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Towards a Distinctive Model? Reconciling the Views of Contemporary Muslim Thinkers on an Ideal State for Muslim Societies

HAMZA ATEŞ

Introduction

A great volume of popular literature produced by Islamists strives to demonstrate the universal validity of the Islamic political principles and their applicability in any time and place. Although there is an agreement on certain characteristics of a government in a Muslim society, the debate reflects quite varied interpretations and some essential theoretical differences. The controversy stems largely from the conditions that scholars live in.

Regarding the revived interest in creating a state based on Islamic political and moral guidelines, it is possible to encounter various interpretations and different standpoints. For instance, one point of view asserts that 'the undemocratic nature of Islamic political ideology, popularised in the present times by fundamentalist ideologues, commends it to regimes which have no popular support and need to find some measure of legitimacy' (Tibi, 1998). With the failure of man-made ideologies and withdrawal of imperialist western powers, according to another standpoint, the inhabitants of the Third World countries were led to revitalise their own socio-political values and institute their own political systems. In the case of the Islamic world, the idea of a state based on Islamic political principles, envisaged in the latter perspective, is 'the rekindling of the typical Islamic political ethos'; in that Islam unifies the spiritual and social realms, it is therefore impossible to divorce politics from religion (Sulaiman, 1987).

There is a wide range of contributions and critiques on the issue of Islamic principles guiding the constitutional aspects of a state, particularly since the Iranian Revolution in 1979. The interest in this matter has increased since the terrorist attacks in the USA on 11 September 2001, coinciding with a rising interest in such issues as Islamic social order and so-called Islamic terrorism. Nevertheless, most of these writings are popular and sensational; analytical studies are few. This article aims to fill the gap in scholarly inquiry into such an important matter by exploring the political ideas of major contemporary Muslim thinkers, and by identifying some essential characteristics for a state based on Islamic political principles in the light of the views of these scholars.

The scholars selected (Mawdudi, Turabi, Asad and El-Awa) are among the ones who have written most extensively, and who represent major standpoints, on this

particular topic. Of course, the Muslim world has a rich tradition of political thought with different substreams, varying from one country to another. There are, for instance, also secular Muslims who reject the idea of a state based on Islamic guidance; they are to be found in countries with secular regimes like Turkey as well as in countries with purely Islamic regimes. When one takes into account the whole Muslim world, however, the standpoints that the reviewed authors represent are among the most popular.

I consider that a qualitative approach is the most appropriate in order to address the objectives of this study. This methodology allows for the collection of detailed, in-depth perspectives. Although I have used both primary and secondary documents in this study, I have, where possible, preferred to use original documents rather than secondary resources.

This article consists of three parts. In the first part I discuss the modern understanding of the notion of 'state' and Marxian and Weberian conceptions of a 'modern state' in the hope that this will provide a comparative dimension to the issue. In the second part I explore the views of four well-known Islamist scholars on the issue of 'state'. In the third part I then examine the key characteristics of the state envisioned in the writings of these scholars.

Non-Muslim Perceptions on the Modern State: Marx, Weber and Giddens

One sociological definition of the modern state is as follows: '... political apparatus, distinct from both ruler and ruled, with supreme jurisdiction over a demarcated territorial area, backed by a claim to a monopoly of coercive power, and enjoying a minimum level of support or loyalty from their citizens' (Hall and Gieben, 1992, p. 87).

Marx and Weber expressed conflicting views on various issues of sociology and politics, and their ideas on the modern state are very different. When Marx was writing about the modern state it was still in the process of formation across the continent of Europe. Weber's writing is often seen as a tough critique of Marx. In this part of my article I shall present some of the issues that Marx postulated as important concerning the modern state and then present Weber's countering interpretations.

One of the features of the modern state, at least in Europe and America, is progression towards liberal democracy. According to Hall and Gieben (1992, p. 113), despite the fact that Marx and Engels perceived this progression as important they did not believe that universal suffrage and the free market could be the key to 'liberty, equality and justice'. Weber agreed to some extent with Marx and Engels in that he too did not see progress towards liberal democracy as a key to those 'great universal ideals'. However, he did not really believe that it should be. According to Hall and Gieben (1992, p. 114) Weber postulated that however the institutions of democracy were altered there would always need to be an extensive system of regulation. He also preached that democracy could not replace the state and that power would always lie in the hands of the bureaucracy.

Marx was not convinced that true democracy or freedom could arise in a modern state because of its capitalistic nature which, he suggested, led to inequalities: 'The history of all hitherto existing society is the history of class struggles' (Marx and Engels, 1848, p. 79). He also suggested that, through capitalism, there were completely unavoidable class disparities in the modern state. In *The Communist Manifesto* (1848) Marx and Engels explain how the capitalist bourgeoisie had simplified the feudal class system by causing society to split up into 'two great hostile

camps'. Another quotation from the same work shows what Marx saw as the barrier to freedom in the modern state: 'In one word, for exploitation, veiled by religious and political illusions, it [capitalism] has substituted naked, shameless, direct, brutal exploitation' (Marx and Engels, 1848, p. 82).

Weber had very different ideas about stratification within the modern state. Although he perceived capitalist society as a class society, he did not emphasise the relevance of property and ownership of production. Rather, he emphasised the different value of different types of labour on the market (Bilton *et al.*, 1987, p. 53). He theorised that if certain skills were in demand, then labour skilled in that area would receive the highest price, and hence inequalities would emerge. It could be argued that this is one area where Marx and Weber come close to agreeing. They both see private ownership of the means of production and differences of value on the labour market as crucial elements of stratification in the modern state. In *Introductory Sociology* by Tony Bilton *et al.* (1987, p. 53) we are told how Marx places his emphasis on the first and Weber on the second.

On the issues of inequalities and stratification, Marx concluded that as far as capital is in the hands of the bourgeoisie, so is the power. A state can never act in the interest of the 'common good', nor is it an impartial arbitrator. In his perception, 'state' is an extension of 'civil society' and simply deepens the inequalities that already exist. The main point here is that the state works exclusively for the interests of a certain elitist group; in capitalist society that group is the bourgeoisie (Hall and Gieben, 1992, p. 113). This is the main backbone of Marx's argument: that in capitalist society the state works with the bourgeoisie and aids and exaggerates its exploitative relationship with the proletariat.

