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## THEOCRACY, DEMOCRACY AND ISLAMIC SHŪRA SOME INTRODUCTORY NOTES

**Prof. Obaidullah Fahd**

(Department of Islamic Studies,  
Aligarh Muslim University, Aligarh)

ARTICLE DETAILS	ABSTRACT
<b>Article History :</b> Published Online: _Published_ -	<p>Theocracy in Europe is “a form of government in which God is recognized as the king, and his laws are taken as the statute book of kingdom. Democracy is the government of the people, by the people, and for the people.”<sup>1</sup></p> <p>Before the emergence of modern concept of democracy, there was the age of theocracy in which state exercised its power through the church.. When serious and bitter controversies arose between the pope and subsequent rulers this caused the decline of Holy Raman Empire and emergence of theory of separation of church and state. In the first half of the 18<sup>th</sup> century the American Revolution took place and few years later the French Revolution in 1789. John Locke (1632 - 1704), Montesquieu (1689 - 1755) and Rousseau (1712 - 1778) were</p>
<b>Keywords:</b> <ul style="list-style-type: none"><li>➤ Democracy</li><li>➤ Theocracy</li><li>➤ Islamic Political Thought</li><li>➤</li></ul>	



the political thinkers and philosophers in Europe who firmly stood for the separation of powers, concept of natural rights and freedom. Their thoughts were fully reflected in the American Declaration of independence.

Islamic state is certainly not a theocratic one. So far as modern Democracy is concerned, The democracy as a philosophy and as a form of government, are different things. In the form of organization, Islamic thinkers appreciate the democratic nations, but as a philosophy, Islam and western democracy are basically different, rather opposed to each other. Islamic system of government is based on certain principles which distinguish it from the western systems:

1. In Islamic power rests exclusively with Allah
2. The prime duty of Islamic state is to implement *Shariah*.
3. In Islamic state the people are obligated to follow their rulers if they implement the *Sharī'ah*.
4. Ensuring justice is the main objective of the government is Islam.
5. *Ahsan* is another directive given to state. (*ihsān* implies the generous treatment, tolerance and mutual consideration.
6. The *Shūra* (mutual consultation) is fundamental principle of Islamic states and results in democratic functioning. Many modern scholars of Islam hold that the majority decision in the *shūra* assembly is binding on rulers.

Islam did not prescribe any specific form of government; it emphasized the fundamental principles of governance as elaborated above.



	Maudūdi has coined a new term of theocracy to explain the nature of Islamic state. Dr. Muhammad Shafique has rejected all these titles and suggests the term <i>Khilāfah</i> . As historically speaking the <i>Kilāfah</i> had become monarchy ( <i>mulūkiyah</i> ). I suggest the term <i>shūra</i> to connote the democratic system of Islam.
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## Introduction: The Western Heritage

Modern political thinkers trace the political heritage back to Greek history with Plato (b. 437 B.C.) and Aristotle (b. 384 B.C.) as the two main thinkers in the field. Abraham Lincoln (1809-1865), the American Republican statesman and 16<sup>th</sup> president of the United States, was influenced by Greek democracy when he said, “Democracy is the government of the people, by the people, and for the people.”<sup>1</sup> Later in the history democracy developed as a representative one, and not as a direct one.

Before the emergence of modern concept of democracy, there was the age of theocracy in which state exercised its power through the church as the divine words of God. In this stage the doctrine of “two swords”, the spiritual and the temporal one, emerged and the pope was entrusted with the two powers. The rulers were to use their authority



according to the instructions provided by the Pope.<sup>(2)</sup>

When serious and bitter controversies arose between the Pope and subsequent rulers this caused the decline of Holy Roman Empire and emergence of theory of separation of church and state. It was the Renaissance and the Reformation movements in Europe that strengthened the philosophy of secularism. It was Martin Luther (1483-1546), the German Protestant theologian and the leading figure of the German Reformation who attacked the papal authority. John Calvin (1509-1564) the French theologian and leader of the Reformation, becoming a protestant fled to Switzerland where he established the first Presbyterian government in Geneva. In this background the theory of the “Divine Right of King” was developed, according to which it was believed that the king derived his power directly from God, and therefore, obedience to king was obedience to God, and consequently, he was absolute, despotic and arbitrary one. This gave rise to a new consciousness and people started to resist the absolute rulers. In the first half of the 18<sup>th</sup> century the American Revolution took place and



few years later the French Revolution in 1789 led to a declaration of the “rights of man and of the citizen” which was passed on August 26, 1789.

