

Summary of 9.2 "Nature of Islamic Political Systems"

In the second program we focused on the nature of the political system in Islam. ♦ We indicated that it is not a theocracy because there is an absence of church, clergy and that the ruler derives legitimacy only by the consent of the people. ♦ Second, we indicated that many of the principles of democracy, especially the right to select and remove rulers and the participation in decision making are similar to Islam. ♦ But the Islamic system is a little different from democracy in the sense that the ultimate authority and sovereignty belongs to God. ♦ Also the Islamic system is not secular like democracy. ♦ We indicated that the Islamic system is unique and dissimilar to any other system in existence. ♦ It has some elements of participation and has a foundation built on divine revelation and divine guidance. ♦ This system is not a utopian or unrealistic one that only exists in books. ♦ The Islamic system was implemented in the time of the Prophet and in the time of the 4 rightly guided Caliphs. ♦ Even then with deviations and imperfections with the application of the system throughout the centuries it is a system that survived nearly 13 centuries. ♦ As far as the present situation in the Muslim world, it would be erroneous to take any existing system in any Muslim country as the model of what Islam teaches by way of governing. ♦ In many cases it is quite different from what Islam teaches and requires. ♦ We are hoping and praying that this situation would be reformed and corrected in due time.

9.3 Political Process-Choice of Rulers

Host: ♦ Could you explain the ultimate objective of establishing an Islamic government?

Jamal Badawi:

The purpose of establishing an Islamic political system is to achieve the ultimate wisdom behind the creation of human kind on earth by acting as the trustees of God. ♦ In pursuing this objective humans have to be guided by divine guidance in accordance to the message conveyed by the Prophets and Messengers that God sent throughout history. ♦ When we look into the Quran we find that the essence of the mission of the Prophets is indicated in more than one citation. ♦ In (4:64) ♦ We sent not an apostle, but to be obeyed, in accordance with the will of Allah. ♦ ♦ In describing (6:89) of the Quran says ♦ These were the men to whom We gave the Book, and authority, and prophethood: if these (their descendants) reject them, Behold! We shall entrust their charge to a new people who reject them not. ♦ ♦ This authority is not just in the religious sense but involves every aspect of human life. ♦ Another verse in the Quran looks at it from another angle but from within the same context and it is that the objective behind the Islamic political system is to establish justice on earth, balance and to reconcile the interest of different groups from different directions. ♦ For example in (57:25) it says ♦ We sent aforetime our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong), that men may stand forth in justice. ♦ ♦ In (22:41) it describes the true believer as those ♦ (They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs. ♦ ♦ In other words, political power is not viewed in the Quran as something egotistic, not as something the person benefits from materially or otherwise but as something that fulfills the will of God and sacrifices and to establish goodness and justice.

Host: ♦ How do Muslim Jurists define these objectives in concrete form?

Jamal Badawi:

Ibn Taymiyyah put it as Iqamat Aladl or establishment of balance and justice. ♦ Everything can fall under this basic concrete statement. ♦ Before Ibn Taymiyyah, Alkawirdi defined the objective of a truly Islamic government to succeed the Prophet Muhammad (PBUH) in safeguarding faith and managing worldly affairs. ♦ This is a beautiful integration of both rigorous temporal aspects

and shows how Islam doesn't make that separation. Generally Muslim jurists agree that the objectives of a Muslim government if you want to explicitly describe it is to take the definition suggested by Imam Alshatibi. He was a great jurist who said after taking a penetrating look into the nature of Islamic teachings and that they can be summarized as serving five basic objectives. They safeguard faith, life, mind, honor and property. Anything can fall under these areas. Some jurists go into greater detail but if we look at it these definitions really initial the foundation upon which the various functions of a truly Islamic government can be spelled out. It is imperative for Muslims to establish a system of government based on the teaching of Islam. There is no separation of religion and state. It is nearly the unanimous position of Muslim jurists.

Host: Are there some exceptions because you say near unanimous?

Jamal Badawi:

Yes, I try to be as accurate as I can. There have been some insignificant views that have existed in the past and recently. In the seventh century of the Christian era and first of Muslim era a splinter group of another group which was in itself insignificant known as Alkhawarij with the sub group of Alnajidat held the view that if people can establish justice and deal with each other without a government it is not necessary to have a government. They say that in the absence of this possibility then a government must be established. In a way it is a luke warm agreement but does not put it as decisively as other jurists-that there must be a system of government if one wants to establish proper order. In 1925 there was a person who was quite controversial, he was a graduate of Al Azhar in Egypt, served as a justice in the Sharia Court in Egypt and published a book which was not well founded but raised allot of controversy. The book was called Islam and Government in which he deviated from the near unanimous view of Muslims throughout history that religion and state are not to be separated. He said that the Prophetic mission and the establishment of political order are different. He claimed that an Islamic State could be anything so long as Islam is practiced from a religious aspect.