Weber did not take an exactly opposite view. He was not of the opinion that the modern state is an impartial liberator of human beings. He did not consider the democratisation of the state as a major issue. His view of the main role of the state was, however, different from that of Marx. He stated that there would be an ever-growing bureaucracy that would stand in the way of democracy. Rather than considering the primary role of the state to be the extension of disparities, he perceived it as an institution that gave legitimacy to territoriality and violence. Weber believed that the state has a legal monopoly within a country. The state can, without legitimate opposition, maintain order and peace within its territory and exercise force, as a nation-state, against other nation-states. Weber perceived the main institutions of the state as the administrative ones. In his thinking, administrative institutions are 'a vast network of organisations run by appointed officials' (Hall and Gieben, 1992, p. 115).

Which of these analyses is the most convincing? Anthony Giddens (1986) suggests that Weber's view of bureaucratisation is overpessimistic. Giddens expresses a conviction that even in a bureaucratic organisation like the state there are always power struggles and that there is no reason why those in the subordinate positions should lose this struggle (Giddens, 1986, p. 85). Although he does not entirely write off Weber, he concludes that, in concentrating on the problems of bureaucratisation, Weber underestimated Marx's critique of the capitalist state (Giddens, 1986, p. 86). Giddens also refers to Marx's plans to change the status quo. Marx believed in some kind of participatory democracy, and Giddens does not dismiss the possibility that it could be achieved. He gives the example that employees are able to exercise some negative powers (strikes, sabotage) and argues that Weber should not therefore so readily dismiss the possibility of their exercising real power. However, Giddens (1986, p. 86) concludes that Marx and subsequent Marxists are overoptimistic about

their proposed modes of participatory democracy, in that existing socialist societies have hardly blazed the way in this respect.

It is difficult to decide who, out of Marx and Weber, had the most convincing analysis of the state. One point is that their actual analyses are not entirely contradictory. They had different outlooks for the future of the modern state but their studies merely emphasised different areas of it. Marx was very concerned with class antagonisms and advocated an uprising of the proletariat against the bourgeoisie. It is, therefore, hardly surprising that Marx emphasised the state's class character and its vital role in the exploitation of working people. This is not to claim that Marx did or did not suggest that the state was also a way of legitimising control within a territory and acts of violence against other territories in the way that Weber did. Nor does it mean that Marx failed to recognise the bureaucratic nature of the state, which Weber considered to be so important. Where differences do emerge is in Weber's opinions on Marx. Weber's writings followed Marx's and to some extent were presented as a critique. He insisted that the role of the state was far more complicated than a further example of class domination on an economic base. We do therefore find some areas where the two theories are to a great extent contradictory.

Of course there are many other aspects of the modern state which are not really dealt with by either writer. A large number of other prominent thinkers such as Hobbes, Rousseau, Locke, Hegel, Roken, Tilly and Mill have all given their opinions on the state and all have unique characteristics of their own. In this sense, to what extent Marx, Weber and Giddens would represent the mainstream current of political thought on the nation-state in the West is an open question. However, given that it is not possible to review all possible western understandings of the state in a short article, I propose to take Marx, Weber and Giddens as a basis for comparison with a variety of non-western Islamic understandings.

To summarise, then: the modern state in the western understanding can be described as a democratic one with the distinguishing characteristics of political participation, political competition and civil rights. As Weber claimed, however, it is also a very bureaucratic institution and therefore, to some extent, has a form of autonomy from the usual political arena. Weber is probably also right to identify bureaucracy and the state as a block to the relevance of democracy. It would also be difficult to argue against Weber when he says that the state has a monopoly on maintaining order within a territorially limited area and also that it is used to legitimise violent behaviour. Marx also has important contributions to make to the understanding of the state, however. There appears to be a class character to the state and it is not an impartial arbitrator over the political arena. It would also appear that in spite of the threat posed by bureaucratisation the implementation of a more participatory form of democracy would be one way to depoliticise the state – or rather, to make it more autonomous from exploitation.

The General Political Views of Contemporary Muslim Scholars

Abu-l Ala Mawdudi

Mawdudi suggests that the need for an Islamic state is a natural one; that it is part of a broad, integrated theology, the cardinal principle of which is the sovereignty of the Lord of nature (Mawdudi, 1994, pp. 11–14). Everything that exists in the entire universe is subject to the law, which he calls '*sunnatulla*'; the reflection of this law in human life is Islamic law. Everything in the universe obeys God and 'the natural

order respects divine order' (Mawdudi, 1980a, p. 158). Among creatures in the world it is only mankind that has the chance to choose its own way. In order to find the narrow path to happiness, however, mankind needs to respect the Creator's will and commandments. There is a kind of bargain whereby 'those who submit wholeheartedly to God's dictates would receive the benefits of a life in paradise' (Mawdudi, 1980a, p. 158). In other words, the human being should ignore his or her own nature – selfness – and submit his or her own life, human relations and the entire world to the Islamic code of law.

The most important implication of this organic understanding of the 'Islamic law' and the 'divine commandments' is the rejection of any division between state and religion. Application of the divine law to social issues requires an organised institution; this is the notion of the 'state'. Secularism, in this context meaning the separation of state from religion, is thus basically very contrary to the Islamic understanding of the nature of human existence. Although Mawdudi accepts a number of western notions and political institutions (such as human rights, egalitarian participation of the people in the running of the state, civil liberties and democracy) he criticises western political thought for its secularity and for excluding all morality, ethics and human values from the controlling mechanisms of society.

Within this general framework Mawdudi starts his analysis of the Islamic state by citing the sources of the Islamic Constitution. These are the Quran, the Sunna, the conventions of the Rightly-Guided Caliphs, and the rulings of great jurists. He believes that these four sources are relevant in attempts to work out a constitution that is both contemporary and Islamic. He gives examples of the sources of contemporary western constitutions in order to compare them with these Islamic sources. All four Islamic sources are in written form or could in Mawdudi's view be put into a written form. They are thus capable of standing alongside other (man-made) constitutions. Nevertheless, he acknowledges, there are some difficulties in putting the unwritten constitution into written form: linguistic difficulties; the idiosyncratic editing of the ancient juristic literature; and shortcomings in the educational systems in the Muslim world and resultant widespread ignorance (Mawdudi, 1994, pp. 5–9).

