



Seerat Studies Research Journal

eISSN: 2710-5261, pISSN: 2520-3398

Publisher: Department of Seerat Studies

Faculty of Arabic & Islamic Studies

Allama Iqbal Open University, Islamabad

Website: <https://ojs.aiou.edu.pk/index.php/jss>

Vol.08 Issue: 08 (January-December 2023)

Date of Publication: 25-December 2023

HEC Category (July 2022-2023): Y



<https://ojs.aiou.edu.pk/index.php/jss>

Article	<i>Theory of "Global Islamic State": A special study of Medinan Life of Prophet Muhammad PBUH (A response to Hallaq's impossible state)</i>
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Dates	<p><i>Received</i> 15-04-2023</p> <p><i>Accepted</i> 15-07-2023</p> <p><i>Published</i> 25-12-2023</p>
Citation	<p>Dr. Abdul Basit and Dr. Mahmood Ahmad 2023.</p> <p><i>Theory of "Global Islamic State": A special study of Medinan Life of Prophet Muhammad PBUH (A response to Hallaq's impossible state)</i></p> <p>[online] IRI - Islamic Research Index - Allama Iqbal Open University, Islamabad. Available at: https://iri.aiou.edu.pk [Accessed 25 December 2023].</p>
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Publisher Information	<p>Department of Seerat Studies , Faculty of Arabic & Islamic Studies, Allama Iqbal Open University, Islamabad</p> <p>https://aiou.edu.pk/</p>

Indexing & Abstracting Agencies

<p>IRI(AIOU)</p>	<p>HJRS(HEC)</p>	<p>Tehqiqat</p>	<p>Asian Indexing</p>	<p>Research Bib</p>	<p>Atla Religion Database (Atla RDB)</p>	<p>Scientific Indexing Services (SIS)</p>
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Theory of "Global Islamic State": A special study of Medinan Life of Prophet Muhammad PBUH (A response to Hallaq's impossible state)

Abstract

Considering the implementation of Islamic Sharia, Wael B. Hallaq claims that the concepts of the modern state and the Islamic state are incompatible. The primary cause of this is the inconsistency between their respective central domains. Colonialism is the primary reason behind the issues facing the Islamic states. Regarding these issues, it may be concurred with Hallaq. In a same vein, Hallaq's call for change and critique of the contemporary states may be endorsed. However, there are issues with these research's conclusions, ramifications, and suggested solutions. It is a fact that the emergence of a global Islamic state is becoming inevitable and that the rule of law is the only viable form. It is expected that analysts such as Hallaq won't be hesitated to acknowledge this possibility of Global Islamic State. There are two possible situations for being established a global Islamic state. The western scholars, in one perspective, will not hesitate to accept it, nevertheless, in another perspective, they too face a significant obstacle. Considering above facts, we have explored the potential for being establish a worldwide Islamic state in this paper.

Keywords: Central Domain, Islamic Sharia, Modern State, Impossible State, Global Islamic State.

Introduction

It would be fairer to refer the modern Muslim states as simply Muslim states rather than comprehending and referring to them as Islamic states. The way Sharia is applied distinguishes these two concepts primarily. It is accurate to refer to a state that upholds Sharia as an Islamic state. However, referring to a state where the majority of its citizens are Muslims (who have failed to implement Sharia) as a simple Muslim state would be more accurate.ⁱ One of the most important topics of the day is Islamic politics or the Islamic state. It is hotly contested issue of modern era. Contemporary orientalist Wael Hallaq has made it more researchable with his unique thoughts. There can be two types of books written by Muslim scholars about Islamic politics or Islamic state. These are:

Classical books: The books written before Modernity (i.e. 17th century), or before Imperial influence at Muslim society may be referred as "Classical Books". Ibn-e-Khaldoonⁱⁱ, Al-Mawardiⁱⁱⁱ, Ibn-e-Tamiya^{iv} and Shah Waliullah's^v theology is included in classical writings.

Modern Books: The books written after Imperial influence during modern era are included in Modern books about Islamic politics or Islamic state. Allama Muhammad Iqbal^{vi}, Hamidullah^{vii}, Israr Ahmad^{viii}, Allama Asad^{ix}, Molana Gohar Rehman^x, Molana Abul A'la Maududi^{xi}, Muhammad Yasin Mazhar Siddique^{xii}, Nisar Ahmad^{xiii} and Allama Tahir ul Qadri^{xiv} are included in modern authors about concepts of Islamic States.

