a separate head. The judiciary's function will be to enforce the divine code. Maudoodi discusses whether it should be given power to declare any action of the legislature contravening the *Sunnah* ultra vires. He then states that he knew of no such instance in the past, but it could be accepted as a new move to empower the judiciary.

Maudoodi also considers the rights of the citizens, of which there are two types in the Muslim state, the Muslims and the *zimmis*. The Muslims have the right of protection of their lives, property and honour; the right of personal freedom; no detention except on court order or for investigation; right of freedom of opinion and belief (he quotes a statement by Ali Ibn Abi Talib who addressed some *Kharijites* "As long as you do not indulge in actual disruption and disorder we will not wage war against you"; right to the basic necessities for all citizens without discrimination of cast or creed. The duties of citizens are to

obey and work for the welfare of the state. In discussion the rights of the *zimmis* he states that their life is as sacred as that of the Muslims. Penal and Civil laws are the same for all, though the Personal laws of the *zimmis* would be exclusive to them. They have religious freedom and protected places of worship. Their duties are to pay *jizya*, which is a symbol of loyalty to the state and also a compensation for exemption from military service. They are not to revolt or aid the enemies of the Muslims. Maudoodi suggests that they can be members of the legislature, provided it is clear that the body refrains from legislation contravening the *Shari'ah*. *Zimmis* have freedom of opinion, association and expression, similar to those enjoyed by the Muslims and subject to the same limitations. Within these limits they will be entitled to criticise the head of state and the government. They will also enjoy the same rights to criticise Islam as the Muslims have to criticise their religion. With the exception of certain key posts, all government services will be open to them.

This outline of Maulana Abul Ala Maudoodi's ideas on the government of an Islamic society definitely bears many aspects of *tajdid* (revivalism). First because the more conservative minded Muslims have not accepted the very concept of a constitution. They claim that they have the Qur'an and *Sunnah* and so do not need to write any constitution. Furthermore Maudoodi accepts the partial separation of power. He waives the "clan" requirement that has been known traditionally, that the head of state must be a Quraishi. He also gives the judiciary constitutional powers.

Now it is true that in Pakistan there took place the most intensive search for a modern application of Islam. This was because Islam was the very *raison d'être* of its formation. We should consider why the Islamic constitution movement which has taken root so seriously in Pakistan, Egypt, and Sudan has really not succeeded. There are two factors—external and internal. Of the external reasons, the first is that the imperialist powers left behind certain institutions which have acted as a hindrance or break to oppose any sort of departure from the systems that were established. For example the cadre in administration was made as alien as possible from the people whom they were to administer. The judiciary, under the guise of their independence also have a vested interest in the perpetuation of the type of society which imperialism had established. There

is also the university, which has been made the guardian of the concepts, beliefs and ideas of the modern intelligentsia. Last but not least is the army. It has been made to play a role in which it interferes, intervenes or moves into power whenever something has not gone the right way. I am not saying that these institutions have been made the subject of a conspiracy between people running them and the imperialist powers. But it is a fact that the institutions themselves were in a very subtle way made to play a role that ultimately was in contradiction and opposed to the body of ideas and beliefs of the masses of the people. Over and above these institutional breaks is the appeal of new ideas to the intelligentsia. Communist and secular liberal ideas have taken command of the mind and heart of our intelligentsia. They play, and will play a role disproportionate to their numbers. They command certain key positions which gives them power. On the other hand Muslims are inarticulate through being entangled with traditional conceptions. They have contracted themselves out of the running of society and influencing the making of the system.

The internal factors which led to the Islamic Constitution movement coming to grief will now be discussed. First, an assumption was made that all Muslims were ready to join in the march as if there was no need for a great movement to first win back Muslims to Islam, before hoping to make them the implementers of the religion. This was not a valid assumption. Second, the intellectual challenge of the time, in all its diversity, was not properly met. Third, there was a lack of realisation of the power of the opposing forces.

For these reasons—external and internal—the movement for the modern application of Islam came to grief. The position now is that although there is a sense of Islamic revival, as well as a confirmation of the solidarity of the *Umma* in all our hearts, we have no articulate political position.