Mawdudi asserts that the *raison d'être* of an Islamic state is to enforce and uphold the sovereignty of God:

Whatever human agency is constituted to enforce the political system of Islam in a state, will not possess real sovereignty in the legal and political sense of the term, because not only that it does not possess *de jure* sovereignty but its powers are limited and circumscribed by a supreme law which it can neither alter nor interfere with. (Mawdudi, 1980a, p. 218)

How does God exercise his right of sovereignty? To Mawdudi the answer is by application of the Islamic law. In other words, the Islamic code of law is an expression of God's sovereignty. The main purpose of the Islamic code of law is to apply the Quranic principles of encouragement of virtues (*marufat*) and cleansing of vices (*munkarat*). Mawdudi also explains in great detail the mechanism whereby the Islamic code of law is applied. According to him, Islamic law is divided into two categories. The elements of Islamic law comprising the first category are: those laws laid down in explicit and unambiguous terms in the Quran or Sunna, such as prohibitions on alcohol, gambling, fornication and usury; the directive principles to found in the Quran or Sunna, such as the nullification of transactions that are not the outcome of the free will of the parties involved; and limitations on human activities that can never be transgressed, such as the plurality of wives limited to four (Mawdudi,

1980a). The second category of elements of Islamic law are those that may be altered by *tawil* (interpretation), *qiyas* (analogy), and *istihsan* (juristic preference). Meanwhile Mawdudi rejects the traditional claim of the *ulama* that the Islamic code of law is complete and that there is no need for independent lawmaking in an Islamic state. Muslims can make positive laws on a vast range of human affairs on which Allah has chosen to remain silent. This view is similar to the western constitutional theory that as part of their natural rights people are free to make positive laws and to organise social life.

Regarding the form of government appropriate for an Islamic state, he describes the latter as a theo-democracy, based on the doctrine of the democratic caliphate. 'Since Allah made man his caliph (vicegerent) on earth, the vicegerency of God is the collective right of all those who accept and admit the absolute sovereignty of God over themselves and adopt the Islamic code of law as the law of the land' (Mawdudi, 1980b, pp. 139–40). He supports his idea on this issue with a *hadith*: 'No one is superior to another except in point of faith and piety. All men are descended from Adam and Adam was made of clay' (Mawdudi, 1980b, p. 149).

Mawdudi claims that there is no clear-cut instruction about the division of powers among the organs of state, but that we can draw a principle from the conventions of the period of the Prophet and the Rightly-Guided Caliphs that 'the office of the head of the state was the supreme one' (Mawdudi, 1994, p. 16). On the issue of the authority of the head of the state, he speaks in terms of democracy:

The position of a man who is selected to conduct the affairs of the state is no more than this: that all Muslims delegate their caliphate to him for administrative purposes. He is answerable to God on the one hand and on the other to his fellow 'caliphs' who have delegated their authority to him. Now, if he raises himself to the position of an irresponsible absolute ruler, that is to say, a dictator, he assumes the character of a usurper rather than a caliph, because dictatorship is the negation of popular vicegerency ... an Islamic ruler cannot depart from these instructions and adopt a policy of regimentation of his own. (Ahmed, 1985, p. 99)

It can be understood from this quotation that Mawdudi believes people have a right of resistance. If the ruler oversteps the limits of law the community has the right to change him, because the main task of the ruler is to enforce the law, and obedience is conditional and limited by law. Mawdudi does not prescribe a particular method of election; the Islamic state can choose a suitable one. He stresses, however, that the head of state must be above party affiliations (Mawdudi, 1980a, pp. 234–5). He must rule in consultation with the people selected by the community (*ahl-i hal wa-l aqd*).

Regarding the judiciary, Mawdudi says that the epitome of Islamic social and political morality is the just nature of the Islamic state. Justice is meted out in strict adherence to the injunctions of the Islamic law. The *de jure* sovereignty of Allah defines the scope of the judiciary. A perfect Islamic system requires Muslim judges with high moral character and well-versed in Islamic jurisprudence. Mawdudi is in favour of a judiciary independent of the executive. The head of state, he says, can be prosecuted by a court of law. In an Islamic state legal fees should be abolished.

Mawdudi approves of a system of Muslim suffrage as the basis for elections to the various legislative councils. In other words, he restricts the right to be elected to certain positions in his Islamic state to Muslim candidates with strong moral and educational qualities. Although he does not demand a categorical ban on political parties he does however demand such constitutional guarantees as would practically

nullify the right to political opposition that underlies the philosophy of pluralist democracy.

The formation of political parties and cliques within the legislative Assemblies should be constitutionally prohibited. Various parties in the country may take part in the election as parties for sending to the assemblies the most suitable members in their opinion, but after election the members of the assembly should owe allegiance solely to the state, its constitution, and the entire nation, and should vote and act according to the dictates of their conscience. (Mawdudi quoted in Ahmed, 1985, pp. 100–1)

In an Islamic state only Muslims are to be entrusted with posts related to state policy. With the exception of a few key posts, all other positions are to be open to the non-Muslim citizens of the state. An Islamic corps of functionaries will have to be created to replace old bureaucratic structures. The competence and character of candidates are to be the criteria for choosing recruits to the state services.

Mawdudi divides citizens into two categories: Muslims and non-Muslims. An Islamic state, he asserts, is not an extra-territorial state and is bound by international and bilateral agreements that it has entered into with other states. An Islamic state should however aid Muslims who are persecuted by a non-Muslim state, because an Islamic state is an ideological state. Regardless of their ethnic and linguistic differences, Muslim citizens of an Islamic state form an *umma* (Mawdudi, 1994, p. 33).

Hasan Al Turabi

Like most theoreticians of a government system based on Islamic principles, Turabi also derives the fundamental characteristics of such a system from the Quran, the practices of the Prophet and some practices from the past. Although he believes that there has never been a perfect form of an ideal Islamic governmental system since the period of the Rightly-Guided Caliphs, apart from some exceptions such as the period of Caliph Umar bin Abdulaziz, he recognises that Islamic political principles have at times been partially applied. However, 'the diversity of historical circumstances in which they try to apply that ideal introduces a necessary element of relativity and imperfection in the practice of Islam' (Turabi, 1983, p. 241).