There are no discussions in **Classical** books regarding modern ideas of politics or modern states, while modern books tried to link classical ideology with modern themes. Therefore, it was difficult to get to the nature of the problems and their practical solutions. Even among the western scholars like Hegel, Hobbes, Schmitt, Marx, Kelsen, Gramsci, and Foucault who wrote on the topic of politics and history, they fit their own views into the interpretation of politics and history. As Hallaq writes:

“It has often been noted that the state is different things to different people. A survey of the relevant literature immediately imparts the distinct impression that every original thinker has uniquely seen the state, ranging from imputing to it an organic ethical impulse (Hegel, Otto Gierke) to founding it on natural law and a state of nature

(Hobbes, Schmitt). Marx saw the state as a function of economic domination of one class by another, Kelsen as a primarily legal phenomenon, Schmitt as the embodiment of the political, Gramsci as a hegemonic system, and Foucault and the poststructuralists as significantly pervasive of the culture. After Schmitt in the 1930s, the Hegelian viewpoint of the ethical has largely dropped out of the scene, but great controversy still rages over the definitional limits and analytical value of the state. Some commentators regard the state as "the central explanatory variable," it being an actor "with interests of its own which do not necessarily reflect those of society." Others take the position that the state cannot be understood on its own but rather as it stands in a relationship with the social order within "specific socioeconomic and sociocultural contexts". Still, others navigate a path in between, often emphasizing one over the other.^{xxv}

Due to which a thinker's concern temporarily went ahead for a few years by giving a dimension to his society but could not give a lasting solution. That is why Western scholars do not have a single definition of the state. Wael Hallaq himself lamented over it in these words:

"It is, therefore, possible to approach the matter synthetically, weaving certain perspectives into a more or less coherent narrative. The Weberian bureaucracy, the Kelsenian legal, the Schmittian political, the Marxian economic, the Gramscian hegemonic, and the Foucauldian cultural can all be brought to bear upon a conception of the state. And we are not obliged to accept the delimitations of any of them. One can, for instance, accept much of Kelsen's theory of law and constitutional theory but reject his condition that this sphere must remain uncontaminated by ethics, politics, or sociology. From our perspective, Kelsen fits within both a Schmittian theory of the political and a Foucauldian theory of power and culture. For our purposes, perforce also perspectivist, all these and several other theories remain highly useful and will therefore be drawn upon."^{xxvi}

In the light of above given statements Hallaq's final opinion about "State" is given as:

"It would then be no exaggeration to say that there are nearly as many ideas of what the state is as prominent scholars are writing about it."^{xxvii}

Due to such kind of variable ideas of western scholars, Muslim scholars always raised questions on the ideas of Western scholars and tried to interpret the Islamic political system, which could not fully cover modern political issues and were limited to the efforts of Muslim revival of Sharia within regional and geographical limits. But since the decision-making power in political affairs went to the people of the West after the end of the Ottoman Caliphate, they developed new dimensions, new formulas and new ideas, and Muslim scholars were focused on supporting and refuting these ideas, and the flaws of these systems are obvious. Even the people of the West could not find a lasting solution and Muslim thinkers could not present any workable theory.

The contemporary orientalist Wael Hallaq analyzed the problems with academic integrity and openly raised questions about the future of modern state concepts and proposed a workable formula for the problems of states (but did not formulate its applicable form).^{xxviii} Here, the main question is what ethics whose concern offers a practical solution for every concern of the modern state, for both Muslim and non-Muslim states? Hallaq's discussions do not provide an answer to this question, but it is inferred from Hallaq's thoughts that:

- If the modern non-Muslim state does not launch a new project of equality in the state, Hallaq's proposed project will not succeed.

- It is not possible to solve the problems of the existing Muslim states unless they become part of the modern project.
- It is not possible for the Muslim states to come out of the colonial influence because the modern law of separation of powers is a big obstacle in this way.