John Locke (1632 - 1704), Montesquieu (1689 - 1755) and Rousseau (1712 - 1778) were the political thinkers and philosophers in Europe who firmly stood for the separation of powers, and concept of natural rights and freedom. Their thoughts were fully reflected in the American Declaration of Independence. The Declaration, adopted on July 02, 1776, clearly stated:

“.....all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of the government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to



them shall seem most likely to affect their safety and happiness.”<sup>(3)</sup>

## **The Concept of the Islamic State:**

### **(a) No Theocracy**

Islamic state is certainly not a theocratic one. Theocracy in Europe is “a form of government in which God is recognized as the king or immediate ruler, and his laws are taken as the statute book of kingdom, these laws usually administered by a priestly order as his ministers and agents; hence (loosely) a system of government by a sacerdotal order claiming a divine commission.”<sup>(4)</sup>

Islamic state is something altogether different from the theocracy of which Europe had bitter experience wherein a priestly class, sharply marked off from the rest of the population, exercises unchecked domination and enforces laws of its own making in the name of God, thus virtually imposing its own divinity and godhood upon the common people. Sayyid Abul Ala Maududi (1903-1979) calls such a system of government a ‘satanic’ rather than a divine one.<sup>(5)</sup> Islamic state is not ruled by any particular religious class but by whole community of Muslims including the rank and file. The entire Muslim population runs the state in



accordance with the Book of God and the practice of His Prophet. This is clearly defined in the Quran:

“Allah has promised those of you who believe and do righteous deeds that He will surely bestow power on them in the land even as He bestow power on those that preceded them, and that He will firmly establish their religion which He has been pleased to choose for them, and He will replace with security the state of fear that they are in. Let them serve Me and associate none with Me in My Divinity. Whosoever, engages in unbelief after this, such indeed are the ungodly.”<sup>(6)</sup>

This verse categorically describes the nature of Islamic state. The three significant points are highlighted therein:

(a) The Quran uses the term of *khilāfah* (vicegerence) in place of sovereignty, the ruler of Islamic state is, therefore a vicegerent and not a sovereign, and the vicegerent is entitled to use the delegated powers only.

(a)The divine promise of bestowing power (*istikhlāf*) is made to all the believers; no specific person or group is addressed to. This general



address reveals that all the believers are entitled to *khilāfah*. The vicegerence bestowed on the Muslims is a popular one, and is especificated to any person, family or class.<sup>(7)</sup>

(b) The hypocrites and the insincere people were warned of that the divine promise of *istikhlāf* was made to those who were truthful in their faith, pious in their, deeds and daily life, followers of the religion sincerely, and were avoiding all kinds of associations with Him. Those far from these qualities and indifferent in these prerequisites were not addressed to and not entitled to power.<sup>(8)</sup>

### **(b) No Western Democracy**

The democracy as a philosophy and democracy and as a form of government, are the different things. In the form of organization, Islam appreciates the democratic nations, but as a philosophy, Islam and western democracy are basically different, rather opposed to each other, as Professor Khurshid Ahmad has noted.<sup>(9)</sup>

The democracy in the West inherits the two fundamental concepts: (i) the legal and political sovereignty emerged through the majority of the people or the representatives elected by them, and





(ii) formation and replacement of the government by people's independent will.

In Islam, the legal sovereignty rests exclusively with Allah, the commandments of Whom, whether written in the Qur'an or practiced and elaborated by the Prophet of Islam, constitute the unchangeable position. As for the political sovereignty is concerned, it is addressed to the common Muslims, and in place of sovereignty, it uses the term of *khilāfah* (the vicegerent of God), which will come into being by the majority of Muslims or their reliable representatives. Keeping in view this fundamental difference Islamic state may not be equated to the western democracy. The Quranic injunctions in this regard are clear:

“Believers! Obey Allah and obey the Messenger, and those invested with authority among you; and then if you were to dispute among yourselves about anything, refer it to Allah and the Messenger if you indeed believed in Allah and the Last Day; that is better and more commendable in the end.”<sup>(9)</sup>

“It does not behove a believer, male or female, that when Allah and His Messenger



have decided an affair they should exercise their choice. And whoever disobeys Allah and His Messenger has strayed to manifest error.”<sup>(10)</sup>

“Those who do not judge by what Allah has revealed are indeed the unbelievers.”<sup>(11)</sup>

“Those who do not judge by what Allah has revealed are indeed the wrong-doers.”<sup>(12)</sup>

“Those who do not judge by what Allah has revealed are the transgressors.”<sup>(13)</sup>

Interpreting the three verses of *Sūrah-al-Māidah*, as cited above, Maudūdī says that here three verdicts are issued against those who do not judge in accordance with the laws revealed by God:

- (i) they are unbelievers,
- (ii) they are wrong-doers, and
- (iii) they are transgressors.