According to his model, a state in an Islamic country cannot be isolated from society. Since Islam is a comprehensive religion, the division between private and public has not been recognised by Islam. In this context, an Islamic society is the sole basis of an Islamic governmental system, and any attempts to establish an Islamic government without a consensus in society for such a change will fail. Moreover, to do so would be to go against the nature of 'religion', because 'religion is based on sincere conviction and voluntary compliance' (Turabi, 1983, p. 241). He thus advocates peaceful, democratic change toward an Islamic society and state. It may happen that progress towards an Islamic society is suppressed by naked force, and Turabi reminds us of a well-known sociological principle applicable in such cases (Turabi, 1983, p. 242): whenever religious energy is suppressed, it builds up and ultimately erupts in isolated acts of struggle or resistance, which are called 'terrorist' or 'revolutionary' by those in power. In circumstances where Islam is allowed free expression, however, social change takes place peacefully and gradually, and the Islamic movement develops programmes of islamisation before it takes over the destiny of the state because Islamic thought – like all types of thought – flourishes

only in a social environment of freedom and consultation (*shura*).

The ideological foundation of an Islamic government system is, according to Turabi, the doctrine of *tawhid* (oneness). As a reflection of this doctrine, an Islamic government would be neither secular, nor nationalistic, nor an absolute or sovereign entity, nor primordial (the *umma* is the primary institution in an Islamic governmental system). Together with some other principles and values, such as freedom and equality (for example, women are equal to men in the political arena, and there is no class division), the doctrine of *tawhid* also largely determines the form of regime, based on the concept of the unity of believers (*umma*). An Islamic system can be called as a republic, because 'the Islamic law rules out usurpation and succession as grounds of political legitimacy' (Turabi, 1983, p. 42). Turabi supports his republican idea with examples from the period of the Rightly-Guided Caliphs: except for the Prophet, who was appointed by God, the caliphs were elected by the people who thereby had precedence over them as a legal authority. Since a caliph does not have divine power he is subject both to the Islamic code of law and to the will of his electors. A process of *shura* (consultation) is mandatory for the resolution of all-important public issues. Turabi is critical of developments in Islamic history after the period of the Rightly-Guided Caliphs on the grounds that the caliphate was transformed into a hereditary office despite the fact that first four caliphs, the successors of the Prophet, were elected. He points out that this 'pseudo-caliphate' (Turabi, 1983, p. 243), although tolerated in the interests of stability, was criticised by the *ulama*.

The Islamic form of government as described by Turabi, being consultative and elective, is thus similar in many ways to western liberal representative democracy. Moreover it has some qualities that liberal democracy does not possess. Although an Islamic order is a government of Islamic law, it could be considered as a popular government, since the Islamic law represents the convictions of the people:

... ideally there is no clerical or ulama class which promotes an elitist or theocratic government. Whether termed a religious, a theocratic, or even a secular democracy, an Islamic State is not a government of ulama. Knowledge, like power, is distributed in a way that inhibits the development of a distinct, religious hierarchy. Nor is an Islamic democracy government by the male members of the society. Women played a considerable role in public life during the life of the Prophet; and they contributed to the election of the third caliph In principle, all believers, rich or poor, noble or humble, learned or ignorant, men or women, are equal before God, and they are vicegerents on earth and the holders of his trust. (Turabi, 1983, p. 244)

Turabi is, however, quite conservative on the question of Islam's response to social change. An Islamic government in his model is a stable system. He explains this by referring to the stability of the religion. Like 'natural law' in western thought, there are some divine rules that determine the general framework of the system. The constitution of the state should include these (unchangeable) divine rules as well as changeable articles constructed through a democratic process. This means that an Islamic system will not operate according to a majority-minority pattern in politics. Turabi is inclined to think that it is not necessary to prohibit political parties; however, while there may be a multiparty system, an Islamic government must function more as a consensus-based system rather than as a majority-minority system in which political parties rigidly confront each other in the decision-making process.

In addition, the *ulama* also have a role: the right to correct decisions that are related to religious issues. The general boundaries of legislation are drawn by Islamic law, and therefore the *ulama* have a significant role in the legislative process.

As far as the limits of government are concerned, Turabi also tends to think in democratic terms. Although Islam, as a religion and a social system, covers all aspects of human life and is in that sense totalitarian, Turabi suggests that an Islamic government is a very limited government in many ways:

... First, not every aspect of Islam is entrusted to government to enforce. It is the nature of a Unitarian religious order of society that the individual should enjoy a wide degree of autonomy. Moreover, not everything is practically capable of enforcement through government law. Classical jurists have developed the distinction between religious obligations and juridical obligation. ... Most aspects of Islamic life are ... private and outside the domain of law as applied by governments (Turabi, 1983, p. 243)

In the economic field the function of an ideal Islamic government is similar to that of a modern liberal government. According to Turabi, in the past an Islamic government had a very limited function because of the practical difficulties involved in governing a large territory. Since the development of communication systems, however, an Islamic government can easily take over functions in areas that it did not oversee before. Turabi personally does not advocate such a development, however. Taxation, he suggests, is a technical matter and there is no rule in Islam which inhibits or forbids a government to impose taxes for the general welfare of the community. The government can decide to levy taxes to cover public expenditures, he says, although he personally prefers other mechanisms than taxation, such as user fees, for that purpose. He identifies only two restrictions on the issue of taxation: first; the tax-collecting procedure should follow the principle of equity; and second, taxation must be applied by a code of law.

Overall, Turabi believes, the freedom of the individual is essential in an Islamic system. The doctrine of *tawhid* requires the self-liberation of man from any worldly authority in order that he may be able to serve God exclusively.

Society, and particularly those in power, is inspired by the same principle and the collective endeavour is not one of hampering the liberty of an individual but of cooperation toward the maximum achievement of this goal. To promote this cooperation, the freedom of one individual is related to that of the general group. The ultimate common aim of religious life unites the private and social spheres; and the Islamic code of law provides an arbitrator between social order and individual freedom. (Turabi, 1983, p. 247)

Regarding representative institutions in an Islamic government, Turabi does not give many details, believing that these should be left to circumstances (Turabi, 1983, p. 148). Since the Quran mentions only two state institutions, namely a head of state and a consultative council, all other institutions of an Islamic government are taken to depend on the particular circumstances and needs of the community. If it is necessary, an Islamic government may borrow an administrative system from another country, because an administrative system is a technical matter and there is no particular model in Islamic history. Turabi personally advocates a parliamentary system that includes a separation of the legislative and judiciary functions.