To solve the technical problems mentioned above, the Muslims can be a part of the modern project by following the given below five-point theory:

- Hallaq's Law of Morality should be thoroughly reviewed.^{xix}
- Consideration should be given to our proposed Islamic ethics in political affairs^{xx} at global level.
- Consider our proposed bi-Islamic principle of politics (policy measures)^{xxi} at global level to resolve international issues of nations. Intra Muslim issues must be resolved via Islamic mechanism of Muslim-Brotherhood by applying law of equality while issues of Muslim-Non-Muslim nations must be carried on via agreement based on supreme authority of Islamic law.
- The principle of "Rule of Law" should be taken for granted to solve modern state problems.^{xxii}
- The concept of superordinate authority for "Rule of Law" should be recognized in accordance with the established principles of Islamic Sharia.

Hallaq's Law of Morality

The state itself is a variable ideological object. There is no single definition of a state, and its components are also evolving and variable. Therefore, only morality based relative and variable law is applicable in the modern state.^{xxiii} It is referred to the moral philosophy discussed in Hallaq's book "the Impossible State" as "**Hallaq's Law of Morality**". Its two basic components are as follows:

1. No single nation has a monopoly in the world. This philosophy forms the basis of **the Law of Equality**. The Muslims must engage equally for development of society in the modern endeavor in Hallaq's opinion, as given below:
 "it must be stated once and for all that the argument of this book rests on the premise that a creative reformulation of the Sharia and Islamic governance may be one of the most relevant and constructive ways to reshape the modern project, one that is in dire need of moral reconstitution. This reconstitution and its political and legal spin-offs cannot be conceivable for Muslims without a correct diagnosis of the problem of the "Islamic state," this also explaining why a robust proposal for such a future reconstruction must await a genuine understanding of the multilayered contradiction inherent in any concept of "Islamic state."^{xxiv}
2. What any individual, institution or state dislikes for themselves, why not for others? This gives birth to **the concept of accountability**. The concept of Accountability or Morality in Hallaq's words is as follows:
 "A proper definition of morality is not simply to treat a person who is unknown to you and whom you are not likely to meet again as you would treat yourself, but, more importantly, it is being unable to commit or refrain from committing an act, not because you intrinsically cannot but because you cannot live with or cannot allow yourself to face its consequences. This latter definition, widely neglected, sums up the problem of the modern project and one that constituted the paradigm of the pre-modern world, including that of Islam."^{xxv}

Hallaq is unable to propose the way of application of the above mentioned two components of ethics. It is clear from above proposed philosophy that both the above-mentioned ethical

components are the main component of Islamic teachings. Someone can easily understand the practical form of these moral components^{xxvi} of Islamic Sharia from **the biography of the Prophet (peace and blessings of Allah be upon him)**. The details of which are given below.

Suppose the Muslim state is ready to become a part of the proposed project of Hallaq, then can it be removed from the colonial effects? If the theory of equality is brought forward at the state level, is it possible? Who will determine the standard of equality? In our understanding, **the rule of use of power** still remains here, which Hallaq wants to replace with **the rule of law**. Now, for the rule of law, the concept of state equality should be brought forward, how will the validity and sources of the law be determined? If Muslims present the concept of **the rule of Islamic law**, the objection arises that the Islamic law itself is not applicable in its own Muslim states and has been inactive or changed, what positive effects will it create at the international level?^{xxvii} The answer is quite clear from Hallaq's discussion that the real reason is colonial effects. Within Islamic law or Sharia, itself, applied power has been used for its own purposes due to political pressure or influence of Imperialism.^{xxviii}

It is clear from the above discussion, that:

- Hallaq's proposed moral philosophy does not provide a definite answer to the political problems of the modern state.^{xxix}
- It is impossible for Muslim states to get out of the colonial influence with the conformity of the modern state.^{xxx}

Islamic ethics related to political affairs.

The most crucial issue at this point is: Is it possible to overcome all the aforementioned challenges? There are two basic principles and two strategies to overcome this problem. These two Quranic principles of ethics are suggested in '**Islamic Ethics in Political Matters: A Study of Wael Hallaq's Thoughts**'^{xxxi} One of which is ``Amrun bi-l ma'rūfī wa nahyun 'ani-l munkar`` (امر بالمعروف ونهى عن المنكر).

Almighty Allah says in the Quran:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ وَلَوْ آمَنَ أَهْلُ الْكِتَابِ لَكَانَ خَيْرًا لَهُمْ مِنْهُمْ الْمُؤْمِنُونَ وَأَكْثَرُهُمُ الْفَاسِقُونَ

You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah. If only the People of the Scripture had believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient.^{xxxii}

The second is the establishment of fairness and justice.