Before clarifying this point, it is important to recognise that there are two main views of Islamic interpretation. There is the conservative and the dynamic. Up to the Fourth century after the Hijra, the dynamic interpretation dominated. The dynamic interpretation is the readiness to interpret the commands of the Qur'an and the *Sunnah* in the light of the circumstances that prevail. It is also based on the recognition of the peculiar contribution of certain leading individuals. There is a preparedness to accept a certain contribution of the individual who is head and

shoulders above the others. It is the intellectual capacity and the moral calibre of such individuals that was responsible for the intellectual foundation of the great Muslim civilisation. It dwarfed contemporary civilisations and proved that Islam became a universal state not just by military and political expansion, but also through the springing of spiritual and intellectual wealth.

This dynamism has died. It died about the Fourth century after Hijrah. For example we get the statement of Ibn Abidin, quoting from the messages of Ibn Nagib that *qiyas* (judgement upon juristic analogy) was discontinued the Fourth century after Hijrah. The body of *sunnah* Islam became stagnant in the intellectual field. There was repetition and lack of originality. The dynamic interpretation then tried to find a channel in the non-sunnah body of Islam, philosophy and sufi ideas. But even here the dynamism came to grief. The sufis encapsulated themselves in sects, and the philosophic attempt ended after Ibn Rushd.

In the political field we had the emergence of a despotism which suffocated all real originality. It started with the appointment of Yazid bin Mu'awiyah. The appointment of Yazid was outright power politics. We have the statement of Yazid ibn Al-Mogaffa in the *majlis* (conference) which appointed Yazid. Al-Mogaffa said, "Amir al-momineen is this (pointing to Mu'awiyah) and if he dies then this (pointing to Razid) and for anybody who disobeys then this (pointing to his sword)", thereby shifting the constitutional problem to that of power struggle. This in itself was to some extent tolerable but then later under the Abassids there came a dependence on mercenary troops. What was the duty of all Muslims to form a popular army developed in to professional armies. This was a complete change in the ideal of the defence of Islam. The tail then started wagging the dog, and mercenary troops or professional armies started taking power, reducing the *khilafah* to nothing, and maintaining a cynically power-based system of government. This political and intellectual decadence contrasts with dynamism. We must recapture the dynamism if we want the revival of Islam.

One area where there is need for new ideas is in Islam and modern political thought. For example consider Nationalism. Even before imperialism some developments took place in the Muslim world that led to the birth of a certain national consciousness. For instance in Persia arose ideas

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associated with *shuobiya* (nationalism), and later there was the influence of Al-Firdausi. The decentralisation that took place in the world of Islam, together with the adoption of Shi'ism in Persia in about 1500, led to the emergence of a Persian national consciousness. In Turkey there developed the Ottoman Empire, and after some time it established a Turkish Nationalist consciousness, if only for the fact that it used Turkish instead of Arabic. To some extent in reaction to this—the fact that Arabic was denied its position in the world of Islam—and the factors relating to the impact of the West, there developed an Arab consciousness. The first modern formulation of that Arab consciousness was in a conference of Arab students in Brussels in 1938 which resolved "All who are Arab in language, culture and loyalty are Arabs".

Originally when decentralisation emerged the Muslims were stunned to find that they could not unify the *khilafah*. Under the Abassids they found they could not overpower the Umayyads, who had formed a new *khilafah* in North Africa and Spain. Two ideas developed on the position of the unity in the *khilafah*. The view of the majority of Muslim thinkers was that there should be only one *khilafah*. The other view was that there should be recognition of the different *khilafah* if a sea divided the two lands. A compromise was formulated by Al-Mawirdi, who held that there should be one *khilafah*, but when any of the war lords or

different leaders establishes a regime and dynasty by force it should be recognised.

Because of this background I feel that we should insist on the ideological solidarity of the *Umma* on a unified ideology. We should reform the priority of unity among the Muslims to admit groups or possible Muslim formations which may later on confederate—one Arab, another Asian, a third Eurasian, and a fourth African. This is a thought for the future, but at least it would organise our Islamic movement on lines more in recognition of the realities which we face.

I believe a revival of Islam is only possible through the revival of the dynamism which accompanied its birth. This is something that we must do if we are to be serious about the role of Islam in modern society, and make it the basis of politics and government. There are several ways and means open to us to achieve a consensus about such new ideas. One is through discussion. Another is perhaps through the emergence of people who are head and shoulders above their contemporaries, and are able to define certain ways and means of revival and application of Islam. The time has come for the rebirth of Islam in modern society. All that we can hope for is that when there is the call there will be the supporters. I hope that all of us in this generation would through different ways and means be able to really contribute in this phase of the revival of Islam.