This clearly means that anyone who, in disregard of God’s commandments and of the laws revealed by Him, pronounces judgments according to man-made laws-whether made by himself or by others is an unbeliever, a wrong-doer and a transgressor. A man who is convinced that the injunctions of God are right but makes judgments contrary to them in practice is not an unbeliever in the sense that he



ceases to be a member of the Islamic community, but he is guilty of adulterating his faith by blending it with *Kufr*, *zulm* and *fisq*. In the same manner, those who deviate from the injunctions of God in all matters are unbelievers, wrong-doers and transgressors.<sup>(14)</sup>

These verses clearly state the Islamic state as in extreme opposition to the western democracy as a philosophy. Unfortunately modern Muslim intellectuals treat Islamic political thought from the standpoint of western political ideals and use the western terminologies to define Islamic teachings. They forget that the western terminologies are always accompanied with their concepts, ideologies, history and culture which are clearly in clash with the Islamic one.<sup>(15)</sup>

## **The Quranic Outline of the Islamic State**

Islamic system of government is based on certain principles which distinguish it from the western systems:

(a) In Islam power rests exclusively with Allah who is the only Master and Sovereign in Islamic state. The relationship between Allah and human being is that of the master (*ma'būd*) and the servant (*'abd*). This is clearly explained in the Quran Christ,



the Prophet is reported in the Qur'an to have declared even in the cradle:

“The child cried out: verily I am Allah’s servant. He has granted me the Book and has made me a Prophet and has blessed me wherever I might be and has enjoined upon me Prayer and *Zakāh* (purifying alms) as long as I live; and has made me dutiful to my mother. He has not made me oppressive, nor bereft to God’s blessings. Peace be upon me the day I was born and the day I will die and the day I will be raised up.” This is Jesus, the son of Mary; and this is the truth about him concerning which they are in doubt.”<sup>(16)</sup>

(b.)The government in Islam is an employee whose prime duty is to implement Shariah in order to guarantee peace, prosperity, progress and happiness in this world and the next world. The Quran pounces:

“Hold fast together to the cable of Allah, and be not divided. Remember the blessing that Allah bestowed upon you: you were once enemies, then He brought your hearts together, so that through this blessing you



became brothers. You stood on the brink of a pit of fire and He delivered you from it. Thus Allah makes His Signs clear to you that you may be guided to the Right Way. And from amongst you there must be some people who will call others to all that is good and will forbid the doing of all that is wrong. It is they who will attain the success.”<sup>(17)</sup>

(c.) In Islamic state the people are obligated to follow their rulers if they implement the Shari’ah sincerely and ensure the justice and prosperity to every section of the society. This obedience to the rulers is subject to the obedience to Allah and His Messenger. There is no obedience if the rulers violate the law of God. The Qur’an states this clearly in the *Sūrah-al-Nisā* verse: 59. The words “those invested with authority” (*ulu-al-amr*) include all those entrusted with directing Muslims in matters of common concern. This phrase include the intellectual and political leaders of the community, as well as administrative officials, judges of the courts, tribal chiefs and regional leaders.<sup>(19)</sup>



In the verse No. 59 of *Sūrah-al-Nisā* under discussion, the phrase “obey” is used two times (obey Allah and obey the Messenger!); if used one time e.g. with Allah only that would have sufficed to convey the meaning in full, that is: “obey Allah and the Messenger.” But the Qur’an repeated the phrase ‘obey’ with the word “Messenger” to communicate some extra meaning, and that was the legal status of the hadīth, which is binding upon the Muslims as the Qur’an is. The Prophet of Islam interpreted by his words and deeds the Qur’an and also legislated in the areas left in the Qur’an. Both the interpretative and legislative positions of the noble Prophet were defined in the Qur’an itself:

“And We have now sent down this Reminder upon you that you may elucidate to people the teaching that has been sent down for them and that the people may themselves reflect.”<sup>(20)</sup>

(Today this mercy is for) those who follow the unschooled Prophet, whom they find mentioned in the Torah and the Gospel that they have. He enjoins upon them what is good and forbids them and prohibits all corrupt things and removes from them their



burdens and shackles that were upon them. So those who believe in him and assist him, and succour him and follow the Light which has been sent down with him, it is they who shall prosper.<sup>(21)</sup>

(d) The last verse cited above categorically states the legislative powers of the Prophet. The legality and illegality, the lawfulness unlawfulness from Allah is not confined to what is described in the Quran but it also includes what is declared by the Prophet as lawful or unlawful, legal or illegal, and therefore it also constitutes the law of God. The same teaching is emphasized in other verses of the Quran too:

“So accept whatever the Messenger gives you, and refrain from whatever he forbid you. And fear Allah; verily Allah is Most Stern in retribution.”<sup>(22)</sup>