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

Indeed, Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.^{xxxiii}

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.^{xxxiv}

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَنْ تَعْدِلُوا - اْعْدِلُوا - هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ - إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is acquainted with what you do.^{xxxv}

The application of above given two principles is the definite solution of the problems, facing by Muslim states due to modernity.

Political Strategies of Sharia Implementation in the Global Islamic State

Here are given two strategies of sharia application in “The Global Islamic State” in the light of Biography of the last Prophet Muhammad Peace Be upon Him:

- 1) **Concept of Islamic Brotherhood** (مواخات)^{xxxvi}: Modern Muslim States consider the practical aspects of this concept by following the Sirah of the last prophet peace be upon Him.^{xxxvii} It may be initiated with the ideology that only two things are standard for all Muslims to be followed. The first one is The Holy Quran, and the second one is only personality of the last prophet Muhammad peace be upon him. All other concepts of the modern era must be discouraged or rejected.
- 2) **Concept of the Treaty of Medina** (ميثاق مدینه)^{xxxviii}: This concept can be realized in various stages in the modern state era. The details of which require the knowledge and understanding of scholars.^{xxxix} In modern era it may be completed in different stages. Its first step is to harmonize the Muslim communities with those communities who are the victims of issues produced by imperial influence of modernity.

There is an important question to address here, that how can be Globalized Islamic state came into being in the modern era by following above given strategies? It is a new project for Muslim politicians and scholars, it can be achieved by following two processes, In the first stage, the process of Muslim brotherhood (Mawakhat) should be completed. Then the Shura members from all the countries were elected for the Central World Islamic Council. Then all Shura members together elect the Imam/Khalifa by following the teachings of the Holy Quran and Sunna.^{xl} Then, in the second phase, agreements with other countries should be initiated on the model of the Constitution of Medina.

Principle of the Rule of Law

The biggest problem in the world at this time is the lack of justice and decency. All individuals, institutions and states who usurp the rights of weak individuals, institutions and states are responsible for this issue. There are sufficient details regarding this principal in the article “Modern State and Sharia” Basics, Contradictions and Their Solution” (A Research Review of Hallaq’s Ideas)^{xli}. The article explains why Muslim academics, philosophers, and political experts have certain responsibilities and why Western scholars, thinkers, and experts in politics have failed.^{xlii} The formation of **Spiritual Authority** is a necessary political and moral step that has been recommended in this article. “Islamic Sharia” is the only type of it that exists now. The Muslims have to only re-understand and apply it in their political affairs.^{xliii} Rule of law is based on justice and justice is harmonized with accountability. The person who is fair in his public dealings can never hesitate for his accountability. This is a basic parameter to find out Moral or Spiritual power in political affairs. The Holy Quran also justify it in following words:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ^{xliv}

In the sura Al-Furqan, Verse.74, It is stated that:

وَجَعَلْنَا لِلْمُتَّقِينَ إِمَامًا^{xlv}

By following the above given revealed messages, the moral issue of political affairs or modern state issues can be resolved.

Establishment of Superintendent Authority

The main reason for the lack of political ethics in the modern state is the concept of “human autonomy and law-making power”. No society can survive without ethics and man himself is incapable of determining moral values. The determination of moral values and their practical implementation can only be deduced from “Islamic Sharia”. The most basic demand of Sharia Islamiyah is to take away the right to legislate from man and assign it to the text of Sharia. For the interpretation of this text, the responsibility of adhering to the prescribed principles of Sharia and creating practical forms of implementation is to be assigned to competent people of society. This is the basic requirement for application **the rule of law** and to promote **Accountability**.

Conclusion

From the above discussion, we came to the conclusion that the main reason for the moral dilemma faced by Hallaq is his non-recognition of the supreme authority of Islamic Sharia. Therefore, the answers to the basic questions are required. What technical difficulties are there in his observation? He himself is unable to provide a final solution. Western scholars will create new philosophies and laws in the light of human thoughts. They will be effective for temporary and limited human classes. On the contrary, Sharia Islamiyah promotes a global and long-lasting reformation. With the passage of time, this need of human beings will become more apparent.

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