As long as people practiced their religious duty he said that the system of government could be anything; monarchy, dictatorship, republic, socialism, fascist etc. He said that this was irrelevant and independent of religiosity. The timing of this book is quite reveling however. Above all it was published in 1925 almost one year after the abolition of the Caliphate in Turkey, the revolution of Kemal Ataturk. This was a very bad aspect in Muslim history because an Islamic order, even with its imperfections, continued consistently from the day of the Prophet till 1924. It was perhaps the oldest continuous order in the world. At this time Muslims lost confidence in themselves as they were getting to be weaker and weaker and European countries and the West were becoming stronger and stronger. Many Muslims fell into the vise of blindly imitating their occupiers and colonizers and this seemed to have reflected the spirit of the time. In any case there have been so many good rebuttals of that book and some pointed out that he contradicted himself in the book. While he says religion is to be separate from government he acknowledges in pages 138-144 that the leadership of prophet Muhammad (PBUH) was not just religious leadership but included everything in the life of the people whether economic, political or social. With the exception of these rare and insignificant cases the near unanimity of the Muslims throughout history based on the clear text of the Quran and Prophetic tradition and practices is that it is imperative to establish a system of government on the basis of the teachings of Islam and to choose a Caliph or leader for that state.

Host: What is the title used for the head of government in the Islamic System?

Jamal Badawi:

There is no requirement in the Quran or Prophetic saying that says that the head has a mandatory title. A common title within Islamic

tradition has been Caliph which means successors. ♦ This is the term used in the Quran when it talks about the human beings being the Caliph of God as the trustees of God on earth. ♦ It has a different meaning here in the political sense. ♦ Caliph means successor of the Prophet (after his death) in running the affairs of the believers which includes both the religious and temporal aspects. ♦ Notice here that when we say succession to the Prophet it doesn't mean succession in the Prophetic office because Prophet Muhammad was the last Prophet. ♦ Another term that the Muslims used to use is Amir al-Mu'mineen, Commander of Believers, or Imam. ♦ Imam means a leader which can be used for a leader in prayer or a leader of State. ♦ It seems that the more common term is Caliph or Caliph and the system is Caliphate.

Host: ♦ Are there any qualifications that are expected from a Muslim leader?

Jamal Badawi:

First of all, a leader or head of an Islamic State must be a Muslim. ♦ Some may wonder if this is different from democracy. Yes it is different because an Islamic State, as we indicated before, is not a secular state looking after the material needs of people but it is an ideological State and is based on the application of Islamic Law as was revealed by God. ♦ It is totally illogical to expect someone who doesn't believe in Islamic Law or in God to implement His laws. ♦ There is no need for apology here as it is so obvious and clear. ♦ Indeed one would not elect someone to be the president of the United States if he openly declares that he doesn't believe in the constitution of the United States. ♦ The Quran is regarded to be the constitution of an Islamic State-and Muslims. ♦ Believing in the Quran as the word of God is a necessary step in order to implement it. ♦ If someone doesn't believe in God or Prophethood of the last Prophet Muhammad (PBUH). ♦ If someone doesn't believe in the Prophethood of Prophet Muhammad (PBUH) it would be totally illogical for the person to be entrusted with implementing something he doesn't believe in. ♦ To say that the ruler of an Islamic State must be a Muslim doesn't imply by any way that it is an exclusivist state, in a sense of eliminating or not allowing others. ♦ On the Contrary we find that Islam not only welcomes but allows non-Muslims who are not fighting Muslims or doing harm to them to live under their protection. ♦ They also have rights and obligations comparable to those of Muslims, so there is a sort of protection and safe guarding of their rights in regards to freedom of worship. ♦ This doesn't exclude non-Muslim but simply says that those ruling need to be Muslim.