“He who obeys the Messenger thereby obeys Allah; as for he who turns away, We have not sent you as a keeper over them.”<sup>(23)</sup>

The second significant point in the verse 59 of *Sūrah-al-Nisā* is that the word “obey” with the term *ulu-al-amr* (those in authority) was not repeated; it was joined with the previous statement,



grammatically, by a coordinating conjunction. It means that obedience to those in authority was described in the verse as subject to the obedience to Allah and His Messenger. In case a ruler disobeys Allah and His Messenger, any obedience to him is not binding. This was further clarified by the Prophet of Islam in his traditions:

Umm Salmah reported that the Prophet said: “You will have rulers some of whom you will approve and some of whom you will disapprove. He who dislikes them (in his heart) will be safe, and he who expresses disapproval will be safe, but he who is pleased and follow them (will be indeed sinful).” His audience asked: “Shall we not fight them?” He replied: “No, as long as they establish *salāh* (prayer) amongst you.”<sup>(24)</sup>

“The Messenger of Allah stood up in Khāif in Minā, and said: May Allah make his face shine, the man who hears my words and conveys them. It may be that the bearer of knowledge does not understand it, and it may be that he takes it to one who will understand it more than he does. There are three things in which the heart of the





believer does not betray: sincerity of action for the sake of Allah, offering sincere advice to the rulers of the Muslims, and adhering to the main body of Muslims. Their supplications are answered (i.e. encompassing every good, and all of the people)."<sup>(25)</sup>

‘Awf bin Malik’ has reported from the Messenger of Allah that he said: “Best of your rulers is one whom you love and who love you, who pray for you and whom you pray for, and worst of your rulers is one whom you hate and who hate you, whom you curse upon and who curse upon you.” He was asked: “O Messenger of Allah! Shall we not fight them by sword?” He replied: “No, as long as they establish prayers amongst you, and when you observe your rulers committing such thing you disapprove, you should disapprove their acts but do not come out the obedience to them.”<sup>(26)</sup>

Abu Hurayrah has reported from the Messenger of Allah that he said: “One who followed me he followed Allah. Who



disobeyed me he disobeyed Allah, and who obeys the ruler he obeys me, and who disobeys the ruler he disobeys me.”<sup>(27)</sup>

(e.) Ensuring justice to each and everyone is the main objective of the government in Islam. The Shariah is implemented in the society because it guarantees justice for everyone. The justice is the focal theme of the Qur’an:

“Surely Allah enjoins justice, kindness and the doing of good to kith and kin, and forbids all that is shameful, evil and oppressive. He exhorts you so that you may be mindful. And fulfill the covenant which you have made with Allah and do not break your oaths after having firmly made them, and after having made Allah your witness. Surely Allah knows all that you do.”<sup>(28)</sup>

“Believer! Be upright bearers of witness for Allah, and do not let the enmity of any people move you to deviate from justice. Act justly, that is nearer to God-fearing. And fear Allah. Surely Allah is well aware of what you do.”<sup>(29)</sup>

While explaining the verse 90 of *Sūrah-al-Nisā* as cited above, Maudūdī elaborates masterly the three



bases of a prosperous and organized human society:

(i) The justice (*‘adl*) which means a balance between the rights of human being should be maintained, and everyone should be given his rights honestly. The justice may not be equated to the equality. In some areas like the civic rights equality is required. But in some areas like social equality between the parents and their children, or equality of wages among the highly-qualified persons and the servants of lower grade go against the very concept of justice.

(ii) The kindness (*ihsān*) applies to the generous treatment, the sympathetic attitude, tolerance and appreciation, forgiveness and mutual consideration, giving to someone more than his right and a withdrawal from his own right in favour of others. This is more significant and penetrating in the collective life than the justice. If justice constitutes the base for society the *ihsān* does form the beauty and perfection of it. The justice safeguards the society from bitterness and imbalances, the *ihsān* creates in it the sweetness and pleasure. A society based on justice would provide no scope for any conflict but it will be certainly



deprived of the high values like mutual love and affection, thankfulness and large-heartedness, sincerity and selflessness which flourish the curtness, mildness, delightfulness, prettiness and collective advantages.