Muhammed Asad

Asad starts his analysis of an ideal state for Islamic countries by posing questions about whether Islam requires that Muslims must strive to establish an Islamic state, or whether it might allow them to accept a secular political system. His answer is clear: Islam requires the realisation of the supreme purpose of all creation, which is to establish divine will in the world, and this depends on the existence of an Islamic state (Asad, 1961, p. 2). He thus rejects the idea of a secular state, because such a state does not submit to a universal morality but to the interests of a certain nation, class or other divisive category (Asad, 1961, p. 3). It is only religion that can provide a universal code of morality. Islam fulfills this function admirably.

On the political structure of an Islamic state, Asad agrees with many other scholars that the sole sovereignty belongs to God and the Muslim community exercises vicarious sovereignty. In other words, an Islamic state derives its sovereignty from God, whereas it owes its existence to the will of the people (Asad, 1961, p. 38). Although the Quran and the Sunna do not impose any particular form of government and do not elaborate any constitutional theory, Quranic principles of government give a clear outline of a political scheme (Asad, 1961, p. 23). There is no one specific form for an Islamic state, but many possibilities, and it is up to the Muslim community to choose a suitable one. Nevertheless, the institution of consultation is to be applied in all circumstances (Asad, 1961, p. 23). Asad lists some principles which Islamic governments must work to realise (Asad, 1961, pp. 48–60):

- Religious law must be the supreme law at all levels of the state.
- An elected assembly should be empowered to legislate on temporal matters.
- No law repugnant to the basic sources of Islam (Quran and Sunna) should be enacted.
- Difference of opinion should be allowed in the consultative assembly.
- The government must strive to create unity and brotherhood based on a common ideological consciousness among Muslims.
- Government should be conducted through consultation. Dictatorship is not allowed.
- The economic and social conditions should be such that people feel safe and protected.
- The government must be elected on the basis of the widest Muslim suffrage including both men and women.
- Soliciting public office must be banned by law. A person canvassing for himself for either an administrative job or membership in the representative assembly should be disqualified. The community should nominate candidates.
- Political parties should be allowed, because Islam allows difference of opinion.

Although Asad recognises several forms of government, he personally believes that the presidential system is best suited for an Islamic state (Asad, 1961, p. 61). He suggests a judicial tribunal, which shall be the guardian of the constitution, to see to it that no act of the executive or legislature violates any explicit injunction (*nass*) of the Quran and Sunna (Asad, 1961, pp. 65–7).

Even though Asad believes that the Islamic law is a complete code of life, he argues that in the actual law there are only a few rules based on the Quran and Sunna. Most laws are the result of *ijtihad* (interpretation) over the ages and can therefore be changed. Muslims in every age have the right to exercise *ijtihad* in the temporal area (Asad, 1961, p. 14). Asad thus actually pleads for a radical break with traditional *fiqh*

(jurisprudence). As Ahmed correctly points out, this places him at a great distance from Mawdudi who, despite his theory of *dar-ul Islam* (unoccupied areas), which argues that *ijtihad* is possible in a wide array of matters in solely Muslim lands, owns the eternal validity of past consensus (Ahmed, 1961, p. 123).

According to Asad, an ideal Islamic state is based on toleration. It distinguishes amongst its citizens on the basis of ideology rather than nationhood; territorial nationhood is not acceptable in Islam (Asad, 1961, pp. 74–75). Besides, Asad makes greater room than many other theorists of an ideal Muslim state for non-Muslims to seek employment in state services, even in military service.

In the area of the rights and duties of citizens, Asad insists on obedience to state authority as long as it is based on the ordinance of the Quran, but says that a sinful or oppressive ruler is not to be obeyed. Meanwhile, if a government launches a war for unacceptable purposes, a Muslim has the right to refuse to fight (Asad, 1961, p. 77). However, the right of resistance should be exercised only in extreme cases. Normally, an unobservant ruler should be forced into mending his ways by peaceful pressure; *jihad* is meant for defensive purposes only, and non-Muslims also have to participate in defending the Islamic state (Asad, 1961, p. 74).

According to Asad, the main rights of citizens are the following. First, freedom of opinion. Citizens have the full right to criticise the government and to propose alternative lines of action. Nevertheless, citizens cannot be permitted to criticise the Islamic code of law, to spread indecent ideas or to preach rebellion against the state. Second, protection of life and property. Without due course of law, the state must not interfere with the life and property of citizens. Asad supports his position with a verse from the Quran: 'O you who believe! Do not enter houses other than your own unless you have obtained permission and saluted the inmates' (Quran, 24: 27). Third, free compulsory education for all. There is to be no discrimination between men and women or between Muslims and non-Muslims in this context. Fourth, economic security. The state must assume active responsibility for the citizens' material welfare. 'In other words, it falls within the responsibility of the state as such to provide its citizens with such economic facilities as are necessary for the maintenance of human happiness and dignity' (Asad, 1961, p. 87).

Muhammed S. El-Awa

El-Awa begins his book *On the Political System of the Islamic State* by claiming that the first Islamic state was established by the Prophet in Medina. This was in fact the first state in history, since it was the first organised society based on 'rule of law'; in El-Awa's definition, supremacy of 'rule of law' is the distinguishing factor between a state and other organisations (El-Awa, 1980, preface). He claims that

The Islamic State at Madinah was the first political entity to organize and practice this principle. The legal rules stipulated in the Qur'an and Sunnah were instituted by a power superior in authority to that of every state in the world. Thus, obedience of these rules was, and still is, obligatory on all individuals and official bodies within the Islamic State. (El-Awa, 1980, preface)

The Medinan state, whose first head of state was the Prophet, was not only the first Islamic state, but has also been the 'model' for all Islamic states. El-Awa therefore pays special attention in his study to *wahy* (the divine revelation) and to the lessons learned from the Prophet's government and from those of all the Rightly-Guided

Caliphs. Half of his book is devoted to the prophetic era and the period immediately afterwards. He comes to the conclusion that

Many ... hold that there is only one form of political system which can be considered 'Islamic' and it is that of the Caliphate, the form known to the Islamic State after the death of the Prophet. In fact, ... the term caliphate does not indicate any specific or definitely detailed system of government. Truly, there is no 'specific form of government with definitive details' in the Islamic code of law. The Islamic code of law has in this respect established general rules only. (El-Awa, 1980, p. 64)

The concept of caliphate, he claims, has two basic elements: the nomination of a candidate for the post of caliph, to be made by the decision of an elected parliament (Council of Shura); and the investiture in office of such a nominee, to be perfected by the oath of obedience (*baya*) pledged to him by Muslims (El-Awa, 1980, p. 65).