A second basic condition is what some jurists call Adalah. ♦ Adalah could implies to basic things. ♦ One is that the person doesn't have any doubt in the matter of faith. ♦ Second, that one should not have behavioral problems in terms of moral behavior and lack of innovation in certain parts of faith. ♦ Third is the abilities needed for the head of a state. ♦ Physical ability, mental ability, courage and ability to protect the community of believers. ♦ There are two other conditions that have some kind of argument or dispute. ♦ One says that a person should not seek to be president or ruler. ♦ The foundation of this is that the Prophet (PBUH) says that we are not going to appoint someone who seeks the position. ♦ They refer to one instance when a companion of the Prophet, who was a very pious person, by the name of Abu Thar Al Ghafari came to the Prophet and asked him to appoint him to be in charge of a local place. ♦ And the Prophet did not appoint him. ♦ They conclude that if a person asks and the Prophet refuses that it must carry some indication. ♦ The opinion that I feel is more justifiable is that it is possible to seek the position if the intention of the individual is clear and that what the Prophet speaks of are the people who seek a position of power and authority to serve their own purpose be it material or ego. ♦ If the need arises and a person offers himself for service it is actually a sacrifice rather than a benefit. ♦ This is not a picnic as it is a very difficult job with a large amount of responsibility. ♦ Secondly, with this companion Abu Thar, the

Prophet explained to him that he was weak. ♦ He knew that he was pious but he said you are weak Abu Thar and this is a big responsibility and on the Day of Judgement you would be responsible for it. ♦ Jurists also conclude that a person can offer himself. ♦ In the Quran in the chapter about Joseph when he was in the house of the Pharaoh he offered himself (12:55) ♦ Set me over the store-houses of the land: I will indeed guard them, as one that knows (their importance). ♦

Another disputed is that the ruler should be a Kureishite, a descendant of the family of Prophet Muhammad (PBUH). ♦ There is a saying of the Prophet in which he says that the Imams should be from Kureish but people forget to quote the remaining part of this saying. ♦ It says so long as they rule with justice, so long as they fulfill their promises and so long as they are compassionate when they are beseeched for compassion and mercy. ♦ However many jurists say that this Hadith does not mean that all successors to the Prophet or those that would be heads of an Islamic State must be from the Kureishites. Because if it was so it would contradict the freedom of choice for choosing rulers which we see is clearly indicated in the Quran, Prophetic Tradition as well as the behavior of the closest companions of the Prophet. ♦ The proper meaning is that perhaps in the early days of Islam in a society that was trying to overcome its tribal orientation if a ruler was chosen from any other tribe other than the very powerful and respected tribe of Kureish the other rebellious Arabs would not have listened to them. ♦ They still had tribalism in their blood-so it was for the interest of public order, unity of Muslims to make sure that the head of the State came from this well known and respected tribe of Quresh.

As Ibn Khaldun explained what would the purpose of insisting that all successors and rulers should come from the family of the Prophet. ♦ If it is just blessings it is not a legitimate objective in Islamic teachings with respect to the system of government. ♦ This is not in itself a good cause. ♦ The opinion that I humbly accept is that this was not intended to be permanent but worked for its time.

Host: ♦ Can a woman become the head of State in Islam?

Jamal Badawi: ♦ First of all, in the Quran there is no specific text one way or the other. ♦ However there are texts which indirectly discourage that. ♦ People quote a verse in the Quran that men are maintainers of women. ♦ That verse was revealed in the context of family life. ♦ We explained in the series on Social System in Islam that it doesn't mean to be bossy or a dictator but simply to have the responsibility to maintain the family and to look after of the needs of his wife and children. ♦ The analogy here is not clear and is indirect in order to be conclusive evidence. ♦ It was reported in Prophetic sayings that when Prophet Muhammad (PBUH) learned that the Persians appointed a woman to be their leader he said ♦ A people will not prosper if they have as their head a woman. ♦♦ In interpreting this saying there have been both extremes of what I consider to be a more moderate interpretation. ♦ There are those who went to one extreme of saying that this Hadith means that a woman should not only be head of State but should not be in any position of leadership.

Others say maybe he meant only the Persians because at that time they had an egressive attitude towards Muslims so maybe it was a prophecy that they would not succeed and they were conquered at a later time. ♦ I feel that this is carrying it too far and is a little too apologetic about it. ♦ I think the moderate explanation is that the leadership in an Islamic State is not a figure head, it has certain requirements that may not be suitable for a woman even if she may have the qualifications to be in the top position of leadership. ♦ The head of State in Islam is one who leads public prayer. ♦ Prayers in Islam require bowing in public and it is not appropriate for a woman to be bowing and leading prayers. ♦ She can lead it for other women but not with men which would expose her body. ♦ Second, the position of the headship of state requires a great deal of mixing and traveling alone

which may not be within the rules of modesty within the appropriate position for a Muslim woman. ♦ As indicated earlier a figure head is a great responsibility and the ideal in Islam is that a woman should develop her best as a wife and as a mother which may not be consistent with the top leadership position. ♦ This doesn't mean that she has no right to participate in the other affairs of the Muslim community which we can perhaps explore later in the concept of Bia♦a.</p>