(iii) The kindness to the relatives, as referred to in the verse 90 of *Sūrah-al-Nahl*, constitutes a specific form of *ihsān*. According to Maudūdī, this applies not only a fair dealing with the relatives and sharing their happiness and sorrow and helping them in the legal limits, but it also implies that a richman should not consider his self and family members only entitled to his resources but he should eagerly accept the rights of his relatives also. It is not advisable in Islam to prefer a luxurious life for a person and leave his relatives in dire need to bread and butter.<sup>(30)</sup>

(g) The *Shūra* (mutual consultation) is fundamental principle of Islamic state and it was so frequently and consistently practiced by the Prophet of Islam with his companions that Abu Hurayrah has said:

“I have never seen anyone else who sought counsel of his companions more than the Prophets.”<sup>(31)</sup>



According to another hadīth, reported by Abu Hurayrah, the Messenger of Allah has said:

“When your leaders are from the best one, your wealthy people generous one, and your affairs are decided upon after consultation, then the surface of land is better for you than the underground. And when your leaders are corrupt, your rich avaricious and your affairs entrusted to your women, then the underground is better for you than its surface.”<sup>(32)</sup>

Ibn Abbas has reported that when the verse of the Qur’an “And consult them in the matter” (3:159) was revealed; the Messenger of Allah explained it in the following words:

“Beware! Allah and His Messenger do not need it, but Allah has bestowed His Mercy upon my people. One who amongst them consults the people, never loses the right guidance, and one who ignores it is prone to misguidance.”<sup>(33)</sup>

It was because the Qur’an commanded the noble Prophet to continue consult his companions though this consultation had adverse affect in the Battle of Uhud. The Quranic verse obligated the



consultation with companions as the essential one even if the majority advice might be seemingly wrong. The Qur'an ordered the Prophet:

'So pardon them and ask forgiveness for them and consult them on the matter and when you decide, put your trust in Allah. Surely Allah loves those who put their trust in Him.'<sup>(34)</sup>

In another verse Allah has admired the companions of the Prophet who conduct their affairs through consultations:

"And those who hearken to their Lord, and establish regular prayer and who conduct their affairs by mutual consultation and who spend out of what We bestow on them for sustenance."<sup>(35)</sup>

Amin Ahsan Islāhi (1906 - 1997) while elaborating the verse from *Sūrah-al-Shūra* under discussion has pointed out the rationale of mentioning the *Shūra* (consultation) between *salāh* (prayer) and *infāq* (spending the wealth in the way of Allah)- a literary style in opposition to describing generally the *salāh* and *infāq* or *zakāh* altogether.

According to Islāhi, the spirit of collective system of Islam and original form of its structure is



preserved in *salāh*. The *salāh* system of Islam indicates how to stand unitedly and collectively for the service to God's religion; how to select the most aware of Islamic Sharī'ah and God-fearing persons from amongst the Muslims for leadership; how to obey the leader unhesitatingly by under the divine limits; how the leader is obligated not to order against the will of Allah; and how even lower section of the society is free to criticize and check if the leader is committing any wrong, even in the midst of the prayer in performing the essential parts of the *salāh* and how the leader of the prayer is bound to correct. The *salāh* is a mirror to political and social system of Islam. Then Islāhi concludes:

“We have to be united for the establishment of religion like in *salāh* to select the most aware of religion and God-fearing person of us, to obey him undoubtedly and to control him from any wrong without any fear. This explains the relation between *salāh* and political system of Islam, and because of that co-relationship the *shūra* system was emphasized upon in due course of *salah* and *infāq*.<sup>(36)</sup>



## Legality of the Shūra

Modern scholars of Islam like Sayyid Muhammad Rashīd Rida, Jalāl Muhammad al-Munajjī and Shaykh Muhammad al-Ghazālī hold the view that the majority decision in the *shūra* assembly is binding and the ruler has no veto power at all. They cite the Quranic verse No. 159 from *Sūrah Āle ‘Imrān* in their favour.<sup>(37)</sup> They have taken the Quranic term ‘*azm*’, as referred to in the verse, to mean the implementation of the majority opinion after due consultation, as was practiced by the noble Prophet in his life.

In their support, these scholars have cited some traditions also. According to a hadīth attributed to Ali, the Prophet was once asked as to what the word ‘*azm*’ meant. The Prophet replied:

“To consult the people whose opinion carries weight and then to act according to their advice.”<sup>(38)</sup>

The terms ‘*azm*’ and ‘*hazm*’ being synonymous nearly, were explained in the traditions to convey the similar meanings. According to another hadīth attribute to Khālīd bin Madan and ‘Abdur Rahman bin Hussain the Prophet was once asked as to what the ‘*hazm*’ meant, he answered:





“Consult someone whose opinion is recognized and then follow their advice.”<sup>(37)</sup>

According to these scholars, the noble Prophet consulted companions on various military and government affairs and implemented the decisions of the majority. He never rejected the advice of the majority after holding consultation with the people.<sup>(40)</sup>

Amin Ahsan Islahi has cited Abū Bakr al-Jassas (917 - 981 A.D.) the famous jurist of Hanafid school, to prove the mandatory positions of consultation. Jassas says:

“And it is not justified to say the Quranic command for consulting the companions was given merely to reassure them, and to enhance their prestige and honor, or only in order to teach the Muslim community to follow the method adopted by the Prophet in dealing with such affairs. Otherwise, if the companions felt that when they applied their minds on an issue under discussion and formed some opinion about it, it would not be acted upon nor would it receive any regard from any angle, it would have an effect on them opposite to reassurance and



gain in prestige and they would have been afraid their opinions were being solicited neither for acceptance nor for being translated into action but merely for the sake of being tendered.”<sup>(41)</sup>

Islahi, then concludes this elaboration of al-Jassas makes it clear that according to him, the Quranic injunction to go on consulting (*Āle ‘Imrān*: 159) was not just a formality and for show, but in order to implement the decisions arrived at after holding consultations with the companions.<sup>(42)</sup>

### **Form of Islamic Government**

Islam did not prescribe any specific form of government; it emphasized the fundamental principles of governance as elaborated above. That is reason why Islamic scholars differed on the point. Ināyatollah Mashriqī (1888 - 1936), the founder of Khāksār Movement in British India, declared the leader of Muslim community an authoritative dictator to be above all checks and balances, whose power and authority may not be challenged. He says:

“In short the leader of Muslims is an absolute dictator, independent of all checks



from the community. He may be challenged by Allah and His Messenger only. He should consult the people but he is the authoritative ruler like God and has no share with others. He is bound to Allah, Shari'ah, Prophet and his *sunnah* only, and this binding is only because of his discretion, and not because of the opinion of community."<sup>(43)</sup>

This totalitarian view was taken by Hamīduddīn Farāhī (1862 - 1930) the great exegete of the Quran in modern India, when he elaborated *khilāfah* as the noblest and highest system of government and the monarchy as the affordable one. In order to provide some historical evidences in his favour he described Sulayman, the Prophet as the *āmir* and *mustabidd* (dictator and authoritative).<sup>(44)</sup>

Maudūdi has coined a new term of theocracy to explain the nature of Islamic state. Under this system Muslims have been given a limited popular sovereignty under the suzerainty of God. The executive is constituted by the general will of the Muslims who have also the right to depose it. All administrative matters and all questions about which no explicit injunction is to be



found in the Shariah are settled by the consensus of opinion among the Muslims.<sup>(45)</sup>

Dr. Muhammad Shafique has rejected all these titles since these are inapplicable in Islamic state, and these create confusions and doubts about the true nature of it. He suggests the term *khilāfah* to identify the Islamic state.<sup>(46)</sup> but this also leads to misunderstandings because historically speaking the *khilāfah* had been used to justify the monarchy (*mulūkiyah*). I therefore suggest the term *shūra* to connote the democratic system of Islam.<sup>(47)</sup>

## **Conclusion:**

### **Post-Script: Students Response**

Institute of Objective Studies New Delhi invited me to deliver a lecture in Online Winter School in Islamic Studies on January 09, 2021 on the topic of Islamic state in modern times. The addressee were essentially the students of different professional fields. Their response provided me an opportunity to clarify more and discuss some touching issues. The writer is highly grateful to IOS as well as to the responding students. This paper is a modified and enlarged version of that lecture.



One question was raised about the religious validity of current election system and about its precedence under the Prophet and the four caliphs.

I elaborated in detail how after the sad demise of the Prophet of Islam (peace and blessings of God be on him) the four caliphs were chosen in a free and frank atmosphere: no monarchy or hereditary system was founded; no force was utilized, nor any canvassing system was introduced. That was the reason why that period was declared as the rightly-guided caliphate. Therefore some scholars have pointed out that in Islamic state (i) no ruler can be appointed with consulting the people (ii) the people may be consulted directly or through their representatives, and (iii) the consultation should be free, impartial and genuine<sup>(48)</sup>-the three basic principles of the *sharīah*. The present election system, if ensured to be conducted freely, may be adopted while keeping in view these principles.

The second response was about using the term *Khilāfah* to identify the Islamic state while it was turned into monarchy in Islamic history.

I answered that the term Islamic *Khilāfah* is essentially a Quranic term used therein to connote the spirit of Islamic system of governance. See for



example the Quranic verses like al-Nur: 55; Al-Baqarah: 30; Sad:26; al-Namal: 62; Ahzab: 72. This *Khilāfah* system continued historically for nearly 40 years without any dispute among the Sunni Muslim scholars. That was the best government established so far in the world, and therefore the revival of caliphate had been concentrated in the writings of Muslim scholars.

The third response was about difference between *'adl* (justice) and *ihsan* (kindness). Generally the two terms are used synonymously. I repeated the points which were explained in the lecture.