There are points of difference between an Islamic system of government and other known systems. As far as the type of government is concerned, El-Awa distinguishes an Islamic system from a hereditary system, a democratic system, an autocracy and a theocracy in the true sense of the word. It might nevertheless have some features in common with these systems. It is the political values and principles of Islamic law that form a system which can be called 'Islamic'; they distinguish it from other systems.

On the question of the relations between religion and the state El-Awa refers to a famous debate amongst some prominent Egyptian scholars of the time, Ali Abderraziq, M. Diyaeddin al-Rayes and Muhammed Abduh, in the 1930s. He agrees with Abduh in disapproving of the secular model of Abderraziq and stresses that if there is no relationship between Islam and the state, such a state cannot be identified as an Islamic state. In an Islamic state the Islamic principles of government (such as *shura* and preserving the faith) and constitutional rules must be observed. In the context of this argument he says that the first objective of government in an Islamic state is to protect religious values by administrative, juridical and military means. The second objective is what he calls 'islamicity', by which he means obedience to the teachings of Islam in all its various aspects. This obedience, he writes, 'is to be achieved by adherence to the rules of Islam by those in charge of the principal public functions of the government, and by the fact that the common law which the state applies is derived from, and does not contradict, these rules' (El-Awa, 1980, p. 76).

Regarding the functions of an Islamic state he quotes from Muslim jurists ten duties that fall to an individual taking charge of governmental affairs in an Islamic state. These are:

- Preserving the faith
- Enforcing judgements among contenders and resolving cases among disputants
- Maintaining security of territory
- Enforcing punishments prescribed by the law
- Fortifying borders with preventative equipment and repelling aggression
- Conducting *jihād* against those who oppose Islam after they have been called upon to embrace it, or to accept protection as non-Muslims, so that the right of Allah is upheld in proclamation of the religion in its entirety
- Levying taxes and collecting *zakaat* and charity according to the provisions of Islamic law
- Budgeting salaries and other necessary expenditures from the treasury

- Appointing honest and competent people to positions of trust in order to preserve state wealth and to administer governmental affairs
- Personal supervising and examining public affairs in order to be able to lead the nation and protect the religion (El-Awa, 1980, p. 77).

With regard to the rights of citizens, El-Awa repeats the opinion of most jurists that the laws individually and collectively should serve the interests of the people. There are five values that must be given particular importance in Islam and included in the duties of an Islamic state: 'life, reason, honour, wealth and religion'. In the domain of legislation there are two kinds of rules. The first group includes general and universal principles that can be adapted to any case. Some examples of this sort of rule are: 'Matters are to be judged according to their aims', 'The original nature of things is cleanliness and innocence', 'Hardship should be followed by ease', 'Custom is decisive', 'The actions of the ruler in relation to the people should be guided by their interests'. The second group includes changeable and specific principles; here jurists and scholars are free to create new rules or to adjust them according to the needs of the time and conditions. Such rules must however be applied only for the realisation of the well-being of Muslims and within the conceptual limits of Islam (El-Awa, 1980, p. 79).

In order to make the objective and goals of an Islamic government clear, El-Awa compares an Islamic system and a secular system in this context. He explains that the principal goal of secular states is to realise what is called 'the public interest. Nevertheless the notion of public interest differs from state to state according to its political philosophy and prevailing social and economic ideas in it' (El-Awa, 1980, p. 80). In an Islamic state, by contrast, the goal is the securing of the interests of the people who are living in a particular time and place.

As has already been noted, El-Awa believes that there is no specific form of government in Islam. The styles of government that were applied by the Prophet, the Rightly-Guided Caliphs and rulers since then are not binding orders but non-binding solutions. The Islamic political heritage consists only of rules which are stated in the Holy Quran or in the Sunna of the Prophet, or which evolved through the *ijtihad* of Muslims at various times. These rules are: *shura* (consultation), justice, freedom, equality, the fact that the head of state may be called to account and an obligation of obedience to legitimate rulers (El-Awa, 1980, pp. 83–116).

An Analysis of the Major Characteristics of a Perceived Ideal State

All the four scholars considered above have attempted to interpret the true meaning of Islam. They have used the main sources of Islam, namely the Quran and the Sunna, in order to derive a useful framework for their study of a modern Islamic state. The standard reference for an Islamic state is in most cases the Medinan state under the Prophet and Rightly-Guided Caliphs. However,

since the Qur'an is not a treatise on politics but a book which touches a vast array of subjects, and the Sunnah is derived from various collections which abound in diverse and even contradictory statements and accounts, the way the authoritative sources are employed depends largely on the overall convictions of the interpreter. (Ahmed, 1985, p. 174)

The Medinan state has in fact been understood in a variety of ways. The visions of an ideal Islamic state vary from conservative-fundamentalist to liberal.

As there is no place for a theocracy and there is no church-like religious authority in the mainstream Sunni tradition, and since all Muslims may therefore attempt directly to study and understand the divine message, it is difficult to determine the correctness of a ruling on any particular position. Another cause of controversy in this area is the effect of the current modernist paradigm in the Muslim world, and especially western dominance, which dissolved traditional authority and the structure in which 'the ruler formally derived his authority from the Islamic law, and ulama acted as the experts on divine will, and thus, part of the consultative body, which symbolised Islamic suzerainty' (Ahmed, 1985, p. 174). After the disintegration of the last traditional Islamic state, the Ottoman Empire, most parts of the Islamic world were occupied by western powers. The colonising powers displaced the Islamic code of law and the system of *qadis* and introduced a juridical system fashioned on western traditions. 'Thus, the historical symbols of Muslim domination came to an end as a colonial state based on secularism established its credentials. Secularism, democracy, parliamentarianism, nationalism, etc., all registered impact on the indigenous political culture' (Ahmad, 1983). The influence of different ideas since the time of the Prophet, including western ideas, is thus reflected in the debate on an Islamic state.

In contemporary Islamic thought, unlike medieval thought, the emphasis is therefore on the supremacy of divine law as the central institution, rather than on the caliphate. Meanwhile, in the debate on a contemporary-modern Islamic state, it seems, the clash is not about values but about perspectives. It should therefore be quite possible to reach to a consensus within this framework. There is consensus, for instance, on the need for a state and a government based on Islamic political principles. Moreover, it is possible to extend this consensus to the supremacy of divine law, the principle of consultation, the fact that the head of state should be elective, and the functions of an ideal Islamic state. Furthermore, it is not impossible to reach a compromise amongst the different theories on an ideal Islamic government. In this part of the article I shall attempt a systematic analysis of different views on an issue-by-issue basis.

Legitimacy

Legitimacy means 'the foundation of such government power as is exercised both with the consciousness on the government's part that it has a right to govern and with some recognition by the governed of that right'. The opposite of legitimacy in this sense is usurpation. In western thinking, legitimacy refers to the acceptance of a governing system that takes all perspectives, of all ethnic, religious and belief groups, into account. Habermas, for instance, sees legitimacy as the function of the system of law that shall govern us together in peace. In order to have legitimacy, he believes that that system of law must provide that every citizen has an opportunity to express his own claims to truth and need, which shall be heard by all in good faith (Curran, 2001).

In classical theory, obedience is due to those in power, unless they become infidels. There is no example in Islamic history of a despotic ruler being tried for his alleged violations of the Islamic code of law by the jurists and removed. On the other hand, Shiism is built on the rule of divine right and considers all Sunni governments illegitimate.

We find that doctrinally-minded Muslims extend the concept of legitimacy to the state itself, because it is its supposedly ideological properties, rather than some specific territory, which define its basic personality. For Mawdudi, the recognition of

the supremacy of Islamic law is a condition for giving allegiance not only to the government but also to the state. In the absence of an explicit undertaking by the state to recognise the supremacy of Islamic law, a struggle for the islamisation of the polity is to be pursued. It is not clear by which means such a struggle is to be waged. It seems that no particular method of organising opposition to a deviant government is prescribed. Meanwhile, as long as a government does not abjure its fidelity to Islamic rules, room for reconciliation remains. Mawdudi would consider the creation of a secular state illegitimate because its nonreligious political system would be an example of an irreligious system. According to Asad and Turabi, the legitimacy of a state is built on democratic rights as well as divine injunctions. For El-Awa, the application of Islamic political principals is a compulsory condition of legitimacy.

As we have seen, there are many different views on the issue of the sources of legitimacy of a government. However, recognition of and obedience to the Islamic code of law, it seems, is essential. Meanwhile there are divergent opinions especially on the acceptance of a ruling government by the people; in other words, on the democratic process.

Law

The issue of law is associated with legitimacy. Law or legality is more than a consideration of the right to hold office: it refers also to the right to question the validity of official acts and rules. All the authors we are considering accept that the law which originates from the revelation from God to Muhammed is the basis of an Islamic state; there is a consensus among them on 'Islamic law'. Understandings of law among contemporary Muslim thinkers are different, however. According to the modernists only the Quran and some parts of the Sunna are binding, and other sources of the *fiqh* are changeable; while Mawdudi, for example, accepts all the rules of *fiqh* as binding rules of Islamic law.

There is a common belief amongst traditional *ulama* that the Islamic law is complete and perfected by the *ulama* through the process of *ijtihad* (interpretation), and that laws can be derived from this system for all cases. Although he agrees with traditional *ulama* in many aspects, Mawdudi provides a place for non-Islamic legislation by his thesis of 'unoccupied areas'. Nevertheless, he says that the right to make *ijtihad* in 'occupied areas' belongs to pious experts. He asserts that 'laymen cannot be associated with the process of law-making' (Mawdudi, 1980c, p. 76). Modernist scholars such as Turabi and Asad, by contrast, recognise lawmaking in the western sense. Asad proposes a supreme legal council which would not consist entirely of religious experts. Its function would be to investigate how far the laws produced by the ruling legislature were compatible with the Quran and the Sunna.

Form of Government

The Rightly-Guided Caliphs are the main point of reference and the standard measure on the issue of the form of government in an Islamic state. Apart from Mawdudi, however, the scholars we are considering believe that this period should not be too closely imitated.

Mawdudi favours a 'popular theocracy' and strongly rejects the idea of a hereditary government. He asserts, however, that hereditary and dynastic rule is only a deviation and does not represent a denial of Islam. A subject owes obedience to the government as long as it is not in the hands of infidels or apostates. Asad proposes a presidential

caliphate. Turabi's ideal state is a democratic republic, the head of which is elected by the people. El-Awa is neutral on the issue of the form of the government in an Islamic state. For him, it is the principles that are applied in the political process that differentiate an Islamic type of government from others.

On balance, we can draw from the discussion the important conclusion that there is no ready-made 'Islamic' form of government. This conclusion reflects the situation in which the Islamic *umma* has lived since the abolition of the Caliphate. There has been no historical symbol of Islamic authority since 1924.

Political Parties

Political parties are one of the essential parts of a western-style democracy. The assumption which requires political parties is that 'society is composed of a plurality of social strata, economic interests and political and ideological convictions which have a right to exist as long as they observe the law'. The state, which '... is considered the mediator between such competing, variegated interests, has to maintain regular channels for their representation. The modern political party is the most typical channel through which interests are integrated and articulated routinely' (Ahmed, 1985, p. 184).

In the Islamic world one can find political groups that have been carrying out this function since the early days of Islamic history. The early sects, for instance, were formed as a result of disputes on political matters; the births of the Khawarij, Shia and Sunni sects were closely associated with political differences.

As we have seen so far, in contemporary Islamic thought the various authors' general views and the schools of thought they belong to shape their views on the issue of political parties just as on other issues arising in connection with an Islamic state. There are basically two different views.

One group of thinkers, such as Mawdudi, insists that the system of political parties is contrary to Islam. An Islamic state does not need political parties, because people can express their views on a topic individually. In this sense, the *umma* is itself a kind of political party, of which only Muslims can be, in fact must be, members, and from which non-Muslims are excluded. According to this group the Islamic code is a complete guide to conduct in accordance with true belief and hence there are no political differences that require political parties.