Another question was about the meaning of the Quranic term *amānah* (trustworthiness) and how that term of general implications was used in the lecture to identify with the qualification of a ruler in Islamic state.

While responding to question, I referred to Maudūdī who has cited this verse (*al-Nisa: 58*) while dealing with the principles of appointing of the rulers. There are other verses too. Interestingly the Quran has used the terms *makīn* and *amīn* for Joseph the Prophet who was appointed by Egyptian King as the incharge of treasures of the land."The Quran narrates:



“The king said: Bring him to me. I will select him excusably for my own service.” So when Joseph spoke to him the king said; “You are now one of established position, fully-trusted by us.” Joseph said:” Place me in charge of the treasures of the land. I am a good keeper and know my task well.”<sup>(49)</sup>

### Notes and References

- (1) Leonard, Reginald. *Democracy: The Threatened Foundations*, Cambridge University Press, 1941, p.1. In Greek, *demos* means people and *kratein* means to rule. Democracy, thus means people’s rule. It was practiced in Greece in the 4<sup>th</sup> century B.C. as the method of direct involvement in the government.
- (2) Ross, Alf. *Why Democracy?* Harvard University Press, 1952, p.13.
- (3) Elliot, W.Y. and McDonald, N.A., *Western Political Heritage*, Prentice Hall, New York, 1749, p.600.
- (4) *The Shorter Oxford Dictionary*, Vol. II, Oxford, 1956, p.2166.
- (5) Maududi, S.Abul Ala. *The Islamic Law and Constitutions*, translated and edited by Khurshid Ahmad, Islamic Publications Lahore, March 1980, p. 139.
- (6) *The Qur’an*, 24 : 55.
- (7) Maududi, S.A.A. *Islamic Riyāsat* (Urdu), edited by Khurshid Ahmad, Islamic Publications Ltd. Lahore, March 1978, pp. 139-140.
- (8) Maududi, S.A.A. *Tafhīm al-Qur’an*, Markazi Maktaba Islami Publishers, New Delhi, Vol. III, March 2017, p. 417, Note No. 83.

While citing the Quranic verse No. 55 from the chapter al-Nūr, Maudūdi has derived the following conclusions:

- (a) The believers society in which every person is supposed to be ruler and shareholder in the governance, cannot allow any division of classes and the birth-based or social discriminations to penetrate in.
- (b) Such society cannot tolerate the hindrances or artificial disabilities for a person or group of persons on the basis of



birth or social status. All the persons are equally entitled to all the opportunities of development and progress as per their capabilities.

(c) In that society rests no scope for any dictator. Since everyone is titled as vicegerent of God, no person or group is allowed to turn into an absolute sovereign while snatching the vicegerence of others.

(d) Every adolescent, male or female, in that society is entitled to the right of franchise because he or she is entitled to vicegerence. God has not made mandatory any specific standard of qualification or criteria of wealth that distinguishes a person from the rest of the community. Every Muslim is equal in the adult franchise. *Islamic Riyāsāt* (Urdu), *op. cit.*, pp. 140-144.

(9) *Islamic Law and Constitution, op. cit.*, p. 139. Note No.1.\

(10) *The Qur'an*, 4: 59.

(11) *The Qur'an*, 33: 36.

(12) *The Qur'an*, 5: 44.

(13) *The Qur'an*, 5: 45.

(14) *The Quran*, 5: 47.

(15) Maudūdī S.A.A., *Towards Understanding the Qur'an – Abridged Version of Tafhīm al-Qur'an*, translated and edited by Zafar Ishāq Ansārī, MMI Publishers, New Delhi, March 2009, p. 231, Note No. 36.

(16) Shafique, Muhammad. *Islamic Concept of a Modern State – A Case Study of Pakistan*, Islamic Book Foundation, Lahore, November 1987, p. 93.

(17) *The Qur'an*, 19: 30 – 34.

(18) *The Qur'an*, 3: 103 – 104.

(19) *The Qur'an*, 4: 58.

(20) *Towards Understanding the Qur'an, op.cit.*, p. 171. Note No. 54.

(21) *The Qur'an*, 16: 44.

(22) *The Qur'an*, 7: 157.

(23) *The Qur'an*, 59: 7.

(24) *The Quran*, 4: 80.

(25) Muslim, *al-Jāmi al-Sahīh, Kitāb al-Imārāt*, chapter on the disapproval to the rulers because of their violation of *Sharī'ah*, No. 3555.

(26) Ibn Majah, *Al-Sunan, Kitāb al-Manāsik*, Hadīth No. 3056.