The second group of thinkers, including Asad, El-Awa and Turabi, suggests that political parties are allowed in an Islamic state but must function within a restricted area. El-Awa (1980, pp. 38–62) finds examples of political parties in Islamic history and considers them to be natural institutions of development in society.

Freedom of Belief

On the issue of freedom of belief it is possible to speak of a consensus. All scholars acknowledge that non-Muslims living in an Islamic state have the right to practise their beliefs. However, missionary activity by non-Muslims among Muslims would be forbidden.

On the other hand, the classical doctrine of apostasy is still a source of disagreement among contemporary Muslim thinkers. A number of scholars, such as Mawdudi, insist that Muslims have no right to change their religion and that the punishment of death should be applied for apostasy. Modernist thinkers, by contrast, abandon this classical doctrine. Asad, for example, stresses that the Quran allows people to choose

their religion by free will and does not force them to accept Islam; in his view, therefore, the doctrine of apostasy should not be applied in an Islamic state. As evidence, he quotes a verse from the Quran: 'There is no force in religion, [because] the right clearly has been distinguished from the wrong' (Quran, 2:256).

El-Awa defends full freedom of belief and opinion. Since the Quran permits people freedom of belief and freedom of speech, he argues, it is natural for non-Muslims to remain as non-Muslims and to put their own beliefs and ideas into practice even in an Islamic state.

Relations with the Non-Muslim World

According to traditional theory, the way an Islamic state relates to the non-Muslim world is through the notion of *dar-ul harb* (abode of war). According to this doctrine one of the essential elements of state ideology is *jihad* (Khan, 1985, p. 70). Mawdudi supports the traditional doctrine on the issue of relations with the non-Muslim world. He suggests a practical limitation to *jihad* by emphasising the importance of international commitments which an Islamic state can negotiate to establish peace. Nevertheless, he also suggests that a just and lasting peace cannot be established until Islam has acquired the entire world. If Islam is not in a position to convert the entire world, non-Muslims may retain their false beliefs, but on condition that they become subjects of the Islamic state.

Asad interprets *jihad* as self-defence. El-Awa (1980, p. 77) includes *jihad* among the functions of an Islamic government and repeats the traditional doctrine. Turabi suggests that the Islamic state is peaceful. 'The sanctity of treaty obligations and the vocation to world peace, except in situations of aggression, provide a basis for the development of extensive international relations' (Turabi, 1983, p. 250). In his opinion an ideal state established by pious Muslims will contribute to the development of peace and international law.

Categories of Citizens

Regarding the categorisation of citizens there is agreement among the contemporary Muslim thinkers we are considering. By definition, an Islamic state makes a distinction between Muslims and non-Muslims. Mawdudi and Asad assert that such a distinction is innate to the logic of an Islamic state. While El-Awa does not express any clear opinion on the subject, Turabi seems to agree with the majority. The justification for this discrimination is based on the assumption that non-Muslims cannot be loyal to the state ideology, and therefore should not be associated with state secrets.

The Position of Women

There are two views on this subject. For Mawdudi, strict separation of the sexes is necessary in order to save society from moral corruption. He does not favour the idea of the equality of women in any sense of the word (Mawdudi, 1980c, p. 196), and believes that it is destructive for women to have the vote. He asserts that it is a divinely approved right of Muslim men to have more than one wife. In short, Mawdudi gives a leading role to Muslim men and an accompanying subordinate role to women.

The majority of scholars, however, argue that Islam preaches equality between man and woman. Ahmed (1985, p. 191) summarises this standpoint:

In 7th century Arabia, women were treated as chattels. Islam provided legislation which conferred rights on them. They were given a share in property and granted several other social privileges. Further, Islam fixed the number of wives at four. This was a blow to the practice of the day which allowed an unlimited number of wives. From this attitude of the Qur'an, it is manifest that Islam improved the conditions and status of women. The direction of Qur'anic injunctions, therefore, is towards greater equality of women, and an ideal state can legitimately introduce legislation against polygamy and other social abuses. Women can get themselves education and can also participate in public life.

Conclusions

Our survey seems at first glance to show that it is not the case that there is one particular concept of the state which has been developed specifically for Islamic nations. Evaluations of the matter in different ways by various thinkers have produced several such concepts, and the views of the four scholars who are the subject of this article to a great extent represent the polarity of contemporary Islamic thought on the modern nation-state. While it is impossible, then, to speak of a consensus, it is however possible to reconcile these different interpretations and to derive some tentative general principles.

First, Islam is a comprehensive religion and encompasses most, if not all, aspects of worldly life in addition to strictly spiritual matters. It does not recognise any division between religion and other aspects of life, and most specifically between religion and the state. In other words, secularism is a concept alien to Islam. It is the principles that have been derived from the Quran, the life of the Prophet (the Sunna) and the practices of the Rightly-Guided Caliphs which are the main sources for law-making in such a state.

Second, law is supreme. A government in an Islamic society is subject to the rule of law in absolute terms and it thus operates as a *nomocracy*. The public and private laws are derived from the guiding principles of the Quran and the Sunna and the consensus of the *umma*, as well as from the needs of the people. Islam does not permit a government to exceed its limits, in particular on issues involving the fundamental rights of the people.

Third, the principle of consultation (*shura*) must be applied in all levels of the decision-making process. Although there is no particular government style, government must be established through consensus. Moreover, as well as the positive rights of Muslims that are mentioned in the Quran and Sunna, the rights of non-Muslim subjects of the state, such as the rights to belief, property and economic and political security, must also be recognised.

Fourth, as the most important characteristic, the sole sovereignty must rest with God. This is the point that clearly distinguishes an Islamic system from other systems of government. The practical meaning of this recognition is that God (Allah), not man, is the source of law and legitimacy in an Islamic system. However, an ideal state as perceived by contemporary Muslim scholars is not a theocracy in the western sense. Although the role of the state in civil fields is disputed, it is generally accepted that the proposed government system is not going to be totalitarian. At the same time, we can suggest that the state proposed by Islamic thinkers is ideological by definition. One important implication of this point is that while non-Muslims are protected in economic, social and religious terms, the state is perceived to be run by Muslims, in

that there is discrimination between Muslims and non-Muslims regarding the right of participation in the political process.

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