- (27) Muslim, *al-Jāmi' al-Sahīh, Kitqāb al-Imārah*, Chapter on the best and the worst rulers, Hadīth No. 4710.
- (28) Muslim, *al-Jāmi' al-Sahīh, Kitqāb al-Imārah*, Chapter on following compulsorily to the rulers in the things not sinful and prohibition of following to them in the sinful acts, Hadīth No. 1835.
- (29) *The Qur'an*, 16: 90 – 91.
- (30) *The Qur'an*, 5: 8.
- (31) Maududi, S.A.A. Tafhim al-Quran, MMI Publishers, New Delhi, March 2017, Vol. II, pp.564 – 566. Maududi further explains that the Quranic verse under discussion first described the three prerequisites of a pleasant and consolidated society, and then comparing to them narrates the three evils that damage the personality of an individual and demolish the society in entirety:
- (i) The *fahshā* that includes all the acts of shame, abomination and enormity like adultery, miserliness, and marrying with the religiously prohibited relatives etc.
  - (ii) The *munkar* that consists every evil recognized by human being generally as bad, and prohibited by all the divine scriptures.
  - (iii) The *baghiy* that means the transgression and violation of rights of the Greater as well as the created. Ibid., p. 566.
- (32) Al-Khatib, Waliuddin. *Mishkāt al-Masābīh*, edited by Nasiruddin Albani, Damascus, Vol. II, p. 695.
- (33) Al-Suyūṭī, *al-Durr al-Manthūr, opt.cit.*, Vol. II, p.90.
- (34) *The Qur'an*, 3: 159.
- (35) *The Qur'an*, 42: 38.
- (36) Islahi, Amin Ahsan. *Tadabbur-e-Qur'an*, Fārān Foundation Lahore, 1978, Vol. VI, pp.178 – 180. Sayyid Muhammad Rashīd Ridā (1865 - 1935) has referred to another verse as the stronger evidence stressing the mandate of *shūra*, and that reads:  
“And there must arise from you a group which invites to goodness and enjoins right and forbids wrong. And such are the successful. (3: 104)

This verse does not indicate as to whether the decisions reached after consultation is binding upon the ruler and there is no guarantee of compliance, says Sayyid Rida. This Verse also does not suggest that what could be done to prevent the ruler if he deviates from the decision reached after consultation. This verse, however, Rida elaborates, establishes a mandate that there must exist among the people a strong and



united group who call for goodness and for observing the right and forbidding the wrong it is a general mandate to be observed by the rulers and the ruled both. Hence, there is no right greater than justice and no wrong worse than tyranny. *Tafsīr-ul-Manār*, al-Manār edition, 1376 A.H., Vol. IV, p.45.

- (37) See for derail, Fahad, Obaidullāh. *Islamic Shūra-Religion, State and Democracy*, Serials Publications, New Delhi 2007, pp. 120 – 123.
- (38) Ibn Kathir, *Tafsīr al-Qur'an al-Azīm*, Dar Ihyā al-Turāth al-Arabī, Beirut, 1967, Vol. 1, p. 420; Al- Suyūtī; *al-Durr al-Manthūr*, *op.cit.*, Vol. II, p. 90.
- (39) Al-Baihaqī, *Al-Sunan al-Kubrā*, Matbah al-Ma'ārif al-Uthmāniyah, Hyderabad, 1354 A.H., Vol.10, p. 112.
- (40) Abul Khāliq Abdur Rahmān *Al-Shūra fī zill Nizāmal-Hukm al-Islāmī*, al-Dar al-Salafiyyah, Kuwait, 1975, p. 106.
- (41) Al- Jassas, Abā Bakr. *Ahkām al-Qur'an*, Egypt, 1378 A.H.
- (42) Islāhī, Amīn Ahsan. *Islamic Riyāsah*, Anjuman Khuddām al-Qur'an, Lahore, 1977, pp. 23 – 24.
- (43) Mashriqī, Ināyatullāh Khān. *Maulavi Ka Ghalat Mazhab, Number 4*, p. 20.
- (44) Farahi, Abdul Hamīd, *Fī Malakūt Allah*, Dairah Hameediyah Azamgarh, 1391 A.H., pp. 26 – 27.
- (45) Maudūdī, *Islamic Law and Constitution*, *op.cit.*, pp.139 – 140.
- (46) Shafīque, Muhammad, *Islamic Concept of A Modern State*, Islamic Book Foundation Lahore, 1987, p. 107. All the six points of the Quranic outlines of Islamic system of government are taken from this source which the writer acknowledges whole heartedly. See Ibid pp. 93 – 106.
- (47) See for a detailed study my book *Islamic shūra-Religion, State and Democracy*, *opt. cit.*, 470. pp.
- (48) Maudūdī, *Islamic Law and Constitution*, *op.cit.*, p. 260 – 261.
- (49) *The Qur'an*, 12: 54 – 55.